ALBANY, NEW YORK

July 1, 1994

2:23 p.m.

REGULAR SESSION

LIEUTENANT-GOVERNOR STAN LUNDINE, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. I would like to ask everyone present to rise and repeat the Pledge of Allegiance with me.

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

In the absence of visiting clergy, may we bow our heads in a moment of silence.

(A moment of silence was observed.)

The Secretary will read the Journal.

THE SECRETARY: In Senate, Thursday, June 30th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. The Journal of Wednesday, June 29th, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I have a motion to amend a bill that's been recalled from the Assembly. Mr. President, I wish to call up Senator Volker's bill, Print Number 4829-A which was recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Volker, Senate Bill Number 4829-A, an act to amend the Criminal Procedure Law, in relation to issuance of search warrants.

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

bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 38.

SENATOR FARLEY: Mr. President, I now offer the following amendments and I also move to discharge from the Committee on Rules, Assembly Print 11744-A and substitute it for Senator Volker's identical bill. The Senate bill on first passage was voted unanimously. I now move that the substituted Senate -- Assembly bill have its third reading at this time.

THE PRESIDENT: Without objection, the substitution is ordered. Third reading. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Unanimous.

THE PRESIDENT: The bill is

passed.

SENATOR ONORATO: Mr. President.

THE PRESIDENT: Senator Onorato.

SENATOR ONORATO: Senator Markowitz has two privileged resolutions at the desk. Ask you to read the titles, please.

THE PRESIDENT: The Secretary will read the title.

THE SECRETARY: Legislative Resolution, by Senator Markowitz, paying tribute to Q Kingdom Ministries for its dedicated service and to congratulate the scholarship awardees.

THE PRESIDENT: On the resolution, all those in favor say aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The ayes have it. The resolution is adopted.

THE SECRETARY: Also Legislative Resolution, by Senator Markowitz, commemorating the 40th anniversary of the George W. Wingate

High School.

THE PRESIDENT: On the resolution, all those in favor say aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The ayes have it. The resolution is adopted.

The Secretary will read.

THE SECRETARY: On page 26 of today's calendar, Senator Spano moves to discharge the Committee on Rules from Assembly Bill Number 11886-A and substitute it for the identical Third Reading 1348.

On page 30, Senator Montgomery moves to discharge the Committee on Rules from Assembly Bill Number 312-A and substitute it for the identical Third Reading 1470.

On page 31, Senator Seward moves to discharge the Committee on Rules from Assembly Bill Number 9339-B and substitute it for the identical Calendar Number 14... 1477.

On page 31, Senator Libous moves

to discharge the Committee on Rules from Assembly Bill Number 9463-A and substitute it for the identical Third Reading 1478.

On page 31, Senator Johnson moves to discharge the Committee on Local Government from Assembly Bill Number 9845 and substitute it for the identical Third Reading 1479.

On page 31, by Senator Bruno moves to discharge the Committee on Rules from Assembly Bill Number 10674-A and substitute it for the identical Third Reading 1484.

On page 32, Senator Smith moves to discharge the Committee on Rules from Assembly Bill Number 10406 and substitute it for the identical Third Reading 1486.

On page 32, Senator DeFrancisco moves to discharge the Committee on Rules from Assembly Bill Number 10872-A and substitute it for the identical Third Reading 1487.

Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 11986-A and substitute it for the identical Third Reading 1489.

On page 33, Senator Spano moves to discharge the Committee on Rules from Assembly Bill Number 11481-A and substitute it for the identical Third Reading 1493.

Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 9926-D and substitute it for the identical Third Reading 1494.

Senator Larkin moves to discharge the Committee on Rules from Assembly Bill Number 10917-A and substitute it for the identical Third Reading 1495.

On page 34, by Senator Nolan moves to discharge the Committee on Rules from Assembly Bill Number 11804 and substitute it for the identical Third Reading 1499.

On page 34, Senator Markowitz moves to discharge the Committee on Cities from Assembly Bill Number 9227 and substitute it for the identical Third Reading 1504.

On page 35, Senator Daly moves to discharge the Committee on Rules from Assembly Bill Number 10551 and substitute it for the

identical Third Reading 1507.

On page 36, Senator Spano moves to discharge the Committee on Rules from Assembly Bill Number 11907 and substitute it for the identical Third Reading 1514.

On page 36, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 11879 and substitute it for the identical Third Reading 1515.

Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 8916-A and substitute it for the identical Calendar Number 1518.

On page 36, Senator Lack moves to discharge the Committee on Finance from Assembly Bill Number 11676 and substitute it for the identical Third Reading 1519.

On page 37, Senator Present moves to discharge the Committee on Rules from Assembly Bill Number 12074 and substitute it for the identical Third Reading 1521.

Senator Levy moves to discharge the Committee on Rules from Assembly Bill Number

11734-A and substitute it for the identical Third Reading 1523.

On page 38, Senator Babbush moves to discharge the Committee on Rules from Assembly Bill Number 12107 and substitute it for the identical Third Reading 1527.

On page 38, Senator Seward moves to discharge the Committee on Rules from Assembly Bill Number 10890 and substitute it for the identical Third Reading 1529.

Senator Bruno moves to discharge the Committee on Rules from Assembly Bill Number 12207 and substitute it for the identical Third Reading 1530.

THE PRESIDENT: Substitutions are ordered.

Senator Present.

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

THE PRESIDENT: There will be order in the chamber. The Chair will inform the Senators that we will not be reading bills that are high. The Secretary will read.

Senator LaValle.

SENATOR LAVALLE: Can we just - I would like to make a motion to remove a star and place a star, Mr. President.

THE PRESIDENT: Certainly.

SENATOR LAVALLE: Is that in order at this point? If we can remove the star on Calendar Number 154, Senate Print Number 3970-B, and would you place a sponsor's star on Calendar Number 1057, Senate Print Number 4643.

Thank you, Mr. President.

THE PRESIDENT: So ordered.

Senator Levy.

SENATOR LEVY: Yes, Mr. President. There will be a meeting of the Transportation Committee at 3:00 o'clock in Room 124 to consider the nomination of Abraham Lackman to be a member of the board of the Metropolitan Transportation Authority.

SENATOR GOLD: Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: I would just suggest to Senator Levy -- Senator Levy? I

would appreciate -- on behalf of my members, I appreciate the notice, but might I also suggest that at about five to 3:00, you make the announcement again because I know yesterday you had made an announcement, but by the time the time came, everybody -

SENATOR LEVY: Senator Oppenheimer.

SENATOR GOLD: No, I appreciate it. You did nothing wrong. I'm just suggesting another announcement.

THE PRESIDENT: Now the Secretary will read the calendar.

THE SECRETARY: On page 4 of today's calendar, Calendar Number 66, by member of the Assembly Parment, Assembly Bill Number 4806-B, an act to amend the Agriculture and Markets Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

THE PRESIDENT: The bill is passes revoked.

THE SECRETARY: Calendar Number 195, by member of the Assembly Bragman, Assembly Bill Number 6901-B, Environmental Conservation Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 206, by Senator Hannon -

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 213, by Senator Trunzo, Senate Bill Number 1374-A, an act to amend the Public Authorities

Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 266, by Senator Skelos, Senate Bill Number 4183-B, an act to amend the Public Health Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 268, by Senator Seward, Senate Bill Number 6741-A, an act to amend the Public Service Law.

THE PRESIDENT: Last section.
THE SECRETARY: Section 2.
SENATOR GOLD: Lay it aside.
THE PRESIDENT: The bill is laid aside.
THE SECRETARY: Calendar Number 310, by Senator Kuhl, Senate -
SENATOR GOLD: I'm sorry.
Mr. President.
THE PRESIDENT: Senator Gold.
SENATOR GOLD: Yes, thank you.
I want to thank Senator Hannon for his very insightful comments and I would like to return to 206.
THE PRESIDENT: 206?
SENATOR GOLD: If we -
THE PRESIDENT: Oh, yes.
SENATOR GOLD: Senator Hannon's bill which I laid aside, and if its all right with the Majority Leader, we can take that bill now and kill it.
THE PRESIDENT: First of all, we will lay aside Calendar Number 310 -

SENATOR GOLD: Do we want to lay that aside? Yeah, 310.

THE PRESIDENT: -- for a substitution and then we will return to Calendar Number 206.

SENATOR GOLD: Thank you.

THE SECRETARY: Calendar Number 206, by Senator Hannon, Senate Bill Number 4797-C, an act to amend the Real Property Law and the Private Housing Finance Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 394, by member of the Assembly Lentol, Assembly Bill Number 2078-C, an act to amend the Penal Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 398, by the Assembly Committee on Rules, Assembly Bill Number 11848-B, Environmental Conservation Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 420, by the Assembly Committee on Rules, Assembly Bill Number 11950-A, an act to amend the State Administrative Procedure Act.

THE PRESIDENT: Last section.

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

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 677 -

THE PRESIDENT: The bill is laid aside.

SENATOR GOLD: 677?

THE PRESIDENT: Yes, for a substitution.

THE SECRETARY: Calendar Number 889, by Senator Seward, Senate Bill Number 7508-B, an act to amend the Public Authorities Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 970, by the Assembly Committee on Rules, Assembly Bill Number 11668-C, an act to amend the Tax Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1028, by member of the Assembly Nolan, Assembly Bill Number 22 -

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1096, by Senator Bruno, Senate Bill Number 6937-A, an act to amend the Racing, Pari-mutuel

Wagering and Breeding Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1121, by Senator Wright, Senate Bill Number 6941-A, an act to amend the Executive Law and the State Administrative Procedure Act.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1193, by Senator DeFrancisco, Senate Bill Number

4485-B.

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1216, by the Assembly Committee on Rules, Assembly Bill Number 12000, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: There is a home rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1236, by Senator Larkin -

THE PRESIDENT: The bill will be laid aside. There is no home rule message at the desk.

THE SECRETARY: Calendar Number

1256, by Senator Nozzolio, Senate Bill Number 8613-A, authorizing the county of Cayuga to convey certain easements.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1257, by Senator Santiago -

THE PRESIDENT: The bill is laid aside for a substitution.

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

THE PRESIDENT: Last section.

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

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1316, by Senator Tully, Senate Bill Number 8392, an act to amend the Public Health Law.

THE PRESIDENT: Last section.

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

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside. The Secretary will read.

THE SECRETARY: Calendar Number 1236, by Senator Larkin, Senate Bill Number 8022-B, authorize Michael J. Carroll to transfer to the optional 20-year retirement plan.

THE PRESIDENT: There is a home rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42, nays 3, Senators Dollinger, Gold and Leichter recorded

in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1318, by Senator Holland -

SENATOR HOLLAND: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1338, by Senator Kuhl, Senate Bill Number 7406-B.

THE PRESIDENT: The bill is laid aside for a substitution. There is a home rule message at the desk.

THE SECRETARY: Calendar Number 1338, Senator Kuhl moves to discharge the Committee on Rules from Assembly Bill Number 10486-B and substitute it for the identical Third Reading 1338.

THE PRESIDENT: Substitution is ordered.

Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 13... 1346, by Senator Bruno, Senate Bill Number 8573-B, authorize the town of Clifton Park, Saratoga County to lease certain parklands.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1348, substituted earlier today -- Calendar Number 1348, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill

Number 11886-A, authorize the city of Yonkers to discontinue as parklands certain lands.

THE PRESIDENT: There is a home rule message at the desk, and the substitution is ordered.

Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1368, by the Assembly Committee on Rules, Assembly Bill Number 11822-A, an act to amend the General Municipal Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1370, by Senator Ohrenstein, Senate Bill Number 8029, authorizing the city of New York to reconvey its interest in certain real property.

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

Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed, and there will be order in the chamber.

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

THE PRESIDENT: Home rule message is at the desk. Last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1410, by Senator Stafford -

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1420, by Senator Bruno, Senate Bill Number 7494-B, an act to amend the Economic -

SENATOR GOLD: Lay it aside for Senator Galiber.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1425, by Senator Lack -

THE PRESIDENT: The bill is laid aside for a substitution.

THE SECRETARY: Calendar Number

1427, by Senator Pataki, Senate Bill Number 7807.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1446, by Senator Hannon, Senate Bill Number 5176-A, an act to amend the General Obligations Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1465, by Senator Maltese, Senate Bill Number 8677, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Last section.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1470, substituted earlier today by member of the Assembly Vann, Assembly Bill Number 312-A, city of New York to reconvey its interest in certain real property.

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

Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1471, by Senator Levy, Senate Bill Number 1196-A, establish a temporary state commission on real property taxation.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1473, by Senator Levy, Senate Bill Number 1304, to restore funds to school districts.

THE PRESIDENT: Last section.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1474, by Senator Larkin, Senate Bill Number 2763-A, Administrative Code of the city of New York.

THE PRESIDENT: There is a home rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1475, by Senator Waldon, Senate Bill Number 3330, an act to amend the Social Services Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

SENATOR LEICHTER: Mr. President, would you call my name, please?

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Yeah, Mr. President, just to explain my vote.

I voted against a number of bills proposed by the Majority because they imposed requirements and mandates on state agencies without providing the monies which would permit the state agencies to perform that duty or

function. Similarly, this bill, maybe it's required, maybe it isn't, maybe it's wise to have a more thorough analysis of why people are homeless, but without question, this is going to require a very substantial sum of money to make this study and to put forth a bill and not provide any money to the department with a charge for making this study really is just not going to achieve the purpose that the sponsor had in mind, so I want to be recorded in the negative, Mr. President.

THE PRESIDENT: Senator Leichter votes no.

THE SECRETARY: Ayes 49, nays 3, Senator DeFrancisco, Leichter and Solomon recorded in the negative.

THE PRESIDENT: The bill is passed.

There will be order in the chamber.

Senator Present.

SENATOR PRESENT: Mr. President, I would like to announce an immediate meeting of

the Rules Committee in Room 332.

THE PRESIDENT: There will be an immediate meeting of the Rules Committee in Room 332. The Secretary will read, and there will be order.

THE SECRETARY: Calendar Number 1476, by Senator Maltese, Senate Bill Number 5145-A, an act to amend the Executive Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1477, substituted earlier today by member of the Assembly McGee, Assembly Bill Number 9339-B, city of Oneonta to discontinue the use and sell certain parklands.

THE PRESIDENT: There is a home rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1478, substituted earlier today by member of the Assembly Dugan, Assembly Bill Number 9463-A, city of New York to reconvey its interest in certain real property.

THE PRESIDENT: There is a home rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1479, substituted earlier today, by member of

the Assembly R. Sweeney, an act to amend the Local Finance Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1480, by Senator Present, Senate Bill Number 7117, an act to amend the County Law.

THE PRESIDENT: Last section.

SENATOR LEICHTER: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1481, by Senator Skelos, Senate Bill Number 7159-A, providing for retirement credits for Lawrence Bergman.

THE PRESIDENT: There is a home

rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

SENATOR GOLD: Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: If I can explain my vote.

THE PRESIDENT: Senator Gold is recognized.

SENATOR GOLD: Yeah, its obvious that some of us do not like this concept of dealing with private bills, and as a result we passed Senator Trunzo's law last year, and to tell you the truth, Senator Skelos, my understanding is that this person is eligible to apply under existing law and doesn't need a law, so it's obvious you're going to pass it and a number of us are going to vote in the negative, but you just might want to inform the individual that he might not have to wait for a veto by the Governor or the Assembly. He may be eligible right now for this relief.

I vote in the negative.

THE PRESIDENT: Senator Gold votes no.

(The Secretary called the roll.)

THE PRESIDENT: Those in the negative, please so indicate.

THE SECRETARY: Ayes 49, nays 3, Senators Galiber, Gold and Leichter recorded in the negative.

THE PRESIDENT: The bill is passed.

SENATOR LEVY: Mr. President.

THE PRESIDENT: Senator Levy.

SENATOR LEVY: Yes, the Transportation Committee will meet in Room 124 at 3:00 o'clock. We will also be considering the nominations of Leonard Braun and Carmen Arcuri to be members of the State Transportation Safety Board.

THE PRESIDENT: Transportation Committee meeting at 3:00 o'clock, Room 124.

THE SECRETARY: Calendar Number 1482, by Senator Bruno, Senate Bill Number 7162,

an act to amend the Public Authorities Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1484, substituted earlier today, by member of the Assembly Schimminger, Assembly Bill Number 10674-A, an act to amend the Economic Development Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

SENATOR LEICHTER: Mr. President.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: May I have unanimous consent to be recorded in the negative on Calendar 1482, please?

THE PRESIDENT: Without objection, so ordered.

THE SECRETARY: Calendar Number 1485 -

SENATOR GOLD: Lay it aside.

THE SECRETARY: -- by Senator Marino.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1486, substituted earlier today, by member of the Assembly Griffith, Assembly Bill Number 10406, city of New York to reconvey its interest in certain real property.

THE PRESIDENT: There is a home rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1487, substituted earlier today, by member of the Assembly Nicoletti, Assembly Bill Number 10872-A, authorize the Department of Social Services to contract for chronic care management.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1488, by Senator Present, Senate Bill Number 7700-A, an act to amend the General Municipal Law.

THE PRESIDENT: There is a home

rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1489, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11986-A, an act to amend the State Finance Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1490, by Senator Tully, Senate Bill Number 7802-A, an act to amend the Public Health Law.

THE PRESIDENT: Last section.

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

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1491, by Senator Spano, Senate Bill Number 7863, an act to amend the Labor Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50, nays 2, Senators DeFrancisco and Leichter recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1493, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11481-A, an act to amend the Civil Service Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1494, substituted earlier today, by member of the Assembly Christensen, Assembly Bill Number 9926-D, an act to amend the Insurance Law.

SENATOR GOLD: Last section.

THE SECRETARY: Section 2. This act shall take -

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1495, substituted earlier today, by member of the Assembly Abbate, Assembly Bill Number 10917-A, Real Property Tax Law.

THE PRESIDENT: Last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1496, by Senator Skelos, Senate Bill Number 8151-A, an act to amend the Public Authorities Law.

SENATOR GOLD: Which one is this?

THE PRESIDENT: 1496, 8151-A, correct.

SENATOR GOLD: Thank you.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

Senator Gold.

SENATOR GOLD: Mr. President, I just want to explain my vote. This is a very, very important library, significant library, and I'm glad we're doing what we can to revive it.

This was a library that Tom Citrino grew up in.

I vote yes.

THE PRESIDENT: Senator Gold votes yes.

SENATOR GOLD: Get him a copy of the transcript.

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1497, by Senator Larkin, Senate Bill Number 8161-A, an act to amend the Local Finance Law and the General Municipal Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1499, substituted earlier today by the Assembly Committee on Rules, Assembly Bill Number 11804, an act to amend the Tax Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1500, by Senator Skelos, Senate Bill Number 8233-A, authorize the town of Hempstead, Nassau County to lease -

SENATOR GOLD: Lay it aside, please.

THE PRESIDENT: There is a home rule message at the desk. The bill will be laid aside.

THE SECRETARY: Calendar Number 1501, by Senator Tully, Senate Bill Number 8237, an act to amend the Executive Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1503, by Senator Volker, Senate Bill Number 8329-A, an act to amend the Criminal Procedure Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1504, substituted earlier today, by member of the Assembly Norman, Assembly Bill Number 9227,

city of New York to reconvey its interest in certain real property.

THE PRESIDENT: There is a home rule message at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1505, by Senator Wright, Senate Bill Number 8374-A, an act in relation to the -

SENATOR GOLD: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1506, by Senator Tully, Senate Bill Number 8395, an act to amend the Pub...

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 1507, substituted earlier today, by member of the Assembly Pillittere, Assembly Bill Number 10551, an act to amend the Executive Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1508, by Senator Velella, Senate Bill Number 8420-A, an act to amend the Retirement and Social Security Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1509, by Senator Larkin, Senate Bill Number 8560-A, an act to amend the Real Property Tax Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1511, by Senator DiCarlo, Senate Bill Number 8618, an act to amend the Education Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1512, by Senator Wright, Senate Bill Number 8631, an act to amend the Labor Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1513, by Senator Seward, Senate Bill Number 8632-A, an act to amend the Public Service Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1514, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11907, an act to amend the Criminal Procedure Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays 1, Senator Gold recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1515, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11879, an act to amend the State Finance Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1516, by Senator Cook, Senate Bill Number 8683, an act to amend the Judiciary Law, in relation to the number of county court judges in Sullivan County.

THE PRESIDENT: Last section.

SENATOR LEICHTER: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1517, by Senator Bruno, Senate Bill Number 8686, an act to amend the Civil Service Law and the Executive Law.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1518, substituted earlier today, by member of the Assembly Robach, Assembly Bill Number 8916-A, amends Chapter 656 of the Laws of 1993.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1519, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11676, amends Chapter 502 of the Laws of 1992.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1520, by the Senate Committee on Rules, Senate Bill Number 8710, an act to grant Patricia

Shuster retroactive membership in the New York State Teachers' Retirement System.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52, nays 2, Senators Dollinger and Gold recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1521, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 12074, an act to amend the Town Law and the Public Officers Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1522, by Senator Maltese, Senate Bill Number 8715, an act to amend the Tax Law.

THE PRESIDENT: Last section. There is a local fiscal impact note at the desk. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1523, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11734-A, an act to amend the Public Buildings Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1524, by the Senate Committee on Rules, Senate Bill Number 8727, authorizing the town of Greece to discontinue the use of a portion of a road.

THE PRESIDENT: Lay the bill aside. There is a home rule message.

THE SECRETARY: Calendar Number 1525, by the Committee on Rules, Senate Bill Number 8735, Administrative Code of the city of New York.

THE PRESIDENT: Home rule message is at the desk.

Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1528, by Senator Nozzolio, Senate Bill Number 8743, an act to amend Chapter 615 of the Laws of 1992.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1529, substituted earlier today, by member of the Assembly McGee, Assembly Bill Number 10890, an act to amend the State Finance Law.

THE PRESIDENT: Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1531, by Senator Cook, Senate Bill Number 8773, directing the Commissioner of Health to identify certain unresolved early intervention program implementation issues.

SENATOR PRESENT: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1532, by Senator Volker, Senate Bill Number 8777, in relation to providing a retirement incentive for the city of Buffalo.

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

Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. May we return to motions and resolutions, and would you recognize Senator Lack?

THE PRESIDENT: Senator Lack.

SENATOR LACK: Thank you, Senator Kuhl. Thank you, Mr. President.

With respect to Calendar Number 1498, I respectfully move that Print 8187-D be replaced with Print Number 8187-C; in other words, the C print be restored.

ACTING PRESIDENT SPANO: So ordered.

SENATOR LACK: Thank you.

ACTING PRESIDENT SPANO: Senator Lack, that bill is on the active list. Should we read the last section?

SENATOR LACK: No, in regular order. I'm waiting for some information, if you wouldn't mind.

Thank you very much.

ACTING PRESIDENT SPANO: Senator Kuhl.

SENATOR KUHL: Mr. President, while we are on motions and resolutions, I understand we have some substitutions at the desk. Why don't we take those now.

ACTING PRESIDENT SPANO: The Secretary will read the substitutions.

THE SECRETARY: On page 23 of today's calendar, Senator Cook moves to discharge the Committee on Rules from Assembly Bill Number 10114-B and substitute it for the identical Third Reading 1092.

On page 17, Senator Spano moves to discharge the Committee on Rules from Assembly Bill Number 867-A and substitute it for the identical Third Reading 876.

On page 16, Senator Holland moves to discharge the Committee on Rules from Assembly Bill Number 8130-A and substitute it for the identical Third Reading 802.

On page 6, Senator Kuhl moves to

discharge the Committee on Rules from Assembly Bill Number 528-A and substitute it for the identical Third Reading 310.

On page 9, Senator Lack moves to discharge the Committee on Rules from Assembly Bill Number 11683-B and substitute it for the identical Third Reading 495.

On page 13, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 11741-A and substitute it for the identical Third Reading 673.

On page 15, Senator Saland moves to discharge the Committee on Children and Families from Assembly Bill Number 10911-A and substitute it for the identical Third Reading 779.

Page 19, Senator Cook moves to discharge the Committee on Rules from Assembly Bill Number 7130-C and substitute it for the identical Third Reading 925.

On page 33, Senator Bruno moves to discharge the Committee on Rules from Assembly Bill Number 10868-A and substitute it

for the identical Third Reading 1492.

On page 26, Senator Tully moves to discharge the Committee on Rules from Assembly Bill Number 9954 and substitute it for the identical Third Reading 1315.

On page 29, Senator Lack moves to discharge the Committee on Rules from Assembly Bill Number 11345-A and substitute it for the identical Third Reading 1425.

On page 31, Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 10245-A and substitute it for the identical Third Reading 1483.

On page 13, Senator Bruno moves to discharge the Committee on Rules from Assembly Bill Number 9484-A and substitute it for the identical Third Reading 677.

On page 24, Senator Tully moves to discharge the Committee on Rules from Assembly Bill Number 11621-B and substitute it for the identical Third Reading 1189.

On page 25, Senator Santiago moves to discharge the Committee on Rules from

Assembly Bill Number 311-B and substitute it for the identical Third Reading 1257.

ACTING PRESIDENT SPANO: Substitutions are ordered.

Senator Kuhl.

SENATOR KUHL: Can we now take up the controversial calendar in regular order?

ACTING PRESIDENT SPANO: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 268, on page 5, by Senator Seward, Senate Bill Number 6741-A, Public Service Law.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Will the distinguished gentleman who represents the city of Ithaca yield to a question?

ACTING PRESIDENT SPANO: Senator Seward, will you yield to a question?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT SPANO: Senator Seward yields.

SENATOR GOLD: Senator, I'm told by counsel that some problems that may have existed don't anymore, and that at this point the A print requires utilities to make refunds to tenants, is that correct?

SENATOR SEWARD: It would.

SENATOR GOLD: A "yes" vote will make it very easy for me.

SENATOR SEWARD: Okay. It would require the -- yes, the utility -

SENATOR GOLD: Last section.

SENATOR SEWARD: Okay. The refund will go to the landlord.

SENATOR GOLD: Slow roll call. Never mind. Last section.

SENATOR SEWARD: Last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill

is passed.

THE SECRETARY: Calendar Number 310, substituted earlier today, by member of the Assembly Bragman, Assembly Bill Number 528-A, an act to amend the General Business Law.

SENATOR GOLD: Would the Senator yield?

ACTING PRESIDENT SPANO: Senator Kuhl, would you yield to a question? The Senator yields.

SENATOR GOLD: Senator, the original plan there was some concern about whether the noise level requirements were current rather than at the time of construction. We're told under the "A" print they would have to conform with existing levels, is that correct?

SENATOR KUHL: I believe that's correct.

SENATOR GOLD: Last section.

ACTING PRESIDENT SPANO: Read the last section.

I'm sorry. Senator Jones.

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

ACTING PRESIDENT SPANO: Senator Kuhl yields.

SENATOR KUHL: Certainly.

SENATOR JONES: Senator Kuhl, could you just tell me, would this have any effect on the shooting range that's run by, for instance, the police or something of that type?

SENATOR KUHL: Certainly. There is no exclusion of any particular type of shooting range. It covers all of them.

SENATOR JONES: So it covers all?

SENATOR KUHL: Yes.

SENATOR JONES: Thank you.

SENATOR GOLD: Last section.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50, nays 5. Those recorded in the negative are Senators DiCarlo, Dollinger, Jones, Smith and Solomon.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 420 -

SENATOR GOLD: Lay it aside for Senator Larkin.

SENATOR LEICHTER: For Senator Leichter, please. Lay it aside.

SENATOR KUHL: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 495, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11683-B, Estates, Powers and Trusts Law.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 673, substituted earlier today by the Assembly Committee on Rules, Assembly Bill Number 11741-A, an act to amend the General Construction Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number

677, substituted earlier today, by member of the Assembly Proskin, Assembly Bill Number 9484-A, authorizing the village of Round Lake, county of Saratoga, to reduce the speed limit.

ACTING PRESIDENT SPANO: Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 779, substituted earlier today, by member of the Assembly R. L. Green, Assembly Bill Number 10911-A, Domestic Relations Law and the Social Services Law.

ACTING PRESIDENT SPANO: Last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 925, substituted earlier today, by member of the Assembly Bennett, Assembly Bill Number 7130-C, Temporary State Coordinating Council on Geographic Information Systems.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number

1028, by member of the Assembly Nolan, Assembly Bill Number 2235-B, an act to amend the Public Authorities Law.

ACTING PRESIDENT SPANO: Read the last section.

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

SENATOR KUHL: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside. Senator Leichter.

SENATOR LEICHTER: May I have unanimous consent to be recorded in the negative on Calendar 310, please?

ACTING PRESIDENT SPANO: Without objection, you will be recorded in the negative on Calendar 310.

Senator Galiber.

SENATOR GALIBER: Yes, Mr. President. May I have unanimous consent to be recorded in the negative on 1236, 1514, 1520 and 310?

ACTING PRESIDENT SPANO: Without objection.

SENATOR GALIBER: Thank you.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT SPANO: Senator Leichter.

SENATOR LEICHTER: Yes. May I also have unanimous consent to be recorded in the negative on Calendar 1540, 15... 1540 -- I'm sorry, calendar -- it's Calendar 1520.

ACTING PRESIDENT SPANO: 1520, without objection.

THE SECRETARY: Calendar Number 1189, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11621-B, authorize the town of Westbury, county of Nassau, to discontinue the use and sell certain parklands.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Excuse me. There's a home rule message at the desk on 1189. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1193, by Senator DeFrancisco, Senate Bill Number 4485-B, authorizing the city of Syracuse to replace residential water service lines.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number

1257, substituted earlier today, by member of the Assembly Vann, Assembly Bill Number 311-B, city of New York to reconvey a certain parcel of real property.

ACTING PRESIDENT SPANO: Read the last section. Home rule message is at the desk. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

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

SENATOR RATH: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 1315, substituted earlier today, by member of the Assembly Englebright, Assembly Bill Number

9954-B, study of Long Island Sound historic centers.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1316, by Senator Tully -

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1410, by Senator Stafford, Senate Bill Number 8652, Retirement and Social Security Law.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT SPANO: Lay it

aside.

THE SECRETARY: Calendar Number 1420, by Senator Bruno, Senate Bill Number 7494-B, Economic Development Law.

SENATOR LEICHTER: Lay it aside.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1425, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11345-A, Civil Practice Law and Rules.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1427, by Senator Pataki -

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT SPANO: Senator Present.

SENATOR PRESENT: Can we go back to 1379?

ACTING PRESIDENT SPANO: The Secretary will read 1379.

THE SECRETARY: Calendar Number 1379, by Senator Nozzolio -

SENATOR PRESENT: I'm sorry. Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 1427, by Senator Pataki, Senate Bill Number 7807.

SENATOR LEICHTER: Lay it aside.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

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

SENATOR LEICHTER: Lay it aside.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1465, by Senator Maltese, Senate Bill Number 8677, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays 1, Senator Spano recorded in the negative.

ACTING PRESIDENT SPANO: The bill

is passed.

THE SECRETARY: Calendar Number 1471, by Senator Levy, Senate Bill Number 1196-A, establish a temporary state commission on real property taxation.

