ALBANY, NEW YORK

July 3, 1994

5:02 a.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Would you call this session to order.

ACTING PRESIDENT FARLEY: Senate will come to order.

Please rise to the Pledge of Allegiance to the Flag.

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

This morning, in the absence of visiting clergy, we will bow our heads for a moment of silence.

(Whereupon, there was a moment of silence.)

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Saturday, July 2. The Senate met pursuant to adjournment. The Journal of July 1 was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as read.

The order of business:

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.

We have none.

Senator Present, we're ready for the calendar, if you are.

We'll stand at ease for a moment.

(The Senate was at ease.)

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President. On behalf of Senator Stafford, I wish to call up

his bill, Senate Print 8031A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Stafford, Senate Bill Number 8031A, proposing an amendment to the Constitution, in relation to the exchange of certain forest preserve land.

SENATOR PRESENT: Mr. President. I now move to reconsider the vote by which this bill was passed and that the bill be restored to the order of third reading.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Present.

SENATOR PRESENT: I now move to discharge the Committee on Rules from Print Number 12097 and substitute it for the Senator

Stafford's identical bill. The Senate bill on first passage was voted unanimously. I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT FARLEY: Read the last section. It's not a bill.

SENATOR PRESENT: Just lay it aside right now.

ACTING PRESIDENT FARLEY: Do you want to lay it aside? Okay.

It's a resolution. Do you want the resolution adopted?

SENATOR PRESENT: No.

ACTING PRESIDENT FARLEY: No? Lay it aside.

(The Senate was at ease.)

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: I'm going to ask for a quorum call, and ask you to please call the roll.

ACTING PRESIDENT FARLEY:

Secretary will call the roll for quorum call.

Ring the bell.

THE SECRETARY: Senator Babbush.

(There was no response.)

Senator Bruno.

SENATOR BRUNO: Here.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: Here.

THE SECRETARY: Senator Cook.

(There was no response.)

Senator Daly.

(There was no response.)

Senator DeFrancisco.

SENATOR DeFRANCISCO: Here.

THE SECRETARY: Senator DiCarlo.

SENATOR DiCARLO: Here.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Here.

THE SECRETARY: Senator Espada.

(There was no response.)

Senator Farley.

SENATOR FARLEY: I'm here.

THE SECRETARY: Senator Galiber.
SENATOR GALIBER: Here.
THE SECRETARY: Senator Gold.
SENATOR GOLD: Yes.
THE SECRETARY: Senator Gonzalez.
(There was no response.)
Senator Goodman.
(There was no response.)
Senator Hannon.
SENATOR HANNON: Yes.
THE SECRETARY: Senator Hoffmann.
SENATOR HOFFMANN: Here.
THE SECRETARY: Senator Holland.
SENATOR HOLLAND: Here.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Yes.
THE SECRETARY: Senator Jones.
SENATOR JONES: Here.
THE SECRETARY: Senator Kruger.
SENATOR KRUGER: Here.
THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Present.
THE SECRETARY: Senator Lack.
SENATOR LACK: Aye.
THE SECRETARY: Senator Larkin.
(There was no response.)
Senator LaValle.
SENATOR LAVALLE: Here.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: Here.
THE SECRETARY: Senator Levy.
(There was no response.)
Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maltese.
(There was no response.)
Senator Marchi.
SENATOR MARCHI: Present.
THE SECRETARY: Senator Marino.
(There was no response.)
Senator Markowitz.
SENATOR MARKOWITZ: Barely.
THE SECRETARY: Senator Mendez.
SENATOR MENDEZ: Here.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: Here.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: Here.

THE SECRETARY: Senator Nolan.

(There was no response.)

Senator Nozzolio.

SENATOR NOZZOLIO: Here.

THE SECRETARY: Senator Ohrenstein.

(There was no response.)

Senator Onorato.

(There was no response.)

Senator Oppenheimer.

SENATOR OPPENHEIMER: Here.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Here.

THE SECRETARY: Senator Pataki.

SENATOR PATAKI: Here.

THE SECRETARY: Senator Paterson.

SENATOR PATERSON: Mr. President. To explain my presence.

ACTING PRESIDENT FARLEY: We have a quorum, Senator Present.

SENATOR PRESENT: Thank you.

ACTING PRESIDENT FARLEY: Quorum is present.

SENATOR PRESENT: Calendar 1628.

ACTING PRESIDENT FARLEY: 1628, Secretary will read it.

THE SECRETARY: Calendar Number 16 -

ACTING PRESIDENT FARLEY: Senator Stafford.

SENATOR STAFFORD: Can we return to motions and resolutions?

ACTING PRESIDENT FARLEY: Yes, we may, I guess.

SENATOR STAFFORD: Thank you. Mr. President. I wish to call up my bill, Senate Print Number 7970A -

ACTING PRESIDENT FARLEY: Hold on a minute. I'm going to ask that the conversations be held down. We can't hear Senator Stafford.

SENATOR STAFFORD: -- recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read it.

THE SECRETARY: By Senator Stafford, Senate Bill Number 7970A, proposing an amendment to the Constitution, in relation to the exchange of certain forest preserve land.

ACTING PRESIDENT FARLEY: Senator Stafford.

SENATOR STAFFORD: Mr. President. I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT FARLEY: The bill is before the house.

SENATOR GOLD: Just hold on one second.

ACTING PRESIDENT FARLEY: Senator Stafford, did you wish to continue?

SENATOR STAFFORD: Hold for just a minute.

SENATOR PRESENT: We will stand at ease for a moment.

ACTING PRESIDENT FARLEY: Senate will stand at ease.

(The Senate was at ease.)

ACTING PRESIDENT FARLEY: Senator Present, is it all right to recognize Senator Stafford for a motion?

SENATOR PRESENT: Let's do that now.

SENATOR STAFFORD: Would you like me to start right in the middle of the sentence.

ACTING PRESIDENT FARLEY: Why don't we start all over again.

SENATOR STAFFORD: All over. Mr. President. I wish to call up my bill, Senate Print Number 7970A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY:

Secretary will read the bill.

THE SECRETARY: By Senator Stafford, Senate Bill Number 7970A, proposing an amendment to the Constitution, in relation to the exchange of certain forest preserve land.

ACTING PRESIDENT FARLEY: Senator Stafford.

SENATOR STAFFORD: Mr. President. I now move to reconsider the vote by which the bill was passed and ask that bill be restored to the order of Third Reading.

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: Senator Stafford, the bill is before the house.

SENATOR STAFFORD: I now move to discharge from the Committee on Rules Assembly Print Number 12129 and substitute it for my identical bill.

ACTING PRESIDENT FARLEY:

Substitution is ordered.

SENATOR STAFFORD: I now move that the substituted Assembly bill have its third reading at this time having the same vote as the Senate bill which was previously passed.

ACTING PRESIDENT FARLEY: The Secretary will read the last section. No, this is a resolution. Call the roll on the resolution.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative when the bill was originally passed on June 30 are Senators Babbush, Connor, Dollinger, Gold, Goodman, Jones, Kruger, Leichter, Markowitz, Montgomery, Nanula, Ohrenstein, Onorato, Oppenheimer, Paterson, Stachowski and Stavisky.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Do we have this bill or whatever it is at the desk?

SENATOR TULLY: Mr. President.

ACTING PRESIDENT FARLEY: Why do you rise, Senator Tully?

SENATOR TULLY: Would you advise the member that has the floor now that it's decorum in this Senate to put your jacket on and put your tie on when this place is in session.