ACTING PRESIDENT SPANO: Senator Leichter.

SENATOR LEICHTER: Just very briefly on the bill. I don't think we need to debate it. We debated it last year. This is a bill that establishes a state commission, temporary state commission to look at the problem of real property taxation, and I think it provides an appropriation of $500,000.

My point is that I think we know what the alternatives are to taxes. You either have a real property tax, you have the income tax, you have the sales tax, you have the estate tax, you have the corporate tax. I don't think you need a commission. You know, a commission isn't going to come up with some brilliant new idea, some tax that's going to be totally painless, and so on.

I remember last year, my good friend, Senator Larkin, said we need the brightest people to address this issue. I believe the brightest people are right here. We know what the choices are, and they're unpleasant because we've got to make those choices, and that's some of the difficulty that I had with Senator Cook's bill and Senator LaValle's bill on school financing. Let's get away from the real property tax without really biting the bullet and making the tough decisions of how you're going to raise the money which is needed for education and other governmental services.

I think we've got excellent committees in this house. We've got members that are willing to work. Hopefully, we've got members that are willing to make the tough decisions. Let's not set up for another commission. Let's not put off the obligation that we have to deal with what is a very, very serious problem in this state and that's the rising real estate taxes. For those reasons, I

would urge a no vote on this bill.

ACTING PRESIDENT SPANO: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I rise to follow Senator Leichter, although I will dispute one thing. I think there are a lot of bright people in this chamber, Senator Leichter, but I think there are also a lot of bright people on school boards, people who are out making those decisions day to day about whether real property taxes are the proper way to pick up the shortfall between the state's support for education and the local support for education, and my feeling is that there's tons of data, tons of information, tons of input from local school board people.

I probably will end up voting for this commission again but we're reinventing the wheel time and time and time again. If we wanted to know what the wheel is, there's lots of people who can tell us how round it is and where the spokes fit and they're found in local school boards and we ought to be listening to

them.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays 2, Senators Leichter and Spano recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1473, by Senator Levy, Senate Bill Number 1304, an act to restore funds to school districts.

SENATOR PRESENT: Lay it aside, please.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1480, by Senator Present, Senate Bill Number 7117, an act to amend the County Law.

ACTING PRESIDENT SPANO: Read the last section.

Senator Leichter.

SENATOR LEICHTER: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1483, substituted earlier today, by member of the Assembly Vitaliano, Assembly Bill Number 10245-A, an act to amend the Education Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1485, by Senator Marino, Senate Bill Number

7245, proposing an amendment to the Constitution.

SENATOR CONNOR: Explanation.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1490, by Senator Tully, Senate Bill Number 7802-A, an act to amend the Public Health Law.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT SPANO: Senator Tully.

SENATOR TULLY: Yes, Mr. President. This bill is a result of three-way negotiations and agreed upon by all the parties. The bill protects and improves the health of the children in New York State by reducing barriers to and improving the availability to appropriate immunization for vaccine-preventable diseases.

ACTING PRESIDENT SPANO: Senator Connor.

SENATOR CONNOR: Yes, Mr. President. Just a quick question, if Senator Tully would yield.

ACTING PRESIDENT SPANO: Senator Tully yields.

SENATOR TULLY: Yes, I will, Mr. President.

SENATOR CONNOR: Senator, I followed this legislation and I see where the - in an: "A" print, and I was just wondering whether any consideration was given to implementing a bulk purchase program in order to reduce the cost of this program.

SENATOR TULLY: Yes -- Mr. President. That's a good question. It was discussed. Unfortunately, there wasn't enough time to delve into it and the agreement, therefore, was that we would have an advisory committee instead.

SENATOR CONNOR: Mr. President, a further question, if the Senator would yield.

SENATOR TULLY: I will, Mr. President.

ACTING PRESIDENT SPANO: The Senator yields.

SENATOR CONNOR: Thank you, Senator.

Is this task force under any deadline to make its report with regard to the advisability of bulk purchase?

SENATOR TULLY: Preliminary report, Mr. President, May 1st, 1995.

SENATOR CONNOR: Thank you, Mr. President.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present.

SENATOR PRESENT: Can we go back

to 478?

ACTING PRESIDENT SPANO: Senator Present, what was the Calendar Number?

SENATOR PRESENT: 478.

ACTING PRESIDENT SPANO: Calendar 478. The Secretary will read.

THE SECRETARY: On page 8, Calendar Number 478, by Senator Saland, Senate Bill Number 5881-D, an act to amend a chapter of the laws of 1994.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT SPANO: Senator Present.

SENATOR PRESENT: Is there a message of necessity at the desk?

ACTING PRESIDENT SPANO: Yes, there is.

SENATOR PRESENT: May I move that we accept the message?

ACTING PRESIDENT SPANO: All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT SPANO: The bill is passed.

SENATOR DALY: Mr. President.

ACTING PRESIDENT SPANO: Senator Daly.

SENATOR DALY: Would you - Calendar Number 884, Print Number 27-G, would you recommit Calendar Number 884, Print 27-G, recommit, strike the enacting clause.

ACTING PRESIDENT SPANO: So ordered.

THE SECRETARY: Calendar Number 1492, substituted earlier today, by member of the Assembly Schimminger, Assembly Bill Number

10868-A, an act to amend the Labor Law.

SENATOR GOLD: Last section.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1493, substituted earlier today, by member of the -- by the Assembly Committee on Rules.

SENATOR GOLD: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1494, substituted earlier today, by member of the Assembly Christensen, Assembly Bill Number 9926-D, an act to amend the Insurance Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SPANO: Senator Dollinger.

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

ACTING PRESIDENT SPANO: Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: Mr. President, we have done a lot of work in the upstate region and borders of Lake Ontario regarding the flood issue, especially in the wake of the flooding last spring, and I think this is a good bill that requires the insurers to provide notices to home owners for the inclusion in the national flood insurance program.

I would simply point out that

most of the damage that was caused in Lake Ontario in the flood plain last year was not due to actual flooding conditions, it was due to waive-induced damages because of high water, and it turns out it wasn't covered by the federal flood insurance program. It's a project that we have been working on to try to get the federal government to pick up that cost when the water level is high in the lakes, and it's simply wave damage. It's still an issue in dispute. We have been working on it, but I think this is a good bill to provide that notice, and I commend the sponsor for doing so.

ACTING PRESIDENT SPANO: Senator Dollinger in the affirmative. Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1498, by Senator Lack, Senate Bill Number 8187-C, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Read the

last section.

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

ACTING PRESIDENT SPANO: Call the roll.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

SENATOR PRESENT: Call it back.

ACTING PRESIDENT SPANO: The Secretary will read Calendar 1498.

THE SECRETARY: Calendar Number 1498, by Senator Lack, Senate Bill Number 8187-C, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section -

SENATOR LACK: Mr. President.

ACTING PRESIDENT SPANO: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I won't take too much time on

this day, but I do want to say a couple words about this bill that we are about to pass.

Approximately six months ago in Suffolk County, posters started to appear like the one I'm holding in my hand saying "Is this man a child molester or a pedophile?" The man in question is a Suffolk County Family Court judge. Thereafter, distributed in his synagogue were further pamphlets saying $500 reward for any information leading to the proof of allegations of child molestation and child pornography against this person.

For another Suffolk County Family Court judge, the judge started getting phone calls every day. "We know where your child - your children go to school. You're not deciding cases against fathers right. We're going to keep watching where your children go to school."

Another judge who's been a judge for 25 years, flyers started to appear in his community, "This judge takes bribes. What are you going to do about it?" No one, of course,

is saying that they distributed these flyers, but after these flyers had been distributed, lo and behold, a group called Family Advocates, which is a fathers' rights group started saying, well, since there are questions about those judges, these judges should all be investigated and they make lousy decisions. They don't decide for fathers.

This is operant, absolutely operant. This has led to my introduction and our consideration today of Senate 8187-C, modeled after a federal statute to establish a felony for influencing or injuring a judge, prosecutor, attorney or juror or a witness, and we would make it a class D felony.

My reason for taking the time on the floor today to explain this is that the Assembly seems to have some problems about putting a Penal Law violation in to handle this type of conduct on influencing a judge. I cannot tell you how strongly that I feel this should be a part of our Penal Law, and in an unusual step, the new administrative judge of

Suffolk County, Justice Mary Warner, a Democrat, I might add, and the first Democrat administrative judge in Suffolk County in recent memory, if probably not this century, has strongly endorsed this piece of legislation as has Suffolk County District Attorney James Catterson, a Republican, the Suffolk County Bar Association and anybody, any attorney who has looked at what has happened to these judges who are only trying to do their judicial job, their judicial duty and work, quite frankly, on behalf of all people, I would strongly hope that before this day is over, the Assembly would take another look at this piece of legislation, take another look at how justice is carried out these days in Suffolk County and enact this model legislation, this already extant federal law and make it the law of the state of New York so it can apply not only to federal judges in the state of New York but to state judges as well.

SENATOR GOLD: Will the Senator yield to a question?

SENATOR LACK: Yes, Senator Gold.

ACTING PRESIDENT SPANO: Senator Lack yields.

SENATOR GOLD: Senator, the first document that you had that you said these posters -- what does it actually say on these posters?

SENATOR LACK: "Is this man a child molester or a pedophile?"

SENATOR GOLD: All right. So what I don't understand, Senator, is the language of the bill I'm looking at talks about by threat or force, any threatening letter or communication. How would that poster fit under this language?

SENATOR LACK: Well, it's a poster that's in effect in a letter form. It's been sent out to the community.

SENATOR GOLD: Assume it was a letter.

SENATOR LACK: What?

SENATOR GOLD: Assume it was a letter.

SENATOR LACK: It says if any -

by force or by any threatening letter, communication to impede any judge -- the man in question is a judge.

SENATOR GOLD: Yeah, but where is the threat? I don't understand the threat. I mean, I'm not sailing that the bill is not a good idea. I just don't know how that poster would affect it even if this is the law.

SENATOR LACK: The threat, Senator Gold, is contained in the body of the poster in terms of how the judge conducts his business as a judge, the way he makes his decisions, et cetera and, in effect, he shouldn't be a Family Court judge because he's a pedophile and you shouldn't allow him to influence anything; would you want your child with him, et cetera.

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

ACTING PRESIDENT SPANO: Senator Gold, on the bill.

SENATOR GOLD: Senator Lack, I believe that judges and the people covered by

your bill should have protection, and I'm going to vote for the bill, but unless I'm missing something, I don't think that the passage of this bill can stop that poster. If somebody puts out a poster and asks whether or not someone has any information or -- in my opinion, that's not a threat. Its not a force. I don't -- I don't think it fits under your bill, so I mean all I'm saying to you is, I certainly think these people deserve some protection and I think I'm going to support the bill unless I hear anything different which I haven't heard, but I really don't think that this bill stops that poster.

SENATOR LACK: I understand, Senator Gold, but it's the Suffolk County District Attorney as well as my office has reviewed it, and they feel that the elements of the crime set forth should cover the types of situations that have been going on in Suffolk County if, indeed, it were the law of the state.

SENATOR GOLD: Will you yield to one more question?

SENATOR LACK: Sure.

SENATOR GOLD: You said the Suffolk County District Attorney. Who is that?

SENATOR LACK: James Catterson.

SENATOR GOLD: Wasn't he once counsel to a legislative leader here?

SENATOR LACK: Yes, sir.

SENATOR GOLD: Very bright man.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present.

SENATOR PRESENT: Take up 1379, please.

ACTING PRESIDENT SPANO: The Secretary will call Calendar 1379.

THE SECRETARY: Calendar Number 1379, by Senator Nozzolio, Senate Bill Number 8648-A, an act to amend the Election Law.

ACTING PRESIDENT SPANO: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT SPANO: Yes, there is.

SENATOR PRESENT: I move that we accept the message.

ACTING PRESIDENT SPANO: All those in favor of accepting the message signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Senator Connor.

SENATOR CONNOR: Explanation has been requested.

ACTING PRESIDENT SPANO: Senator Nozzolio, an explanation on Calendar 1379.

SENATOR NOZZOLIO: Thank you, Mr. President.

My colleagues, the measure before us changes the presidential primary day that - I would be glad to entertain any questions.

SENATOR CONNOR: Thank you.

Will the Senator yield for a question?

SENATOR NOZZOLIO: Certainly.

SENATOR CONNOR: Thank you, Senator.

Senator, my one concern, and I wish you could address it is as we discussed - you may not have been there, but in Rules the other day, I certainly support changing this primary date, but what we've done here is change the date of the primary in the permanent law which was adopted for the '76 election and, as you know, we usually do -- every year since then, in fact, have done a calendar bill that shifts the other offices, state committee, county committee and district leaders, to the September primary, and my question is, is there

a commitment to do that for the next presidential cycle?

SENATOR NOZZOLIO: Mr. President, there is a commitment, and that it is an effort that will be entertained, although certainly we can't bind future Legislatures, but it is the intention of this legislator, that the calendar would be taken up as it normally is and those changes would be made next year.

SENATOR CONNOR: Thank you, Senator. On the bill.

ACTING PRESIDENT SPANO: Senator Connor, on the bill.

SENATOR CONNOR: This is obviously a very good idea to put New York in the forefront with respect to both political parties' selection of presidential candidates. The concern I raised, which I think all of the members here can appreciate, is that it's just not good public policy to have district leaders, county committee members and other party officials not related to the presidential selection process running in March when other

officials, for example, Senators and Assembly members, have to run in a September primary. It just doesn't make sense and I am glad to hear that this house -- and I've spoken to people in the other house -- intend, should enough of us all be re-elected, to address that issue in the coming year.

ACTING PRESIDENT SPANO: Senator Nozzolio.

SENATOR NOZZOLIO: Yes, Mr. President.

I rise to ask my colleagues to accept this bill, to place New York again in the forefront of the decision-making process in the presidential primaries.

I, for one, have resented the fact that states less than the size of Erie County have made decisions for the selection of presidents before New Yorkers have, and that in many cases, primary candidates have dropped out in the past presidential primaries before New Yorkers have even had the opportunity to select a candidate of their choice. This is of both

political parties. The presidential primary now will be placed earlier enough in the presidential schedule to give New Yorkers adequate voice in the selection process and, as such, I urge adoption of the legislation.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1500, by Senator Skelos, Senate Bill Number 8233-A, authorize the town of Hempstead to lease certain lands.

ACTING PRESIDENT SPANO: Home rule message is at the desk.

SENATOR GOLD: Hold on.

ACTING PRESIDENT SPANO: Senator

Skelos.

SENATOR SKELOS: Senator Galiber, this legislation would permit the town of Hempstead to lease a municipally-owned beach club facility to a private operator for no more than 20 years, and it would be subject to local referendum.

SENATOR GALIBER: Senator, if - I know it would be difficult for you to answer this question, but do you have any idea what this land would go for, how would be -- the measurement is the market value? Is it some other criteria?

SENATOR SKELOS: It would be fair market value.

SENATOR GALIBER: Fair market value?

On the bill, and my concern, Senator, we have a practice here in the state, unfortunately, where the Department, DOT has a certain property that they've acquired and they're now going through the process of leasing that property out to private developers, and we

had an incident in our jurisdiction -- I know of your concern, you certainly would not want it to happen out in your area -- where during the course of negotiations, what has actually happened -- and I mentioned this at Commissioner Egan's confirmation here on the floor, that what happened out in Bronx County or down in Bronx County may very well happen in your jurisdiction, that as they negotiated the lease, they're just about giving the property away.

A fellow down -- who should remain nameless, but a noted developer has gotten a 99-year lease in the rail yards which caused some other problems, but the fact of the matter is that he got this acreage very, very cheap, we almost gave it away, so I may bring this for the record to your attention because certainly I would not and you would not want under the guise of fair market price, depending on who's negotiating, that this 20-year lease that may be very good for your community in terms of development and plus some other benefits might be -- find themselves in a

position where they're just giving away lands for the development.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT SPANO: Senator Oppenheimer.

SENATOR OPPENHEIMER: I would like unanimous consent to be in the negative on 310.

ACTING PRESIDENT SPANO: Without objection.

THE SECRETARY: Calendar Number 1505, by Senator Wright, Senate Bill Number

8374-A, an act in relation to the computation of the indirect component of the basic reimbursement rate.

SENATOR GOLD: Hold on one second.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Can we lay this aside temporarily for Senator Leichter, maybe for about five minutes?

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1506, by Senator Tully, Senate Bill Number 8395, an act to amend the Public Health Law.

SENATOR GOLD: Hold on. 1506? Yeah, again, if we could just have five minutes, Senator Tully, on this.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number

1513, by Senator Seward, Senate Bill Number 8632-A, an act to amend the Public Service Law.

SENATOR GOLD: Yeah. Would the Senator just yield to a question?

ACTING PRESIDENT SPANO: Senator Seward? Senator Seward yields.

SENATOR SEWARD: Yes.

SENATOR GOLD: Senator, I asked a question in Rules, and maybe you can clarify that here. It deals with video conferencing, and essentially, the idea, I find unoffensive, but, Senator, the fiscal note says there is no cost. Now, what I didn't understand and some others didn't understand is how do you start from nothing, obtain all of this video conferencing equipment, have it all put in place and then tell someone the state of New York is not going to pay for it? I mean, there's got to be a cost factor.

I mean, PSC has basically said they cannot support the bill because they don't have the money to do the purchasing. Now, how do I give them any answers?

SENATOR SEWARD: Well, Senator, I would respond by saying that it's certainly our goal here -- one of our goals of the video conferencing, in addition to some of the energy saving aspects, but also it is a cost savings measure because of less travel requirements and reimbursement for travel and those sorts of things.

I believe that there would not be a negative impact fiscally, because the savings involved would offset whatever cost there would be associated with equipment purchases.

SENATOR GOLD: Would the Senator yield to a question?

SENATOR SEWARD: Certainly.

SENATOR GOLD: Senator, I believe that your comment is a very sincere comment and it may be that, if we have the video conferencing as an experiment, that there might be a savings, and then if that happened, we would have that money. We could use it next year or whatever, but without knowing what it's going to do, how do you tell a department or a

commission to put the program in, spend the money they don't have to buy the equipment, they can't even get it started.

So what I'm saying to you, it would seem to me to make more sense as they've indicated, to give them the money, let them buy the equipment, then they have the equipment, you got the program, and if it saves monies, maybe we'll use it in other places also.

SENATOR SEWARD: Well, Senator, if that is a perceived problem -- and I do question that, but if that's a problem, the legislation would not require them to immediately purchase the equipment and, in fact, they would be reporting to us some time next year in terms of their experience. So, actually, we could get into another fiscal year if that is a problem.

SENATOR GOLD: Mr. President, on the bill.

ACTING PRESIDENT SPANO: Senator Gold, on the bill.

SENATOR GOLD: Mr. President,

there are a number of situations that are coming out of Rules now and, in all fairness, I think that they set terrible precedents.

This bill is not -- by far is not the most expensive of those alternatives, but we have a budget. We passed a budget, and now we're getting one-house bills. I understand there is no companion in the Assembly. The Governor has a program where he is going to try to have this established on a voluntary basis with money for the '95-96 year, but to put out bills at this point that are one-house bills that exceed the budget, I think ruins any credibility the Republican Party has in this state, in the Senate, as to being fiscally responsible, and so I'm going to vote against the bill. The Department -- the commission says, please vote against it. If you give them the money, they'll try it, but without the money, it's an irresponsible thing bill.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 1, Senator Gold recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1516, by Senator Cook, Senate Bill Number 8683, an act to amend of the Judiciary Law.

ACTING PRESIDENT SPANO: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, would the sponsor yield to a question?

ACTING PRESIDENT SPANO: Senator Cook, would you yield to a question? Senator Cook yields.

SENATOR DOLLINGER: My question, Senator, is the estimated cost is $40,000?

SENATOR COOK: $400,000.

SENATOR DOLLINGER: $400,000. In

the initial -- at least in the memo that I have accompanied it says $40,000.

SENATOR COOK: I'm sorry.

SENATOR DOLLINGER: The only reason I asked is because we have been working to try to get a Family Court judge for Monroe County, and the estimate we had was about 450 to $500,000 and I was wondering how you could get one so inexpensively.

SENATOR COOK: Apparently it's a misprint, Senator. $400,000.

SENATOR DOLLINGER: $400,000.

Thank you, Mr. President.

ACTING PRESIDENT SPANO: : Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

SENATOR STAVISKY: Mr. President.

ACTING PRESIDENT SPANO: Senator Stavisky.

SENATOR STAVISKY: Would it be possible to move to reconsider the vote by which 1498 passed?

ACTING PRESIDENT SPANO: 1498 is out of the house, Senator Stavisky.

SENATOR STAVISKY: I would like to explain my vote.

ACTING PRESIDENT SPANO: Senator.

SENATOR STAVISKY: I believe that this legislation does a disservice to groups and individuals -

SENATOR PRESENT: May I interrupt?

SENATOR STAVISKY: Yes.

SENATOR PRESENT: Mr. President, to follow procedure, would you ask for unanimous consent? You'll get it, I'm sure.

SENATOR STAVISKY: I shall. Without objection, may I, with unanimous consent, ask for reconsideration of the vote by

which 1498 passed this chamber?

SENATOR PRESENT: You want to make a statement?

SENATOR STAVISKY: Yes, I would like to make a statement.

ACTING PRESIDENT SPANO: Without objection, Senator Stavisky, to make a statement.

SENATOR STAVISKY: Mr. President, there are many groups of crime victims who have been concerned that important segments of the criminal justice system have gone to sleep. They've often found that when their rights are involved, there is almost no effort made to provide proper remedies.

Automobile theft is one case in point where New York State has had as many as 168,000 cases of car theft in a single year, yet barely 200 people have been convicted of felonies and are serving time in New York State correctional facilities.

The rights of the people to express their views to executive or the

legislative or the judicial branch of government should be respected, and I believe that this piece of legislation does a grave disservice to groups that wish to have court monitoring and wish to have the criminal justice system aware of the fact that crime victims as well as criminal defendants have rights in this state, and that has not been uniformly the practice in many parts of the state.

So I think that there is an ill-conceived piece of legislation. The sponsor may have good reason in his county for the request for this legislation, but I must tell you, my constituents have witnessed case after case where criminals have been plea bargained down from felonies to misdemeanors and they've been released with time served and put on probation and they go right out and they steal other people's cars. I don't think that should happen in any county of New York State, but it is happening increasingly where unilaterally our state's Penal Law has been repealed by prosecutors and judges who don't care about

enforcing the existing provisions of law.

For this reason, because I wish to protect of the rights of aggrieved citizens and others who wish to have court monitoring so all branches of government, judicial, as well as executive and legislative, can know when something is wrong, that the public has a right to be present and to state that something is wrong and to monitor those court cases, and I think the approval of this bill in its present form is a mistake.

Accordingly, I wish to be recorded in the negative on that bill.

ACTING PRESIDENT SPANO: Senator Stavisky, would you like to have the record indicate that you would like to be recorded in the negative on this bill?

SENATOR STAVISKY: In the negative on that bill.

ACTING PRESIDENT SPANO: Without objection. Regular order.

THE SECRETARY: Calendar Number 1517, by Senator Bruno, Senate Bill Number 8686,

an act to amend of the Civil Service Law.

SENATOR SMITH: Explanation.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

Senator Present.

SENATOR PRESENT: Senator, I would like to advise the members as we go through the calendar, if they are not in here to answer questions and explain their bills, we may not return to that particular calendar number, and I hope that the staff who's listening and their members are not here, those members are listening, report to the chamber if they have a bill on the calendar to defend or answer questions relative to their bill. If not, we may not return to it.

ACTING PRESIDENT SPANO: The point is well taken, Senator Stafford. Please, all those in -- Senator Present, I'm sorry, I do it to you all the time -- ask those members to please be in the chamber, especially those

members who have bill on the active list to be here to debate your bill.

Senator Stavisky.

SENATOR STAVISKY: Is it my understanding that Calendar Item 1473 has also passed in this house?

ACTING PRESIDENT SPANO: Yes.

SENATOR STAVISKY: Without objection, may I be recorded in the negative? I'm sorry, it has not come up.

ACTING PRESIDENT SPANO: 1473 has not yet been passed.

SENATOR STAVISKY: Thank you.

ACTING PRESIDENT SPANO: Senator Present.

SENATOR PRESENT: Calendar 420.

ACTING PRESIDENT SPANO: Secretary will read Calendar 420.

THE SECRETARY: Calendar Number 420, by the Assembly Committee on Rules, Assembly Bill Number 11950-A, an act to amend the State Administrative Procedure Act.

SENATOR GOLD: Hold up.

SENATOR LEICHTER: Could you read the last section? I'm going to explain my vote on the bill. I'm sorry, hold it.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Last section, and I believe Senator Leichter wants to -

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect October 12th, 1994.

ACTING PRESIDENT SPANO: Senator Leichter, to explain his vote.

SENATOR LEICHTER: Mr. President, while I appreciate an effort to try to simplify administrative rules, if you take a look at the bills, they often really make the administrative process more cumbersome or require such actions by the agencies that's probably going to delay administrative proceedings and it's certainly going to make them more expensive.

Now, in this particular bill, the provisions that deal with how the agency shall

consider job loss that may occur as a consequence of a rule or regulation or some other administrative action, just seems to me obviously, that's something that the agency is going to consider in the first instance, it's going to look at, but what this bill requires is rather extensive consideration of alternatives, and so on. I assume if an alternative existed in the first instance that was going to accomplish the purpose of the rule without a job loss, they would have done that, but it just seems to me requiring setting forth things that either are unnecessary or are cumbersome or delay the process doesn't make administrative procedures simpler.

And for this reason, Mr. President, I think that many of the proposals that have been put forward by the Majority really don't accomplish the aim and purpose, and I'm going to vote in the negative on this bill.

ACTING PRESIDENT SPANO: Senator Leichter in the negative. Announce the results.

SENATOR WRIGHT: Mr. President.

ACTING PRESIDENT SPANO: Senator Wright, to explain his vote.

SENATOR WRIGHT: Mr. President, to explain my vote.

This bill is a bill that passed both houses last year and was vetoed by the Governor, again passed this house earlier this year and we have been working very closely with the Assembly to come up with a reasonable compromise to address the concerns voiced in those vetos.

Unfortunately, all too often, the regulatory impact statements do not, and I repeat, do not address the job loss, and I think we all recognize that in this economic climate within the state of New York, there is a direct correlation and that was documented by hearings held throughout the state in the past year, a direct correlation between the regulatory environment of this state and the loss of jobs, so this bill very specifically highlights the job impact, specifically contains changes from last year's bill to incorporate it in a single

agency, ORMA, to rather than require the oversight, require the input of DED and Department of Labor so we've tried to address those veto concerned but, at the same time, Mr. President, we have very specifically focused on the need to recognize job impact losses and for that reason, I vote aye.

ACTING PRESIDENT SPANO: Senator Wright, in the affirmative. Announce the results.

THE SECRETARY: Ayes 56, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present.

SENATOR PRESENT: 1505.

ACTING PRESIDENT SPANO: The Secretary will read Calendar 1505.

THE SECRETARY: Calendar Number 1505, by Senator Wright, Senate Bill Number 8374-A, an act in relation to the computation of the indirect component of the basic reimbursement rate received by Mercy Hospital.

ACTING PRESIDENT SPANO: Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President, to explain my vote. Senator Wright -

SENATOR GOLD: Last section.

SENATOR LEICHTER: Did you read the last section? I'm sorry.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SPANO: Senator Leichter, to explain his vote.

SENATOR LEICHTER: Yeah, Mr. President, this -

ACTING PRESIDENT SPANO: Excuse me, Senator Leichter, before you continue. Can we get some order in the chamber? Can we please hold back on the conversations in the rear of

the chamber and some of the traffic in the chamber?

Senator Leichter.

SENATOR LEICHTER: Right. Thank you, Mr. President.

This bill involves a special help for Mercy Hospital of Watertown, seems to be a very good hospital, certainly necessary for the people in that community.

Senator Wright explained to me just how the efforts that have been made to help this hospital which is a distressed hospital. I certainly want to do that. I'm going to support the bill, but I just want to point out that throughout this state, we have hospitals that have very serious problems and we try to address that.

We have done a number of things, the SLIPA Program, the Distressed Hospital Program, but in spite of that, there are hospitals that need special assistance throughout this state, and we are going to have to do this on a wholesale basis and for the

whole state and not just for one hospital at a time in this ad hoc manner.

I'm going to help this hospital because it's important to the people, good people in Watertown and northern New York State, but we need to do this really for hospitals throughout the state in rural areas, in the inner city, suburban communities.

Thank you.

ACTING PRESIDENT SPANO: Senator Leichter in the affirmative.

Senator Farley, to explain his vote.

SENATOR FARLEY: I think Senator Leichter is absolutely right. I'm going to support this bill also, because this is the hospital I was born in and so were my five brothers. I think it's very worthy.

ACTING PRESIDENT SPANO: Announce the results. Senator Farley in the affirmative. Announce the results.

THE SECRETARY: Ayes 58.

ACTING PRESIDENT SPANO: The bill

is passed.

Senator Present.

SENATOR PRESENT: Calendar 1506.

ACTING PRESIDENT SPANO: The Secretary will read Calendar 1506.

THE SECRETARY: Calendar Number 1506, by Senator Tully, Senate Bill Number 8395, an act to amend the Public Health Law.

ACTING PRESIDENT SPANO: Read the last section.

Senator Leichter.

SENATOR LEICHTER: Mr. President, I'm going to ask Senator Tully to yield, and I do so with -- really with a pleasure to take the opportunity to thank Senator Tully for really the very significant contribution he has made in the -- in really helping all the people of this state to have access to better health care, and he's really provided very, very important, very helpful leadership and, Senator Tully, you know I mean that, but on this particular bill, I guess my question is, and I really haven't had a chance to look at it, but we now have a special

office of Medicaid fraud, office that deals, it seems to be, with many of the issues that are addressed in this bill and I just didn't -- I just couldn't understand and see what we gain by this bill.

SENATOR TULLY: Thank you, Mr. President.

First, Senator Leichter, I thank you very much for your most gracious comments and they're well received, and I hope that Senator Farley, by virtue of them, doesn't vote against the bill as he jocularly indicated.

SENATOR FARLEY: Just kidding.

SENATOR TULLY: But the reality is that the office you referred to has just been created. Within the confines of this bill, we have included in the council that's created the Office of the Special State Prosecutor for Medicaid Fraud Control who, as you know, is Mr. Kurianski.

The thrust of the bill is to recognize the fact that there is approximately $6 billion in Medicaid fraud and abuse in this

state and close to 70- to $80,000 in the country.

We believe that through the effectuation of this legislation, there would be the capability to have interagency sharing of resources and computer data bases which is why we included the Superintendent of Insurance as one of the members because there are numerous health insurance companies out there today who have developed data bases and computer systems which preclude fraud in the most effective way and they are not now currently available to our system in the state nor to many of the other providers.

We think that this development of computer models in the health industry, in this utilization of the council to bring together this coordination will result in the saving of a great deal of money for the people of this state.