SENATOR DOLLINGER: Absolutely, Mr. President.

ACTING PRESIDENT FARLEY: Senator Dollinger, a jacket is required in the Senate.

Results of the -

SENATOR DOLLINGER: Mr. President. Could I -

THE SECRETARY: Ayes 36. Nays 17.

ACTING PRESIDENT FARLEY: Senator Dollinger. The resolution is adopted.

Senator Dollinger.

SENATOR DOLLINGER: Okay. I just wanted to make sure what we have just done. We just ratified the prior vote on this bill; is that correct?

ACTING PRESIDENT FARLEY: That's correct.

Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President. One more. I wish to call up my bill, Senate 8031A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT FARLEY: Secretary will read Senator Stafford's bill.

THE SECRETARY: By Senator Stafford, Senate Bill Number 8031A, proposing an amendment to the Constitution in relation to the exchange of certain forest preserve land.

ACTING PRESIDENT FARLEY: Senator Stafford.

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

ACTING PRESIDENT FARLEY: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is before the house.

Senator Stafford.

SENATOR STAFFORD: And ask that is this bill have its third reading.

I now move to discharge from the Committee on Rules Assembly Print Number 12097 and substitute it for my identical bill.

ACTING PRESIDENT FARLEY: Substitution is ordered.

SENATOR STAFFORD: The Senate bill on its first passage was voted unanimously. I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Unanimous.

ACTING PRESIDENT FARLEY: The resolution is adopted.

SENATOR KUHL: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Kuhl.

SENATOR KUHL: Can we have the Secretary call up on Supplemental Calendar 1, Calendar Number 1628, by Senator Saland.

ACTING PRESIDENT FARLEY: 1628, on Sup' Calendar 1, by Senator Saland.

THE SECRETARY: Calendar Number 1628, by Senator Saland, Senate Bill Number 8667A, an act to amend the Insurance Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Now, may we return to Calendar Number 74. That's the regular calendar, page 27, Calendar Number 1580, by

Senator Velella.

ACTING PRESIDENT FARLEY: 1580, by Senator Velella. Secretary will read it.

THE SECRETARY: Calendar Number 1580, by Senator Velella, Senate Bill Number 8422A, an act to amend Chapter 696 of the Laws of 1887, relating to providing hospitals orphan asylums and other charitable institutions in the City of New York.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

(The Senate was at ease.)

SENATOR PRESENT: Mr. President. Can we call up 1595.

ACTING PRESIDENT FARLEY: 1595,

the Secretary will read it.

THE SECRETARY: Calendar Number 1595, by the Senate Committee on Rules -

ACTING PRESIDENT FARLEY: It's on the regular calendar.

THE SECRETARY: On page 29, Senate Bill Number 8779, an act in relation to allowing certain persons in New York State and local employees retirement system to purchase certain credit.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

(The Senate was at ease.)

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Let's start out on Supplemental Calendar Number 3.

ACTING PRESIDENT FARLEY: Supplemental Calendar Number 3.

SENATOR PRESENT: 1676.

ACTING PRESIDENT FARLEY: 1676.

THE SECRETARY: Calendar Number 1676, by Senator Spano, Senate Bill 4554A, Local Finance Law.

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

You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

(The Senate was at ease.)

THE SECRETARY: Calendar Number 1677, by Senator Saland, Senate Bill Number

8668 -

SENATOR GOLD: Explanation.

THE SECRETARY: -- an act to amend the Banking Law.

ACTING PRESIDENT FARLEY: Explanation has been called for.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President. I'm sure you and my colleagues are familiar with the link deposit program. It was established by legislation last year. What it does is makes low interest loans available. It's an economic development tool. The state -

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR TULLY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Tully, do you wish to speak on the bill?

SENATOR TULLY: Would the sponsor yield for a question?

ACTING PRESIDENT FARLEY: Would you yield for a question from Senator Tully.

SENATOR SALAND: Certainly, Mr. President.

SENATOR TULLY: Mr. President. Is this bill an agreed upon bill.

SENATOR SALAND: This bill, it has a companion in the Assembly. As of this moment as we speak, it is not agreed upon.

SENATOR TULLY: Thank you.

ACTING PRESIDENT FARLEY: Continue the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 1682, by Senator Johnson, Senate Bill Number 8826A, Environmental Conservation Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR PRESENT: Senate will stand at ease.

ACTING PRESIDENT FARLEY: Senate will stand at ease.

(Senate was at ease.)

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President.

There will be a immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT FARLEY: There will be an immediate meeting of the Rules Committee in Room 332.

(The Senate stood at ease.)

....At 7:09 a.m....

ACTING PRESIDENT KUHL: Senate will come to order.

The Chair recognizes Senator Present.

SENATOR PRESENT: Mr. President, we'll take up Calendar 450, 802 and 1650 - 1615, in that order. 450 and 802 are on our original calendar. 1615 is in Supplemental Calendar Number 1.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 450.

THE SECRETARY: Calendar Number 450, Senator Marino moves to discharge the Committee on Rules from Assembly Bill Number 4694-A and substitute it for the identical Third Reading 450.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Is there a message of necessity on Calendar 450?

ACTING PRESIDENT KUHL: Substitution ordered. I'm informed that there

is a message of necessity at the desk.

SENATOR PRESENT: Mr. President, I move that we accept that message.

ACTING PRESIDENT KUHL: Senator Dollinger, you sure, now, you understand? Bill came back, was restored to the calendar so it's not on the print.

I'm informed, Senator Present, that there is a message of necessity at the desk.

SENATOR PRESENT: I move that we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 53, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will read Calendar Number 802 on your regular calendar.

THE SECRETARY: On page 14, Calendar Number 802, substituted earlier, by the Committee -- the Assembly Committee on Rules, Assembly Bill Number 8130-A, an act to amend the Education Law, the Social Services Law and the Executive Law, in relation to the education of homeless children.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will now read Calendar Number 1615 on Supplemental Calendar 1.

THE SECRETARY: Calendar Number 1615, substituted earlier, by the Assembly Committee on Rules, Assembly Bill Number 11987-A, Education Law, in relation to establishing 21st Century schools.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Would Senator Cook yield?

ACTING PRESIDENT KUHL: Senator Cook, would you yield? Senator Cook yields.

SENATOR LEICHTER: Yes. Those schools which are designated 21st Century schools, I believe there's going to be 60 of

them.

SENATOR COOK: Yes.

SENATOR LEICHTER: Do they receive extra funding?

SENATOR COOK: No.

SENATOR LEICHTER: All they receive is the right to be free of certain regulations and so on, and that's so great? Thank you.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR HANNON: Mr. President.

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

SENATOR HANNON: I just wanted to ask the sponsor if he would yield?

ACTING PRESIDENT KUHL: Senator Cook, do you yield to Senator Hannon? Senator yields.

SENATOR HANNON: Does this describe what mandates they're relieved of?

SENATOR COOK: Oh, lots of them.

SENATOR HANNON: Do you remember

what -

SENATOR COOK: Senator, the - the mandates that are waiveable are anything except those that are expressly stated in the bill.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator LaValle to explain his vote.

SENATOR LAVALLE: Mr. President, I'm going to cast my vote in the negative on this legislation because there are provisions here that I believe we don't know enough about dealing with school-based planning continuation and really a mechanism to continue the Compact for Learning, and so I think that, while there seems to be some good and desirable things, this is wrapped around some things that may not turn

out to be particularly desirable for many of our communities. So I'm casting my vote in the negative.

ACTING PRESIDENT KUHL: Senator LaValle will be recorded in the negative.

Senator Leichter to explain his vote.

SENATOR LEICHTER: Yeah, Mr. President.

I have a lot of questions about this bill and this program. It seems to be something that promises a lot. It's a nice glitzy term, and I guess maybe it will make a good campaign commercial for somebody, but I think it's not going to do very much for the - in fact, not do anything for the students in the state of New York. I really don't think it's well thought out. It isn't funded; really doesn't do so much. I'm going to vote in the negative.

ACTING PRESIDENT KUHL: Senator Leichter will be recorded in the negative.

Senator Stavisky in the

negative.

Secretary will announce the results when tabulated.

THE SECRETARY: Ayes 52, nays 2, Senators LaValle and Leichter recorded in the negative. I'm sorry, also Senator Stavisky.

ACTING PRESIDENT KUHL: The bill is passed.

The Chair recognizes Senator Present.

SENATOR PRESENT: Mr. President, let's take up Calendar Number 1693 on the third Supplemental Calendar.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1693. Senator Present, I'm informed that 16 -- Calendar Number 1693 is still high. There doesn't appear to be a message of necessity at the desk that was issued on July 3rd.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR PRESENT: Mr. President,

let's return to reports of standing committees.

ACTING PRESIDENT KUHL: We'll return to reports of standing committees. Ask the Secretary to read.

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

Senate Bill Number 2737-D, by Senator Larkin, Real Property Tax Law, in relation to the assessment of special franchises;

3800-B, by Senator Maltese, Criminal Procedure Law and the Executive Law;.

5347-A, by Senator Maltese, an act to amend the Vehicle and Traffic Law, in relation to the registration and operation of tow trucks;

6529-B, by Senator Spano and Larkin, proposing an amendment to the Constitution;

6631-A, by Senator DeFrancisco, Education Law, in relation to the transportation of pupils;

7798, by Senator Skelos, an act to amend the General Municipal Law, in relation to the right of action to certain injured or representatives of deceased police officers;

7864, by Senator DeFrancisco, Environmental Conservation Law;

7973-A, by Senator Stafford, Public Lands Law;

8174-B, by Senator Johnson, establish a special task force on fish;

8756-A, by Senator Levy, an act to amend the Vehicle and Traffic Law;

8835, by Senator Oppenheimer, an act to amend the Vehicle and Traffic Law;

8838, by Senator Dollinger, an act to amend the Vehicle and Traffic Law;

8842-A, by the Committee on Rules, an act to amend the Retirement and Social Security Law;

8864, by Senator Daly, an act to amend the Public Service Law;

8884, by Senator Padavan, Real Property Tax Law;

8891, by Senator Stafford, Racing, Pari-Mutuel Wagering and Breeding Law;

Assembly Bill Number 11698, with the Senate Reprint Number of 21009-A, by the Assembly Committee on Rules, an act to amend the Education Law, in relation to making provisions for -- regarding the annual estimates of certain city school districts;

Also Assembly -- Assembly Bill Number 12232, by the Assembly Committee on Rules, an act to amend the Public Health Law, in relation to child health plans.

All bills reported directly for third reading.

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

We're awaiting the arrival of a calendar expected momentarily, so until then we'll stand at ease. Should be just a few minutes.

(The Senate stood at ease briefly.)

ACTING PRESIDENT LIBOUS: Senator

Present.

SENATOR PRESENT: Mr. President, can we call up Calendar 666.

ACTING PRESIDENT LIBOUS: Call Calendar 666. Which calendar?

SENATOR PRESENT: On the regular calendar.

THE SECRETARY: On page 11 of the regular calendar, Calendar Number 666, substituted earlier, by member of the Assembly Rappleyea, Assembly Bill Number 1029-A, an act to amend the Insurance Law, in relation to the reconversion of domestic mutual property.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT LIBOUS: The bill is passed.

(The Senate stood at ease.)

ACTING PRESIDENT KUHL: The Senate will come to order.

The Chair recognizes Senator Present.

SENATOR PRESENT: Mr. President, let's do a non-controversial calendar on Supplemental Calendar Number 4.

ACTING PRESIDENT KUHL: Secretary will read the non-controversial calendar, Supplemental Calendar Number 4.

SENATOR PRESENT: Calendar Number 1697, Senator Larkin moves to discharge the Committee on Rules from Assembly Bill Number 11855-A, and substitute it for the identical Third Reading 1697.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR HOFFMANN: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Hoffmann.

SENATOR HOFFMANN: Just a point of information. I know that it's late and we're all getting very confused, but I'm looking at Senate Supplemental Calendar Number 4, and I see that it's dated Saturday, July 2nd, 1994.

Now, I just want to go back over the little discussion that we had at 5:00 a.m., when we gaveled out and gaveled in a new session, and I wanted to find out once again for the record, what day is this?

SENATOR PRESENT: The day is - today is Sunday, July 3rd. The error you spotted was a typographical omission or change. We regret it, and we thought it would just - and we would explain it rather than send it back

and get a whole new printing of all of them.

SENATOR HOFFMANN: Thank you, Senator.

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

THE SECRETARY: Calendar Number 1698, Senator Maltese moves to discharge the Committee on Rules from Assembly Bill Number 5465-D, and substitute it for the identical Calendar Number 1698.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1699, Senator Maltese moves to discharge the Committee on Rules from Assembly Bill Number 3434-B and substitute it for the identical Calendar Number 1699.

ACTING PRESIDENT KUHL: Substitution is ordered.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: No.

THE SECRETARY: Ayes 53, nays one, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1700, by Senator Spano, Senate Bill -

ACTING PRESIDENT KUHL: Hold on.

SENATOR SALAND: Excuse me, Mr.

President. Was that last bill 1699?

ACTING PRESIDENT KUHL: Yes, it was.

SENATOR SALAND: I, too, would like to be recorded in the negative.

ACTING PRESIDENT KUHL: Without objection, Senator Saland will be recorded in the negative on 1699.

Senator Seward, also Senator Libous, also Senator Wright -

ACTING PRESIDENT KUHL: The Secretary will call the roll again on Calendar Number 1699. Will the negatives on Calendar Number 1699 raise their hands, please.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 1699 are Senators Cook, DeFrancisco, Dollinger, Farley, Holland, Kuhl, Larkin, LaValle, Libous, Nozzolio, Rath, Saland, Seward, Wright, also Senator Hoffmann.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Also Senator Nanula; also Senator Kruger.

SENATOR GOLD: No, no, no. Wait a minute. O.K.

SENATOR NANULA: I'm yes.

THE SECRETARY: Ayes 39, nays 15.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1700, by Senator Spano.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1701, by Senator DeFrancisco, Senator DeFrancisco moves to discharge the Committee on Rules from Assembly Bill Number 8316-B, and substitute it for the identical Calendar Number 1701.

ACTING PRESIDENT KUHL: Substitution is ordered.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1702, Senator Skelos moves to discharge the Committee on Rules from Assembly Bill Number 9677-B and substitute it for the identical Third Reading 1702.

ACTING PRESIDENT KUHL: Substitution is ordered.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1703, by Senator DeFrancisco, Senate Bill Number 786-A, Environmental Conservation Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1704, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 11948, and substitute it for the identical Third Reading 1704.

ACTING PRESIDENT KUHL: Substitution is ordered.

Secretary will call the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1705, by Senator Johnson, Senate Bill Number 8471-B.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1706, by Senator Levy, Senate Bill Number 8756-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1707, Senator Oppenheimer moves to discharge the Committee on Rules from Assembly Bill Number 12185 and substitute it for the identical Third Reading 1707.