SENATOR LEICHTER: Thank you.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT SPANO: The bill is passed.

SENATOR PRESENT: Regular order.

ACTING PRESIDENT SPANO: Regular order.

THE SECRETARY: Calendar Number 1524, by the Senate Committee on Rules, Senate Bill Number 8727, authorizing the town of Greece in the county of Monroe to discontinue the use of a portion of McLoughlin Boulevard.

ACTING PRESIDENT SPANO: Home rule message is at the desk.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I just rise to thank my colleagues on the Rules Committee for this bill.

This addresses an issue in the

town of Greece in its relationship with Eastman Kodak Company, and I think there's a long history and long tradition of the town of Greece working in conjunction with Eastman Kodak Company.

I know when I was a member of the Monroe County Legislature, we negotiated a special deal to handle the tax abatement problems and the over-taxation problems, a deal that I think has worked out well. I think this is another step in the continuing close linkage between one of my communities and our largest employer, and I commend the members of the Senate Rules Committee on all of those who have been involved.

I had a briefing on this with officials in the town of Greece several months ago and I congratulate Eastman Kodak Company and the Senate Majority, as well as everyone that's been involved in this, including Assemblyman Robach in the other house, for their work on this very important piece of legislation. It's a good sign. If there is a way that New York

can continue to work with business, this is a demonstration of this.

Thank you, Mr. President. I'll be voting in the affirmative and urging all my colleagues to do the same thing.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 1531, by Senator Cook, Senate Bill Number 8773, an act directing the Commissioner of Health to identify certain unresolved early intervention program.

ACTING PRESIDENT SPANO: Senator Cook, for an explanation.

SENATOR COOK: Mr. President,

since the implementation of the early intervention legislation, we have been receiving a number of complaints or concerns expressed by individuals across the state. I have a list of those, a documentation of them. I'm not going to stand here and name specific counties and locations because I think that that might be inappropriate, since after all they are only complaints, not necessarily things that have been adjudicated.

Nevertheless, the concerns that have been expressed are widespread across the entire state, and in discussions that we've had with the Assembly and the Governor's office, it appears that they as well have had similar kinds of concerns expressed to them, that for a variety -- apparently a variety of reasons.

The implementation of this law has been very uneven from one county to another, and that partially, it appears that it has been the result of the Health Department not giving clear and concise direction as to how the law is to be implemented and, for that reason, this

bill, for the most part, addresses itself to clarifying exactly the responsibilities of the state Health Department in delineating to the counties clearly what their responsibilities are under this law, and also makes some -- some revisions relative to the reimbursement, two specific things, one being that travel times have not been adequately addressed. The 20 minutes that someone is allowed as reimbursable travel time is not realistic, certainly in rural communities, given the distances that often have to be traveled and even in city areas, given traffic problems, 20 minutes has not appeared to be a realistic reimbursement. There's a consequence of that and the other thing I'm going to speak about in a minute or so.

We have some counties, particularly rural counties, where the financial viability of many of the providers has been seriously undermined to the point where we, in fact, appear to be in danger of actually losing services totally in some counties where there have been perhaps only one provider in the

entire county.

The other thing that has not been addressed adequately is the absenteeism issue. A child with very severe developmental disabilities may well be the child who is most often absent by reason of problems that that child is experiencing from day to day, and it appears that those children, therefore, who have the most severe disabilities are the ones who most often are penalized, that is the provider is most often penalized because of the lack of flexibility relative to the -- to the reimbursement on -- on absenteeism, so we direct the Commissioner -- we don't change the formula per se, but we direct the Commissioner to revisit those issues so that we can ensure that the providers are, in fact, available and that we don't lose access to services particularly in some of the more rural areas of the state which we really are in danger of having happen right now.

ACTING PRESIDENT SPANO: Senator LaValle.

SENATOR LAVALLE: Senator Cook, I rise because Suffolk County has a number of concerns on this legislation and it is, indeed, very, very important legislation that I have supported in the past and probably will support this legislation before us, but I think that we -- if I can ask you a few additional questions, and one of the concerns that they have, and you just talked about that in terms of the travel time and the absenteeism component dealing with the rate setting methodology, they have other concerns that deal with the monthly capitated rate for service coordination. They indicate that the bill mandates a monthly capitated rate for service coordination, and that they seem to be a little troubled by this payment methodology for service coordination. In their estimation, they seem to feel that that's an inequitable approach. Could you commit comment on that?

SENATOR COOK: Senator, the problem that we have and is not specifically unlike much of our difficulty with trying to develop hospital reimbursement, the cost

containment efforts that many people have been embarked upon are being -- are really tending to defeat the access.

I guess the only answer I can give to you is that, indeed, that does increase the costs, but that those costs do exist, and that if you don't reimburse for the costs, then you, in effect, have to take money out of the program in order to cover the cost -- these uncovered costs relative to coordination.

So I guess I'm saying that the purpose of this portion of the bill is to make sure that the coordination costs are adequately funded so that we don't have to take funds out of actual service provision in order to do that.

SENATOR LAVALLE: Senator, another concern that they have is the case load limit of 25 for the service coordinators. Is this -- does this place a -- is this arbitrary and inequitable, this figure?

SENATOR COOK: Senator, it is arbitrary. We set, as you well know, in the state -- state Education Department, Board of

Regents sets limits on the number, for example, of students that one teacher may supervise within a school system, and the reason these things are done is because you do have children with special educational needs or special handicaps, and even though that number is to a degree arbitrary, it is what I would say a good consensus of people who are familiar with the kinds of services that have to be provided, that in general, 25 is the maximum that one agency can effectively handle, so it -- it is arbitrary, but it's -- if you will, it's arbitrary with -- with good information and good advice.

SENATOR LAVALLE: Senator, there's a provision in here that has a retroactive implementation provision. Does that -- does that affect rates in any way?

SENATOR COOK: Well, Senator, yeah. The problem that we have, and I was indicating earlier that we have some counties that we're actually going to lose services, and I would suggest that probably the given county

which wrote this memorandum is not going to be impacted by that, but there will be some counties where some members of this -- this body have talked to us that they, indeed, will need that reimbursement if they're going to be able to stay in business.

SENATOR LAVALLE: Thank you, Senator Cook.

On the bill, Mr. President. I appreciate very much Senator Cook answering those questions, and I think sometimes we as members need to raise some of these concerns, but at the same time, I think the provisions and intentions of this body, in creation of the early intervention legislation really meets a - an overall and important goal, and that is to ensure that we are identifying people at the earliest possible time getting them programs and services, and in the long run, reducing the overall cost to government, the overall cost to society and, indeed, make people important and contributing members of our society.

Sometimes, however, and I have

been -- I have had the privilege of serving in different capacities in this body with regard to legislation for individuals with special needs and, from time to time, the cost factor gets a little away from us, and I raise these questions today because I think it's important for the providers to understand that we have, as a matter of policy, a very good intent, a very high purpose, but at the same time, we have a fiscal responsibility to our taxpayers, to the governments locally, that also have a responsibility for the taxpayer, and as we move forward on this legislation, I think we all have an important responsibility to be vigilant about these costs that the counties talk about in terms of mandate, and ultimately, possibly translating into higher real property taxes on our people.

The providers should not throw the baby out with the bath water by continuing to have costs that have added that they cannot document and cannot really show or meeting the purpose that this body has, and that is to get

services to individuals so that they can be independent individuals.

So, Senator Cook, I'm going to, on this occasion, continue to support this legislation, but I hope that those people who will be providing the services will do so ever mindful that there's ultimately a person who has to pay the bill and that's the taxpayer.

ACTING PRESIDENT SPANO: Senator Cook.

SENATOR COOK: Mr. President, thank you, Senator LaValle.

I think your questions have been very helpful and I think your comments are also very helpful as you did talk about the cost factor.

Localities are put in a very difficult situation by this law because, indeed, it is mandated upon them. As you probably know the history, originally there was something that was done through the Family Court, and that's the reason why counties get involved. It was originally the physically handicapped children's

program that was a Family Court program.

The -- this year -- in this year's budget, we made the first step toward the state assuming responsibility for this program, and I think that is as it should be. Certainly in the interim, we're going to have to require the counties to fulfill their responsibilities, but, indeed, it is a heavy burden that we are all aware of.

The fact that we have now gone from a 50/50 sharing to a 60/40 state sharing and that, indeed, we are looking toward a 90/10 state sharing is, I think, a hopeful sign and I'm pleased that we're able to make the first step this year to get this reimbursement issue off the table so that we can again focus upon the needs of these children while at the same time, as Senator LaValle has indicated, being sure that the providers are -- are being reimbursed appropriately which means that they're getting enough but that they're not getting more than they should be getting out of the reimbursement.

Thank you.

SENATOR JOHNSON: Mr. President.

ACTING PRESIDENT SPANO: Senator Johnson.

SENATOR JOHNSON: As Senator LaValle had spoken, I received the same memo from my county opposing this bill and, of course, the Association of Counties strenulously opposes it, and I feel rather reticent to speak about it since Senator Cook is my friend and I'm sure he thinks he's doing the right thing.

However, this program for the zero to two years and 11 months has been put in place with some cost controls and with a different method of evaluation and also in which -- in which the presumption isn't that you must use a center-based program but that you can use other -- other sources of services delivered in the home. It seems to be the most effective and most satisfactory to the children and the families in many cases, and what this is going to do is try to force these people who are getting the service at a lower rate into a

center-based program which is going to be an additional cost to the counties and a negative, perhaps on the child who's being served.

My county has no problem with this. In fact, they said there are going to be more services than ever at a lower cost because of the regimen which is the present law, that they're going to throw out. It's going to be referred to the old system which is in place for the preschool handicapped three to five which has been seriously criticized in my county by the -- by the Suffolk County Grand Jury which said essentially the evaluators are part of the group that gives the service and they put everybody in their program whether they need that level of service or not, wasting a lot of money.

In fact, I've introduced a bill, S.4410-C, to provide independent evaluators for the three to five. This bill is just going to push this back and make this program just as expensive and cumbersome, as the present program which we're trying to reform. Even the state

Comptroller criticized the program and the expenses involved. So this is going to cost our county a lot of money and it's not going to provide better service, perhaps poorer service.

I understand there's a problem in Allegany County, and Chenango -- Cattaraugus County, rather, and if there's a problem in that county and if they want to implement this program, they should be free to do it, but they shouldn't force this program on the rest of the state, and certainly not in Suffolk County which is really spending just under zero to two-11, something like $40 million. So, frankly, I can't support this bill.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays 3, Senators Johnson, Seward and Trunzo recorded in

the negative.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present.

SENATOR PRESENT: Calendar 1493.

ACTING PRESIDENT SPANO: The Secretary will read Calendar 1493.

THE SECRETARY: Calendar Number 1493, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 11481-A, an act to amend the Civil Service Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present.

SENATOR PRESENT: 1351.

ACTING PRESIDENT SPANO: The Secretary will read Calendar 1351.

THE SECRETARY: Calendar 1351, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 12025-A and substitute it for the identical Third Reading 1351.

ACTING PRESIDENT SPANO: The substitution is ordered. Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present.

SENATOR PRESENT: 1480.

ACTING PRESIDENT SPANO: The Secretary will read Calendar 1480.

THE SECRETARY: Calendar Number

1480, by Senator Present, Senate Bill Number 7117, an act to amend the County Law.

ACTING PRESIDENT SPANO: Read the last section.

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

SENATOR DOLLINGER: Explanation, please.

ACTING PRESIDENT SPANO: Excuse me. Senator Dollinger has asked for an explanation.

Senator Present.

SENATOR PRESENT: Mr. President, this amends the present law provision to provide for the support of cooperative extension programs within the counties.

SENATOR DOLLINGER: Mr. President, just if I might understand this, if Senator Present would yield to one question.

SENATOR PRESENT: Sure.

ACTING PRESIDENT SPANO: Senator Present yields.

SENATOR DOLLINGER: Is this the

equivalent, Senator, of a maintenance of effort for counties with respect to their Cooperative Extension programs?

SENATOR PRESENT: Yes, it's based upon the amount of contribution each county has contributed within their county for that program.

SENATOR DOLLINGER: But as I understand it, again through you, Mr. President, they must maintain a certain level of funding in order to qualify for state funding.

SENATOR PRESENT: Right.

SENATOR DOLLINGER: Okay. Mr. President, I have had discussions with the Monroe County Executive through my staff and he's opposed to the notion, but Cooperative Extension is one of those areas where counties, because of the fiscal difficulties that they face, have had to reduce their costs. That's one of the areas that Monroe County has looked to and this would void the election by Monroe County to reduce its costs in Cooperative Extension.

SENATOR PRESENT: No, it would not. There's a save harmless provision so they would not lose, others may gain based upon their past three years' contributions.

SENATOR DOLLINGER: Okay. Well, I think to be -- my concern for Monroe County is based through the County Executive, as a former member of the state Assembly. I'm going to vote no on this basis, because it's his fear, at least as he reads the bill, that it will adversely impact his ability to work with cost containment in the Cooperative Extension area.

Thank you.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 3, Senators Dollinger, Jones and LaValle recorded in the negative.

ACTING PRESIDENT SPANO: The bill is -

THE SECRETARY: (Cont'g) Also, Senator Gold recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, can we return to reports of standing committees?

ACTING PRESIDENT SPANO: The Secretary will read.

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

Senate Bill Number 1076, by Senator Onorato, an act to amend the Family Court Act;

1715-A, by Senator Montgomery, city of New York to reconvey its interest in certain real property;

4301-A, by Senator Volker, Civil Practice Law and Rules;

5838, by Senator Padavan, General Municipal Law;

6002-C, by Senator Espada, Education Law;

6026-B, by Senator Marchi, Navigation Law;

6341-A by Senator Nolan, City Charter of the city of Cohoes;

6402, by Senator Velella, an act to amend the judiciary law;

6417, by Senator Maltese, Vehicle and Traffic Law;

6471, budget bill, New York State Medical Care Facilities Finance Agency act;

6588, by Senator Maltese, Vehicle and Traffic Law;

7014, by Senator Present, General Municipal Law;

67284-A, by Senator Rath, town of Batavia to establish a development facilitation improvement district;

7680-A, by Senator Larkin, Real Property Tax Law;

7869-A, by Senator DeFrancisco, an act to amend the Public Health Law;

7965, by the Committee on Rules, an act to amend the Tax Law;

7988, by Senator Pataki, Criminal Procedure Law;

8150-A, by Senator Kuhl, Private Housing Finance Law;

8269-A, by Senator DeFrancisco, Correction Law;

8297-A, by Senator Sears, County Law;

8326, by Senator Trunzo, section 177(b) of the Retirement and Social Security Law;

8394-A, by Senator Tully, Public Health Law -- excuse me, 8394-B, by Senator Tully, an act to amend the Public Health Law;

8409, by Senator DiCarlo, Vehicle and Traffic Law;

8488, by Senator Nozzolio, Public Authorities Law;

8543, by Senator Johnson, New

York State Medical Care Facilities Finance Agency act;

8564, by Senator Marchi, city of New York to reconvey its interest in certain real property;

8717, by Senator Saland, Chapter 524 of the Laws of 1987;

8815, by Senator Cook, Chapter 737 of the Laws of 1989;

8816, by Senator LaValle, Education Law;

8821, by Senator Volker, an act to amend the Education Law;

8822, by the Committee on Rules, State Finance Law;

8823, by Senator Padavan, Education Law;

8829, by Senator Skelos, Education Law;

8854, by Senator LaValle, Education Law;

8861, budget bill, Chapter 53 of the laws of 1994;

5521-A, by Senator Connor, city of New York to reconvey its interest in certain real property;

And 5021-C, by Senator Tully, an act to amend the Public Health Law.

All bills reported directly for third reading.

ACTING PRESIDENT SPANO: Without objection, third reading.

Senator Present.

SENATOR PRESENT: Return to motions and resolutions, and recognize Senator Libous.

ACTING PRESIDENT SPANO: Okay. Go back to motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. On behalf of Senator Trunzo, on page 47, I offer the following amendments to Calendar Number 1279, Senate Print 8009, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT SPANO: So

ordered.

Senator Present.

SENATOR PRESENT: Mr. President. Can we please stand at ease for a few moments to catch up.

ACTING PRESIDENT SPANO: Senate will stand at east.

(Whereupon, at 4:45 p.m., the Senate was at ease.

(Whereupon, at 5:06 p.m., the Senate reconvened.)

ACTING PRESIDENT SPANO: Senate will come to order.

Senator Present.

SENATOR PRESENT: Take up Calendar 1530.

ACTING PRESIDENT SPANO: Secretary will read.

Can we please get some order in the chamber.

Senator Present.

SENATOR PRESENT: Mr. President. I understand we need a message on that. So

we'll lay it aside.

ACTING PRESIDENT SPANO: Lay aside 1530.

SENATOR PRESENT: How about 1485.

ACTING PRESIDENT SPANO: Secretary will read Calendar 1485.

SENATOR GALIBER: Explanation.

THE SECRETARY: Calendar Number 1485, by Senator Marino, Senate Bill Number 7245, proposing an amendment to the Constitution.

ACTING PRESIDENT SPANO: Senator Stafford for an explanation.

May we please have some order in the chamber.

SENATOR STAFFORD: Mr. President. Due to the importance and the complexity and the effect of this resolution, I am going to read from my notes, which I very seldom do, because usually that's the way to lose everyone's attention. I will try not to.

But, Mr. President, this is a resolution, concurrent resolution, which would

result if other steps were followed in the amendment to our Constitution, and we feel would bring some fiscal stability to our state.

There is no question that it would be a challenge. It will be a challenge for us. But I think the people are asking us to meet this challenge.

This resolution would enact a constitutional amendment prohibiting the submission of any appropriation bill and prohibiting the Legislature from acting upon such appropriation bill which authorizes total state spending for any fiscal year in excess of the State's spending limitation as defined below.

And I will now explain what the state spending limitation means.

The term "State spending limitation" means the maximum amount of total spending permitted for each fiscal year and derived from multiplying state personal income for the base year by 9 percent.

Now, in the event there are

emergencies as established, appropriation bills may be enacted which do exceed this limitation as described above.

The bill also appeals provisions of present law which establish a fund to aid in the stabilization of tax revenues and enacts new provisions relating to these matters.

As I say, Mr. President, we have had this type of matter before us a number of times, a number of my friends here have sponsored legislation, sponsored resolutions, and we submit this for passage and do urge its passage.

ACTING PRESIDENT SPANO: Senator Galiber.

SENATOR GALIBER: Senator, we have obviously had this kind of legislation for over a number of years, and usually it happens that it passes this house and doesn't get much further.

Perhaps some of the reasons for that is this big question of tax expenditures. This becomes a very crucial factor, and some on

the one hand say we should include it. Others say we should not include it. It's almost, as my counsel has indicated, paradoxical. How can we include a cap without including tax expenditures. Is it possible to do so when there is billions and billions of dollars involved, first of off?

Second of all, we have attempted through the years to do away with back-door spending. We have been successful in setting up procedures where we can -- not have to go out into the marketplace and borrow the monies that we talk about -- tax credits, and those who are in a position as I mentioned the other day or last night late, perhaps in the category of some form of subsidies.

But however we deal with it, these tax expenditures must of necessity be taken into some formula, some sort of way. And if you ask me do I have a suggestion, the answer is no, I do not. But, certainly, if we want to pass a Constitution -- lock this spending cap into the Constitution, which I think basically

some form we are all hopeful will pass some day.

We had an appropriation this year. I think the Governor talked about $62 billion as a proposed budget. We wind up with a billion-point- over that. Was it 64? -- 63.6.

So, Senator, perhaps you can help us out. And I, too, have a memo here, which Senator Goodman, who is a fiscal expert in my judgment -- and if you just ask him, he certainly will tell you so. He indicates that the tax expenditure reporting office will "give us a better understanding of the true nature of government spending by reporting on tax credits, deductions and the like, as if they were items of direct expenditure." He goes on to say, "After all, giving someone a tax break is tantamount to giving them a check from the state treasury." And this is according to Senator Goodman, author of the Tax Expenditure Reporting Bill.

"Spending caps are aimed at limiting the size and growth in government

spending. They operate by employing a formula determining the maximum level of government spending," as you have pointed out.

"Tax expenditures under a spending cap. What is the appropriation to cover that particular area?" And we go on.

So there is this kind of mix; and how can we ask to lock into the Constitution a spending gap, and yet not being able to solve - that's what it means to me and to you also I imagine -- but to solve this notion of tax expenditures.

How can we accomplish this, Senator, when on the one hand we say it's not appropriate to include tax expenditures as a class of expenditures from a spending gap definition? They must be included. And then on the other hand it does not make sense to include tax expenditures under a spending gap. It says "It renders a spending gap meaningless and paradoxical."

An example, just recently in our good judgment, we're going to eliminate the tax

on hotel rooms. How do we now classify that after we repeal it, as of August I believe? Do we now put it in the old category? New category? How do we deal with that?

It's my understanding that a year or so ago we had a parking -- is it a parking tax that we had? -- in the City of New York, I believe -- in the state. And as we dealt with that, we went back. This was 1992 or '3 and then we took it for the record purposes back to 1990. So we have this crazy mix, and I can't imagine how we can resolve it.

Perhaps, collectively, we can do something about it, but we have to either put that amount of money in, include it or exclude it, or in some way recognize that we're dealing with billions and billions of dollars and that it would possibly encourage, I would imagine, some back-door spending which we're trying to abolish and we're headed in that right direction.

Senator, I don't know the answer. Most of the times when we criticize, we

have an alternative. I don't have an alternative very candidly, and these are merely observations that I point out to you, and I'm sure your staff has pointed out to you, and we all would like very much to resolve and say to government enough is enough is enough.

And there was a process set up where if you exceed the gap, even with your formula which sounds good, the variables that I have mentioned must of necessity come into play if we are to sincerely deal with this very difficult problem.

ACTING PRESIDENT SPANO: Read the last -

SENATOR GALIBER: There were -

ACTING PRESIDENT SPANO: Senator Galiber.

SENATOR GALIBER: There were built into my explanation some questions, and perhaps you'll recognize some of my concerns, and perhaps, Senator, you or staff could possibly address if it's no more than the recent hotel tax or if it's a question of the parking

tax sometime ago or the tax expenditures with all the exceptions that we make, that amount of money, whether it should or should not be included and the spending gap that we want to lock into the Constitution. How do we inter mingle or comingle -- intermingle, I guess, this notion of the expenditures and the cap and some of the ordinary financing that you are trying to put this cap on?

SENATOR STAFFORD: As always, I think that my colleague in the Minority has been extremely articulate and raises, no question, some very, very valid concerns.

I'm going to be much too simple here in my explanation, because it's very easy for me to be simple.

In this resolution, we are talking about spending. We are not talking about revenues. Now, granted, obviously we have to review our revenues. We have to know where we are. But we would be hopeful if we can follow the discipline that is suggested here, we will have surpluses rather than considering

whether we have an increased revenue or decreased revenue when we do away with a tax. And obviously it's a decreased revenue.

I think for too long -- and I'm pointing at all of us, we have been looking at the revenues and then deciding how we were going to spend them, rather than having a limitation on what we are going to spend each year, and I think we have to do this, because if we don't, we'll always find a place where we can spend the dollar. If it is a limitation, we just simply can not spend it, and I think that is the direction we should go.

I do not mean to just give short shrift to what Senator Galiber said because he, of course, really was talking about the science of public finance. Obviously, we have to consider our revenues and we have to be careful in our expenditures. But this item here today is putting a real harness on us. And, no, it is not talking about revenues. It is talking about spending expenditures. And there is a solid, explicit, easily ascertainable, limit on what we

can spend each year, and that's what we're attempting to do.

SENATOR GALIBER: Senator yield for a question.

SENATOR STAFFORD: Sure.

ACTING PRESIDENT SPANO: Senator Galiber.

SENATOR GALIBER: I'll try to be simpler than you.

ACTING PRESIDENT SPANO: Would you like Senator Stafford to yield Senator Galiber.

SENATOR GALIBER: Yes, if you don't mind.

ACTING PRESIDENT SPANO: We'd like to include the chair in the process here a little bit.

SENATOR GALIBER: All right. Mr. President. Would you be kind enough to make an inquiry for me as to whether or not Senator Stafford who is the chairman of the Finance Committee would yield to a question.

ACTING PRESIDENT SPANO: Senator

Stafford.

SENATOR STAFFORD: As always.

ACTING PRESIDENT SPANO: Do you continue to yield?

SENATOR STAFFORD: By all means.

SENATOR GALIBER: Senator, isn't tax expenditures really a spending process? Isn't that really spending?

SENATOR STAFFORD: Well, I hear -- Mr. President. I hear exactly what you are saying, and I think we have to certainly establish, and you have done it very well, that if we're going to have anything to spend we have to have some revenues, and that's certainly understood, and I certainly agree with you and agree that we certainly have to review our refuses.

But this here -

SENATOR GALIBER: Senator.

SENATOR STAFFORD: But this here -- but this here is simply saying not mention ing revenues at all. This is a limitation that you can increase. And, hopefully, we would have

some surpluses, and then we would not have to even consider some of the things that we, of course, are no longer going to be doing.

SENATOR GALIBER: Will Senator yield for another question.

SENATOR STAFFORD: Sure.

ACTING PRESIDENT SPANO: Senator Stafford yields.

SENATOR GALIBER: Senator, I again have a memo here. I don't want to throw questions, when I have part of the answer, at you. But it suggests, "A spending gap would promote unsound fiscal practices. A gap with loopholes" -- and perhaps you don't agree with me -- "A gap with loopholes would only change the method of spending and not the level," which we are both trying to accomplish. And there are loopholes galore in terms of this cap that you make reference to.

"A spending cap is only effective if it restricts actions which those affected would otherwise pursue. Since the desire to spend is already presumed, the cap

with loopholes," that I mentioned before, "would only change the method of spending and not the level."

Would you agree?

SENATOR STAFFORD: No. I hear what you're saying, but, no, I don't agree.

SENATOR GALIBER: Okay. Did you -- Mr. President.

(There was no response.)

Mr. President.

ACTING PRESIDENT SPANO: Senator Galiber.

SENATOR GALIBER: Will the Senator yield for a question?

ACTING PRESIDENT SPANO: Senator Stafford, do you yield?

SENATOR GALIBER: There is some concern about the spending gaps really undermining the political process. "Spending gap proposals have the appearance of promoting good government and fiscal discipline but in practice, they may have the opposite effect. It is the responsibility of the elected

representatives to weigh the demands, desires and needs of their constituency of government service against their ability to pay for such services."

SENATOR STAFFORD: Well -

SENATOR GALIBER: We have the experience just with -- we woke up one morning after this proposed $62 billion, and someone leaked it out that we had a surplus, and the Comptroller in his judgment put a stamp on it and said, "Yes, we do have a $1.5 billion."

And what troubled me, as this new position that I have and I often mention it, is that we went about the business of finding out how we could best spend that billion dollars, and we made a number of those spending processes which helped our communities, especially in the area of education, and a number of other places that you are familiar with.

So, Senator, I reiterate, notwithstanding your excellent explanation and our mutual desire to make a change that front loading is a factor that we should consider.

Tax exemptions, this is government spending that does not appear in the budget because it's part of an already institutional tax system. How do we deal with that? I say it over and over again.

"Earmarking. Certain earmarked and dedicated funds are exempt from the cap. Spending cap requirements could promote marriages of convenience between otherwise unrelated tax expenditures, tampering, if you will with the retirement systems, short circuiting audit transfers," and we go on, and these are merely scratching the surface, if you will, of the concernes that we have and you have also.

Privatization, uncontrollable or mandated expenses, all these factors have to of necessity be played into the formula. And I go back to the basics; and that is, these are perhaps some of the loopholes that we make reference to. And if we don't close these loopholes up, then we can't accomplish what you and I both want and that is to put some guards,

if you will, on state spending.

This is not the way to do it, especially locking it into a constitution. And I know if we do not honestly at some point in time -- too late this year -- certainly next year, but collectively working in terms of solving or attempting to solve a system that has not held the State of New York in good stead.

Our spending habits are horrible. No question about it. But this isn't the way we should do it. It's only going to be a one-house bill and merely because we have not had the capacity to get together and talk out and try to find a reasonable approach to a mutual problem that we both recognize.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Read the last section.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: I'm sorry. Senator Gold.

SENATOR GOLD: Will Senator Stafford yield, please?

SENATOR STAFFORD: Sure.

SENATOR GOLD: Senator Stafford, is there anything in this proposal that would affect the legislative process after the enactment of the budget in terms of increasing or making additions to the budget.

SENATOR STAFFORD: Well, yes. Of course, we couldn't really enact appropriations bills that went in excess of the limitation.

SENATOR GOLD: So, in other words, if the Senator will yield to a question -

SENATOR STAFFORD: Sure.

SENATOR GOLD: -- if your proposal is the law, we will have a budget process, we will have our limitations, and then that will be it for the year, is that correct, as far as spending?

SENATOR STAFFORD: Well, there could be as, you will know, emergencies. They certainly could be considered.

SENATOR GOLD: All right. Well, Senator, if you'll yield to another question.

Will you take a look at Calendar Number 1473 on today's calendar. It's by Senator Levy, and according to the sponsor's memo, this is almost a billion dollars over a period of time, but in this fiscal year it's $266 million.

Senator, will you tell me before we vote on this bill later today is that $266 million in our budget plan.

SENATOR STAFFORD: What -

SENATOR GOLD: 1473.

SENATOR STAFFORD: It's in the transportation money. Yes, I certainly would assume that it is in the plan.

SENATOR GOLD: Mr. President.

(There was no response.)

Mr. President.

SENATOR STAFFORD: Let me answer.

SENATOR GOLD: I want you to answer. I want to hear it.

SENATOR STAFFORD: Let me answer.

SENATOR GOLD: Point of order, Mr. President.

Senator, please don't bully me.

Mr. President. My understanding is, in this chamber, we talk through the chair. Senator Stafford wants to be polite to me so he is facing me, but it makes it harder for me to hear him. So I will not consider it impolite if he looks at you and speaks into the microphone, because I certainly want to hear the answer.

Thank you.

SENATOR STAFFORD: I have been here a long time. I have no problem talking.

SENATOR GOLD: I don't have trouble hearing either, Senator, but I like to hear the answers.

SENATOR STAFFORD: Would you state your question again?

SENATOR GOLD: I would be more than happy to, sir.

There is a bill on this calendar, Senator Levy's bill, Calendar Number 1473. Senator Stafford, we have completed a budget for this year. This bill would cost $266 million this year. I want to know, if your proposal was the law, number 1, could we do the Levy bill,

and, number 2, doing the Levy bill even without your proposal, is that $266 million in our budget or it's not in our budget?

SENATOR STAFFORD: Well, I would share with you that I'm glad you asked me the question, because it gives me an opportunity to again emphasize what this resolution does. I have tried to explain it earlier. Obviously, if there is any spending that would go beyond the cap that would result from this resolution, it could not be spent.

SENATOR GOLD: Will Senator yield to a question?