ACTING PRESIDENT KUHL: Substitution is ordered, and there's a home rule message at the desk. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1708, Senator Dollinger moves to discharge the Committee on Rules from Assembly Bill Number

12184-A and substitute it for the identical Third Reading 1708.

ACTING PRESIDENT KUHL: Substitution is ordered. There's a home rule message at the desk. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1709, by the Senate Committee -- by the Senate Committee on Rules, Senate Bill Number 8842-A, Retirement and Social Security Law.

ACTING PRESIDENT KUHL: This is high. There's no message at the desk, so we'll lay the bill aside.

THE SECRETARY: Calendar Number 1710, Senator Daly moves to discharge the

Committee on Rules from Assembly Bill Number 12216 and substitute it for the identical Third Reading 1710.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the last section.

Senator Present, I'm informed by the desk that the Assembly bill is high, so we're not able to address this at this moment, so we'll lay the bill aside.

THE SECRETARY: Calendar Number 1711, Senator Padavan moves to discharge the Committee on Rules from Assembly Bill Number 12175-A and substitute it for the identical Third Reading 1711.

ACTING PRESIDENT KUHL: Substitution is ordered. The bill is high, so it will be laid aside.

THE SECRETARY: Calendar Number 1712, Senator Stafford moves to discharge the Committee on Rules from Assembly Bill Number 12254 and substitute it for the identical Third Reading 1712.

ACTING PRESIDENT KUHL:

Substitution is ordered. The bill is high. It will be laid aside.

Senator Present, I'm informed by the Secretary that, in fact, 1713 and '14, as indicated on the calendar, are both high, so they'll be laid aside.

That does complete the -- that does complete the non-controversial calendar that you have at the desk. I have a message from the Assembly, Assembly hand-down. We could take that up at this time. Ask the Secretary to read.

THE SECRETARY: The Assembly sent for concurrence the following bill: Assembly Bill Number 12088, by the Assembly Committee on Rules, an act to amend Chapter 36 of the Laws of 1993, amending the Highway Law and other laws relating to the state's infrastructure system.

ACTING PRESIDENT KUHL: Secretary will read the last section. Excuse me. Without objection, this will go to third reading. Ask the Secretary to read the last section.

SENATOR GOLD: Wait, hold it. Yes, please, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, we'll lay this bill aside. I'm informed by the Secretary that the members have never had this bill placed on their desks, so we'll lay it aside at least until that's done.

SENATOR GOLD: Yeah, that's fine, and following the procedure that we've had for years in this house, and when the bill is called, I would like someone to explain the bill even if it's handed out, even if we have that, so we all know we're voting on the same piece of legislation.

ACTING PRESIDENT KUHL: Senator Present has indicated he has no objection to that.

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

Senator Galiber.

SENATOR GALIBER: Mr. President, may I have unanimous consent to be recorded in

the negative on Calendar Number 1698?

ACTING PRESIDENT KUHL: Without objection, Senator Galiber will be recorded in the negative on Calendar Number 1698.

SENATOR PRESENT: Mr. President, I believe there will be a short pause, and we'll stand at ease again. Common phrase, Senate stands at ease.

ACTING PRESIDENT KUHL: The Senate will stand at ease for just a few moments.

(The Senate stood at ease briefly.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Chair recognizes Senator Present.

SENATOR PRESENT: Mr. President, can we take up 1703, Calendar 1703.

ACTING PRESIDENT KUHL: The Secretary will read. This is on Calendar Number 4, Supplemental Calendar Number 4. Clerk will read.

THE SECRETARY: Calendar Number 1703, by Senator DeFrancisco, Senate Bill Number 7867-A, Environmental Conservation Law.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Gold.

SENATOR GOLD: Yeah. Senator DeFrancisco, there is a memo from the Department of Environmental Conservation which says they oppose your bill as drafted. Have you seen that memo?

SENATOR DeFRANCISCO: I have not, but it doesn't surprise me because there would be a loss in revenue.

SENATOR GOLD: Well, if I can continue. It says, A sliding fee scale would be more equitable. However, this proposal results in a significant revenue loss, negative funding impact on agency programs.

Have I overwhelmed you?

SENATOR DeFRANCISCO: No, but there used to be -- under the current law there is a 40,000 flat fee, no matter what is dis

charged from the facility. This is a sliding scale, but what it does, it reduces the revenue since those who were paying the flat 40,000 for small discharges have a smaller fee.

SENATOR GOLD: Yeah. If you will yield to one question.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Senator, what I'm getting out of this very quickly, I gather - and you can tell me whether I'm interpreting it right. I gather what they're saying is that they would like the idea of a sliding scale if you come up to a fee schedule that comes up with the same dollars; is that what they're basically saying?

SENATOR DeFRANCISCO: Exactly.

SENATOR GOLD: And that is something that I gather you were not interested in?

SENATOR DeFRANCISCO: That was something that was not able to be done.

SENATOR GOLD: Well, Senator,

"able to be done," you sort of shift the numbers and -

SENATOR DeFRANCISCO: Correct. I understand, but I'm just suggesting to you that in order to make certain that those who had small discharges are paying less, I put this bill in and this was the best I felt I could do under my constraints.

SENATOR GOLD: Senator, can you tell me what the revenue loss is?

SENATOR DeFRANCISCO: Yes, $580,000, I think. Let me just see the memo. 585.

SENATOR GOLD: Yeah, and last question, Senator, I know -- I know at this point, I -- there's no -- this is the Senate bill passing, so it's really going nowhere, but I was just curious how you anticipated making up the $585,000.

SENATOR DeFRANCISCO: I didn't. It was sort of like what we did this year in reducing business taxes, and you don't make up the revenue but you provide a better climate for

those smaller facilities.

SENATOR GOLD: So that, if we pass the bill, basically it would be less money in the budget and, as their memo indicates, I gather, it would have an impact on the agency's programs?

SENATOR DeFRANCISCO: It would reduce the revenues. Whether it would have an impact on the programs is something that I can't speak to.

SENATOR GOLD: All right. Thank you very much. Last section.

Senator Oppenheimer?

ACTING PRESIDENT KUHL: Senator Oppenheimer.

SENATOR OPPENHEIMER: If I may, on the bill.

ACTING PRESIDENT KUHL: Senator Oppenheimer, on the bill.

SENATOR OPPENHEIMER: It is a good bill but has the disadvantage that there would be somewhat less money coming into our coffers, but if we are going to move on smaller

steam co-generation and if we're going to move on biomass facilities and those smaller operations as opposed to the large steam turbine operations, this is the direction we have to take, because the large fees for just the SPDES permits were just too expensive for the smaller operations, so it precluded some of the more innovative and, you know, alternative methodologies, so -- for producing power. So I think this is a very good bill and we should support it, albeit it brings a little less money in.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Senator says it's a good bill.

ACTING PRESIDENT KUHL: Ayes 53, nays one, Senator Gold recorded in the

negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up Calendar Number 1693, which is in Supplemental Calendar Number 3, on page 3.

ACTING PRESIDENT KUHL: On Supplemental Calendar Number 3, page 3, Secretary will read Calendar Number 1693.

THE SECRETARY: 1693, Senator Volker moves to discharge the Committee on Rules from Assembly Bill Number 12252 and substitute it for the identical Third Reading 1693.

ACTING PRESIDENT KUHL: Substitution is ordered. Senator Present?

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk for 1693?

ACTING PRESIDENT KUHL: I'm informed that there is a message of necessity at the desk, Senator Present.

SENATOR PRESENT: I move that we

adopt the motion -- adopt the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity. All those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present?

SENATOR PRESENT: Regular order starting with Calendar Number 1705, page 1 of Calendar Number 4.

ACTING PRESIDENT KUHL: Supplemental Calendar Number 4, Calendar Number

1705, by Senator Johnson, the Secretary will read.

THE SECRETARY: By Senator Johnson, Senate Bill Number 8174-B, establish a special task force on fish.

SENATOR GOLD: Senator Johnson yield to a question?

ACTING PRESIDENT KUHL: Senator Johnson?

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1711, substituted earlier, by the Assembly Committee on Rules, Assembly Bill Number 12175-A, Real Property Tax Law.

ACTING PRESIDENT KUHL: Senator Present, I'm informed there's a message of necessity at the desk.

SENATOR PRESENT: Mr. President, I move that we accept the message.

ACTING PRESIDENT KUHL: Motion is

to accept the message. All those in favor signify by saying aye.

((Response of "Aye.")

Opposed nay.

(There was no response.)

The message is adopted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1712, substituted earlier, by the Assembly Committee on Rules, Assembly Bill Number 12254, Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT KUHL: Senator Present, I'm informed there's a message of necessity at the desk.

SENATOR PRESENT: I move we

accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity. All those in favor signify by saying aye.

((Response of "Aye.")

Opposed nay.

(There was no response.)

The message is adopted and accepted.

Explanation has been asked for, Senator Stafford, by Senator Leichter.

SENATOR PRESENT: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number -- Calendar Number 1715, the Assembly sends for concurrence the following bill: Direct to third reading earlier, Assembly Bill Number 12088, by the Assembly Committee on Rules.

SENATOR GOLD: Explanation.

THE SECRETARY: An act to amend Chapter 36 of the Laws of 1993, amending the

Highway Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Levy.

SENATOR GOLD: Mr. President, what is the printed number? Is that 12088?

ACTING PRESIDENT KUHL: Yes, the bill that is being called up for debate is Assembly Print Number 12088. It's on the Calendar Number 1715.

SENATOR GOLD: Yeah. Can we get an explanation? It appears to change the -

ACTING PRESIDENT KUHL: Senator Levy, an explanation has been asked for of Calendar 1715 by Senator Gold.

SENATOR LEVY: Senator Gold, this is an extender of a power that we gave to the MTA to fund the capital plan, and what we did in the bill that we passed a year ago April, to finance the whole plan was to change -- to enlarge the power of the MTA -

SENATOR GOLD: Last section.

ACTING PRESIDENT KUHL: Secretary

will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

ACTING PRESIDENT KUHL: Chair recognizes Senator Sears.

SENATOR SEARS: Yes, Mr. President. Supplemental Calendar Number 4, page 1, Calendar Number 1699, by Maltese, would you have me recorded in the negative, please?

ACTING PRESIDENT KUHL: Without objection, Senator Sears will be recorded in the negative on Calendar Number 1699.

Senator Present.

SENATOR PRESENT: Let's try 1705.

ACTING PRESIDENT KUHL: Secretary will read 1705.

THE SECRETARY: 1705, by Senator Johnson, Senate Bill Number 8174-B, establish a special task force on fish and wildlife funding.

SENATOR GOLD: Will Senator Johnson yield to a question?

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

SENATOR JOHNSON: Yes, Senator Gold.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GOLD: Senator Johnson, it's something nobody is going to appreciate, and I certainly don't want to get anybody mad at me, but it's five after eight and we're not going to appreciate a long debate over the issue of Minority representation, but isn't it a fact that this commission as put together does not have representation of the Minority in this house or in the Assembly?

SENATOR JOHNSON: That's true, Senator.

SENATOR GOLD: Well, Senator Johnson, I know that sometimes these things happen by inadvertence, but we were trying to get rid of that and I would urge that we don't go any further. This bill has not passed the Assembly yet, has it?

SENATOR JOHNSON: Senator, we did pass a bill earlier in this session putting Majority and Minority on the Conservation Advisory Board. This is a study group. It's not an advisory board. Yes, Senator, the other house has closed down. They haven't done this bill. I think they went home too early or we -

SENATOR GOLD: Tell me again, sir, they -

SENATOR JOHNSON: The other house is closed down and they have not done this bill, that's true, so it's pointless to spend our time debating this bill -

SENATOR GOLD: That's right.

SENATOR JOHNSON: -- which is obviously going nowhere, but I would just like to point out that this does have the support of

the Department of Environmental Conservation, Adirondack Mountain Club, Audubon and several other groups, and they're all named on here, so it's a good bill and when we all get in business next year again, we're going to put it together the way you and I would like to do it because it's something that should be done.

SENATOR GOLD: Well, Senator Johnson, I appreciate the gentlemanly way in which you indicated that, and my suggestion would be it's out here. For the most part. I don't have a problem with the bill, but perhaps what we could do is lay it aside and in the off session hand in an amendment and if we do happen to have a special session along the way, Senator, we'll have a live print on our calendar and we can pass it with the adjustments made.

SENATOR JOHNSON: You said it's ten after eight in the morning. Lay the bill aside.

SENATOR GOLD: I appreciate it, Senator.

ACTING PRESIDENT KUHL: Senator

Johnson lays 1705 aside.

The Senate will stand at ease for just a couple of moments.

(The Senate stood at ease briefly.)

ACTING PRESIDENT KUHL: Senate will come to order.

The Chair recognizes Senator Present.

SENATOR PRESENT: Can we call up 1712.

ACTING PRESIDENT KUHL: Supplemental Calendar 4, page 3, Secretary will call up Calendar Number 1712.

THE SECRETARY: Substituted earlier, by the Assembly Committee on Rules, Assembly Bill Number 12254, Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT KUHL: Message was accepted earlier.

SENATOR STAFFORD: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator

Stafford for an explanation.

SENATOR STAFFORD: We have here another omnibus racing bill. I remember the first year that I worked in this area, I said it's very, very complicated and it's very difficult to learn. I found the longer that I stay in the field, no pun intended, the less I know about it, I think. As a matter of fact, I find that generally, as I get older, and my youngest son pointed that out the other day.

I think this is a good bill. I think it will affect all of the segments of the industry positively. The industry has had difficulty in this state, nationwide, due to many, many reasons, one reason being I think the way people spend their leisure time. They have television to watch the races. How many times very we heard someone say that they'd rather be in their living room and watch the football on television than really go to it? Of course, we realize, if you're from Buffalo New York, you'd go to the game if you could, but also the economy has been a -- been a problem.

I will -- I've said this many, many times and I think this is true. I think that the various segments of the industry have got to attempt to work together. I think they're trying, but I think that can be improved and I think most of the industry agree.

With all of this, we had to make sure that we did our best to strengthen the industry. I am pleased to share with you that this bill will preserve over 3500 jobs in New York City at the Aqueduct Race Track, and I think that is important. This bill will also provide the New York Racing Association with sufficient cash flow to conduct a winter thoroughbred race meet from October 1994 through March 31, 1995, a total of $11 million through an $8.5 million loan and a $1 million tax cut and 1.5 million from additional simulcasting.

This bill also increases the horsemen's purse levels at the NYRA tracks, by approximately $9 million during the 1994-95 season. The bill will also provide significant tax relief to all New York harness tracks,

reduce to .5 percent of all wagers at Finger Lakes Race Track.