ACTING PRESIDENT SPANO: Senator Stafford continues to yield.

SENATOR STAFFORD: By all means.

SENATOR GOLD: Senator Stafford, under existing law, without the amendment that you are proposing, is there any gun to the head of anybody in the Republican Party that forces them to put legislation through that would exceed what your cap would be?

I mean isn't it a fact that

Senator Levy doesn't have to put this through even without their being a cap?

And are you telling us that unless we put in a cap and tie your hands that the Republican Party is so irresponsible that it can't control itself?

SENATOR STAFFORD: Well, first I would like to help you with your question. I'm sure you didn't want to use gun, because none of us would point a gun at one another.

SENATOR GOLD: That's a good diversion but -

SENATOR STAFFORD: I'm sure you wouldn't do that, because that just isn't, you know, good for any of us. If you're saying are there pressures, you know, to spend funds, there's pressures on all of us. On the other hand, as I go back to what we've said earlier, no money would be spent if it went above this cap that we were suggesting.

SENATOR GOLD: Thank you.

Mr. President on the bill. On the bill, Mr. President.

ACTING PRESIDENT SPANO: Senator Gold on the bill.

SENATOR GOLD: Thank you.

Senator Stafford, you are a gentleman, and I'm sorry I asked you these questions. But on the other hand, I admire the fact that you don't want to answer them because you are a truthful man, and I don't think you want to lie under any circumstances, and there is no way you can justify what's going on here without saying things that would be very embarrassing.

The Republican Party in this house is absolutely two-faced when it comes to the handling of financial matters. You are irresponsible, and it's about time that we at least told the truth out in the public.

We went through this earlier this year. You run away from the fact that it is you -- you -- that provides 31 votes every year and you say it proudly for five billion in new taxes.

Now, you've got on the same

calendar -- I mean how do you have the -

A VOICE: Chutzpah.

SENATOR GOLD: -- chutzpah? Thank you. I won't use the B word. How do you have the nerve to put our calendars that on the one hand tell people that we've got to cap spending -- we've got to do this. We've got to cap the spending. And on the same calendar, you have expansions of an existing budget that was negotiated by everybody around here. And then you say, "Well, yeah, sure, but what the heck. It's an election year. Let's put in this program $266 million, and the money isn't there. It's not bothering Norman Levy. It's not bothering any of you.

There's another calendar here 1480. Well, this one is only $900,000 that's not in the budget. And we go back to Senator Seward's program. That was only about another 200,000 not in the budget.

And this is nonsense. You don't need a cap. You don't need a constitutional amendment to tell you not to do the things that

you are doing. Don't do them. That's all. You are in the Majority in this house. If you don't want to do it, don't do it.

You don't want to a -- my God, do you mean to tell me we had to spend 60 days in Albany, past the designated budget time for you to be forced into a budget process in a final budget you didn't like? And that budget was at least about a billion dollars more than the Governor said you should spend? You know, it really is ridiculous.

I made a comment earlier today to a few of my distinguished colleagues in the Republican Party, and I want to put it in the record out here now.

You run this place. First of all, I said don't tell me at any point during the day that you don't want -- you know, some of our members are overdebating. You blew ten hours yesterday where we could have been debating. I've never spent a night in this place until 5:30 in the morning and get nothing done. I've been here when we've done rules

reports, bills. So that's one thing.

The second thing is don't tell us you want to get out of here and you are serious about getting out of here and we're holding you back when you put out these ridiculous proposals that fly in the face of everything you do. If you want religion, read your own Bible but don't preach to us.

It is not a Gold bill. It is a Levy bill. It is not a Galiber bill. It is a Seward bill. Don't blame Dollinger. Don't blame Jones. It is you. You are spending this money. You are the one that's putting out bills, and thank God some of these are one-house bills. Thank God you have Democrats in the other house who scoff at what you are doing, and you ought to cut it out.

I will take a proposal seriously that talks about funding caps when I see you doing that and living that while you've got the power. Who are you trying to regulate? We get bills out here that tell people what to do. We sit back and say, well, when you drive a car you

got to do this; and when you go to school, you got to do that. Well, this bill affects us. We don't need a law to tell us what to do. All we have to do is do it.

All we have to do is do it. And I think we ought to stop the absolute hypocrisy that arises every year around this time every two years around this time, where we get lectures in fiscal conservatism by the biggest bunch of spenders in the history of this state, the New York State Senate Republicans.

ACTING PRESIDENT SPANO: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I rise -

ACTING PRESIDENT SPANO: Excuse me, Senator Dollinger.

Senator Levy.

SENATOR LEVY: Can I just make an announcement.

SENATOR DOLLINGER: Absolutely, Senator.

SENATOR LEVY: Sorry. Thank you

very much, Senator.

There is going to be another meeting of the Transportation Committee. I know my committee and other committees are considering nominations as they come up from the second floor, and we have three nominees that are present: One from Dutchess County for the MTA, one for the Transportation Safety Board, and one for the New York State Bridge Authority. And we're going have a meeting of transportation now, and Senator Oppenheimer was advised of it.

SENATOR DOLLINGER: Thank you.

ACTING PRESIDENT SPANO: Immediate meeting, Transportation Committee, in Room 124.

SENATOR DOLLINGER: Mr. President. I yield the floor to Senator Waldon.

ACTING PRESIDENT SPANO: Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President.

ACTING PRESIDENT SPANO: Excuse

me. Senator Gold, why do you rise.

(There was no response.)

SENATOR WALDON: I really don't know the format of what I'm about to do, having not looked it up in the rules; but when Senator Levy just said that they were considering some nominees from the Transportation Committee, I was reminded of a news article I read today, and I would like to put into the record my thoughts on that news article. And I ask is that appropriate at this moment?

ACTING PRESIDENT SPANO: Without objection, Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President.

Martin Luther King said there comes a time when a moral man can't obey a law which his conscience tells him is unjust. There are those individuals in every age and every generation who were willing to say I will be obedient to a higher law. It is important to see that there are times when a man-made law is out of harmony with the moral law of the

universe.

And I'm not going to speak to you so briefly about a law but about something which in my opinion is out of harmony with the universe, especially the universe of African American people.

Our ancestors were torn from their African homeland, from their gods, from their proud way of life to suffer unspeakable pain and indignity as the black gold of the white man in the slave trade; and, yet, in this country, we have contributed in countless ways.

1. The city of Washington, D.C., is laid out in the way that it is because of the genius of Benjamin Banneker.

2. During the Civil War, 24 Congressional Medals of Honor were awarded to African-American soldiers for their bravery during that war which allowed this nation to remain a nation.

Martin Luther King challenged not only this nation but the whole world in terms of his nonviolent movement to bring about peace,

equity, and freedom for all Americans not just African-Americans.

Despite all we have given to America, America has often been very unkind.

ACTING PRESIDENT SPANO: Excuse me. Will you suffer an interruption, Senator Waldon. We do have a resolution before us in the house.

SENATOR WALDON: I have about ten more sentences, Mr. President.

ACTING PRESIDENT SPANO: Okay.

SENATOR WALDON: This is very important to me and to my people.

SENATOR GOLD: Thank you.

SENATOR WALDON: Hollywood, for all too long, portrayed us as a slow, ignorant, childlike singing, dancing, watermelon-eating baffoon, and we fought these stereotypes begun in on the '20s and still must fight these stereotypes today.

I read in the paper today that John Dyson in an interview regarding hiring a minority firm versus a majority firm stated to

Comptroller Alan Hevesi that we ought to know a bid from a watermelon. John Dyson's statement is reprehensible. It is unacceptable. It is insensitive to, at the very least, more than 50 percent of the people of New York City. He should resign.

He should resign. If he doesn't resign, Mayor Giuliani should fire him. He should be fired. This is racist behavior. It is absolutely racist behavior.

The people that I represent, black and white, Jew and gentile, find it unacceptable. But more importantly than those people, the heritage of African-American people in the city and in the state and in this nation find such an act in 1994 reprehensible.

And what happens when one of the highest leaders of government in the city can act out in this way? What happens to some demented person on the street who then takes the signal from the leadership that it's already to treat those people that way? Will we have another Rodney King situation in the City of New

York as it was in California?

All I can say is that this angers me to no end. I appreciate this opportunity to speak on it, but I hope that this Mayor will insure that he truly represents all of the people of the City of New York by taking the appropriate action, which is to fire John Dyson, and to insure that the tone of his statements are no longer allowed to be a part of his administration.

Millions of African-Americans in this state now await the Mayor's action.

Thank you very much, Mr. President. Thank you, my colleagues. Thank you, Senator Present.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Not on that subject, but Senator Levy mentioned something about nominations, and I heard something and I just want to clear the record on something. There was an agenda, I believe, prepared for the Finance Committee which had on it certain

members of the CUNY Board. I have heard some rumors that in some way either I or some other people are involved with holding back those nominations. I just want the record absolutely clear that from my point of view I'm waiting for the meeting. I'd love for there to be a meeting. I'd love for those nominees to come to the floor, and it is not my little fingers that are holding back that nomination.

Thank you.

ACTING PRESIDENT SPANO: On the resolution. Senator Jones.

SENATOR JONES: Are we on the bill again?

ACTING PRESIDENT SPANO: We are on Calendar Number 1485.

SENATOR JONES: Okay. I would just like to speak on the bill, and I'm going to have to take exception with Senator Gold as much as I like him. He's wrong. Obviously this body is not able to control their spending. You have convinced me in just the two years that I've been here. It's obviously not possible.

He's absolutely correct. We spent -- I can't begin -- at least more than 500 million beyond what the Governor wanted, and I wish I had had a little calculator just sitting here this week because I have no doubt in my mind we've spent the entire next year's budget and probably a little bit extra, and we haven't even finished what is on here today.

So I'm sorry, Senator Gold, but I have to say that you're wrong. It is obvious to me that we aren't capable of doing this. So thank God we have this bill here today that is going to put a cap on spending and keep this body under control, because it's clear to me we need that.

I certainly support it.

ACTING PRESIDENT SPANO: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. My colleague from Monroe County has sort of given this body a sense of perhaps how we in Monroe County feel about the question of being told that we just can't say no.

I hear all this rhetoric in this country about saying no to sex and saying no to drugs and all these harmful behaviors that we should avoid as a society, and yet I look across the aisle and find that it appears as though there is a group over there that just can't no to spending.

My colleague properly points out that the State Legislature has added spending on top of the Governor's spending. We just seem to get this greater and greater spending and spending and spending.

And then -- I know my colleague from Monroe County didn't share this, but I had a conversation last night with a fly in my hotel out there. And you wonder, what am I, talking to a fly? Well, this fly related to me they were the fly on the wall in the Majority conference room. And, sure enough, do you know what the fly said? The fly said, "Here we are. We're getting toward the end of session. We're spending all this money," as Senator Gold points out. We're spending hundreds of millions more

this week, potentially, by increasing the cost to local government. That little fly on the wall spoke up -- apparently, overheard in the Majority conference room someone say, "Gosh, it's getting near the end of session. What about the spending cap bill? That's what we need. We need the spending cap bill to be put back on the floor so that we can reclaim the title as the fiscal conservatives who are protecting us from this terrible urge to spend money, so that we will restrain ourselves and handcuff ourselves in the future, so that we will be able to say, "No," because the people will tell us that we can't say yes."

It seems to me that the little fly on the wall is correct. This is really political feeder. This is political feeder to create the impression that this body is prepared to have a spending cap; whereas, every single action we have taken since I came here suggests that we are not.

I would simply point out I think Senator Jones and I are the only members of this

body who are not running for statewide office who said "No" the last two years when spending came up in the state budget.

So Monroe County, we've had the courage to say no. We don't need a constitutional amendment to tell us that. I wish that this body would act, in its actions demonstrate the conviction that appears to underlie this piece of political feeder.

SENATOR DeFRANCISCO: Mr. President.

ACTING PRESIDENT SPANO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I ask Senator Dollinger if he'd yield?

ACTING PRESIDENT SPANO: Senator Dollinger, do you yield.

SENATOR DOLLINGER: Absolutely.

SENATOR DeFRANCISCO: Senator Jones alluded to the fact that since the budget passed there have been many spending bills that have passed this house. Isn't it true that you supported just about every one of those spending

bills since the budget, the budget was passed?

SENATOR DOLLINGER: Mr. President. If I can ask the questioner to be specific about what bills you're referring to, I will be glad to analyze them.

SENATOR DeFRANCISCO: I can't be specific but I know that there's only been one or two negative votes on just about every spending bill since the budget, and you weren't the negative vote on every one. What I'm saying is, have you adhered to this principle of saying no to all new spending since the budget was passed?

SENATOR DOLLINGER: Well -

SENATOR DeFRANCISCO: Yes or no?

SENATOR DOLLINGER: Mr. President. I can't answer the question, as counselor would know. I'd be glad to respond to a specific bill. If you have a specific bill, I will tell you what I thought and how I voted on it.

SENATOR DeFRANCISCO: So you don't know whether you've said no to every

single increased spending?

SENATOR DOLLINGER: Well, I certainly can't make that blanket statement, Mr. President. If the questioner would like to be specific, I'll be glad to answer him.

ACTING PRESIDENT SPANO: Let us please have the questions and answers through the chair.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. I'm not going to make a big speech. I think it's been well articulated what's wrong with this bill, but sometimes a story is an apt way of describing what's going on here.

And I'm reminded of a couple weeks ago when I was out having a cup of coffee in Albany here, and a fellow walked in and said to the saloon keeper, "I would like three whiskeys," and the saloon keeper set up the three whiskeys. And as the guy was about to take a drink, the saloon keeper said, "You know, you can order them one at a time." The guy said, "You don't understand. I got two

brothers. I got a brother down in New York and a brother out in Chicago. We made it up that whenever we had a drink we'd drink for all three of us."

So I was there last night. It reminded me of this bill. The same guy came in and he ordered two whiskeys. And the saloon keeper said -- as he set them up, he said, "Gee, I'm really sorry about your brother." The guy said, "What about my brother?" And he said, "I assume -- you were here before -- I guess you lost one of your brothers." And the guy said, "No, no. It's not that at all. It's me. I quit."

That's what this bill is like, "I quit," you know. Except on the same calendar you have all these spending bills. Which is it? Are you spending for your brother or did you quit?

ACTING PRESIDENT SPANO: On the resolution. Secretary will call the roll.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, I just wanted to state that I'm supportive of this amendment, and there has been some statement to the effect that how can we possibly pass this when we would be X number of dollars in the hole this year because of our budget having already been passed. The fact of the matter is this is a resolution for a constitutional amendment which would take at least two successive sessions plus a vote of the people for it to be effective, and it will be effective sometime in the future and will not affect this year's budget.

In addition, as far as the remarks concerning the Republican Majority being spendthrifts and being unable to control it, and all we have to do on our own is say no to these various budget bills and we can take care of the process, the fact of the matter is there are three parties to the process, the Governor, the Assembly, and the Senate. We are all involved in the process including all -- both parties of both houses. And the fact of the matter is that

when we get down to a budget to get an agreement, it is not easy with all the competing interests. As a result, we find ourselves later and later every year, being criticized by everybody every year, because of the continual delays in the budget process to try to get an agreement.

And, unfortunately, at some point you've got to vote yes to something maybe you don't like every bit of in order for there to be a budget at sometime during the year, and I believe strongly that a bill such as this will put a cap, which cap will have to be followed so that it will also help us not only fiscally but to get a budget on time, since everyone will have to cooperate with the less amount of spending.

So I vote yes.

ACTING PRESIDENT SPANO: Senator DeFrancisco in the affirmative.

THE SECRETARY: Those recorded in the negative on Calendar Number 1485 are Senators Connor, Dollinger, Espada, Galiber,

Gold, Leichter, Markowitz, Nanula, Ohrenstein, Smith, Solomon, Stavisky and Waldon. Ayes 47. Nays 13.

ACTING PRESIDENT SPANO: The resolution is adopted.

Senator Kuhl.

SENATOR KUHL: Mr. President. Will you recognize Senator Lack?

ACTING PRESIDENT SPANO: Senator Lack.

SENATOR LACK: Yes, thank you, Senator Kuhl.

Mr. President. Can we please return to motions and resolutions?

With respect to Calendar 303, Mr. President, I would move the restoral of Print Numbers 6694A for 6694B and ask that said A print please have its third reading again at this time.

ACTING PRESIDENT SPANO: Without objection, restoration is ordered. Secretary will read the last section.

THE SECRETARY: Calendar Number

303, by Senator Lack, Senate Bill Number 6694A, an act to amend the Criminal Procedure Law.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT SPANO: The bill is passed.

SENATOR LACK: Thank you.

ACTING PRESIDENT SPANO: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Mr. President. I would like unanimous consent to be recorded in the negative on Calendar Number 1480.

ACTING PRESIDENT SPANO: Without objection.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT SPANO: Senator Leichter.

SENATOR LEICHTER: Yes. I would also like unanimous consent to be recorded in the negative on Calendar 1480.

SENATOR KUHL: No objection.

ACTING PRESIDENT SPANO: Without objection.

Senator Wright.

SENATOR WRIGHT: Mr. President. I request unanimous consent to be recorded in the negative on Calendar Number 1531.

ACTING PRESIDENT SPANO: Without objection.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President. I ask unanimous consent to be recorded in the negative on Calendar Number 1391 -- excuse me, 1351.

ACTING PRESIDENT SPANO: Without objection.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Would you call up Calendar Number 1420, please.

ACTING PRESIDENT SPANO:

Secretary will read Calendar Number 1420.

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

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT SPANO: The bill is passed.

SENATOR LEICHTER: Mr. President. I'm sorry. Was that 1420?

ACTING PRESIDENT SPANO: 1420, yes, Senator.

SENATOR LEICHTER: I'm sorry. Could we reconsider the vote by which this bill passed?

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT SPANO: The bill is before the house.

Senator Leichter.

SENATOR LEICHTER: Explanation, please.

ACTING PRESIDENT SPANO: Senator Bruno.

Before you begin, Senator Bruno, can we again ask for some order in the chamber. And please ask that the traffic in the rear of the chamber be curtailed, and those members and staff people who need to have conversations to take them outside the chamber.

Senator Bruno.

SENATOR BRUNO: Mr. President. Is there a specific question that relates to this bill that just passed unanimously that I can be helpful with, Senator, or is there an

overview that you would like to have me give you for the next couple of hours of this great piece of legislation.

SENATOR LEICHTER: Senator, if you can find two hours to speak about this bill it would be a marvel to your ability to put substance into what seems to be a lot of air. But, Senator, I would love to listen to you for two hours, but I'm sure that some of our colleagues have other things to do.

SENATOR BRUNO: Is there -

SENATOR LEICHTER: Yes.

SENATOR BRUNO: I'm being -

SENATOR LEICHTER: Senator, as I -

SENATOR BRUNO: Senator, is there -- I'd be happy to give a quick.

ACTING PRESIDENT SPANO: Can we please have the questions and answers through the chair.

Senator Bruno.

SENATOR BRUNO: Maybe I -- let me give you a quick overview and then see if you

focus this -

SENATOR LEICHTER: Good. Thank you.

SENATOR BRUNO: -- specifically, Senator.

What we're trying to do through this legislation, really, is cut through, help businesses and services in this state cut through the red tape, the overregulation that presently exists in this state.

Now, how do we know that it presently exists? Because survey after survey to private businesses, large and small, the response always is -- in fact, in one of the largest surveys done, in polls, 72 percent of the businesses thought that government was hostile to their business or their profession here in New York State, and 49 percent of them said they would leave the state if they could.

So what this bill does, it sets up in the head of every agency and commission, an office, an ambassador, a good will ambassador in the head of the office, commission. And by

the way, Senator, the Governor in his wisdom has done some of this already, and we have worked with the Governor's office and the Assembly in trying to put together a bill, but we have not been successful in getting it all done as we speak.

But bottom line, we're talking about creating a system where people, businesses, professions, can reach into the head of the agency and find a friendly person who will help expedite whatever their request for service is through the system.

And in the DED regional offices, there will be people there who will serve as these ambassadors for the same purpose. In the Office of Regulatory and Management Review will be the overseer, and reports will go in quarterly to talk about what is being done to help businesses cut through red tape here in New York State.

And I'm sure, Senator, you recognize this is a very worthwhile objective, costs nothing. I anticipate your question.

Costs nothing because the people that will provide this service are already in place. They will just be more directed and motivated as required and requested in this legislation.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT SPANO: Senator Leichter.

SENATOR LEICHTER: Yes. I thank my good friend for that overview and maybe we ought to get a little specific, and if he'll yield for one or two questions, please.

Senator, I see that you call - all the commissioners will be deemed to be ambassadors.

SENATOR BRUNO: Senator, that's the Governor's word. We were using other descriptions, but the Governor in his office liked the word ambassador, so yes.

SENATOR LEICHTER: Senator, from now on, will they be called ambassadors or commissioners. I am the ambassador of mental health or the ambassador -

SENATOR BRUNO: Yes. They would

be called both. Their official title would be commissioner. Their unofficial title would be Ambassador of Good Will to Promote Industry and Business in this state. I think the Governor had a great idea when he came up with that.

Oh, thank you, Senator. Ambassadorial commissioners. Thank you, Senator Marchi.

SENATOR LEICHTER: And, Senator, is it correct to say -- the only real function I see there besides the fact that they are supposed to be concerned about being business friendly is they issue this quarterly report?

SENATOR BRUNO: Well, they talk about what they have done to expedite the permit process, the overview, to make it simpler, better, more effective and less inhibiting to the promotion of business. They report quarterly on what they are doing to help in this way.

SENATOR LEICHTER: Yes. Mr. President. Thank you very much, Senator Bruno.

And let me just comment on the

bill.

ACTING PRESIDENT SPANO: Senator Leichter on the bill.

SENATOR LEICHTER: All I can say is if I were a businessman in New York State and somebody came and said, "Look how much we're doing for you: From now on, we're going to call Commissioners "ambassadors," and they are going to file a quarterly report," I would cry. I would cry. I would say, Senator Bruno, is this the best you can come up with? And then you tell me you are going to talk about this for two hours?

You know, again, this is the sort of, if you will, vacuous approach which bears a resemblance to the previous bill. We're not dealing with reality here. We're not dealing with what bears any relation to the actions that you people really take.

I mean you are going to say, I assume, based on this bill, look how wonderful we've shown our commitment to improving the business climate. We've made Commissioners

"ambassadors," and they are supposed to go out and be business friendly and so on. I mean that's so much floss.

Where are the specifics? And the only specifics you always have -- and my good friend, Senator Wright, loves this -- another report, another regulation. We're going to make government more efficient; so, therefore, we're going to require them to put in ten more reports.

Senator Daly, if the Department of Environmental Conservation wrote all the reports that you wanted, they would be doing nothing from morning till night, 365 days a year, but writing reports. Where's the great efficiency? Where is the great outreach to business? Where is the help that you are going to give. It's words. It's words. It's words. That's all we have here.

Somebody wants to say, "Look how I've shown my concern for business. I have made Commissioners "ambassadors."

And let me say the Governor -

and we know that he's very sincere in his intent and desire to improve business climate. We all are. There are things that we can do. There are things that we can't do. And the Governor is very skillful in casting programs in sort of a glorious verbiage, and maybe at one time he used the words, "I want them to be ambassadors." But, Senator, he meant it ambassadors in a generic sense of being friendly to business. He didn't mean that you are supposed to actually go out and change the law to call Commissioners "ambassadors." You shouldn't have taken him that literally.

Let me just say, my friends, this bill does no harm, but it doesn't do any good either, and I'm going to vote in the negative just because it's so meaningless.

ACTING PRESIDENT SPANO: Senator Stavisky.

SENATOR STAVISKY: I think you missed the opportunity, Senator Bruno. As long as you are calling them "ambassadors," you have failed miserably to extend the title to Minister

Plenipotentiary and Potentate Extraordinary. I would suggest you go to Gilbert and Sullivan's "The Mikado," where you will find a tremendous list of titles that you can bestow upon these Pooh-Bahs, New York State Pooh-Bahs, who hold ten different titles all at once until they confuse each other because the titles and the roles are contradictory.

What does this poor Senate Finance Committee do on a confirmation hearing? You've got a Commissioner who is a regulator. Now, I know you are regulating. I know you are going to be tough but are you also going to be gentle, as gentle as Ivory Snow, when you deal with the business?

So you ask every prospective designee for confirmation by this overburdened Senate Finance Committee: Are you a regulator? Are you an Ambassador? Are you a patsy? Are you a tough character? Are you a fall guy or a fall woman?

I think this borders on idiocy on a date following a night when we had no

legislation, which was the night of idiocy. Welcome, my colleagues, to the day of idiocy.

We have here nonsense. What about the ambassador to the consumer? What about the ambassador to the taxpayer that Change New York is seeking? Doesn't they have rights? I want an ambassador to the consumer, an ambassador to the taxpayer. What about the ambassador to the employees who have to carry out these things?

Senator Bruno, this is not an American Express commercial. You did those superbly, but that is not what is before us in the State Senate, and I think that really it is the day of idiocy. It is not a day of infamy, but it is a day of idiocy.

Take this bill and send it bye-bye, or send it to the road company of "The Mikado." "My object all sublime I shall achieve in time...", and now the score is in your hands.

(Applause.)

ACTING PRESIDENT SPANO: Senator Bruno.

SENATOR BRUNO: Mr. President. I hope -- thank you. That was eloquent.

I hope the Governor is listening, because we said to his office, "Let's not use the word 'ambassador'." We called them "interagency coordinators." So I hope he's listening to you.

Governor, he didn't mean that you were all of the things that he just described. Governor, he is only kidding. He is trying to be funny, Governor. Maybe we ought to go back to "interagency coordinator," Governor, as we were proposing to you because the Senators don't like the word "ambassador," but the Governor thought that "ambassador" designates something positive, good will, good feelings. I'm here to help you.

But I know that's something that might be foreign to you people sometimes, opening your arms to be helpful to business, to encourage business, but the Governor finally got his head on straight and said, "These are ambassadors. They do good things."

And so we said, "Fine, Governor, let's call them 'ambassadors'."

Mr. President. I'm sorry that we used the word ambassador. I think that we would refer to this as interagency coordinator out of deference to my learned colleagues. But thank you for your kind words. I'm sure the Governor appreciates your observations.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Just one thing. I think we have missed the boat. Senator, Bruno you really are very, very good, but I'm not going to buy videotape, because apparently the videotape only runs on your half, and I thought Senator Stavisky was much better. So if you had had the whole program, I would have given you a mailing opportunity for the tape, but not the one-sidedness.

ACTING PRESIDENT SPANO: The Secretary will read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1420 are Senators Galiber, Gold, Leichter, Onorato, Smith, Stachowski, Stavisky and Waldon. Also Senator Markowitz. Ayes 51. Nays 9.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Farley.

SENATOR FARLEY: Mr. President. I would like to be recorded in the negative on Calendar 1351.

ACTING PRESIDENT SPANO: 1351, without objection.

Senator Present.

SENATOR PRESENT: Mr. President. Can we take up 1517.

ACTING PRESIDENT SPANO: Secretary will read Calendar 1517.

THE SECRETARY: Calendar Number 1517, by Senator Bruno, Senate Bill Number 8686,

an act to amend the Civil Service Law.

ACTING PRESIDENT SPANO:

Explanation has been asked for.

Senator Bruno.

Again, before Senator Bruno starts, we're having a little problem maintaining order in the chamber today. Will you please ask the staff members to take their conversations outside the chamber. Ask the sergeant at arms to restrict the conversations in the rear of the chamber.

Senator Bruno.

SENATOR BRUNO: Mr. President. This is another attempt at making government in New York State more efficient. We passed part of this legislation in this chamber a couple of weeks ago, and that has been packaged in the rest of what is in this bill, which is rather lengthy. Bottom line is this is a bill that would help consolidate the duplication that presently exists in this state in state agencies, in commissions, and it's very specific in some of the recommendations for

consolidation.

It also requires the performance planning for agencies as we had outlined here in previous legislation. When fully implemented, there is the potential to save a minimum of $100 million in government costs that is presently part of the tax structure of this state. Bottom line, we consolidate, we create more efficiency. We look to eliminate duplication. We create an incentive for agencies to be more efficient and save money by allowing them -- and I know that you know that if an agency today doesn't use up their whole budget, they lose it. This allows them to retain 35 percent of whatever they save within their agency to create more efficiency and responsiveness to the public.

And I think that is meritorious. That is part of what is being recommended in the Clinton administration, and that is part of what has to do with reinventing government as we know it today.

ACTING PRESIDENT SPANO: Senator

Mendez.

SENATOR MENDEZ: Mr. President. I wonder if Senator Bruno will yield.

ACTING PRESIDENT SPANO: Senator Bruno, will you yield to a question?

SENATOR BRUNO: Yes.

ACTING PRESIDENT SPANO: Senator Bruno yields.

SENATOR MENDEZ: Thank you.

Senator Bruno, in your bill you state that you are establishing -- the bill will be establishing a state government performance and results act of 1994.

SENATOR BRUNO: Yes.

SENATOR MENDEZ: And you are requiring, if I understand correctly, that each Commissioner -- that each Commissioner will have to establish the goals of the agency and performance standards.

SENATOR BRUNO: M-m h-m-m.

SENATOR MENDEZ: Now, I have no problems with that. However, you will not measure the other small little agencies,

primarily minority agencies. You are not giving them the same opportunity of drawing a plan for goals and performance. Why is that?

SENATOR BRUNO: This, Senator - I was just looking at my notes here, because I thought that it does that. It doesn't differentiate. It allows any agency to perform, to put together a strategic plan, to put together a tactical plan, a performance plan, and then report on it. It offers that opportunity to all the existing agencies.

SENATOR MENDEZ: That is very good, however, your bill eliminates the following state agencies:

The Advisory Committee for Black Affairs, who this year received in the budget $290,000; eliminates the Office of Hispanic Affairs that this year's budget allocated to this agency $313,000; the Division for Women, that this year's budget allocated $533,000; the Office of Volunteer Services, that they obtained this year $289,000; the Martin Luther King Jr. Institute for nonviolence with $1.01 million;

the Martin Luther King Commission with $790,000.

And all that adds up to $3 million. You are saying that we will be saving $100 million. Where are the other $97 million coming from?

SENATOR BRUNO: In many of the larger agencies that you have not specifically mentioned.

But, Senator, let me be very clear for you and my colleagues. We are not eliminating any services that are provided by these agencies. We are consolidating, creating more efficiency. And normally you consolidate to the larger agency. The Governor would make a disposition of how that happens.

SENATOR MENDEZ: Well, I really believe that if the other state agencies are being allowed to start up with making their plans that these other smaller agencies, minority agencies, should in fact be given equal treatment.

I want to thank you, Senator Bruno, for answering my questions.

On the bill, Mr. President.

I, for one, like everybody else believes that we must stop wasting all levels of government. However, as it regards these small agencies, assuming that they do not do a darn thing, assuming let's say that that is the bottom line, they must stay put. Why? Because they perform a tremendous service for our state, for our residents.