The bill diverts 50 percent of the tax relief to harness track horsemen which is extremely important. The bill significantly expands OTB and race track simulcast programs by, one, authorizing two out-of-state tracks to simulcast into New York State during winter months, also authorizes harness tracks and OTBs to simulcast out-of-state harness racing with protection for New York tracks.

The bill also authorizes out-of state simulcasts of thoroughbred races on days that NYRA is closed, with a revenue sharing arrangement for Finger Lakes Race Track. The bill increases funds for the New York Thoroughbred and Standardbred Breeding Funds.

The bill also authorizes harness tracks and OTBs to return a greater share of take-out to the fans, bettors, wagerers.

It also requires a recalculation of state's breakage in order to increase wings to those who take part in pari-mutuel betting.

If no winter racing is conducted at Aqueduct, this bill authorizes an alternative track management to conduct the winter meeting. And again, I emphasize the number of jobs that are involved.

I would say, Mr. President, that the people who work in this area here in the Legislature, in the Senate, and in the Assembly and in the Governor's office, work as hard as any of the staff members that I know. It's difficult to get compromises. You know, we often say that a good compromise is when no one is happy. This must be fairly good.

I would finally say that I think the bill is needed. I think we have to continue to try to strengthen the industry. It is important to many areas of the state, all areas of the state, but, of course, those where the tracks are located.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Yes. If Senator Stafford would yield for a question with thanks for the explanation.

ACTING PRESIDENT KUHL: Senator Stafford yields.

SENATOR LEICHTER: You said this will save 3500 jobs at Aqueduct. How will this occur? Could you direct us to the section of the bill that addresses that?

SENATOR STAFFORD: Well, in about the winter months, it will just continue racing during the winter months, and those 3500 jobs will stay there, but would not have been there if we did not have winter racing.

SENATOR LEICHTER: If you will continue to yield?

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR LEICHTER: Are you lengthening the season at Aqueduct, or the meet?

SENATOR STAFFORD: Another season, I guess you would say. Right.

SENATOR LEICHTER: So we're

lengthening the meet, is that it?

SENATOR STAFFORD: The winter meet, right.

SENATOR LEICHTER: By how much?

SENATOR STAFFORD: Four months, if we didn't have this, so that's where we keep the jobs.

SENATOR LEICHTER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter, on the bill.

SENATOR LEICHTER: Thank you, Mr. President.

The good thing about the racing bill is that it always signifies that we're in the dying gasps of the legislative session. The bad thing is that it's usually a lengthy bill and put on our desks when we have relatively very little time to read it, to digest it, to understand it.

It is a complicated industry, and as Senator Stafford says, it's an industry that's really had a very difficult and hard

time. We seem to address it every session. We don't seem to get it right. I -- I don't take this as a reflection on the people who work on it or the sponsors of the bill. It reflects national trends of how people gamble, television, a lot of different things.

My -- my interpretation is that it's a good rule of thumb to vote against these bills. I -- I do this not out of any disrespect for you, Senator Stafford, because I know how hard you've worked in this area, your commitment, and so on, but maybe as we look at the unsatisfactory results that we've gotten from the tracks in terms of the prosperity that we would like these tracks to have, the revenue it generates to the state, I don't know whether the approaches that we've been taking over the years have been successful.

One can argue that it may have somewhat helped to stench the -- or stem the - the economic decline, but that really doesn't seem to be the case either. Maybe we need to get rid of the New York Racing Association,

really do some other things that would be a much more thorough restructuring of the industry than we're doing by what essentially is a patchwork approach.

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

SENATOR GOLD: Last section.

ACTING PRESIDENT KUHL: Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 53, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, I'd like to announce an immediate meeting of the

Rules Committee in Room 332. Stand at ease.

ACTING PRESIDENT SEWARD: The Senate will stand at ease.

(The Senate stood at ease from 9:15 to 9:40 a.m.)

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Gold.

SENATOR GOLD: Yeah. Would you please recognize Senator Mendez.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Mendez.

SENATOR MENDEZ: Mr. President, there will be an immediate conference of the Democratic Minority.

ACTING PRESIDENT KUHL: There will be an immediate conference of the Minority in the Minority Conference Room.

Senator Present?

SENATOR PRESENT: Mr. President, can we hear our Rules report?

ACTING PRESIDENT KUHL: We'll

return to reports of standing committees and ask the Secretary to read the Rules report.

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

Senate Bill Number 8887, by Senator Rath, an act to amend Chapter 54 of the Laws of 1994, constituting the Capital Projects Budget.

Also Senate Bill Number 8898, by the Committee on Rules, proposing an amendment to the Constitution, casino gambling on vessels on waters and waterways of the state.

Both bills reported directly for third reading.

ACTING PRESIDENT KUHL: Bills are reported directly to third reading.

Senator Present.

SENATOR PRESENT: Mr. President, the Senate will stand at ease awaiting the return of the Minority from their conference.

ACTING PRESIDENT KUHL: The Senate will stand at ease.

(The Senate stood at ease from 9:43 to 10:47 a.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their places, staff to find their places.

The Chair recognizes Senator Present.

SENATOR PRESENT: Mr. President, could we call up Calendar Number 1709.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1709. It's on Supplemental Calendar Number 4, page 2.

THE SECRETARY: Calendar Number 1709, by the committee on rules, Senate Bill Number 8842-B, an act to amend the Retirement and Social Security Law and the Education Law.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity on 1709 at the desk?

ACTING PRESIDENT KUHL: There is a message at the desk, the Secretary informs me,

Senator Present.

SENATOR PRESENT: Mr. President, I move that we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity at the desk. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted, Senator Present.

SENATOR PRESENT: Would you recognize Senator Lack, please.

SENATOR LACK: Thank you, Mr. President.

The subject is pension supplementation. You've just heard that the leader has accepted a message of necessity from the Governor. We are fully prepared to pass this bill. We have spoken to various representatives of the unions that are involved and we reaffirm our commitment this morning to a

pension supplementation. They all understand it's our desire to have an agreed-upon bill with the Assembly.

It's also obvious at ten minutes of 11:00 this morning that the Assembly is not in the city of Albany. We fully expect that the differences between the two houses will be resolved in a very short time, that an agreed upon approach will be passed by both houses of this Legislature in the near future.

We have made this point very clear to the unions who understand our position fully and, as a result of that, at this point in time we will, even though this bill is on the floor, there's been a message of necessity given by the Governor and it has been accepted, we will not pass this bill at this time, and I ask that it please be laid aside now.

ACTING PRESIDENT KUHL: Calendar Number 1709 will be laid aside.

Senator Present.

SENATOR PRESENT: Call up Calendar 1700 and recognize Senator Spano.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1700. That's on page 1 of Supplemental Calendar Number 4.

THE SECRETARY: Calendar Number 1700, by Senator Spano, Senate Bill Number 6529-B, proposing an amendment to the Constitution, in relation to casino gambling in the Catskill region of the state.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Spano.

SENATOR SPANO: Mr. President. Mr. President, my colleagues, we have -- we are now here approaching our 25th hour since we were called to session yesterday, and it's been a very long day and night and morning for all of us, and it's not my intention to -- to extend that for any member of this house, but there's been an issue that has been on the front burner of this Legislature and legislatures all across this nation over these last years called casino gambling.