And what is that kind of service? It is the perception that through these agencies women, Puerto-Ricans and Hispanics, and African-Americans are included - included in state government.

So I feel that this bill deals with double standards as it relates to these smaller agencies, and I think that they must be kept if they are not performing well. If that were the case, then they should be helped to perform better.

And then the importance of this is that these agencies could in turn interpret to the other agencies that have -- many of which

do not have enough minority people working there, could interpret the needs of these minority individuals that reside in the State of New York.

So for these reasons I find it very difficult to support this bill, and I will be voting against it, Mr. President. I am committed to see that some waste is eliminated but not at the expense of a very important perception in New York State, as I explained before.

So again I thank Senator Bruno for answering my questions, and thank you, Mr. President.

ACTING PRESIDENT SPANO: Senator Smith.

SENATOR SMITH: Thank you, Mr. President. For the sake of brevity, I will be very, very brief this evening; however, I would be remiss if I did not take exception to this particular legislation, even though it's a one house bill and, in essence, a waste of all of our time.

In my short experience here of the past six years, I have had the occasion to deal with many of these agencies, and I have found that they have been of invaluable services, especially the Women's Division dealing with women's issues and Black Affairs and Hispanic Affairs because those are the constituents that I represent.

And I find it kind of disconcerting that an attempt is being made to rid us of those agencies that are so important to many of us on this side of the aisle.

And I will be certainly voting in the negative.

ACTING PRESIDENT SPANO: Senator Waldon.

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

ACTING PRESIDENT SPANO: Senator Bruno, would you yield to a question.

SENATOR BRUNO: Yes.

ACTING PRESIDENT SPANO: Senator

Bruno yields.

SENATOR WALDON: Thank you very much, Mr. President.

Senator Bruno, I'm intrigued by the $97 million that is characterized in this proposal that you have as being saved by implementing these procedures. In arriving at that figure, did you have benefit of an accountant to help you?

Mr. President. I have posed a question.

SENATOR BRUNO: I'm sorry, Senator. Senator Mendez had a comment and I was listening. I'm sorry.

SENATOR WALDON: My question, sir -- Mr. President. If I may continue?

In your coming up with the $100 million minus the 3 million or so for the elimination of those vital agencies previously enumerated, did you have benefit of an accountant?

SENATOR BRUNO: Yes. Actually, we had the benefit of accountants, finance

people, efficiency people in government, who all had some input into the process that took place here over the last several months, and this was not calculated by simply sitting down and picking a number.

If you take a look very specifically at this rather comprehensive approach that's been put together by very professional people, you will see that the intent is not to eliminate services, and that is being said over and over, Senator.

We are not eliminating services. We are creating more efficiency and providing those services; and, consequently, the services are not only provided more efficiently but at less costs, and that's desirable. So, again, we are not eliminating services to the public.

SENATOR WALDON: Mr. President. Would the gentleman continue to yield?

ACTING PRESIDENT SPANO: Senator Bruno continues to yield.

SENATOR BRUNO: Yes.

SENATOR WALDON: I would like to

pose another question, Senator Bruno, but before I do that, permit me to say if I am sick and go to a doctor and the doctor is no longer there and his administrative aide or his secretary is there, I don't feel very comfortable about being treated. So when you say the elimination of these agencies doesn't change the level of services, I question that.

But again, going back to what I really want to find out, in this analysis that was done by the various professionals that you spoke about, is there a record of the analysis? Do you have a database somewhere that could be shared with your colleagues? And if so, where is it? And if you had accountants, who are they? And if you had financial analysts who are they; or who were they? And if you had any other professionals who participated in this process, would you please enumerate them for our edification here at this time.

SENATOR BRUNO: The people in the Senate, and I can't give you names and titles, Senator. But if you would like, I would be

happy to share with you the people that were involved in the process, the Finance Committees in this house, okay, the research committees in this house, the Commission on Public/Private Cooperation, the Committee on Commerce, Economic Development and Small Business, all of the people who are in public service that have to do with creating efficiency in government, delivering those services at minimal costs were involved. And if you want names and titles, we can, you know, at a more leisurely time put together people that worked on it, but let me assure you that they are professionals who put this together.

SENATOR WALDON: Mr. President. Would the learned gentleman suffer another question?

ACTING PRESIDENT SPANO: Senator Bruno continues to yield.

SENATOR WALDON: Thank you, Mr. President. Senator, I don't doubt -- I don't doubt the truthfulness of what you are saying, but it would make more sense to me if we had

some names at a more leisurely time or now.

But I would like to change the tack, if I may. T-a-c-k, like a sailboat.

SENATOR BRUNO: Yes, sailboat.

SENATOR WALDON: Why did you choose the Advisory Committee for Black Affairs, the Office of Hispanic Affairs, the Division for Women, the Office of Volunteer Services, the Martin Luther King Jr. Institute for Non violence and the Martin Luther King Commission? Did your analyst tell you to choose these?

SENATOR BRUNO: Yes. What they indicated is that there is a lot of duplications of services in a lot of those agencies, just as there is a lot of duplication of services in the 140 some agencies that provide service to businesses in this state, and they are unnecessary. They duplicate. They cost the taxpayers money.

And, again, the objective was not to eliminate the services but to create efficiency and savings.

SENATOR WALDON: Mr. President.

If I may continue?

ACTING PRESIDENT SPANO: Senator Bruno continues to yield.

SENATOR WALDON: Thank you. Senator Bruno, we are all in politics here; and in politics, one knows that the perception is often times more valuable and/or the obverse more damaging than the reality. So when you say you chose these agencies because they were duplicative in terms of services, can you give me an example -- an example, of how the Advisory Committee for Black Affairs duplicates the role and the duties of the Division for Women.

SENATOR BRUNO: Many of the services in these agencies are services that are provided to constituents generally. They answers questions. The same person could answer a question or be of service in either of the instances that you just describe very readily as long as they were prepared and trained.

It doesn't take a specialist to deal with a constituent problem. In your office, Senator, and in mine, I have people who

deal with hundreds of separate issues. I don't have a hundred of people dealing with a hundred different issues. I have one person that deals with hundreds of different issues.

The same approach is being taken here. And I wouldn't be overly sensitive in terms of that there is some devious motivation here in trying single out any group of people, because there isn't. If you look at what was contemplated and proposed, it cuts across the whole structure of government in New York State. All of it. All of it.

SENATOR WALDON: Would the gentleman continue to yield?

ACTING PRESIDENT SPANO: Senator Bruno continues to yield.

SENATOR BRUNO: Yes.

SENATOR WALDON: Thank you, Mr. President. I assume, Senator Bruno, when you said I would not be overly sensitive, you are really saying to Al Waldon, "Al Waldon, please don't be overly sensitive my eliminating the Advisory Committee for Black Affairs..." -

which, by the way, was the result of an idea I had when an Assemblyman -- "...the Office of Hispanic Affairs, the Division for Women, the Office of Volunteer Services, the Martin Luther King Jr. Institute for Nonviolence and the Martin Luther King Commission, that I as an African-American legislator representing a predominantly African-American, Latino community should not be overly sensitive that you were eliminating services for those people.

Let's assume that I'm not. I can't guarantee that I'm not, but let's assume that I am not. I am intrigued still. And if I may, Senator, ask you again to give some information about $97 million, because $97 million is an awful lot of money, and I would like you at this time to respond to my question as to how this $97 million is saved without any input from the AFL-CIO or from the employees of these various and sundry agencies that you are, in my opinion, wreaking such havoc for.

SENATOR BRUNO: Senator, communication sometimes is a very difficult

art. It's an art not a science. I say something, you hear something different. You say something, I hear something different. That's a problem that all of us have many, many times.

You talk about if you go to a doctor and the doctor is not there, how do you get the service; but if there were ten doctors there and it was determined that five doctors could be of service, when you to go the doctor, there's five instead of ten. You still get medical treatment. That is the approach that's being taken here.

Now, in that instance, you save the salary and the overhead and offices and secretaries of five doctors. That doesn't mean you don't get the medical attention you need, does it? No. And the same approach is taken here.

What we're saying is there's too many doctors. There are too many doctors in state government, too many offices, too many people servicing those offices, and it's about

time that we recognize that. You know, Senator, it's not an accident that U.S. News and World Report -

SENATOR WALDON: Mr. President.

ACTING PRESIDENT SPANO: Senator Waldon.

SENATOR WALDON: I'm really trying to hear the learned gentleman, and I'm having difficulty.

ACTING PRESIDENT SPANO: Your point is well taken, Senator Waldon.

Please ask the members and the staff to take the conversation outside the chamber. Once again, ask that we restrict the traffic in the rear of the chamber.

Senator Bruno.

SENATOR BRUNO: Thank you very much, Mr. President, and thank you Senator.

I was just going to cite -- and I think it's all of us recognize what's going on in this state. U.S. News and World Report spring edition reported to the world that New York State ranks 48th in economic recovery in

this country -- 48 out of 50 states. That's dismal. That's pain. That is suffering with your people, my people, all the people, out of jobs, out of work. Why? The cost of doing business in New York State is prohibitive.

Forty-two percent of all jobs lost in the country in the last four years come from New York State. Why? The cost of doing business is prohibitive. The overregulation is smothering. That's the message that we're getting.

U.S. News and World Report is being objective. We rank 48. Now, do we just stick our heads in the sand and ring our hands? No, we don't. We do things like this. We consolidate. We create efficiency. We create performance plans. We create accountability. And we don't eliminate services. We make them more efficient, less costly.

People can work in this state. They can live in this state. They can pay the taxes, because they can afford them, Senator. That's the bottom line. We're not trying to

hurt people. We were trying to help people.

SENATOR WALDON: Thank you very much, Senator Bruno.

Mr. President. If I may, on the bill.

ACTING PRESIDENT SPANO: Senator Waldon on the bill.

Excuse me, Senator Waldon.

Senator Present.

SENATOR PRESENT: Senator Waldon, may I interrupt for a moment?

SENATOR WALDON: Absolutely, Mr. President.

SENATOR PRESENT: Mr. President. I would like to call an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT SPANO: Immediate meeting of the Rules Committee in Room 332.

Senator Waldon, on the bill.

SENATOR WALDON: Thank you very much, Mr. President.

Senator Bruno, I'm wouldn't want

to characterize your responses to me as patronizing, but I don't think that you were either clear and genuine in your responses, but maybe that was unintentional. Maybe you didn't really understand my questions, and maybe you really didn't understand what this legislation appears to be.

From my side of the table, talking about perception, it seems here as if you have been very insensitive to the employees in these agencies that you are going do impact with this proposal. From my side of the table, it appears that you have eliminated consideration from the labor movement.

I am very pleased to say in those things I have read about certain private sector enterprises in the nation of Japan, where they have a collaborative, cooperative effort between management and worker, it seems to do very well. You haven't considered that at all here.

From my side of the table, though, that which I find most distressing and most disturbing is that for whatever reason you

say the final and bottom line is that you are eliminating programs which have a very important place in the lives of certain people of the state, and it sends a signal.

To eliminate the Advisory Committee For Black Affairs sends a signal that maybe the black folk aren't as important as they used to be.

To say that we're going to eliminate the Division For Women -- and, Senator, more women vote than men. The hand that rocks the cradle controls the ballot box. I am not going to be so foolish as to support anything which raises the ire of the distaff side of the voting population. I think that's a mistake. I think that's the wrong signal.

But to eliminate the Martin Luther King Jr. Institute for Nonviolence is also equally as bad as those others.

So I would encourage my colleagues to recognize that this may not be blue smoke and mirrors, but it's certainly some kind of smoke, and I would suggest that it is

not in our best interest to do things which damage the females in our state, which can anger blacks and Latinos, and I would encourage us to vote against this legislation.

I thank you, Mr. President, for your indulgence.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Thank you, Mr. President. Will Senator Bruno yield?

ACTING PRESIDENT SPANO: Senator Bruno, do you yield?

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT SPANO: Senator Bruno yields.

SENATOR GOLD: First of all, Senator Bruno, I was just curious. Do you have any legislation that would consolidate school districts on Long Island, Suffolk-Nassau County, where I think everybody sort of agrees that the proliferation of districts costs much, much too much in education dollars, and we could save a

lot of money by just consolidating those district.

SENATOR BRUNO: Well, as you know, I think the Governor in the "State of the State," and the Governor has proposed over and over, we have proposed and allocated money, to study exactly what this approach is, consolidation of school services all over the state, Senator.

Do I have a bill specifically? No. But the Governor has proposed this from the "State of the State" messages. I have -

SENATOR GOLD: But we haven't passed it.

SENATOR BRUNO: -- and I hope that it hits the floor soon, we have a regionalization bill for this region that we live in that will propose the study and recommendations to consolidate services here, Senator, just as we're proposing for state government.

So, yes, I think we're being objective and fair. I don't think we're

singling out any particular group or people or geographic area. I think we're being fair in the approach that's being taken here.

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

SENATOR BRUNO: Yes. Yes, Senator.

SENATOR GOLD: Senator, when you talk about consolidation, I just want to understand one facet of it.

There is an advisory committee, for example, for black affairs. Senator, do the people who work for that advisory committee work or are they sitting around every day on their hands and not doing anything?

SENATOR BRUNO: Well, I'm not there observing what they do hour to hour or moment to moment, but I assume that people are making contributions as are required by them.

SENATOR GOLD: Well, Senator, under your legislation, I mean do you anticipate that they will now under the consolidation be working under some other agency or are we just

firing them?

SENATOR BRUNO: No, I would feel that most people would be working within another framework, another agency that would be larger than the entity that they are presently working in. What I would also anticipate is that if there is the consolidation of six entities that there might be five less offices. There might be five less power bills, telephone bills, leasing bills, cleaning bills, all of the kinds of things that it takes to maintain thousands of offices throughout the state, and many of those offices don't provide one bit of service. People, I think ought to be protected because it's people that deliver the services.

SENATOR GOLD: Senator yield to a question?

SENATOR BRUNO: Yes.

SENATOR GOLD: Senator, if you're telling me that the people are going to now, instead of being in a small agency, be part of a larger agency, where is the saving? Senator, doesn't each of those people still need their

desk? It may be a desk that you don't call the desk of the Advisory Committee on Black Affairs. But if they are now part of a larger agency, it's still a desk. They're still going to have a lamp. They are still going to have an office.

So in what you have just described, Senator, you've saved nothing. You say that you get rid of five offices and five powers and five desks, but if you're telling me that the people are now going to be only part of one total name but the people are still there, they still need their pencils, they still need the lamp lights.

So, Senator, you haven't done anything under what you've just described.

SENATOR BRUNO: Well, Senator, let me respond in part this way. Maybe you have been reading and viewing that the Governor has proposed the erection of a multi-story new office building here in Albany. Why? Why did the Governor recommend that?

The Governor recommended that

because he wants to consolidate offices. He wants to do exactly what we have described in this legislation. Now, I didn't hear you or anyone else criticizing the Governor for that proposal. He is doing exactly what we're recommending here throughout the state. Why the silence in that instance?

He says he is going to save millions of dollars. I hope he's right.

SENATOR GOLD: Will Senator yield to a question?

SENATOR BRUNO: Yes, Senator.

SENATOR GOLD: Senator, I'm not leaving the point. I want to stay with the point. Now, you put the bill out, and I'm in no hurry, Senator Bruno. I think that if you worked hard enough to come up with a 77 or 78 page proposal that I owe it to you, Senator, to take it seriously, and I'm not in any rush. So I'm going to go back again.

You said a moment ago that if you consolidated six agencies into one umbrella agency, you save five office buildings, you save

five offices, you save five powers, you save five electrics. On the other hand you say that these employees will now be retained. They are working, and these employees will be retained under the one agency.

You have to explain to me, how there is a savings, if those employees are now -- instead of the employees of six, they are employees of one but they still have their desk, and they still have their telephone and they still have their pads, et cetera, et cetera. So where is the savings?

SENATOR BRUNO: Senator, as I indicated before, I apparently am a very poor communicator, because I have been trying - Senator Leichter is nodding his head yes. I have been trying to explain the position that is represented in this legislation, and I'm not doing well at it.

SENATOR GOLD: Maybe the answer doesn't exist, Senator.

SENATOR BRUNO: Oh, no.

SENATOR GOLD: Maybe you are a

great communicator.

SENATOR BRUNO: No, it does.

SENATOR GOLD: Maybe the truthful answer doesn't exist.

SENATOR BRUNO: When you look at the list that was recommended for consolidation, if you take a look at this and you do some adding and subtracting, you come up with some very large numbers. Our estimate was by implementing this legislation, you save approximately $100 million, and you do not diminish the service that's being offered to the public here in New York State.

SENATOR GOLD: Fine. Will the Senator yield to a question?

SENATOR BRUNO: Yes.

SENATOR GOLD: Senator, I think you are a great communicator, but maybe the questions are just too broad and too fast, so I will just slow it down a little bit.

We discussed the Advisory Committee for Black Affairs. What about the Office of Hispanic Affairs. As far as you know,

Senator, are those employees sitting on their hands every day, or are they doing the work they are being paid to do?

SENATOR BRUNO: I think they are diligent and doing the work that they are being paid to do as most state employees are.

SENATOR GOLD: All right. Fine. So, Senator, they are being paid to do this work. So now you are not suggesting -- since you said that the people will not lose one service, you are not suggesting that they be fired. You are saying there is going to be some kind of agency consolidation.

SENATOR BRUNO: Yes.

SENATOR GOLD: Is that correct.

SENATOR BRUNO: Yes.

SENATOR GOLD: All right. So, Senator, if you don't fire them, you are not saving the amount of their salaries, are you?

SENATOR BRUNO: That's correct.

SENATOR GOLD: All right. Now, Senator, if you don't fire them and they now

come to work and they were used to sitting at a desk and you still have the desk, you didn't save the money on getting rid of furniture; right? You still have the desk.

SENATOR BRUNO: Well, you still have a desk if people are working -

SENATOR GOLD: Good.

SENATOR BRUNO: -- there in that facility, yes.

SENATOR GOLD: Fine. Now, Senator -- well, no matter what facility. Do you mean to tell me you take them out of that facility and you put them in a facility with no desk? Is that the way you are going do save the money? They are going to have their desk, aren't they?

SENATOR BRUNO: Well, it all depends. Maybe this calls for ingenuity, imagination, thoughtfulness, not doing business as usual. Maybe some of these people will come up with recommendations that they get rid of their desks, that they go out and see their constituents, okay, instead of sitting on

their -- whatever they sit on -- their chairs, waiting for people to come to them.

And, Senator, that is not a bad idea. Okay. And also one thing that you are - any of you are focusing on. People leave state service every day. Senator, you know that people leave state service every day. You know that, Senator.

SENATOR GOLD: Yes.

SENATOR BRUNO: They leave every day.

SENATOR GOLD: If that's a question to me, I know it. But I assume that if they are doing the work we need and if they leave, we'll hire somebody else because we want that work done.

But, Senator, you had a great idea. Maybe they ought to use their imagination and their ingenuity and not sit at the desk and go out and meet people. Then, Senator, I guess we will have to pay for their transportation or buy them a car.

Senator, how do you figure that

cost compared to the cost of their desk and their telephone?

SENATOR BRUNO: Well, I would think in New York City, for instance, they would walk if they were within four, five or six blocks. I don't think they need a car or do anything else.

SENATOR GOLD: Yes. And, Senator, all the constituents that they are dealing with within four or six blocks? In other words, the Office of Hispanic Affairs is located within four or six blocks of every Hispanic New Yorker that needs their help? Are you serious?

SENATOR BRUNO: No, I'm not. In that instance, they would need transportation, Senator.

SENATOR GOLD: Pardon me.

SENATOR BRUNO: They would need, then, transportation.

SENATOR GOLD: Yes, I would think so. But, Senator, the Martin Luther King Jr. Institute for Nonviolence, how many employees

are there there, Senator?

SENATOR BRUNO: I don't have the exact number here before me. Maybe you know. Do you know?

SENATOR GOLD: No, I mean I didn't put them in. I figured when you put them in to disband them, you must have known how many employees you were getting rid of. You must have known how many desks you were getting rid of. Let me ask you. How many people are involved in that?

SENATOR BRUNO: The assistants that helped put this together have the numbers in their worksheets, I'm sure. I wouldn't find them if they are in the bill. They are in the worksheets, Senator.

But please don't overlook what I am saying. People leave state government every day. Thousands and thousands of people leave. You don't have to fire anyone. You don't have to lay anybody off.

As people leave, you consolidate their services. There are offices that have

people in them that are not working eight hours a day feverishly. They might have calls and requirements that might take less than eight hours, less than the time that they are there. When they leave, their duties are taken over by someone else, and their jobs are not replaced.

SENATOR GOLD: Well, Senator, if you'll yield for a question. It may -

(Whereupon, Lt. Governor Lundine was in the chair.)

THE PRESIDENT: Senator Cook.

SENATOR COOK: Will the Senator yield for just a moment?

SENATOR BRUNO: Yes.

SENATOR COOK: I think that an example, Senator, of what the Senator is trying to get at is before us, because I notice that the Lieutenant Governor and Senator Oppenheimer are sharing a chair. Now this is precisely what we're envisioning is going to happen when this legislation is passed.

SENATOR BRUNO: That's very good. That's very efficient. Thank you, Charles.

SENATOR GOLD: I notice, Senator -- I notice, Senator, that we -- if that's a suggestion for the house, Senator Rath has said, No matter what you guys say, she wants her own chair. At any rate.

Senator, let me go back. You're saying, Senator, that there are people out there who, quotes, may not be working eight hours and, therefore, we can consolidate if they leave.

Senator, I think it's insulting to suggest that it's the Black Affairs, Hispanic Affairs, Women, Martin Luther King, that those are the people where you are going to find all these lazy bums working in state government. Senator, these people deserve more than that. I'm sure you didn't mean that.

At any rate, let me continue. You also have, if I'm reading your memo properly -- you want to eliminate the Consumer Protection Board and put it in the State Attorney General's Office. When you make that transfer, Senator, are you going to transfer all those employees from the Consumer Protection

Board and now make them employees of the State Attorney General's Office.

SENATOR BRUNO: Probably not. The positions would be reviewed as they were consolidated. Those that were duplications would be eliminated either by transferring people into other places where they were needed or through attrition. Attrition, Senator.

SENATOR GOLD: Senator, that word attrition is a convenient word, but right now you have people that are working. Are you telling us that there are people at the Consumer Protection Board that are not doing the consumers' work, that we don't need them? Is that part of your philosophy?

SENATOR BRUNO: I'm saying that some of the services they provide are also provided through the Attorney General's Office, or could be, and that represents duplication, excessive cost to the taxpayers, and the kind of thing we have to eliminate.

SENATOR GOLD: Senator, if they are doing similar work, but they're doing

different work on different issues with different people then that -- whether you call it one group or another or a consolidated group, those people are still there doing work, isn't that true, Senator Bruno?

SENATOR BRUNO: Yes, they are.

SENATOR GOLD: Senator, will you turn to page 57 of your bill.

SENATOR BRUNO: 57?

SENATOR GOLD: Yes. You got 79 pages. I assume we're allowed to discuss them. On page 57, line 26, it says, "Any cable television company may initiate a civil proceeding within the appropriate courts of the state to collect any rates, charges, or fees duly imposed in accordance with applicable law."

Senator, giving cable companies the right to go into court and sue, what does that have to do with consolidation of agencies?

SENATOR BRUNO: This simply transfers existing law into the Public Service Law if this consolidation takes place. This is not new. This is present law being transferred.

SENATOR GOLD: Senator, out of the 79 pages, how many of the pages are present law where sections are being transferred.

SENATOR BRUNO: Well, as you look through this bill, you will see that a lot what is indicated is present law. This bill which is 80 pages -

SENATOR GOLD: 79 pages.

SENATOR BRUNO: -- 79 pages is not all new language, and you can see that by flipping the pages.

SENATOR GOLD: Well, Senator, the only thing I can see from flipping the pages, page 45, 44, it's all underlined as new language. Page 46, 47, all underlined, 48, 49. I don't know what you are talking about, Senator. Most of what I see is underlined as new language.

Now, I'm only asking you, is it really knew language, or is it just language that's being replaced from one section to another.

SENATOR BRUNO: It's language in

many instances being replaced from one section to another.

SENATOR GOLD: Mr. President. On the bill.

I think Senator Waldon made some really excellent points. I mean it's got to be embarrassing to come out here and say that there are mythical accountants and hidden experts and hidden staff people who say that if we do this we're going to save $100 million.

Since, Senator Bruno, it will never be a law, we can't prove it one way or the other. But when you start to take it apart and you take what you say, Senator Bruno, that you are not going in here with mass firings; that, well, if there is an attrition system and if, in fact, someone doesn't have to be replaced, we can save something, that's not $100 million, Senator.

When you eliminate six groups or agencies and say that they will now all be there but they will be under one agency and the desks are going to be there and the telephones are

going to be there, and the papers are going to be there, you are not saving a penny no less $100 million.

Senator, I think that in many ways the bill is insulting. It is insulting because aside from the Consumer Protection Board, which obviously deals with the public and their problems, the Cable Television Commission which obviously was set up to protect consumers and deal with that, you eliminate that. The Human Rights Division, I mean these are all people services, Senator. They are all people services.

And then when it comes to the group that was referred to by Senator Mendez, Black Affairs, Hispanic Affairs, Women, Volunteers, Martin Luther King. The bill has a flavor which is insulting to many of the people here and to their constituencies, and I think that is almost enough reason to oppose the bill.

SENATOR LEICHTER: Mr. President.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Yes. Mr.

President. I think that Senators Mendez, Gold, and Waldon have pointed out certainly what really underlies this bill, which is part of the Republican philosophy of certain groups that they ignore, that they don't care for, and so on. And to say that the purpose of this bill is cost-saving I think is to claim something for the bill that's really not its purpose.

If you really look at this bill what you find is to a large part it's a patronage grab. It's a patronage grab, because what this bill does is to change the Civil Service Commission and to give, in effect, an appointment to the Majority Leader and the Speaker, and then to require that certain actions of the Civil Service Commission must be done unanimously. So it's an effort to give the Republicans in the Senate a veto power over a lot of hiring in the State of New York.

Cost saving, trying to help the taxpayers, trying to reduce waste in government? Humbug.

Senator Bruno, this is, one, to

get rid of groups that the Republican Party has never cared about -- African-Americans, Women, people who are disadvantaged, Latinos, and it's an effort to grab jobs. That's what this bill is about. And the idea of saying we're going to have savings of $100 million. Where are these savings? Well, there's a staff person, and he has that somewhere in his desk.

Although after of the suggestion that was made here about desks it may be that the next bill we're going to see by Senator Bruno is a bill eliminating all desks in state government to save money.

Do you know what the biggest waste is. Let me tell you what really costs the taxpayers, a 79-page bill that's an one-house bill, that is not an honest bill, that has as its effort and aim, as I said, to give the Republican Party control over state hiring and firings and classifications. That's what is a waste.

Mr. President. This bill really does not deserve to be here at any time but

certainly not on July 1 when we are told we're going to try to get out. What are we doing with this bill here on July 1 or at at any time.

THE PRESIDENT: Senator Markowitz.

SENATOR MARKOWITZ: Thank you very, very much. I know Senator Bruno enjoys this debate enormously. I know whenever questions are asked of you, Senator Bruno, my neighbor, I know that you really, really enjoy these conversations, and I notice your enthusiasm in knowing the kind of reaction that will be coming from us.

By the way, I'm happy that Senator Pataki is here, too, because I'm eager to hear how he feels about the elimination of some of these agencies, and I know that many New York residents might be very interested as well. That is an important bill, especially for that particular member of the Senate.

Let me just say that the reason why these agencies were created in my opinion, especially those of African-American Affairs and

Latino Affairs, was due to the fact, Senator Bruno -- due to the fact that when they originated as part of larger agencies, the priorities of those larger agencies pretty much stifled the interests that these smaller agencies were created to serve; because what happens when they are put into larger agencies and the agencies have to shuffle down in terms of size, the majority interests of those agencies take priority; and, therefore, those that are serving in this case African-American, Latino, et cetera, their concerns will be minimized, and that's something that we shouldn't forget.

They were created because the truth of the matter is, Senator, regrettably, in our society that African-Americans and Latinos still disportionately in poverty, still disportionately struggling, and still lingering in this state of racism, and that's true. Until every ethnic in this society and in New York State can truly say that they are 100 percent part of the mainstream of society and enjoy all

the benefits that all of us aspire for, then perhaps, I hope my lifetime, that we won't need these specific agencies to look after the needs of these major groups of New York residents.

So I'm very concerned about that, Senator Bruno, even though he is not in the chamber right now. Hopefully he is in the member room. He can hear me in between his cup of coffee or tea or soda.

But let me also add, if I may, Senator Bruno, that this is a classic -- what we're discussing here this evening is a classic struggle between Republicans and Democrats, to a large degree, and basically what he is suggesting, Senator Bruno, is that perhaps government ought to emulating businesses more, slash, cut, slash, consolidate, cut, slash.

Well, I argue, Senator Bruno, that you can't run government as a business. The Republicans, many of you believe that we ought to run government as a business. I disagree; because if I don't want to buy a General Electric bulb, I have a choice to buy a

Westinghouse bulb. If I don't want to buy Kodak film, I can buy Fuji film or vice versa, whatever it may be. That's the consumer marketplace. But in government, the people in government that need our help have us to turn to. We can't turn people away, and we shouldn't turn people away.

Government must be there to provide a helping hand, even if we don't turn a profit, because that's not the objective of government to turn a profit. And in this case, the consolidations that Senator Bruno has brought to our attention and the ways that it's been outlined here in the agencies that it impacts, it doesn't surprise me, Senator. It doesn't surprise me.

Those agencies that are impacted, the people to a large degree those in greatest in need in our society are the ones that, quotes, will be consolidated out.

And so I would hope that this bill will fly after it leaves here a very short life, only past these doors and somehow will not

make it over to the other side and certainly not down to the second floor, that's for sure. But I hope that my colleagues will join us in opposing this.

And let me just say, Senator Bruno, that nobody is arguing that some consolidations -- certainly -- listen, none of us would say that where there are true duplications, and I mean this most sincerely, especially in some of the other agencies outlying, other than the ones impacting African-Americans, Latinos and Women groups, certainly if there are agencies that can be consolidated, where we can maximize productivity and not minimize services, I'm sure that all of us would be eager to hear and be eager to work with you, Senator Bruno, or with our Governor, certainly, in that goal. It's a laudable goal.

But the way you are approaching it here in this particular bill, regrettably, Senator, I'm sorry I hope we defeat it.

And, by the way, Senator Pataki, I hope you join us in this because I know that

residents of New York, African-Americans, Latinos, and Women will also be interested in your votes as well.

Thank you.

THE PRESIDENT: Last section.

SENATOR MONTGOMERY: Mr. President.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I just rise as one of the sponsors of the Martin Luther King Commission to particularly object to this legislation, and I think that the disturbing aspect of that proposal to me, at least part of it, is that a few weeks ago, about a month ago, there was a community school board member from the borough of Queens, the county of Queens, I believe, who stood up and said that we should remove books about Martin Luther King Jr. from the school and the school libraries, and that gentleman apparently is still advocating such a move, to the shame I think of all of us in this room. I

was shocked and saddened by that statement.