It's an issue that Senator Marino last year, in the final day of the legislative

session, reconstituted our Senate Subcommittee on Racing, Pari-mutuel Wagering and Gaming, gave Senator Stafford as the chairman of that subcommittee the charge to study the effects of casino gaming, to study the effects of casino gaming on the economies across New York State, its effects as it relates to the introduction of Indian -- gaming at the Indian reservations and also to examine the impacts that casino gaming would have on the racing industry in New York State.

After a comprehensive study that included hundreds of interviews, many, many different meetings, four or five different public hearings, listening to some very expert testimony, the subcommittee issued a report recommending that we consider the passage of a Constitutional amendment that would give the voters across the state the right on whether or not they would like to see casino gaming within the boundaries of New York State.

Over the period of the last several months, we have consistently reached out

to the Assembly trying to get an idea of what their position would be on this issue. The Assembly has taken a "take it or leave it" attitude with respect to this issue. They passed a bill which I believe is an irresponsible bill and left the state Capitol, a one-house bill.

It's clear that we can't bargain alone. It's clear that we can't negotiate with ourselves and we have been involved in less than good faith negotiations on the part of the Assembly on this whole issue.

While I recognize that there are members of this house who have some very serious public policy disagreements with the issue of legalized gaming, and I respect the members of this house who have those differing opinions, it is my opinion that we do have the number of votes in this house to pass a responsible casino gaming resolution that would ultimately just be the first passage of a Constitutional Amendment which we would present to the voters in New York State for them to make a decision on whether or

not they would like casino gaming.

Given the fact that we are here approaching our 25th hour, the fact that we are tired, the fact that the Assembly has gone home, it does not make sense for us to debate a bill for some two or three hours and to ask people to vote for a measure which ultimately may not be the final passage or the final negotiated form of a Constitutional Amendment.

So, Mr. President, my colleagues, I'm asking that this resolution as well as 8788, which is the other resolution which has been reported out of the Rules Committee, be laid aside so that we may continue to discuss this issue, we may continue to try to find out exactly what the Assembly position is so that we can have an intelligent debate on the floor of this house on an agreed-upon two-house, two-way Constitutional Amendment that we can then present to the voters.

So I'd like to thank the members of the staff who have put countless hours in working on this issue and apologize to the

members for some delay in the proceedings today and keeping us here, but this is a very important issue as it relates to the economy of New York State and one of our most important industries in New York State which is the racing industry.

It's not something that we're going to rush into and play politics with, but we're going to act responsibly and that's why, Mr. President, I ask that these resolutions be laid aside.

Thank you.

ACTING PRESIDENT KUHL: Calendar 1700 will be laid aside at the request of the sponsor.

Senator Present.

SENATOR PRESENT: Mr. President, could we take up Calendar 1710.

ACTING PRESIDENT KUHL: Secretary will read Calendar 1710, by Senator Daly, supplemental calendar, page 4.

THE SECRETARY: 1710, substituted earlier, by Senator Daly.

ACTING PRESIDENT KUHL: Senator Daly.

SENATOR PRESENT: Mr. President, is there a message of necessity on 1710?

ACTING PRESIDENT KUHL: Secretary informs me there is a message here, Senator.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up Calendar 1714.

ACTING PRESIDENT KUHL: Secretary will read Calendar 1714.

THE SECRETARY: 1714, by the Assembly Committee on Rules, Assembly Bill Number 12232, an act to amend the Public Health Law, in relation to health care plans.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity on 1714?

ACTING PRESIDENT KUHL: Secretary informs me that there is a message of necessity at the desk.

SENATOR PRESENT: Move we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

SENATOR GOLD: Could we have a quick explanation?

ACTING PRESIDENT KUHL: Explanation has been asked for, a very, very quick explanation.

Senator Tully, are you handling Calendar Number 1714?

SENATOR GOLD: Mr. President, short bill, but -- and the language, there's only about ten words, but I'm -- I think the implications of those words should just be explained a moment. Maybe Senator would get -

ACTING PRESIDENT KUHL: The Chair recognizes Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

This hand-down is a bill which clarifies the age for eligibility under the child health program. It's strictly a technical amendment.

SENATOR GOLD: Last section.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, can we call up Calendar 1717.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1716 which was a bill which was reported -- 1717, excuse me, 1717, a bill which was reported from Rules just shortly ago. The Secretary will read.

THE SECRETARY: Calendar Number 1717, by Senator Rath, Senate Bill Number 8887, an act to amend Chapter 54 of the Laws of 1994, constituting the Capital Projects Budget.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity on 1717 at the desk?

ACTING PRESIDENT KUHL: Yes, there is a message at the desk, Senator Present.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay?

(There was no response.)

The message is accepted. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Goodman.

SENATOR GOODMAN: Mr. President, had I been in the chamber, I would have voted in the negative on Calendars Number 1603 and 1636 on the July 2nd calendar. Would you be good enough to have the minutes of the proceeding so indicate?

ACTING PRESIDENT KUHL: Senator Goodman, the record will reflect that.

SENATOR OHRENSTEIN: Mr. President.

ACTING PRESIDENT KUHL: Senator Ohrenstein. Senator Marino, we have a technical error at the desk. We'd like to reconsider the vote by which 1717 passed the house if that's O.K. with you?

SENATOR MARINO: Yes.

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

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is before the house.

THE SECRETARY: Senator Rath moves to discharge the Committee on Finance from Assembly Bill Number 12294 and substitute it for the identical Third Reading 1717.

ACTING PRESIDENT KUHL: Substitution is ordered. Last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Ohrenstein.

SENATOR OHRENSTEIN: Mr. President, it appears that we have arrived at that magic hour which is never predictable and seems far away as we toil through these endless

days and nights and then arrive with a sudden start to here we are.

Now, I find myself in a very peculiar position this year. The position is that I may have to say farewell several times as it looks, and I don't like -- I don't like long farewells. I certainly don't like farewells which take two or three times to be repeated. I have another motive which is, if I wait to say farewell when I'm really leaving, I might be able to tell you what I really think of you.

Anyway, having gotten off that wise crack early in the morning, I really do not feel I want to talk at great length because I think later on this year when we will be back, I hope we'll have a few things to say to each other for the long term. For this time, let me simply say that I want to thank my staff, whom I will thank in a much more appropriate way later this year, for their very, very hard work this session.

I want to thank my members, Democratic members, for their infinite patience

during these very difficult times. I want to thank my Majority colleagues for your patience as well, and I want to thank Senator Marino for putting up with our daily contretemps of one sort or another and, most of all, I want to thank many friends during these -- for remaining friends during these very, very difficult times.

So I think it's safe, I want to thank obviously all of the staff here who serve us so well. It's been a very difficult session. I suspect we will be back here sooner than later, and maybe more than once. So I don't want to make any predictions other than to say I keep enjoying working with you. I hope you have a few good weeks, maybe a few good months and when we can all return either shortly in order to complete our business or after the election after the fates of some of us or all of us have been decided.

So thank you for another fruitful or productive session, and I'll talk to you later on.

(Applause.)

ACTING PRESIDENT KUHL: The Chair recognizes Senator Marino.

SENATOR MARINO: Thank you, Mr. President.

First of all, let me apologize for the hour and having kept you overnight. I know we're all tired, and our nerves are raw and some of us did not get all of the bills we wanted and all of that. That happens every year, and during every session, and I wish I knew a way to avoid it, but history has shown us that this pattern has proceeded for many, many years, and we should, however, try to improve as time goes on because we would like to get out sooner certainly rather than later, and we would like to do our job as quickly as possible.