And I think that what is happening here is Senator Bruno's legislation, I guess, which ultimately intends to consolidate to save money, I would suppose that's the point of Senator Bruno's legislation, it eliminates, in fact, some extremely important agencies that represent very important things.

The Martin Luther King Commission, Senator Bruno, was established as a vehicle to teach nonviolent conflict resolution, especially to young people in the State of New York, and it has done that quite successfully.

In addition to that, the Martin Luther King Commission sponsors each year a number of students in what is called the Ella Baker Institute who participate in a training session, a leadership training session, who have an opportunity to visit and work with people who are in the Martin Luther King Institute for non violence in Atlanta, Georgia, and who also have an opportunity to visit colleges in the South and be introduced to people who they would

otherwise not have an opportunity to meet. It is a very important leadership training for young, particularly minority youngsters, and the commission works with students around the state, both minority and non-minority as the State's own voice to teach peaceful coexistence with each other, among ourselves, and so I am sure, Senator Bruno, you don't want to or intend to eliminate such an important state agency, and I'm sure that Senator Bruno does not want to stand in the same light as the school board member from Queens who I think represents the worst of people in New York State; and that is, people who allow their prejudices their bigotry, their ignorance, to become part of their projection of who they are and what they are, especially as it relates to those of us who are in leadership positions.

So, Senator Bruno, I hope that you would consider amending your legislation so that you remove those aspects which, in any way, send a message that you want to join forces who would say that the essence and the life of

Martin Luther King, Jr., in particular -- as well as some of the other agencies, but in that one in particular, have no meaning because I think you want to support what they represent as well as anyone else.

Thank you, Mr. President.

THE PRESIDENT: Senator Espada.

SENATOR ESPADA: Thank you. Would the sponsor yield to a very quick question?

SENATOR BRUNO: Yes.

SENATOR ESPADA: Senator Bruno, it's clear that most of the conversation that took place before this on -- I will see if I can find it, essentially page 33 to 46, I personally share your views of making government more efficient, promoting this fairly actively. You say six lines, and you remove -- you indicate that perhaps we misunderstood.

Let us remove that misunderstanding. Let us consider the lines 36 through 52 as essentially putting all of these proper names, for all the others because this

particular 46 to 52 seeks to eliminate nation
ality, national origin, and attempts to hold
responsible and essentially to eliminate in what
seems to be obviously the overriding concern,
and that seems to be a deletion of those lines,
why, then we can move on, as it were.

SENATOR BRUNO: Senator and
colleagues, with the approach that this bill in
its present form wants to go, and it was put
together at great effort, not in a cavalier way
but very sincerely to create the debate that we
have here today. There are differences of
opinion in this room on what would be the best
way to approach consolidation and the cost
savings that all of us would like to achieve
without giving up services and responsiveness.

There are people in this chamber
that would draft this legislation differently.
They weren't conferred with; they didn't have
input, so as we progress along, I would like to
see this bill pass in its present form because
it's the bill that we have before us. As we
move forward to accomplish the objectives that

are represented here, yes, I am, and the others are open to discussion and conversation so that if there's any proof that particular people are going to lose services that are critical to their quality of life, well, yes, we don't want that to happen.

Thank you.

THE PRESIDENT: Last section.

SENATOR STACHOWSKI: Slow roll call.

THE PRESIDENT: Slow roll call is requested.

THE SECRETARY: Section 182. This act shall take effect on April 1, 1995.

THE PRESIDENT: Evidently a sufficient number of Senators have requested a slow roll call. Secretary will call the roll.

SENATOR STAFFORD: Mr. President.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: I'm going to interrupt, and I apologize. Could I please announce an immediate meeting of the Committee

on Finance in Room 332. Thank you.

THE PRESIDENT: Finance Committee meeting immediately in Room 332. The appropriate notices will go forth to the Senators that there is a slow roll call.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Could I have my name called out of order?

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: Aye.

THE SECRETARY: Senator Jones.

SENATOR JONES: Aye.

THE SECRETARY: Senator Smith. Senator Smith, you going to Finance?

Senator Daly.

SENATOR DALY: Yes.

THE SECRETARY: Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Trunzo.
SENATOR TRUNZO: Yes.
THE SECRETARY: Senator Mendez.
SENATOR MENDEZ: No.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Aye.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: Aye.
THE SECRETARY: Senator Gold.
SENATOR GOLD: No.
THE SECRETARY: Senator Connor.
SENATOR CONNOR: No.
THE SECRETARY: Senator Nanula.
SENATOR NANULA: No.
THE PRESIDENT: The Chair will indicate that we are now asking for the Senators who are on the Finance Committee to vote so that they can go and attend their Finance Committee meeting. Are there other Senators on the Finance Committee who wish to vote?
THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Aye.
THE SECRETARY: Senator Levy.
SENATOR LEVY: Aye.
THE SECRETARY: Senator Stachowski.
SENATOR STACHOWSKI: No.
THE SECRETARY: Senator Montgomery.
SENATOR MONTGOMERY: No.
THE SECRETARY: And Senator Leichter.
SENATOR LEICHTER: No.
THE SECRETARY: Senator Padavan.
SENATOR PADAVAN: Aye.
THE SECRETARY: Senator Bruno.
SENATOR BRUNO: Aye.
THE SECRETARY: Senator Farley.
SENATOR FARLEY: Aye.
THE SECRETARY: Senator Velella.
SENATOR VELELLA: Aye.
THE SECRETARY: Senator Babbush.
(There was no response.)
THE SECRETARY: Senator Present.

SENATOR PRESENT: Aye.
THE SECRETARY: Senator Galiber.
SENATOR GALIBER: No.
THE SECRETARY: Senator Babbush.
(There was no response.)
THE SECRETARY: Senator Cook.
SENATOR COOK: Yes.
SENATOR KUHL: Now alphabetical order, Secretary.
THE SECRETARY: Senator Bruno voting in the affirmative. Senator Connor voting in the negative.
Senator Cook.
SENATOR COOK: Yes.
THE SECRETARY: Aye.
Senator Daly voting in the affirmative.
Senator DeFrancisco.
SENATOR DeFRANCISCO: Yes.
THE SECRETARY: Senator DiCarlo.
SENATOR DiCARLO: Aye.
THE SECRETARY: Senator Dollinger.

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

THE PRESIDENT: Senator Dollinger is recognized to explain his vote.

SENATOR DOLLINGER: Mr. President. I will vote in the negative. I think that this bill moves away from New York's longstanding policy of -

THE PRESIDENT: There will be order in the chamber.

Senator Dollinger.

SENATOR DOLLINGER: I think this bill moves away from New York's longstanding policy of greater inclusion and moves in the wrong direction by excluding specific agencies and specific parts of agencies that directly address the problems of specific and substantial constituencies in this state.

This bill, while the sponsor may think it's going in the right direction, is going in the wrong one.

THE PRESIDENT: How do you vote.

SENATOR DOLLINGER: Negative. In

the negative.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: No.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: No.

THE SECRETARY: Senator Farley aye. Senator Galiber no. Senator Gold no. Senator Gonzalez.

SENATOR GONZALEZ: No.

THE SECRETARY: Senator Goodman.

(There was no response.)

Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hoffmann aye. Senator Holland.

SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson aye. Senator Jones aye. Senator Kruger.

(There was no response.)

Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

(There was no response.)

Senator LaValle aye. Senator Leichter no. Senator Levy aye. Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marchi aye. Senator Marino.

SENATOR MARINO: (Indicating "Aye.")

THE SECRETARY: Aye. Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Mendez no. Senator Montgomery no. Senator Nanula no. Senator Nolan.

(There was no response.)

Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator

Ohrenstein.

SENATOR OHRENSTEIN: (Indicating "No.")

THE SECRETARY: No. Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator Oppenheimer no. Senator Padavan aye.

Senator Pataki.

(There was no response.)

Senator Paterson.

SENATOR PATERSON: Mr. President.

THE PRESIDENT: Senator Paterson is recognized to explain his vote.

SENATOR PATERSON: Mr. President. I'm going to vote against this bill because I feel that it actually undermines and dismantles the whole purpose of many agencies that have been formulated in this state to provide greater assistance and to provide what would in a sense be a liaison between communities that have been afflicted with issues

such as poor housing and substance abuse and high unemployment.

They have low voter registrations. These are neighborhoods that have not been shown in the past that government has a great interest in their survival; and therefore, by having these special avenues with which government can reach these particular constituencies, we in the state have allowed ourselves to have a better opportunity to serve them.

Economically, it is not the greatest impact on our budget to have these agencies. What we get back is far more than what we spend. We would certainly never close down any of our correctional facilities because it would be good for our budget because we would then be allowing prisoners on the streets of our cities and our counties in the state. And, likewise, to consolidate these offices would be to deny them the uniqueness and rare opportunity that they have to serve previously ignored constituencies such as they have. For that

reason, I'm going to vote against this legislation.

Thank you, Mr. President.

THE SECRETARY: Senator Goodman.

SENATOR GOODMAN: Aye.

THE SECRETARY: Senator Present aye. Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Aye.

THE SECRETARY: Senator Santiago.

(There was no response.)

Senator Sears.

SENATOR SEARS: Aye.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Yes.

THE SECRETARY: Senator Skelos aye. Senator Smith.

SENATOR SMITH: No.

THE SECRETARY: Senator Solomon.

SENATOR SOLOMON: No.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski no. Senator Stafford aye. Senator Stavisky.

SENATOR STAVISKY: No.

THE SECRETARY: Senator Trunzo aye. Senator Tully aye. Senator Velella aye. Senator Volker, excused. Senator Waldon.

(There was no response.)

Senator Wright.

SENATOR WRIGHT: Aye.

THE PRESIDENT: Call the absentees.

THE SECRETARY: Senator Babbush.

(There was no response.)

Senator Kruger.

SENATOR KRUGER: No.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator Nolan.

(There was no response.)

Senator Pataki.

SENATOR PATAKI: No.

THE SECRETARY: Senator Santiago.
(There was no response.)
Senator Waldon.
(There was no response.)
THE PRESIDENT: Secretary will report the results.
THE SECRETARY: Ayes 35. Nays 21.
THE PRESIDENT: The bill is passed.
SENATOR KUHL: Mr. President.
THE PRESIDENT: Senator Kuhl.
SENATOR KUHL: Yes. We would like to move away from the active list number 1 and go to active list number 2 and have the Secretary call that on noncontroversial basis.
Now, you will note that the first five bills on that active list are on the first calendar. The rest of the bills are on Supplemental Calendar Number 1. So we will be using two calendars on the second active list ask the Secretary to call it noncontroversial.
THE SECRETARY: On page 9 of the

regular calendar, Calendar Number 492, by Member of the Assembly Feldman, Assembly Bill Number 9115A, an act to amend the Real Property Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: On page 27 of the regular calendar, Calendar Number 1381, by the Senate Committee on Rules, Senate Bill Number 8679, an act to amend the General City Law.

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

Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: On page 28 of the regular calendar, Calendar Number 1397, by Senator Johnson, Senate Bill Number 8020A, an act to amend the Education Law.

SENATOR ONORATO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: 1461 is a high bill.

Calendar Number 1468, on page 29, by Senator Spano, Senate Bill Number 8748, an act to amend the Retirement and Social Security Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Now, going to Supplemental Calendar Number 1, Calendar Number 1535. Senator Onorato moves to discharge the Committee on Judiciary from Assembly Bill Number 573 and substitute it for the identical Third Reading 1535, an act to amend the Family Court Act.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1536. Senator Montgomery moves to discharge the Committee on Rules from Assembly Bill Number 2876A and substitute it for the identical Third

Reading 1536, authorizing the City of New York to reconvey its interest in certain real property.

THE PRESIDENT: Substitution ordered. There is a home rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1537. Senator Volker moves to discharge the Committee on Rules from Assembly Bill Number 6891A and substitute it for the identical Third Reading 1537, an act to amend the civil practice law and rules.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1538, by Senator Padavan, Senate Bill Number 5838, an act to amend the General Municipal Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

Senator Waldon.

SENATOR WALDON: Mr. President. Due to compelling legislative business out of the chamber when 1420 passed, I was not here. I

wish the record to not had I been here, I would have voted in the negative.

SENATOR KUHL: No objection.

THE PRESIDENT: Without objection.

SENATOR WALDON: Thank you, Senator Kuhl.

And also on the 29th, the same situation occurred, and had I been present, I would have been recorded or wished to have been recorded at that time in the negative on 715, 1106, 1290, 1365, 1383 and 1408.

Thank you very much, Mr. President.

THE PRESIDENT: The record will so indicate.

SENATOR WALDON: Oh, I'm sorry. Mr. President. I stand corrected. I was in error regarding the numerical designation. It was 1517.

THE PRESIDENT: That was the bill you asked for unanimous consent.

SENATOR WALDON: That's correct.

THE PRESIDENT: So ordered.

SENATOR WALDON: Thank you.

THE SECRETARY: Calendar Number 1540, by Senator Marchi, Senate Bill Number 6026B, an act to amend the Navigation Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1541. Senator Nolan moves to discharge the Committee on Rules from Assembly Bill Number 9030A and substitute it for the identical Third Reading 1541, by Assemblyman Canestrari, city charter of the city of Cohoes.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1542. Senator Velella moves to discharge the Committee on Rules from Assembly Bill Number 9056 and substitute it for the identical Third Reading 1542 an act to amend the Judiciary Law.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: 1543. Senator

Maltese moves to discharge the Committee on Rules from Assembly Bill Number 9076 and substitute it for the identical Third Reading 1543, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1545. Senator Maltese moves to discharge the Committee on Transportation from Assembly Bill Number 5110 and substitute it for the identical Third Reading 1545, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1546, by Senator Present, Senate Bill Number 7014, an act to amend the General Municipal Law.

SENATOR ONORATO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1547. Senator Rath moves to discharge the Committee on Rules from Assembly Bill Number 10298 and substitute it for the identical Third Reading 1547 authorizing the Town of Batavia to establish the development felicitation improvement district.

THE PRESIDENT: There is a home rule message at the desk. Substitution is

ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1548. Senator Larkin moves to discharge the Committee on Rules from Assembly Bill Number 10327A and substitute it for the identical Third Reading 1548, an act to amend the Real Property Tax Law.

THE PRESIDENT: Substitution ordered. Last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1549. Senator DeFrancisco moves to discharge the Committee on Rules from Assembly Bill Number 8886A and substitute it for the identical Third Reading 1549.

SENATOR ONORATO: Lay it aside.

THE PRESIDENT: Substitution ordered. The bill is laid aside.

THE SECRETARY: Calendar Number 1550, by the Committee on Rules, Senate Bill Number 7965, an act to amend the Tax Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1551, by Senator Pataki, Senate Bill Number

7988, an act to amend the Criminal Procedure Law.

SENATOR ONORATO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1552, by Senator Kuhl, Senate Bill Number 8150A, an act to amend the Private Housing Finance -

SENATOR KUHL: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1553. Senator DeFrancisco moves to discharge the Committee on Rules from Assembly Bill Number 376A and substitute it for the identical Calendar Number 1553, an act to amend the Correction Law.

THE PRESIDENT: Substitution ordered.

Secretary will read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1554, by Senator Sears, Senate Bill Number 8297A, an act to amend the County Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1555. Senator Trunzo moves to discharge the Committee on Rules from Assembly Bill Number 10818 and substitute it for the identical Third Reading 1555 to repeal Section 177B of the Retirement and Social Security Law.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1556, by Senator Tully, Senate Bill Number 8394B, an act to amend the Public Health Law.

SENATOR DOLLINGER: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1557. Senator DiCarlo moves to discharge the Committee on Rules from Assembly Bill Number 11657 and substitute it for the identical Third Reading 1557, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Substitution

ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1558, by Senator Nozzolio, Senate Bill Number 8488, an act to amend the Public Authorities Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1559. Senator Johnson moves to discharge the Committee on Rules from Assembly Bill Number 11802 and substitute it for the identical Third Reading 1559, New York State Medical Care Facilities Finance Agency Act.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59. Nays 1. Senator Stavisky recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1560. Senator Marchi moves to discharge the Committee on Rules from Assembly Bill Number 11795, and substitute it for the identical Third Reading 1560, City of New York to reconvey its interest in certain real property.

THE PRESIDENT: Substitution

ordered. There is a home rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1561. Senator Saland moves to discharge the Committee on Rules from Assembly Bill Number 12068 and substitute it for the identical Third Reading 1561 amends Chapter 524 of the Laws of 1987.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1563. Senator LaValle moves to discharge the Committee on Rules from Assembly Bill Number 9341 and substitute it for the identical Third Reading 1563. The Senate bill is high. The Assembly bill is not high. An act to amend the Education Law.

THE PRESIDENT: Substitution ordered.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

SENATOR ONORATO: Would you mind laying 1563 aside, please?

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1564, by Senator Volker, Senate Bill Number

8821, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

SENATOR ONORATO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1565, by the Senate Committee on Rules, Senate Bill Number 8822, an act to amend the State Finance Law.

SENATOR ONORATO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1566, by Senator Padavan, Senate Bill Number 8823, an act to amend the Education Law.

SENATOR ONORATO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar number 1567, by Senator Skelos, Senate Bill Number 8829, an act to amend the Education Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

SENATOR ONORATO: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1568. Senator LaValle moves to discharge the Committee on Rules from Assembly Bill Number 10926A and substitute it for the identical Calendar Number 1568. The Senate bill is high. The Assembly bill is not high. An act to amend the Education Law.

THE PRESIDENT: The substitution is ordered.

SENATOR KUHL: Lay the bill

aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1570, by Senator Connor, Senate Bill Number 5521A, authorizing the City of New York to reconvey its interest in certain real property.

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

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is passed.

That completes action on the noncontroversial calendar.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I request unanimous consent to be recorded in the negative on Calendar Number 1351.

THE PRESIDENT: Without objection, so ordered.

SENATOR KUHL: I understand there is housekeeping to be done at the desk. Can we return to motion and resolutions.

THE PRESIDENT: Secretary will read.

THE SECRETARY: On page 24 of the regular calendar, Senator Holland moves to discharge the Committee on Rules from Assembly Bill Number 12128 and substitute it for the identical Calendar Number 1227. The Senate bill is high. The Assembly bill is not high.

THE PRESIDENT: Substitution ordered.

Senator Nozzolio.

SENATOR NOZZOLIO: On behalf of Senator Wright, on page 11, I offer the following amendments to Calendar Number 591, Senate Bill Number 6120B.

THE PRESIDENT: Amendments received.

Senator Nozzolio.

SENATOR NOZZOLIO: Motion to amend a bill recalled from the Assembly. Mr. President. I wish to call up my bill, Number 7174A, recalled from the Assembly, which is now at the desk.

THE SECRETARY: By Senator Johnson, Senate Bill Number 7174A, an act to amend the Environmental Conservation Law.

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

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

THE PRESIDENT: The bill is before the house.

Senator Nozzolio.

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

THE PRESIDENT: Amendments

received.

Senator Kuhl.

SENATOR KUHL: May we now return to reports of standing committees.

THE PRESIDENT: Secretary will read.

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

Senate Bill Number 4603A, by Senator Gonzalez, the City of New York to reconvey its interest in certain real property.

4874B, by Senator Tully, an act to amend the Real Property Tax Law.

5979A, by Senator Saland, an act to amend the Tax Law and the Labor Law.

6493A, by Senator Padavan, an act to amend the General City Law.

7958, by Senator Nolan, reopening of the optional 20 year retirement plan to Joseph N. Tory.

7961A, by Senator Saland, an act to amend the Election Law.

8168A, by Senator Tully, an act to amend the Public Health Law.

8213B, by Senator Lack, an act to amend the Insurance Law.

8422A, by Senator Velella, amends Chapter 696 of the Laws of 1887.

8433A, by Senator Velella, an act to amend the Insurance Law.

8591A, by Senator Trunzo, Civil Service Law.

8635, by Senator Stavisky, City of New York to reconvey its interest in certain real property.

8702, by Senator DeFrancisco, in relation to fire protection in the Village of Liverpool.

8726, by Senator Levy, an act to amend the Transportation Law.

8734, by the Committee on Rules, amends Chapter of the Laws of 1994.

8738, by Senator Tully, an act to amend the Insurance Law.

8745, by the Committee on Rules,

amends Chapter 661 of the Laws of 1988, amending the Correction Law, reported with amendments.

8750, by Senator Maltese, to authorize Edward Kneafsy to purchase retirement service credit.

8757, by Senator Skelos, Real Property Tax Law.

8761, by Senator Saland, in relation to validating certain zoning ordinances.

8763, by Senator Saland, Public Authorities Law.

8766, by Senator Bruno, an act to amend the Tax Law.

8776, by Senator Bruno, authorizing the city of Troy to issue serial bonds.

8779, by the Committee on Rules, allowing certain persons in the New York State local employee retirement system.

8780A, by Senator Goodman, Real Property Tax Law.

8180A, by Senator Lack, proposing

an amendment to the Constitution.

8868, by Senator Lack, proposing an amendment to the Constitution.

8869, by Senator Lack, proposing an amendment to the Constitution.

8870, by Senator Lack, proposing an amendment to the Constitution.

And 8372B, by Senator Skelos, an act to amend the Insurance Law.

All bills reported directly for third reading.

THE PRESIDENT: Third Reading.

Secretary will read.

THE SECRETARY: On page 12 of today's calendar, Senator Levy moves to discharge the Committee on Rules from Assembly Bill Number 7151 and substitute it for the identical Third Reading 644.

THE PRESIDENT: Substitution ordered.

SENATOR KUHL: Mr. President.

THE PRESIDENT: Senator Kuhl.

SENATOR KUHL: Could we now stand

at ease and await the report of the standing committee, reports of Finance Committee.

THE PRESIDENT: Senate will stand at ease.

(Whereupon, at 7:54 p.m., Senate was at ease.)

ACTING PRESIDENT MALTESE: Senator Goodman.

SENATOR GOODMAN: I want to be please be recorded in the negative on Calendar Number 1491.

ACTING PRESIDENT MALTESE: Without objection.

SENATOR GOODMAN: Thank you, Mr. President.

(The Senate continued at ease.)

ACTING PRESIDENT SKELOS: Senator Levy.

SENATOR LEVY: Mr. President. There will be a meeting of the Transportation Committee at 9:00 in Room 124.

ACTING PRESIDENT SKELOS: Transportation Committee at 9:00 in Room 124.

ACTING PRESIDENT SKELOS: Senator Levy.

SENATOR LEVY: Mr. President, like to announce a meeting of the Transportation Committee in Room 124 at 9:00 o'clock this evening to consider the nomination of John Dyson to the Metropolitan Transportation Authority Board.

SENATOR GOLD: Well, hold on. Was Senator Oppenheimer apprised of this meeting, as the ranking member of the committee?

SENATOR LEVY: My recollection is we told her we were going to have a hearing later on tonight, and that we would be getting the paperwork around to the committee members as we have been doing it all day.

SENATOR GOLD: Yeah. Well, than will the Senator yield to a question?

SENATOR LEVY: Yeah, sure.

SENATOR GOLD: I'll take Senator Oppenheimer against any five of you guys, but that's not the issue. There are people who are assigned to a committee and, if you're having a

hearing on nominees and these people are appearing, the members of the committee are entitled to be at the meeting.

SENATOR LEVY: But they have been notified, Senator.

SENATOR GOLD: That's what I asked you, were they notified before they went out to dinner that you were going to call a 9:00 o'clock meeting? Now, that's an easy one.

SENATOR LEVY: May not be so easy because I don't know when some of the members went out to dinner, Senator.

SENATOR GOLD: Then they were sent by your Majority Leader.

SENATOR LEVY: Senator Gold, there were notices delivered to all of the members of the committee setting forth the bio's, the nomination from the Governor, and the time of the meeting and it went to every member of the committee. Now -

SENATOR GOLD: Then, are you telling me then, on the record, that each of the members of the committee -

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

SENATOR PRESENT: I think this discussion maybe can be carried out between Senator Levy and Senator Gold. We don't need this here. The Senate is in recess until 10:30.

ACTING PRESIDENT SKELOS: The Senate stands in recess until 10:30.

(Whereupon at 9:03 p.m., the Senate recessed.)

....at 11:23 p.m.....

THE PRESIDENT: The Senate will come to order. The Secretary will read.

Senator Present.

SENATOR PRESENT: Mr. President, can we do the necessary housekeeping here first?

THE PRESIDENT: Yes, sir. That's what we're about to do.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator DiCarlo, I wish to call up his bill, Print Number 6379-A, which was recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator DiCarlo, Senate Bill Number 6379-A, an act to amend the Penal Law, in relation to the sale of controlled substances on school grounds.

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

bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

SENATOR FARLEY: I now offer the following amendments.

Mr. President, on behalf of Senator Bruno, I wish to call up his bill, Senate Print 7162 -

THE PRESIDENT: The Secretary will read.

SENATOR FARLEY: -- which was recalled from the Assembly which is now at the desk.

THE SECRETARY: By Senator Bruno, Senate Bill Number 7162, an act to amend the Public Authorities Law.

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

THE PRESIDENT: Call the roll on

reconsideration.

(The Secretary called the roll on reconsideration.)

SENATOR FARLEY: I offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FARLEY: On behalf of myself, Senator Farley, Mr. President, I wish to call up my bill, Senate Print 8588, recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Farley, Senate Bill Number 8588, an act to amend the Public Housing Law.

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

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

SENATOR FARLEY: I offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FARLEY: On behalf of Senator Johnson, I wish to call up his bill, Print Number 7172, which was recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Johnson, Senate Bill Number 7172, an act to amend the Environmental Conservation Law.

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

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

SENATOR FARLEY: I now offer the

following amendments.

THE PRESIDENT: The amendments are received.

Senator Present, do you have a committee report from -

SENATOR PRESENT: No, you have the committee report, Mr. President, and I ask that it be read.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Commissioner of Environmental Conservation, J. Langdon Marsh of Albany.

THE PRESIDENT: At this point, I would like to request that there be order in the chamber. The question occurs on the confirmation of the nominee. All those in favor say aye.

(Response of "Aye".)

Contrary, nay.

(There was no response.)

Senator Maltese.

SENATOR MALTESE: Excuse me.

THE PRESIDENT: Once again, the question occurs on the confirmation of the nominee, Langdon -

SENATOR GOLD: Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: Mr. President, I think even in view of the late hour that there should be something said, if for no other reason than it is really a delight when we have somebody who is not picked out of nowhere and we have somebody who is being elevated to the rank of commissioner who we can actually say literally has spent a great part of his life involved with this very subject matter and in the department.

From 1983 to the present, the executive deputy commissioner is not exactly a newcomer to the field, and while he is hampered by a Harvard education, the fact is that everybody -- everybody who spoke at the committee meeting today who had dealings with

our new commissioner was very excited about the concept of the gentleman taking over the top job.

Commissioner Marsh has really earned this and it's nice once in a while to get a feeling that somebody can work in the vineyards day after day and after dealing with people for 16, 17 years, people still like him and respect him, and now when the time comes to be elevated, people do it with smiles on their face and not in a begrudging way. I thought his answers in the Finance Committee were excellent and while I have been the first one to kid the department on its memos, particularly these one word memos that mean nothing, we have been assured that we are going into a new world of expanded intellect from the department in its lobbying effort, but I express, I think, the sentiment of the members on this side to say that we are very proud of the Governor for this nomination, and we wish the commissioner the best of success.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Yeah. I rise to second the nomination of Langdon Marsh. As a former chairman of the Environmental Conservation Committee, I worked very closely with him and I feel that he's undertaking one of the most difficult commissioner's jobs in state government. It's a department that's very, very active, and I expect that if there's anybody in state government the number of years that he's had, I believe he's spent 16 years in the Environmental Conservation Agency, and I think he's going to be an outstanding commissioner. I think he'll be sensitive, and I think he'll be -- he's always been very cognizant of the Legislature in trying to resolve their problems and I'm confident that he's going to continue to do that. I support his nomination enthusiastically.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Mr. President, I also rise in support of Commissioner Marsh for the position of full commissioner of the -- of the Environmental Conservation agency.

I was very much impressed with his answers to some questions that are -- some problems and issues that are so terribly important to the district that I represent and to other minority districts in the city of New York. See, for too long, Mr. President, his agency has been practicing virulent environmental racism and that agency also has a very bad record concerning the appointment of top policy levels of Puerto Ricans and African-Americans, so I was very satisfied with what he intends to do to remedy those two situations.

He has excellent qualifications for the position and I think that the other events of that department, as it has been shown in previous years would dissipate through his leadership, so it is with great joy that I second his nomination for that position hoping, and I think that the hopes are well founded, that the agency, through his leadership will mend its terrible ways of the past.

Thank you, Mr. President.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Mr. President, I rise in support of this nomination. I have had the pleasure of working with Mr. Marsh for a number of years, both hear in the Legislature and back as a town supervisor. One of the things that I think has always impressed me about Mr. Marsh was the fact that if he told you something, you could guarantee that he would be back to you. You may not always like the decision that he gave you, but you always knew that he would take your interests and that of the concerns of the people you represented. He's not only made himself available from Albany but he's made himself available on the sites back at home where the people really want to know what DEC is doing.

Many times when the people found the issues that he disagreed with them on, they were willing to work with him, and he was willing to work with them. I've seen many projects in the Hudson Valley that probably never would have been completed without his

personal intervention. I can go back to the bonds issue. He was willing to come back to our small villages, towns and make a discussion and let the people know why he stood for what he was going after. I think he's going to be an outstanding commissioner. He deserves it and I'm very proud of him.

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Mr. President, I would just like to add my voice of support for the nomination of Langdon Marsh. I've worked with him for many years in his position as deputy. He's always had an open ear, an open mind and when it looked like problems were unsolvable, in many cases he's been able to resolve them. Now he's going to be the commissioner, I'm sure -- I know if we call upon him, he will be responsive to the needs of our constituents of the state of New York and I look forward to a new burst of enthusiasm tempered with reason for environmental causes in this state and I warmly support his nomination.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Mr. President, we've had several speakers get up and elicit the respect that they have for his professional attainments and, of course, everyone who has had contact with him in various settings are affected with his own expertise and profession. You found a unanimity of views, but I have to say that you won me over completely when I read that you were a cum laude graduate of Harvard in the subject of English literature, and anyone who has had that enriching experience, that broad humor, broad humanity, understanding of humanity that is imparted by anyone who pursued that diligently over a period of years, certainly is uniquely equipped to take on almost any responsibility when it's accompanied by the qualities that have been recited so well here this evening, so I endorse it with all of my enthusiasm, and good luck.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, my colleagues, I

rise in joining my colleagues in support of this nomination. I have had some very direct exposure with the commissioner during the past few months in a very serious environmental problem in the central Finger Lakes and we have been working together trying to resolve an issue that affects over 60,000 homes and drinking water in the city of Auburn regarding Owasco Lake, and I applaud the commissioner's attention in his support for us trying to work out what's best in the interests of our people, and, commissioner, I wish you well in the remainder of your tenure and add my name to the support of your nomination.

THE PRESIDENT: The question occurs on the nomination -

SENATOR STAFFORD: Mr. President.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: I point out, I didn't notice Harvard before. Anybody from Columbia sometimes, that's a problem, but it won't be here -- it won't be here, and what we discussed this afternoon, I think we could see

that what was emphasized both by the nominee and the gentleman to be commissioner and all visiting was that so often what you say, it's not necessarily what you say but how you say it, and I think we could see that that's a real concern to the proposed commissioner and I too support the nomination.

THE PRESIDENT: If there are no other seconding speeches, the question now occurs on the confirmation of the nominee.

Senator Libous.

SENATOR LIBOUS: Mr. President, I would like to have the record show that I would be recorded in the negative on this nomination, please.

THE PRESIDENT: The record will so indicate.

On the confirm -- Senator Seward.

SENATOR SEWARD: Mr. President, I would also like the record to show that I am voting against the confirmation.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Mr. President,

please have the record reflect that I'm voting in the negative on the confirmation.

THE PRESIDENT: On the nomination. All those in favor say aye.

(Response of "Aye".)

Contrary, nay.

(There was no response.)

The nominee is confirmed, J. Langdon Marsh of Albany as Commissioner of Environmental Conservation.

(Applause.)

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the nomination of Virginia M. Apuzzo of Kingston, as a member of the state Civil Service Commission.

SENATOOR CONNOR: Mr. President.

THE PRESIDENT: Senator Connor.

SENATOOR CONNOR: Thank you, Mr. President.

I rise as the ranking Minority member on the Civil Service and Pensions Committee. I guess among some other things I've

done, I've done that for the last 17 years, but more importantly, I rise because Virginia Apuzzo is someone who has been a friend for many years and with whom I'm well acquainted and I didn't want her confirmation to go by without adding just a few words to the record.

Ginny Apuzzo has been in public service for the past 26 or 27 years in a variety of positions. She is going to the Civil Service Commission after serving as the executive deputy commissioner in the New York State Division of Housing and Community Renewal. She has served at the Consumer Protection Board. She has served in the Executive Chamber. She has served in a variety of positions which have advanced the consciousness in our state and in our nation about issues and principles which are very, very important. She has been a leader in her community, and when I look and see that she now hails from Kingston, don't believe it, Mr. President.

Virginia Apuzzo is from Brooklyn. Everybody knows that. I know that.

Senator Galiber insists on Kingston, I understand, but don't let anyone fool you. Virginia Apuzzo represents the best from Brooklyn as that borough is famous for producing Americans who care, who lead, who fought and have courage and go forward, and with respect to her competence, I think her record is clear, her many years of service show that and I certainly look forward to her service at the Civil Service Commission. I think she would be a leader in advancing the interests of New York State's work force in seeing that that work force represents the people of this state, that it comes from the people of this state and works for the people of this state, all the people of this state. I think she will be innovative in applying the latest information and techniques with respect to personnel selection and management and training and advancement. I think we will see that she will continue to lead the Civil Service Commission in moving forward to reflect all the citizens of our state, reflect minorities, reflect women, reflect the various sections of

our state geographically, so I really look forward to cooperating with the new commissioner at the Civil Service Commission, my friend Virginia Apuzzo, and I urge her confirmation.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Mr. President, I also rise in support of the nomination of Virginia Apuzzo as Civil Service commissioner.

I am most impressed with her qualifications for the job. One thing that really stands out is her understanding as to how terribly bad Puerto Ricans and Hispanics have done in terms of the work force in all the agencies of New York State. The last statistics that I got, Mr. President, about the numbers of Puerto Rican Hispanics working in the different agencies of New York State is so appalling, it is worse than at the time that the previous Governor, Governor Hugh Carey, was at the helm of the state of New York.

I am sure, and I feel certain that Ms. Apuzzo knows that that is the situation and finally we are very hopeful that finally we

will have one Civil Service commissioner that will take it upon herself to inquire after the reasons why this devastating situation has been occurring for so long. So, with all my trust in her, I think that this is a magnificent appointment and I feel pretty certain that she will reach out to find out not only the reasons why this has been a fact but also to find remedies to correct that incredible, horrible situation.

Thank you, Mr. President.

THE PRESIDENT: Senator Smith.

SENATOR SMITH: Thank you, Mr. President. I, too, rise in support of the nomination of Virginia Apuzzo as a member of the state Civil Service Commission. Ginny Apuzzo has a proven record in government. She has been there for all of us and she has been a mentor for most of us, and we thank her for that, and we know that she will continue the good work that she has started in government.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Mr. President,

I rise just as a friend and an admirer of Ginny Apuzzo, and I'm just delighted that the Governor has appointed her to this important position. The hour is late and I can't go into any great detail about all of her experience, but I just tell you, my colleagues, the Governor has appointed somebody with a wonderful background, great administrative ability, and I think she's going to bring good leadership to the Civil Service Commission. I am delighted that she's going to be confirmed to this position.

Thank you.

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I rise to join my colleagues in commending the Governor for making an appointment for this time in the history of the state that is most, I think, strategic and important and that is a person who has the kind of experience and background of Ginny Apuzzo, but who also has the very particular

sensitivities to some of the issues that are, I think, extremely important as it relates to the civil service system in our state. We know that that system is skewed. We know that women and minorities are at the vast bottom of the running and I know that Ginny, because we have been friends for many years, and because I know of her particular interest in the whole issue of women's rights, civil rights and all of those struggles that I too believe so -- so avidly and that she will bring to that position a determination to do something about it, because I know that she has the skill and the will and the guts to do it and, so, Ginny, I join in complimenting and praising the Governor and looking forward to working with you and wish you all the best and want to be supportive of you as you move to make the significant changes in our state and our state employment that more reflects our state population.

Thank you, Mr. President.

THE PRESIDENT: The -- Senator Gonzalez.

SENATOR GONZALEZ: Yes, Mr. President.

Very briefly. Also, I rise to - in support and commend the Governor for this appointment, and Virginia Apuzzo has been a friend and we've worked together, from Kingston to Brooklyn, to the Bronx, she's worked hard with all my colleagues, that she is wonderful appointment for this -- by the Governor, and I too commend her and wish her well.

Thank you, Mr. President.

THE PRESIDENT: Senator Oppenheimer.

SENATOR OPPENHEIMER: I also want to congratulate the Governor and congratulate Ginny. I know she's going to do a terrific job. She has worked with me at DHCR and has been a terrific friend, bright, capable, intelligent, hard-working, motivated and has the drive to do any job she's appointed to. She's had a lot of experience in a lot of different areas. She's done the job and I'm looking forward to working with you, Ginny.

THE PRESIDENT: Senator Goodman.

SENATOR GOODMAN: Mr. President, I have had the great pleasure of working with Virginia Apuzzo on a very sensitive council, the AIDS Advisory Council. We got to know one another when this was created approximately eight years ago and during its very difficult period of operation, I've come to develop the highest respect for her. She's an individual of keen judgment, of great diplomacy in areas that require it and of deep conviction and a sense of great social responsibility. It seems to me, Mr. President, that these are precisely the qualities which are needed in the job for which we are -- these are precisely the qualities which are needed in the job for which we are considering this nominee and it's a great pleasure to speak on her behalf. I know she will perform her duties admirably, and I hope the chamber will promptly speed her passage to completion.

Thank you.

THE PRESIDENT: The question -

Senator Galiber.

SENATOR GALIBER: Thank you, Mr. President.

Most of the things that have been said I agree with. The Governor every now and then comes up with an excellent appointment. We've seen him do some things not as great as he's done with this appointment. I've had the privilege and honor to work, from time to time, with the commissioner. She's an outstanding administrator, a people-oriented person, the kind of complement that we need in government has always been part of her life style and part of her overall commitment to the people of the state of New York and, yea, perhaps the state of this great country of ours, so I would like to add my voice to the others and second the nomination of a people person who is committed to people and committed to causes which sorely need attention these days.

You mentioned about the affirmative action. We know you're going to have a difficult task and it's going to call on

all the imagination that you possibly have when persons come before us and promise us quality opportunity and that's all we really see, but affirmative action becomes difficult when you have restraints such as you do in the Civil Service Commission.

We had a previous commissioner who was innovative, and attempts were made to stop him at a juncture where he looked forward to appointing those persons who heretofore have been left out of the mainstream of our society for a number of stumbling blocks that were put there almost by design. So, Commissioner, I want you to know that this body -- I don't speak for the entire body but certainly my colleagues in government, that we stand prepared to have you come back to us. It's not the last time we want to visit with you, and wherever we -- you feel that we could be of assistance in the furtherance of your responsibility, please don't hesitate to call on us.

Congratulations.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Mr. President, I ask that the record indicate that I am recorded in the negative on this nomination.

THE PRESIDENT: The record will so indicate.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, let the record indicate that I'm recorded in the negative.

THE PRESIDENT: The record will so indicate.

THE PRESIDENT: Senator Holland.

SENATOR HOLLAND: I would like to also be recorded in the negative.

SENATOR RATH: Negative.

THE PRESIDENT: Senator Nozzolio, Senator Rath.

The question occurs on the confirmation of the nominee.

Senator Libous so indicates.

The question occurs on the confirmation of the nominee. All those in favor say aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The ayes have it. The nominee is confirmed, Virginia M. Apuzzo of Kingston as a member of the state Civil Service Commission.

Congratulations.

(Applause.)

The Secretary will read.

Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President.

I respectfully request unanimous consent to be recorded in the negative on the confirmation hearing of Langdon Marsh.

THE PRESIDENT: Without objection, so ordered -- or the record will so indicate.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the nomination of Thomas G. Young of Syracuse as a trustee of the Power Authority of the state of New York.

SENATOR SEWARD: Mr. President.

THE PRESIDENT: Senator Seward.

SENATOR SEWARD: Yes, Mr. President.

On Thursday, the Senate Energy Committee conducted a confirmation hearing on the nominee, Thomas Young, to be a trustee of the Power Authority, and I'm pleased to report that we recommended his approval for that position to the full Senate. He is being confirmed as a trustee of the Power Authority of the state of New York. However, he is designated to become chairman of the Authority.

It's no secret that these have been some challenging times for the Power Authority, but I'm fully confident that Thomas Young is just the individual to lead the Power Authority in these challenging times.

There's been some restructuring at the Power Authority. For the first time, the chairman will not be also the chief executive officer of the Authority, and I have some concerns about that. However, during our

hearing, Mr. Young fully satisfied any apprehension that I may have had regarding that development and he has displayed a very keen awareness of the issues and his declaration that as chairman of the Authority, he will make sure that Authority policy will take place within the confines of the law, and he certainly has demonstrated his desire to be responsive to the Authority customers and to others in New York State, including state government.

He has a keen understanding of the issues and he has the managerial experience and record of public service to be an outstanding chairman of the Power Authority, and I'm pleased to add my voice in support of this confirmation.

THE PRESIDENT: Senator Daly.

SENATOR DALY: Thank you very much, Mr. President.

I'm also delighted to rise in support of the nomination of Thomas Young to the Board of Trustees of the state Power Authority.

I've known the mayor of Syracuse

for several years. Although we didn't see each other too frequently, I know at least once each year, we were able to get together and celebrate a very special holiday (laughter). Yes, Mr.- you were with us some of those days too, I mean Lieutenant Governor.

This has been a long and frustrating wait for Tom Young that began back in the snowy days of early December when the Governor announced that he was selecting Mr. Young to succeed the -- Dick Flynn, chairman of the Power Authority, but unfortunately, Tom got caught in the middle of a disagreement and things dragged on, and I was wondering if it would ever happen, but finally the Governor did send his name down, and the chairman of the Energy Committee saw fit to move Tom Young's nomination most expeditiously.

I'm delighted that Senator Seward did that. I think the Governor has made a good choice and I'm glad to welcome him, indeed, to the Board of Trustees since I have a pretty active concern about the Power Authority,

particularly since one of its largest or I should say its largest facility is my district. I'm sure Tom Young and I will have lots to talk about in the future.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: I'm also pleased to rise in support of the nomination of Thomas Young, our former mayor of the city of Syracuse.

As a member of the City Council and later as its president, I got to work very closely with Mayor Young who initiated some very innovative programs in the city of Syracuse and definitely left his mark, a long-lasting mark that will be hopefully built upon in future years to change the direction of the city and get it moving in a very positive way.

Although he's had to wait a long time for this, and I know it's been very difficult for both Tom and the members of his family, I know that it's going to be well worth waiting for for Mr. Young as well the residents

of the state of New York. He's an honorable man with utmost integrity and he's going to do a fine job, and it's also very nice to see a nomination from Central New York, the heart of the state of New York at this, our all-night session that I'm sure Tom Young is very pleased to be at.

Congratulations and I hope this nomination is a unanimous one.

THE PRESIDENT: The question occurs -

Senator Mendez.

SENATOR MENDEZ: Mr. President, I also rise in support of the nomination of Mayor Young to the Public Service Commission, right? -- the Public Service Commission.

In the same way that oftentimes I criticize those who have shown no sensibility at all to minorities, including, of course, African-Americans, Puerto Ricans and women, I must -- I felt I must rise now because as his tenure of mayor in the city of Syracuse, the youngest mayor that has served there, he had the

sensitivity to -- to revitalize the Minority Affairs Advisory Council and created the Syracuse Commission on Women -- for Women, the Latino Task Force and the Mayor's Advertising Council -- Advisory Council, so that this man, in his political career has shown great sensitivity to African-Americans, Puerto Ricans and women, and we feel very certain that those concerns will reflect in the policies that he will support in the -- in his new position.

It is really most rewarding to stand up -- stand up for a man who has done so well for so many people.

Thank you, Mr. President.

THE PRESIDENT: The question occurs on the confirmation of the nominee. All those in favor say aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The ayes have it. The nominee is confirmed, Thomas G. Young of Syracuse to be a trustee of the Power Authority of the state of

New York. Congratulations, Tom Young.

(Applause.)

THE PRESIDENT: They don't allow me to speak, or I would say that I was glad to see that some good things happen to all the mayors.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: Sandra Morales-Deleon of New York City, Sean McSherry of Chester and Daniel B. Tauriello of Buffalo, as members of the state Board of Parole.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Mr. President, I really rise with great joy, really, great joy, urging my colleagues to confirm this young Puerto Rican woman who is a professional specialized in the field of -- in the field of -- of the criminal justice system.

Her work throughout her professional career has been dedicated to - been very much dedicated in this area, and she's

my constituent, my friend, and a Puerto Rican woman that I admire tremendously, because through her tenacity and hard work, she was able to succeed in the academic sphere and also in her professional -- the profession that she chose to follow.

So I urge all my colleagues to support the nomination of this wonderful, young, bright and committed Puerto Rican woman, and I really must congratulate the Governor for finally submitting her appointment for confirmation.

Thank you, Mr. President.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Mr. President, the hour is late, but I could not let the opportunity go by to second the nomination of Sean McSherry for the position of member of the state Board of Parole.

Sean brings to the position again the -- a vast background of experience as a practicing attorney, a gentleman who has already performed most ably in the position but in

addition, knows the background of working with his hands at a variety of occupations and brings a streetwise, at the same time, keen legal, analytical and humane approach to the office of member of the state Board of Parole, and I most enthusiastically second his nomination.

SENATOR GALIBER: Mr. President.

THE PRESIDENT: Senator Galiber.

SENATOR GALIBER: I yield to Senator -

THE PRESIDENT: Senator Stachowski.

SENATOR STACHOWSKI: Well, I really wasn't going to say anything because of the lateness of the hour, but I would like to rise and second the nomination of Daniel Tauriello of Buffalo. Since the people for the respective other nominees have risen, I figure we can't let Mr. Tauriello go by without mentioning that he has had a very distinguished first appointment to the Parole Board and before that, he was an excellent police officer in the city of Buffalo, and we're just glad that the

Governor saw fit to renomimate, reappoint Daniel Tauriello of Buffalo.

THE PRESIDENT: Senator Galiber.

SENATOR GALIBER: Yes, thank you Mr. President.

I rise to second the nomination of Sean McSherry. I had an opportunity this afternoon to chat with him about his past experience in Bronx County.

I had waited for this opportunity for a long while because he was a tough prosecutor, and on those rare occasions when I practiced law in Bronx County, I had occasion to go before him and ask for a favorable disposition called plea bargain, and he was tough, but he was fair. I would have liked to walk away from my courtroom doing a bit better but I knew that he was a no-nonsense person, a person who respected his job in the community, someone who took his responsibilities seriously.

Now, through all of the parole officers, I have a reputation and most of you

have heard from me, read some letters that I send you, from time to time, supporting persons who come before you, and as I chatted with Mr. -- Sean today, asking him how fair he has been in the past, and the commissioner himself said, "Well, Joe, I want you to talk a little loud to them" because he's a tough parole officer but a good one, and he's proud to have you and we are proud in Bronx County that you spent some time in your life there, with your family and particularly, your brother who I know personally, and now that you've moved on a bit just over the border, we still think of you as being a Bronxite, and that your home is truly in the Bronx.

So I am proud that you are among the other two persons who are serving this great state of ours, and I want you to know that, from time to time, we come from a different perspective in terms of recommendations, but we know that you have a difficult, difficult job to perform, and as my experience has taught me, rarely do I have some real problems with a

particular parole officer because I recognize on balance that you have a keen responsibility to the total public.

So I'm proud to second your nomination, proud to have been part of your visit to Bronx County and proud to have known you in your professional capacity, and may God bless you all and keep you.

THE PRESIDENT: Senator Gonzalez.

SENATOR GONZALEZ: Mr. President, thank you.

I rise -- we have for the three members of the state parole and the hour is late, but in particular, Sandra Morales-DeLeon, a woman from the East Harlem or as we call it, barrio, and I'm very proud of her, continue to do her work as well as the others and I wish them well.

Thank you, Mr. President.

THE PRESIDENT: The question occurs on the confirmation of the nominees. All those in favor say aye.

(Response of "Aye".)

All those opposed, nay.

(There was no response.)

The ayes have it. The nominees are confirmed: Sandra Morales-Deleon of New York City, Sean McSherry of Chester and Daniel B. Tauriello of Buffalo as members of the state Board of Parole.

Congratulations.

(Applause.)

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the nomination of Lorraine Felegy, Esq. of Delmar as a member of the Crime Victims Board.

SENATOR GOLD: Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: Mr. President, this is a delightful nomination. It is a reappointment of a lovely lady who has served as a member of this board since 1991.

Prior to that, she had been General Counsel to the board, and as I mentioned with the Commissioner of the Department of Environmental Conservation, I think it is really

wonderful when people are just not picked out of places for political reasons and put into jobs. I think it's wonderful when people work in an agency, develop an expertise, show a certain sensitivity as well as ability and then move up to a position of greater responsibility, and I can tell you that I have a warm spot in my heart for the Crime Victims Board. I had the honor of drawing the original law that created the board back in the 1960s and I've seen it progress all the way through, and we are honored tonight to reconfirm this lovely lady who has, in her work, shown great sensitivity to the problems of victims, and while we talk all the time about who's worrying about the victims, when the criminals are getting, this and that, well, all you got to do is look in the balcony, that's the lady who's worrying about the victims, and I congratulate the Governor for this reappointment.

THE PRESIDENT: The question occurs on the nomination. All those in favor say aye.

(Response of "Aye".)

Opposed, nay.

The ayes have it. The nominee is confirmed, Lorraine Felegy of Delmar as a member of the Crime Victims Board.

The Secretary will read the balance of the appointments.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations:

Member of the State Council on the Arts: Sister M. Irene Fugazy of Ardsley, Shelby Zaldin Modell of Hewlett Harbor, Gary L. Mucci of Buffalo, Richard J. Schwartz of Scarborough.

Member of the Empire State Plaza Art Commission: Barbara Kaiser Bray of Albany and Matilda Cuomo of Albany.

Banking Member of the state Banking Board: John B. Robinson, Jr. of Loudonville and George J. Vojta of Bronxville.

Public Member of the State Banking Board: Dayna J. Wilkinson of New York

City.

Member of the Life Care Community Council: Robert W. Kirk, DVM of Ithaca and Edward Charles Weeks of Buffalo.

Member of the Mental Health Services Council: Kenneth B. Goldstein of Huntington, Fred Mednick of Staten Island.

Member of the Public Health Council: Dr. Cutberto Garza of Ithaca.

Member of the Ogdensburg Bridge and Port Authority: Reverend Monsignor Robert J. Giroux of Waddington, Patrick E. Hackett of Ogdensburg, Bernard S. Sperling of Ogdensburg.

Member of the Rochester-Genesee Regional Transportation Authority: Ross W. Roberts of Perry, Miriam R. Shapiro of Rochester and Sandra Stephens of Rochester.

Member of the Passenger Tramway Advisory Council: Renelda Higgins walker of Poughkeepsie.

Member of the New York State Hospital Review and Planning Council: Paul E. Haney of Rochester and Anthony Watson of New

York City.

Member of the Board of Directors of the New York State Martin Luther King Institute for Non-violence: Senator Ada L. Smith of Brooklyn.

(Applause.)

Member of the State Medical Advisory Committee to the Department of Social Service -- Department of Social Services: Ebun Adelona of New York City, Neil Stephen Calman, M.D., of New Rochelle, Ruben P. Cowart, D.S.S. of Syracuse, John L. S. Holloman, Jr., M.D. of East Elmhurst, Hugo M. Morales M.D. of Mount Vernon, William O'Dwyer, M.D., of Loudonville, Elena Padilla,, Ph.D. of New York City, Steven Pinheiro, M.D. of Loudonville, and Anthony Szczygiel of Buffalo, and also Judith B. Wessler of New York City.

Member of the Allegany State Park Recreation and Historic Preservation Committee: Charles Porpiplia of Dunkirk.

Member of the New York State Medical Care Facilities Finance Agency: Donald

M. Halperin of Brooklyn.

Director of the state of New York Mortgage Agency: Jerome M. Becker of New York City.

Member of the Metropolitan Transportation Authority: Peter S. Kalikow of New York City and Abraham M. Lackman of Brooklyn.

Member of the New York State Racing & Wagering Board: Bennet Liebman of Slingerlands.

Member of the Board of Directors of the New York State Science and Technology Foundation: Thomas J. Kelly of Huntington.

Member of the Albany Pine Bush Preserve Commission: Ralph Sponable of Albany.

Member of the Council on Human Blood and Transfusion Services: Celso Bianco, M.D., of New York City and Dennis Galanakis, M.D., of Stony Brook.

Member of the State Public Transportation Safety Board: Carmen F. Arcuri of Utica, and Leonard Braun of Greak Neck.

Member of the Advisory Council to the Commission on Quality of Care for the Mentally Disabled: Martin H. Von Holden of Rochester.

Member of the Board of Directors of the Roosevelt Island Operating Corporation: Otis Jones of Howard Beach and Ronald T. Vass, of Roosevelt Island.

Director of the Municipal Assistance Corporation for the city of New York: Fritz W. Alexander, II of the Bronx, Kenneth Bialkin of New York City, Abraham Biderman of Brooklyn, William J. Mulrow of New York City, Ann Daley Printon of New York City and Thomas J. Tisch of New York City.

Member of the Board of Directors of the New York Convention Center Operating Corporation: Mary A. D'Elia of New York City, Martin A. Kornreich of Harrison.

Board of Trustees of the City University of New York: Jerome Berg of Staten Island.

SENATOR GOLD: Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: Yeah, I would not object to the Secretary reading the rest of this particular list, but I'm going to ask that we then vote on that list but hold Mr. Berg for a separate vote after that. I'm just putting you on notice. No objection says the chairman.

THE SECRETARY: Member of the Board of Visitors of the Capital District Psychiatric Center: Florence Frazier of Albany.

Member of the Board of Visitors of the Elmira Psychiatric Center: Floyd R. Haff of Cohocton.

Member of the Board of Visitors of the Kings Park Psychiatric Center: Ronald C. Manning of Coram, Theresa Murphy of Babylon.

Member of the Board of Visitors of the Queens Children's Psychiatric Center: Irma H. Serrano of Forest Hills.

Member of the Board of Visitors of the Oswald D. Heck Developmental Center: Francis J. Sheridan of Delmar.

Member of the Letchworth Village

Developmental Center: Elizabeth Berman of Liberty.

Member of the Board of Visitors of the West Seneca Developmental Center: N. Anne Wolf of Sanborn.

Member of the Board of Visitors of the Sunmount Developmental Center: Donald J. Sabin of Tupper Lake and Carolyn Smith of Massena.

Member of the Board of Visitors for the New York State Home for Veterans and their Dependents at St. Albans: Anthony J. Minei of Freeport.

Member of the Board of Visitors of the New York State Home for Veterans and their dependents at Batavia: R. Stephen Hawley of Batavia, Reverend Paul E. Klett of Webster, Mentor C. Murphy of Batavia, and Mary Ann O'Coin of Rochester.

Member of the Board of Visitors of the New York State Home for Veterans and their Dependents at Oxford: Charles E. Dolson, Jr. of North Syracuse.

Member of the Board of Visitors of the Roswell Park Memorial Institute: Morton H. Abramowitz, Esq. of Niagara Falls and also, John Robert Wright, M.D. of Williamsville.

Member of the Board of Visitors of the New York State School for the Blind, Elaine M. Powers of Buffalo.

SENATOR GOLD: Mr. President.

SENATOR LEICHTER: Mr. President.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: I'm sorry, I wasn't attentive enough, but did you read off the appointments to the Metropolitan Transit Authority?

SENATOR GOLD: Yes.

SENATOR LEICHTER: May I ask that you please hold Peter Kalikow? I would like to speak on it, Senator.

SENATOR GOLD: You can speak on it now. You can speak on it.

Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: I believe under

our procedure, any member can speak on any of the names on that list, if you want to.

THE PRESIDENT: That is correct.

SENATOR GOLD: So you can speak right now, if you would like to, Senator.

SENATOR LEICHTER: I thought the procedure was that we were going to do those that were non-controversial and leave the -

THE PRESIDENT: The Secretary has read the entire list of appointments. All of those appointments are before the Senate. Any Senator can speak on any of the nominees for - Senator Gold requested a separate vote on the nominee for the City University Board of Trustees, and it would be the inclination of the Chair to take a separate vote if any Senator wants a separate vote, but on discussion, they're all before the Senate.

SENATOR LEICHTER: Mr. President, I have no problem in following that procedure, although I hope it would be possible under that procedure if I were able to cast a negative vote on one of these appointees.

THE PRESIDENT: Absolutely. If any Senator wants to cast a negative vote, just will so indicate.

SENATOR LEICHTER: Yeah. Then, Mr. President, let me address the appointment of Peter Kalikow to the membership of the Metropolitan Transportation Authority.

I'm not going to take long on that partly because there's very little to be said in favor of his appointment, very little that he brings to the Authority as far as a background that we could say, "This is the sort of person who has shown an interest, who has a knowledge, who has an experience, who has an outlook that we want him to serve in the Metropolitan Transportation Authority. I take this as is a very political appointment, and I regret it because the MTA is terribly important. I very much appreciate -

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: (Cont'g) I just want to say, Mr. President, I very much appreciate many of the things that Senator Levy

has done, and he's always been extremely courteous to me knowing my interest in the MTA, although I don't have the pleasure of serving on his committee, and I'm sorry if I need to disagree with him on this particular appointment.

As I think everybody knows, Mr. Kalikow was the owner of the New York Post and it's my distinct memory that editorially the Post was highly critical of the capital program of the MTA. It's difficult for me to see that somebody who expressed himself editorially against that capital program is now going to serve on the MTA.

As far as his business acumen goes, all I know is that the Post ended up in bankruptcy. There have been some questions raised about his personal bankruptcy. I don't think this is a distinguished appointment and, Mr. President, when the vote is cast, I ask that you be sure to record me in the negative on that appointment. I'll try to get Mr. Cornell's attention because I want to make sure that the

record -- Mr. President?

SENATOR GOLD: Mr. President.

SENATOR LEICHTER: Yeah.

ACTING PRESIDENT LACK: Senator Leichter.

SENATOR LEICHTER: I just want to make sure that the desk hears me and make sure to record me in the negative on the appointment of Peter S. Kalikow as a member of the Metropolitan Transportation Authority.

ACTING PRESIDENT LACK: Senator Leichter, you will be so recorded in the transcript that you're voting in the negative on that.

Senator Levy.

SENATOR LEVY: Yes, Mr. President. Let me just respond to Senator Leichter by saying, number one, I really have no recollection -- and there's been such a turnover of publishers of the New York Post. I really have no recollection, and I certainly would recall it, Senator, if when Peter Kalikow was the publisher of the Post, that he opposed the

capital plan.

My recollection of the Post editorial position was that of the same position as the Times, New York Newsday, the Daily News as being very supportive of the MTA, the Transit Authority, mass transit in the region and the capital plan.

Let me also say, Senator Leichter, that -- that I am pleased to have played a part, but only a part in the nomination of Peter Kalikow to serve on the MTA board.

Equal partners or greater partners in -- in the nomination of Peter Kalikow where, number one, the Governor of the state of New York on his own initiative who recommended Mr. Kalikow to be a member of the MTA board, and since this was a position that Governor Carey first and then Governor Cuomo consulted with and accepted the recommendation of the Majority Leader of this house for this particular position, it was originally filled by Connie Aristoff on the recommendation of Senator Warren Anderson and then Senator Marino.

Senator Marino was a prime mover in the nomi nation along with the Governor of Peter Kalikow to be a member of this board.

And I have to tell you that I have known Peter Kalikow for many years. He is a successful business person. He is involved in community activities, and as Senator Goodman indicated at his confirmation hearing, he is involved successfully in the widest spectrum of philanthropic activities on behalf of the city of New York, so I have great confidence unlike you, Senator Leichter, that Peter Kalikow will be an addition to the MTA board and I am certainly going to vote in the affirmative on Mr. Kalikow's nomination.

THE PRESIDENT: Senator Daly.

SENATOR DALY: Mr. President, I am indeed very happy and proud to rise, hidden or immersed in that long list of names that you presented to us tonight for confirmation, is the name of Abraham Lackman, otherwise known as Abe Lackman.

Now, I doubt very much if there

are many of the men and women who sit here in this chamber who are not aware of that name, and I am very, very proud to say that I am certainly because I can tell you, Mr. President, that I have met fewer people in my life -- I should say I have met many people in my life but not very many who are as bright as Abe Lackman and fewer who are as nice as Abe Lackman.

He certainly presented to the Senate when he served with us, his complete, full and dedicated efforts. He contributed magnificently to the entire state of New York and particularly to this body. I'm delighted to see Abe Lackman on the list as a member of the MTA. I'm more delighted to have him with us tonight, I'm sure we all are, and I'm also certain that my colleagues join me in welcoming Abe back to Albany for at least one day and wishing him well indeed in his new assignment with the MTA.

ACTING PRESIDENT LACK: Senator Maltese.