This has been a difficult session, as Senator Ohrenstein has indicated, but a lot of was accomplished during the session. As we began the session, our concerns were about jobs, taxes and crime, and we've been able to address all of these concerns. For six

months, we've pursued these goals and I think by and large we've been very successful.

As you know, we've cut taxes by $476 million which has helped to provide, I believe, many, many jobs for the future. We've added on $600 million in school aid, many more millions in revenue sharing which will help to hold the line on property taxes. We've assumed a larger local share of Medicaid and pre-K costs to help the property taxpayers and to help local governments.

We've committed millions of dollars for long-term projects like stadiums, parks, school repairs, all that create jobs and help the economy, and we've done a good job of carrying out an anti-crime program that this house can be very proud of.

We've passed a historic domestic violence bill, a comprehensive rape bill, tougher penalties for child abusers, mandated AIDS tests for rapists, made DNA testing mandatory for killers and rapists. Set up a DNA data bank to give police better technology and,

of course, we passed the death penalty in this house which, unfortunately, the Governor has vetoed for a 12th time.

We resolved other important issues such as motor/voter bill, smoking bill, to protect children. Unfortunately, the Assembly has not followed suit on our crime package, and so regretfully we leave with some work undone in that area.

I am sorry to have listened to Senator Ohrenstein talk about his departure from this chamber and I hope, Senator, that you will leave many, many times because that means that we will have seen you again and again and again, and we all like you and care for you. We salute you. We're proud that you've been a member of this house for 34 years, that you've been our leader here for over 20 years, that you've done such a commendable job for the people of this state.

On a personal basis, I've enjoyed our friendship. I continue hopefully to enjoy our friendship and salute you on being such a

great adversary and one that has set forth the tenets of your party in such clear tones and worked with such outstanding purposeful effort so that we've always known where you've been, what your position is on difficult issues, and I have not met in this house in my 26 years of experience a more articulate person who has set forth dramatically your concerns for the people of this state. We're going to miss you as time goes on more and more.

I want to thank you for your help to the Majority as well as the Minority and wish you well, and I hope you will come back and visit us for many, many years to come. Now you can go out and make money, real money, at an honest job, and I wish you well and good health.

I'm sure that applies to all of the members on this side of the aisle as well as your members in the Minority. We also, unfortunately, are going to say a farewell to Senator Howard Nolan, who is retiring after 20 years of distinguished service to this house.

He has acquitted himself well in representing the people of this area in a terrific manner and as our host county, has been very helpful to members of this side of the aisle as well as the Minority.

Another member who won't quite be returning, Senator Pataki, will be leaving this chamber, but hopefully will be coming to Albany for many years in the future, Senator, and I'm sure will continue in public service and continue to serve people well, as you have in the past.

I would like now to thank my personal staff, Anna Febraio, who does yeoman service for me day in and day out, year in and year out; Lois Williams, Teri VanWagenen, Maria DeLorenzo; my distinguished counsel, Angelo Mangia, and his staff; my program secretary Ron Pedersen, and his staff, John McArdle, my communications director and his able staff; Steve Sloan, our Secretary here, who does such an outstanding job; Frank Febraio, the maintenance and operations throughout, who

always works hard and works for us in a very helpful way; our Journal Clerk, Joe Cornell and the other desk staff; our Sergeant-at-Arms, John Everhardt, and assistant Sergeants-at-Arms; our stenographer, Pauline Williman; our pages and messengers; special thanks to Senator Stafford, chairman of Finance, Paul Reuss, John Berry, Lee VanRiper and all the other members of the Finance staff; Deputy Majority Leader Jess Present for handling the floor operations in such a dramatic way.

I would also like to acknowledge Senator Marchi's work on our behalf here in the Majority and for all of my colleagues here for the outstanding service given to the people of the state throughout the past six months. We worked very hard night and day many of us. People don't recognize oftentimes how hard the Senators here in this room devote so many hours and so much of their energy to a committed cause in the service of the good people of this state.

So, Mr. President, would you

please recommit the bills on the calendar to the Committee on Rules.

There being no further business, I would like, however, to recognize before we conclude, Senator Emanuel Gold, who would like to say a few words.

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

ACTING PRESIDENT KUHL: Before Senator Gold, I should just mention all bills on the calendar will be recommitted.

Senator Gold.

SENATOR GOLD: Mr. President, thank you very much.

There seems to be some legislative agreement between our two leaders that this may not be the last day we spend here in this chamber during this year, but I've heard about legislative fortune changing so many times that, while on those other occasions there will be a lot to be said, I think that it is only right that after 20 years of tremendous devoted loving service to this conference, that the work

be acknowledged by us, the Democrats, and by me particularly to Senator Ohrenstein.

I'm sure that when a young immigrant boy came here from Europe a couple days ago, it was a wonderful dream to wind up some day and spend 20 years of his life as the head of his party in the New York State Senate. That ain't doin' too bad.

Freddie is a leader who I would bet gets kidded more than any legislative leader around, and the reason for that is love. I think everybody in our conference and everybody in the Capitol enjoys seeing a smile on that face and the -- the constant love and energy that comes from Fred Ohrenstein.

He has been respected by our conference for all these years and indeed has changed the face of politics in the Democratic Party in the New York State Senate during his time in office. He has been a leader unquestionably, but someone who consults, someone who has included, someone who has been a listener, and someone who has cared.

It's a strange job, I guess, being a leader, because your constituency is not only your home base but the people who depend on you day by day, and Freddie has been there for all of us and has been selfless in that situation.

His legislative accomplishments, of course, will be gone into many, many times, but I think his proudest moment at least reading it from the way he puts it is the work he did in saving the city of New York when it really was a difficult situation, and people didn't talk in those days about three-way agreements and the job of the Minority Leader, particularly in this house, representing a great part of the city of New York himself was extraordinary - extraordinary.

Mainly, though, and on a very personal note, because I want to keep the comments short, I feel a great sense of loss for a friend and obviously it means, Freddie, I would have to pay the mortgage all by myself now and I'm not prepared to undertake that

responsibility, but it is -- it is the truth.

I've had the honor to serve, I guess, some 17 years as your deputy but more than that really as a friend. I think from the first day I walked into this chamber, you were a person who befriended me, and never withheld from me at any time the kind of things friends do for one another. Never, never was -- were you lacking in that respect in any way.

I think you are one of the most upbeat people I have ever met, and you know there are a million stories that -- the one about the guy falling off the building from the 80th floor, and I guess to the 40th floor, and he says, "Well, so far so good." That is Fred Ohrenstein. You see the bright side of everything, and I think that's one of the reasons why, although you are barely 50, you still only look 35 and you have a wonderful temperament and you did that to all of us and you have made it easier for us in the Minority through days of great frustration to have feeling that we will participate in and be part

of the process.

This conference owes you a tremendous amount, Fred. We really do, and as I'm sure heartfelt from everybody. You've earned a rest. Knowing you, you're not going to get it because I know that you are moving on to other things and intend to be extraordinarily active, and I think for those organizations, governmental or private, which will gain the benefit of your knowledge, your expertise, your energy, they are very lucky.

I can only say at this point there will be a lot more said on other days, but Godspeed, God bless you. You're a wonderful guy.

(Applause.)

ACTING PRESIDENT KUHL: The Chair recognizes Senator Marino.

SENATOR MARINO: Mr. President, there being no other business, I move that we adjourn subject to the call of the Majority Leader, intervening days to be legislative days.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned subject to the call of the Majority Leader.

(Whereupon at 11:20 a.m., July 3, 1994, the Senate adjourned.)