SENATOR MALTESE: Yes, Mr.

President.

I rise to add my words to those of Senator Levy to second the nomination of Peter Kalikow, his wide experience, business appearance and background. I've known him for many years. I feel that he brings an expertise and experience to the position that cannot - that can be matched by very, very few people. I'm pleased and proud to second the nomination.

ACTING PRESIDENT LACK: Senator Goodman.

SENATOR GOODMAN: Mr. President, I was somewhat disturbed to hear the comments of my distinguished colleague with respect to Mr. Kalikow, my colleague on the other side of the aisle, and I rise to bring to his attention something that I think is most relevant to this nomination.

That is that during the period of discussion of this nominee, Senator Leichter, the question arose with respect to policies on the subway fare.

I know that you and I would

certainly find common ground in agreeing that it is imperative that the subway fare, particularly in the city of New York be held at the lowest possible level, and in response to questions with regard to the fare, Mr. Kalikow pointed out that on any occasion when the subway fare rises, there is an inverse relationship to the level of the fare and the usage of the subway system, and he pointed out the dangerous downward spiral which exists when a subway fare goes up and usership declines and indicated a strong commitment to keeping the subway fare at the lowest possible level. Now, that's something substantive which relates directly to this, and with regard to his business acumen which you question, I would like to point out that he comes from a very distinguished background within the real estate business that he himself accumulated an enormous personal fortune in real estate.

He's received architectural awards for the quality of the buildings which he has built and that the misfortune which his

company underwent was directly related to the serious downward drop in real estate values throughout the city of New York which saw some of its top realtors, unfortunately, thrown into bankruptcy or serious financial embarrassment clearly related to circumstances beyond their control.

I take the liberty of bringing this to your attention because the MTA is obviously highly important and Senator Levy, I think very properly pointed out the extensive philanthropic involvements of Mr. Kalikow, the fact that he has been in the New York Hospital complex as a pioneer in developing special treatment programs and I really feel, Senator, a man of your fairness should consider these factors before reaching a negative conclusion with regard to this nominee.

Finally, Mr. President, with regard to Abe Lackman, I would simply like to add an enthusiastic word of the warmest support of this candidate. I happen to have warmly recommended him to the mayor of the city of New

York for the position which he presently holds as budget director and as I'm sure everyone in this chamber has noted, Abe Lackman, a member of the Senate family for many years, has done us proud in the superb work he's done in helping to close the city's enormous multi-billion dollar budget gap, and this certainly could not be a better appointment to MTA.

On balance, therefore, I respect fully submit that these two nominees will significantly strengthen this highly important authority in which we all have a stake.

ACTING PRESIDENT LACK: Senator Levy.

SENATOR LEVY: Thank you very much, Mr. President.

I really hadn't intended to speak on the Kalikow nomination. I really wanted to speak on Abraham Lackman's nomination to be a member of the MTA. It's really a great honor and privilege and a genuine pleasure to rise to speak about Abe Lackman.

Abe Lackman is a close personal

friend of mine, but having said that, Abe Lackman is really a close personal friend of everyone on both sides of the aisle who has known Abe and who has worked with him, and I see Senator Oppenheimer shaking her head.

I know that I speak for everybody when I say how -- how proud we are that the mayor of the city of New York selected Abe Lackman to be his budget director, and as -- as some of my colleagues have already said, Abe has the most extraordinary ability, the most extra ordinary experience base, and he has the most extraordinary imagination, and I want to tell you, when I look at the MTA, if there is anyone that can straighten that authority out, it's Abe Lackman, and I congratulate the Governor on sending his nomination up. I congratulate the mayor, and I look forward as I'm sure everyone does, to working with Abe for many, many years in the future.

Thank you very much, Mr. President.

ACTING PRESIDENT LACK: Senator

Montgomery.

SENATOR MONTGOMERY: Mr. President, I rise to join Senator Leichter in having my vote for Mr. Peter Kalikow in the negative recorded, and I vote no because of his association with the New York Post and recognizing that that paper has had a less than respectful view and presentation of people of color in the city of New York, and since the MTA -- the ridership in New York City is to a very large extent, people of color and poor and working people, I would not -- I would not certainly choose to have the former publisher of the New York Post be a member of the MTA board. So I want to have my no vote on record and recorded tonight.

Thank you, Mr. President.

ACTING PRESIDENT LACK: Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

I rise first to support the appointment of Abraham Lackman. He will bring

honor, competence and creativity to this position, and I'm also saddened that I must request, Mr. President, that I be recorded in negative on the appointment of Peter Kalikow.

Thank you.

ACTING PRESIDENT LACK: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

As Senator Levy noted that Senator Oppenheimer was shaking her head, it was in an affirmative type of shake as I saw from my seat.

Let me just say, I rise in support of Abe Lackman. I've seen a lot of people working with the Senate family. He's one of the gifted, most gifted and brightest people that I've ever known, and I compliment Mayor Giuliani on this appointment. I compliment him on choosing him for the incredible post that he has from the New York City finances.

Abe Lackman has been a stalwart with Senate Finance and for this house for a

number of years, and I would vote for Abe Lackman to be appointed for anything on this sheet. He's an outstanding guy and we're very fortunate to have him still in public service.

I vote in the affirmative.

ACTING PRESIDENT LACK: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

I want to endorse all of the superlatives and the adjectives and the praise heaped upon Mr. Lackman by Senator Smith, Senator Levy, Senator Goodman and Senator Farley.

In my view, there was no person who we could look to in the Senate Finance when dealing with some very complex issues -- Safe Streets, Safe Cities was one of them, there were many others -- that could have been handled any better than the way it was handled by Abe Lackman.

His only problem is, however, he's left a paper trail that follows him all the

way to City Hall where we remind him that he can not undo what he did here because he did it so well, but in addition to all of his other great attributes, he's also very modest, which is why he's sitting way in the back up there. This is a very fine human being, a lot of modesty and a lot of talent, a lot of ability, and the mayor -- believe me, I don't know where the mayor would be today with that budget he somehow got through, if it wasn't for Abe Lackman.

ACTING PRESIDENT LACK: Senator Ohrenstein.

SENATOR OHRENSTEIN: Mr. President, I too want to join all of the adjectives about Abe Lackman.

I would say to Senator Padavan, your great enthusiasm for Abe Lackman as an advisor while he was on the Finance Committee, I would simply turn around your conclusion and say, "If you listened to him so adroitly at that time, why aren't you listening to him now?"

Anyway, I think I too want to congratulate Abe for being a really terrific

budget director for the new mayor. I think they have done very well in a very, very difficult time, and they even did pretty well here in convincing a lot of people about things that had to be done. They didn't win all the fights and I hope they will win a few more next year.

I think his joining the MTA is a very, very good thing. The MTA like all agencies of this type which are very important, very powerful and deliver a public service of extraordinary importance needs to have some new blood. I think the history of the last -- of the last few weeks in terms of the performance of the MTA during the Long Island Rail Road negotiations, some other public matters that I was involved in personally, really in my opinion left a lot to be desired in terms of the direction and some of the finer points of the MTA's policymaking and service, so to have some new people, some from the business world, some from the government world joining this agency, I think gives me great confidence that we're going to have some new thinking and some new blood

and, perhaps even some new leadership, so I certainly congratulate the mayor for this appointment, and I assume he will be unanimously designated.

ACTING PRESIDENT LACK: Senator Marchi.

SENATOR MARCHI: Mr. President, I'm compelled under these circumstances to tell you the truth about Abraham Lackman. Where is he, the back row somewhere, right?

Some of you may know Seymour Lackman who is related to him, is his cousin or his uncle, I'm not sure, but I took Abraham Lackman when he was just a callow youth, and I knew that he had these genetic qualities that were current in the Lackmans because I knew his -- Seymour, and I took him and taught him the multiplication table, taught him the very elements of economics and budgeting, and slowly but surely these qualities grew and blossomed and finally, he became the consummate budgetier, economist and gifted servant that you have all unanimously recognized.

So I very immodestly take great pride in my handiwork, and if the past is prologue, "we ain't seen nothing yet", because he's a young man, a very decent man, a wonderful family person, and he has all the personal qualities that endear him to people, and at the same time, all of the gifted abilities that he brings to play in the service of the people of the city of New York now.

I take pardonable pride in having had such a viable role in his formation, and I know that we will get that unanimous vote that Senator Ohrenstein was calling for in advancing his name in the service of the people of this state.

ACTING PRESIDENT LACK: Senator Maltese.

SENATOR MALTESE: Mr. President, having spoken to second the nomination of Peter Kalikow, I could not let the opportunity go by without also speaking on behalf of Abe Lackman. Certainly in his new position, I do not want to be the only New York City Senator in the

majority to not say a kind word about Abe.

Certainly, now that this hearing has revealed that he learned everything that he knows at the knee of Senator John Marchi and has accumulated this vast reservoir of experience in the financial field and in the multiplication tables as Senator Marchi has indicated, indicates that he is well suited for the position that mayor -- the mayor of the city of New York has nominated him for.

I share Senator Ohrenstein's feelings that perhaps this new blood Abe Lackman and Mr. Kalikow could bring to the MTA board will serve all the citizens of the state -- of the city of New York and, in addition, the state of New York well. Abe brings to the position, not only that vast reservoir of knowledge that Senator Marchi and others have spoken about, but I think a keen analytical sense and the element -- the key elements of common sense that will serve the mayor of the city of New York well and all of us well.

I'm proud to second the

nomination and wish him and his family well.

ACTING PRESIDENT LACK: Senator DiCarlo.

SENATOR DiCARLO: This being the sixth and last City Republican Senator, I feel compelled to stand.

I can't take any credit for Abe Lackman, but I find it necessary to congratulate you, Abe. We're proud.

SENATOR COOK: Mr. President.

ACTING PRESIDENT LACK: Senator Cook.

SENATOR COOK: Mr. President, I think that Senator Marchi, the one talent he forgot to mention was prestidigitation which also is something that Mr. Lackman is very good at.

Abe, we've admired you through the years for what you've done around here and already what you've done in the City and we certainly wish you well.

ACTING PRESIDENT LACK: The question is on the confirmation of all the

appointees with the exception of -

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT LACK: Senator Stafford.

SENATOR STAFFORD: I would mention that Abe always shows good judgment and Paul Reuss said that he showed the good judgment to leave when I became chairman of Finance, but we've worked with him. I will say that we remember how good he was on the revenue side and, Abe, if there are any extra revenues, I know you'll find them for the city, but if you have any for us, we're always interested, always interested, but I, on a serious note, certainly support this tremendous nomination and we're all better for it.

ACTING PRESIDENT LACK: The question is on the confirmation of all the announced appointees with the exception of the appointee to the Board of Trustees of the City University of New York. All those in favor aye.

(Response of "Aye".)

Contrary, nay.

(There was no response.)

On behalf of Senate, I congratulate all of the new appointments, including one who has been hiding up in our west gallery in the last chair, and I'm proud to announce tonight that after working for the city of New York, he's indeed a long-lost cousin of mine to too. Congratulations to Abe Lackman and all the appointees. It's also noted in this dim light that there's a lot more gray hair in the gallery than there was six months ago before he left.

Congratulations to all.

(Applause.)

SENATOR GOLD: Mr. President.

ACTING PRESIDENT LACK: The question is now on the Board of Trustees of the City University of New York.

Senator Gold.

SENATOR GOLD: Thank you.

Mr. President, I'm informed by Senator Stafford that within, I guess about 20 minutes now, there will be another meeting of

the Finance Committee to deal with the other members of the CUNY board, and so I would respectfully ask that for the time being we just table Mr. Berg's nomination and give him the opportunity to come on the CUNY board with his fellow board members and when the other committee report comes in.

I was told -- I was told that we have a few more bills to do and that there's some anticipation of then closing down for the evening, but I guess in the orderly way for which this chamber is so famous, that we can do the CUNY board in one -- in one shot, so I would ask that at the present time it be tabled and go on with our business.

ACTING PRESIDENT LACK: Without objection. Is there any objection to tabling the nom...

Senator Marchi.

SENATOR MARCHI: I request that this nomination be acted upon, Mr. President.

SENATOR GOLD: I'm sorry?

ACTING PRESIDENT LACK: Senator

Marchi, did you request -

SENATOR MARCHI: Mr. President.

ACTING PRESIDENT LACK: Senator Marchi.

SENATOR MARCHI: I repeat my request for the consideration of a determination of this body's will on the question of the nomination of the nominee at this time.

SENATOR OHRENSTEIN: At this time -

ACTING PRESIDENT LACK: Senator Ohrenstein.

SENATOR OHRENSTEIN: If I may address Senator Marchi's request.

Senator Marchi, as you know, this body, working in a bipartisan way as we most of the time do, there are lots of complicated matters which we dispose of sometimes in open debate and sometimes in closed debate. I want to simply say that I am fully aware of the matters which surround this particular situation -- it has nothing to do with the individual involved here. It has to do with the completion

of the process of doing the CUNY board. I think everybody wants to do it. I think it will contribute to the orderly closing of our business, and I would most respectfully ask you that you accede to the Minority's -- I am fully aware of Senator Gold's request. It was made at the request of the Minority, and I would respectfully ask you to accede to it because we're going to complete this and we will complete it in an orderly way and we will be very proud of what we've done for CUNY as a totality.

ACTING PRESIDENT LACK: Senator Marchi.

SENATOR MARCHI: Well, I will accede to the request of the distinguished Minority Leader.

However, the reasons that impel me to make this request, I am going to discuss them in detail when we consider the nominees en bloc so that this will not stay my determination to point my finger at something that cries to heaven for vengeance, I think, in terms of fair

treatment under the City University.

ACTING PRESIDENT LACK: At the request of Senator Gold with the concurrence of Senator Marchi, the nomination of Jerome Berg of Staten Island to the Board of Trustees of City University of New York, is temporarily laid aside pending the Finance Committee meeting.

ACTING PRESIDENT LACK: Senator Levy.

SENATOR LEVY: Yes, Mr. President.

ACTING PRESIDENT LACK: Senator Stafford.

SENATOR STAFFORD: Excuse me, Senator Levy, but I wanted to give everybody as much notice as possible. There will be a meeting of the Finance Committee at 1:15 in Room 332 and we certainly look forward to having everyone there and we will accordingly greet everyone.

ACTING PRESIDENT LACK: The next meeting of the Finance Committee will take place in the Senate Majority Conference Room, Room

332.

Senator Levy.

SENATOR LEVY: Yes, Mr. President. There will be an immediate meeting of the Transportation Committee to consider the nomination of John Dyson to be a member of the Metropolitan Transportation Authority. The meeting will take place in Room 124.

ACTING PRESIDENT LACK: Immediate meeting of the Transportation Committee downstairs in Room 124 for consideration of an appointment.

Senator Nanula.

SENATOR NANULA: Mr. President, I will like to request unanimous consent to be recorded in the negative on Calendar 206, 1480 and 1517.

ACTING PRESIDENT LACK: Without objection, the Senator will be recorded in the negative on those three bills.

Senator Present.

SENATOR PRESENT: Mr. President, can we call up Calendar 856.

ACTING PRESIDENT LACK: The Secretary will read Calendar 856.

THE SECRETARY: The Secretary will read Calendar 856 which is on page 17 of the regular calendar.

THE SECRETARY: Calendar Number 856, Senator Libous moves to discharge the Committee on Rules from Assembly Bill Number 10884-A and substitute it for the identical Third Reading 856.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT LACK: Substitution is ordered.

Senator Present.

SENATOR PRESENT: Is there a message of necessity at the desk on this bill?

ACTING PRESIDENT LACK: There's a message at the desk, Senator. Senator Present moves the acceptance of message of necessity. All those in favor, aye.

(Response of "Aye".)

Contrary, nay.

(There was no response.)

The message is accepted.

Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present -- excuse me, Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 206?

ACTING PRESIDENT LACK: Without objection, Senator Stachowski will be recorded in the negative.

Senator Present.

Senator Cook.

SENATOR COOK: Mr. President, would you please remove a star on Calendar 666?

ACTING PRESIDENT LACK: At the sponsor's request, the star will be removed on Calendar 666.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Levy, please remove a star on Calendar Number 607.

ACTING PRESIDENT LACK: At the request of the sponsor, the star is removed on Calendar Number 607. Are there other motions and resolutions?

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Seward, I wish to call up his bill, Print Number 7508-B, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT LACK: The Secretary will read.

THE SECRETARY: Calendar Number 889, Senate Bill Number 7508-B, by Senator Seward, an act to amend the Public Authorities

Law.

ACTING PRESIDENT LACK: Senator Farley.

SENATOR FARLEY: I now move to reconsider the vote by which Senator Seward's bill passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is before us, Senator.

SENATOR FARLEY: I now offer the following amendments.

ACTING PRESIDENT LACK: The amendments are received. The bill will retain its place.

Senator Johnson.

SENATOR JOHNSON: Mr. President, I wish to call up my bill, Print Number 8584, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT LACK: The Secretary will read.

THE SECRETARY: By Senator Johnson, Senate Bill 8584, in relation to providing a retirement incentive for certain employees in the town of Babylon.

ACTING PRESIDENT LACK: Senator Johnson.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is on the floor, Senator.

SENATOR JOHNSON: I now offer the following amendments.

ACTING PRESIDENT LACK: The amendments are received. The bill will retain its place.

Senator Mendez.

SENATOR MENDEZ: Mr. President, I am -- I wish to be recorded in the negative on Calendar Number 1485.

ACTING PRESIDENT LACK: Senator Mendez will, without objection, be recorded in the negative on Calendar Number 1485.

Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Number 18... 1485.

ACTING PRESIDENT LACK: Without objection, Senator Montgomery is recorded in the negative on the same bill.

Senator Santiago.

SENATOR SANTIAGO: Without objection, I would like to be recorded in the negative on Calendar 1485.

ACTING PRESIDENT LACK: Senator Santiago will be recorded in the negative on 1485.

Senator Waldon.

SENATOR WALDON: Mr. President, I request unanimous consent and the same courtesy.

ACTING PRESIDENT LACK: On 1485 as well?

SENATOR WALDON: On 1485.

ACTING PRESIDENT LACK: Senator Waldon will be recorded in the negative, without objection, on Calendar 1485.

Senator Paterson.

SENATOR PATERSON: Mr. President, with unanimous consent, I also would like to be recorded in the negative on Calendar Number 1485.

ACTING PRESIDENT LACK: Without objection, you will be recorded in the negative on Calendar 1485.

Senator Rath.

SENATOR RATH: Mr. President, I would like to have unanimous consent to be recorded in the negative on Calendar 268.

Thank you.

ACTING PRESIDENT LACK: Without objection, Senator Rath will be in the negative

on Calendar 268.

Senator Present.

SENATOR PRESENT: Mr. President, can we call up, on the first active list, Calendar 1287?

ACTING PRESIDENT LACK: The Secretary will read Calendar 1287 which is on page 25 of the regular calendar.

THE SECRETARY: Calendar Number 1287, Senator Rath moves to discharge the Committee on Rules from Assembly Bill Number 11887 and substitute it for the identical Calendar Number 1287.

ACTING PRESIDENT LACK: The substitution is ordered.

Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill

is passed.

Senator Present.

SENATOR PRESENT: Mr. President, first active calendar, Calendar 1502.

ACTING PRESIDENT LACK: The Secretary will please read Calendar 1502 which is on page 34 of the regular calendar.

THE SECRETARY: Calendar Number 1502, Senator LaValle moves to discharge the Committee on Rules from Assembly Bill Number 10895-A and substitute it for the identical Third Reading 1502.

ACTING PRESIDENT LACK: The substitution is ordered.

Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT LACK: There is a message at the desk. On the motion of Senator Present to accept the message, all those in favor, aye.

(Response of "Aye".)

Contrary, nay.

(There was no response.)

The message is accepted.

Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, on the first active calendar, 1530.

ACTING PRESIDENT LACK: The Secretary will please read Calendar 1530 on page 38 of the regular calendar.

THE SECRETARY: Calendar Number 1530, by the Assembly Committee on Rules, substituted earlier today, Assembly Bill Number 12207, an act to amend the General Municipal Law.

ACTING PRESIDENT LACK: Last

section.

SENATOR PRESENT: No, Mr. President -- Mr. President, is there a message of necessity on 1530?

ACTING PRESIDENT LACK: There is a message on the motion of Senator Present to accept the message, all those in favor, aye.

(Response of "Aye".)

Contrary, nay.

(There was no response.)

The message is accepted.

Now last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present.

SENATOR PRESENT: Can we go back to 1527 on the first calendar?

ACTING PRESIDENT LACK: 1527, also on page 38 of the -- today's calendar. The Secretary will read.

The bill is high, Senator. Both bills are high and there is no message.

Senator Present, both bills are high in this house, available for passage tomorrow.

SENATOR PRESENT: On the second active list, 1568.

ACTING PRESIDENT LACK: The Secretary will please read Calendar 1568 on the active list, Senate Supplemental Calendar Number 185.

THE SECRETARY: Calendar Number 1568, substituted earlier today, by member of the Assembly John, Assembly Bill Number 10926-A, an act to amend the Education Law.

ACTING PRESIDENT LACK: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk for 1568?

ACTING PRESIDENT LACK: Senator, there is a message. On the motion of Senator Present to accept the message, all those in favor, aye.

(Response of "Aye".)

Contrary, nay.

(There was no response.)

The message is accepted.

Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up Calendar 1569?

ACTING PRESIDENT LACK: Calendar 1569, also on page 5 of the Senate Supplemental Calendar Number 1, the Secretary will read.

THE SECRETARY: Calendar Number 1569, Senate Budget Bill, Senate Bill Number 8861, amends Chapter 53 of the Laws of 1994 constituting the aid to localities budget.

ACTING PRESIDENT LACK: Senator Present.

SENATOR PRESENT: Mr. President, Is there a message of necessity at the desk?

ACTING PRESIDENT LACK: There is a message, Senator. On the motion of Senator Present to accept the message of necessity, all those in favor, aye.

(Response of "Aye".)

Contrary, nay.

(There was no response.)

The message is accepted.

Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present.

SENATOR PRESENT: Take up Calendar 1571.

ACTING PRESIDENT LACK: The Secretary will read Calendar 1571 on page 6 of the Senate Supplemental Calendar Number 1.

THE SECRETARY: Calendar Number 1571, Senator Tully moves to discharge the Committee on Rules from Assembly Bill Number 7139-E and substitute it for the identical Calendar Number 1571.

ACTING PRESIDENT LACK: The substitution is ordered.

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk for 1571?

ACTING PRESIDENT LACK: There is a message at the desk. On the motion of Senator Present to accept the message, all those in favor, aye.

(Response of "Aye".)

Contrary, nay.

(There was no response.)

The message is accepted.

Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

SENATOR PRESENT: Mr. President, can we take up Calendar 1556?

ACTING PRESIDENT LACK: The Secretary will please read Calendar 1556 on page 4 of Senate Supplemental Calendar Number 1.

THE SECRETARY: Calendar Number 1556, by Senator Tully, Senate Bill Number 8394-B, an act to amend the Public Health Law, in relation to primary and preventive obstetric and gynecologic care provided for health maintenance.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

THE SECRETARY: Ayes 59, nays 1, Senator Cook recorded in the negative.

ACTING PRESIDENT LACK: Senator Present.

SENATOR PRESENT: Can we take up 1567?

ACTING PRESIDENT LACK: The Secretary will please read Calendar 1567, page 5.

THE SECRETARY: Calendar Number 1567, by Senator Skelos, Senate Bill Number 8829, an act to amend the Education Law.

ACTING PRESIDENT LACK: Last

section.

Senator Jones.

SENATOR JONES: Would the Senator yield to a question?

ACTING PRESIDENT LACK: Senator Skelos, Senator Jones is asking you to yield.

SENATOR JONES: As you know, Senator, I had some questions when this first came up, and I'm really pleased to see that you obtained money and it looks to me like it will be a very excellent program.

Could you just clarify for me, does the bill allow for a school district to use Adam Walsh or DARE from existing programs, or does it mandate that they have to use a new one?

SENATOR SKELOS: Oh, no, you can use private also.

SENATOR JONES: They can use anything that's already out there.

SENATOR SKELOS: Yes.

SENATOR JONES: I just want to - on the bill.

ACTING PRESIDENT LACK: Senator Jones, on the bill.

SENATOR JONES: I just want to thank Senator Skelos for adding a lot of things and changing things to this to make it a program that I think is going to be beneficial in every school throughout the state, and as a teacher who spent many years working with children on some of these same topics, I'm pleased to see the program enhanced, and hopefully expanded throughout the state.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

SENATOOR CONNOR: Mr. President.

ACTING PRESIDENT LACK: Senator

Connor.

SENATOOR CONNOR: Thank you, Mr. President.

I'd like to ask unanimous consent to be recorded in the negative on Calendar Number 1420.

ACTING PRESIDENT LACK: Without objection, Senator Connor will be recorded in the negative on Calendar 1420.

Senator Present.

SENATOR PRESENT: Call up Calendar 889.

ACTING PRESIDENT LACK: The Secretary will please read Calendar 889 which is on page 18 of the regular calendar.

THE SECRETARY: Calendar Number 889, Senator Seward moves to discharge the Committee on Rules from Assembly Bill Number 10608-C and substitute it for the identical Third Reading 889.

ACTING PRESIDENT LACK: The substitution is ordered. Last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator -

ACTING PRESIDENT LACK: You would like to return to motions and resolutions, Senator?

SENATOR LIBOUS: I would like to return to motions and resolutions, please.

ACTING PRESIDENT LACK: Senator Libous.

SENATOR LIBOUS: On behalf of Senator Volker, Mr. President, I wish to call up his bill, Senate Print Number 8777, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT LACK: The

Secretary will read.

THE SECRETARY: By Senator Volker, Senate Bill Number 8777, in relation to providing a retirement incentive for the city of Buffalo.

ACTING PRESIDENT LACK: Senator Libous.

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

ACTING PRESIDENT LACK: At Senator Libous' request, will you please reconsider the vote by which this bill was passed.

(The Secretary called the roll on reconsideration.)

ACTING PRESIDENT LACK: Senator Libous, Senator Volker's bill is now on the floor.

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

ACTING PRESIDENT LACK: The amendments to Senator Volker's bill, by Senator

Libous, are received and adopted.

SENATOR LIBOUS: Thank you very much, Mr. President.

ACTING PRESIDENT LACK: You're welcome, Senator.

The Secretary will read substitutions.

THE SECRETARY: On page 10 of the regular calendar, Senator Larkin moves to discharge the Committee on Rules from Assembly Bill Number 10301-A and substitute it for the identical Third Reading 527.

On page 19, Senator Seward moves to discharge the Committee on Rules from Assembly Bill Number 11493-A and substitute it for the identical Third Reading 952.

On page 28, Senator Stafford moves to discharge the Committee on Rules from Assembly bill Number 12153 and substitute it for the identical Third Reading 1410.

ACTING PRESIDENT LACK: Substitutions are ordered.

Senator Saland.

SENATOR SALAND: I would like to ask that Calendar 1569 -- I would like to ask that the vote be reconsidered.

ACTING PRESIDENT LACK: Senator Saland, we are procuring the bill.

SENATOR SALAND: Thank you.

ACTING PRESIDENT LACK: Senator Saland, I have been informed that we do have possession of the bill, although -- albeit not exactly here within the chamber, within the Senate's possession, so therefore, the Secretary will call the roll on reconsideration on Senate 1569.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: All right, Senator. We'll say it it's here.

SENATOR SALAND: Thank you, Mr. President.

I guess it would be appropriate for me to ask that the bill be laid aside at this point? The Chair tells me I can address

the body on 8861, Calendar 1569.

This bill, as I understand it, Mr. President, contains the federal drug monies, federal drug monies somewhere in the area of $15 million. The bill draft I have here which is off the computer, not the offical bill draft, shows $14,987,900.

Previously when we passed the state operations budget earlier this year, it contained some $7.5 million. You're talking somewhere in excess of $22 million.

I would suggest to you as you peruse the long list of those organizations that are going to be receiving money, please don't run to your telephones and please don't get out your letters telling them that they will be receiving those dollars, because I would again like to remind you, that due to the fact that this state has not adopted legislation required by the federal government, legislation which requires us to have on our books by September 30 of 1994, the ability for the victim of a sex offense crime to apply to the court and have her

or his assailant tested for HIV, we will lose ten percent of those $20-plus million. Those monies are illusory. Those monies are not there, and if we fail to act, all of those folks that you see listed -- and I have two plus pages of various items going to various organizations throughout this state -- I'm assuming that they will take at least a ten percent hit or, in fact, if it's totally unrestricted or unfettered, may, in fact, wind up with some organizations taking far greater hits than others, far greater reductions. We're talking law enforcement entities.

Now, I'm not here to advocate that we do not pass this bill. I am here to make sure that we pass this bill with our eyes open. I'm here basically to say that the second floor in submitting this bill to us is engaging in a charade, compounding the basic indignity that has been forced upon countless victims by failing to do the same thing that at least 37 other states have done in compliance with the federal law which is to enact legislation. Not

only will we lose $2.2 million this year, but with no window of opportunity, nothing in the federal law that says we can apply thereafter, we will lose countless millions of dollars in drug enforcement monies and drug treatment monies over the course of however many more years that program is on the books. We will lose it and lose it forever. Not $22 million, ladies and gentlemen, there is less than $20 million in this package.

The Governor should have been a bit more forthright and I think the Governor, perhaps in the waning moments -- this is not the eleventh hour; it's probably closer to a quarter to 12:00 -- could still get us a bill or still help to us negotiate a bill that would make sure that these $2.2 million are put to use for the kinds of law enforcement purposes for which they were intended.

Thank you, Mr. President.

ACTING PRESIDENT LACK: Last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up Calendar 527?

ACTING PRESIDENT LACK: The Secretary will please read Calendar 527 which is on page 10 of the regular calendar.

THE SECRETARY: Calendar Number 527, substituted earlier today by member of the Assembly Abbate, Assembly Bill Number 10301-A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

SENATOR PRESENT: Mr. President, can we call up 1227?

ACTING PRESIDENT LACK: The Secretary will please read Calendar Number 1227 which is located on page 24.

THE SECRETARY: Calendar Number 1227, substituted earlier today by the Assembly Committee on Rules, Assembly Bill Number 12128, an act to amend the Tax Law.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, can we call up 1563?

ACTING PRESIDENT LACK: The Secretary will please read Calendar 1563 on page 5 of the Senate Supplemental Calendar 1.

THE SECRETARY: Calendar Number 1563, substituted earlier today by member of the Assembly Morelle, Assembly Bill Number 9341, an act to amend the Education Law.

ACTING PRESIDENT LACK: Last section.

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

ACTING PRESIDENT LACK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT LACK: The bill is passed.

SENATOR PRESENT: Have the Senate stand at ease.

ACTING PRESIDENT LACK: The

Senate will stand at ease.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT SPANO: The Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until 1:58.

ACTING PRESIDENT SPANO: On the motion of Senator Present, the Senate will stand adjourned until 1:58.

(Whereupon, at 1:54 a.m., the Senate adjourned.)