ALBANY, NEW YORK

March 30, 1995

11:02 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

Ask everyone to rise and join with me in saying the Pledge of Allegiance.

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

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

(Whereupon, there was a moment of silence.)

Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, March 29. The Senate met pursuant to adjournment, Senator DeFrancisco in the chair. The Journal of Tuesday, March 28, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Chair recognizes Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, on page number 27, I offer the following amendments to Calendar Number 238, Senate Print 1966, and I ask that the bill retain its place on the Third Reading Calendar.

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

Senator Bruno, that brings us to the calendar, sir.

SENATOR BRUNO: Mr. President, can we at this time take up the noncontroversial calendar?

ACTING PRESIDENT KUHL: Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 174, by Senator Skelos, Senate Bill 425, an act to amend the Business Corporation Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 211, by Senator Stafford, Senate Bill 625, an act to amend the Town Law, in relation to increase the authorization of towns to appropriate monies for observance of public holidays.

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 33.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 219, by Senator Present, Senate Bill 2311, an act to amend the Economic Development 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 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 222, by Senator Velella, Senate Bill 2764, an act to amend the Insurance Law, in relation to reciprocal insurers.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 226, by Senator Skelos, Senate Bill 1445, an act to amend the Public Authorities Law, in relation to authorizing and requiring the Metropolitan Transportation Authority.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR BRUNO: Will you lay aside number 222 also, please, Mr. President.

ACTING PRESIDENT KUHL: The motion is to reconsider the vote by which Calendar Number 222 passed the house.

The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR BRUNO: Thank you.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 226.

THE SECRETARY: Calendar Number 226, by Senator Skelos, Senate Bill 1445, an act to amend the Public Authorities Law, in relation to authorizing and requiring the Metropolitan Transportation Authority.

ACTING PRESIDENT KUHL: 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 34.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 228, by Senator Wright, Senate Bill 3186, an act to amend the Vehicle and Traffic Law, in

relation to allowing commercial vehicles to have distinctive plates.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 34.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 232, by Senator Sears, Senate Bill 1321, an act to amend the Penal Law, in relation to the unauthorized use of an emergency vehicle.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 34.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 233, by Senator Saland, Senate Bill 1437, an act to amend the Penal Law.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 34.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 282, by Senator Libous, Senate Print Number 3571, an act to amend Chapter 720 of the Laws of 1979, amending the Mental Hygiene Law.

ACTING PRESIDENT KUHL: 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 37.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the noncontroversial calendar, sir.

SENATOR BRUNO: Mr. President, can we now take up the controversial calendar.

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

THE SECRETARY: On page 22, Calendar Number 174, by Senator Skelos, Senate Print 425, an act to amend the Business Corporation Law, in relation to corporate finance, proxies, powers of directory and mergers.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator

Skelos, an explanation has been asked for.

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 222, by Senator Velella, Senate Print 2764, an act to amend the Insurance Law, in relation to reciprocal insurers.

SENATOR BRUNO: Lay it aside.

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

Senator Bruno, that completes the controversial calendar.

SENATOR BRUNO: Mr. President. I'm going to suggest that we recess and reconvene at 2:00 o'clock, and ask that we have a meeting of Finance at 1:45 in Room 332, and that the Republicans will have an immediate conference -- "immediate" meaning by that clock 11:20. 11:20. That gives people time to do what they have to do and be on time, Mr. President, and I hear some voices on my left who

are concurring.

Thank you.

ACTING PRESIDENT KUHL: Senator Mendez.

SENATOR MENDEZ: There will be an immediate Minority conference.

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

There will be an immediate meeting of the Majority Conference in the Majority Conference Room, 332, commencing at 11:20.

There will be a Finance Committee meeting at 1:45, and the Senate stands in recess until 2:00 p.m. this afternoon.

(Whereupon, at 11:10 a.m., Senate recessed.)

(Whereupon, at 2:24 p.m., Senate reconvened.)

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

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President. Can we return to reports of standing committees, and I believe there is a report at the desk from the Finance Committee.

ACTING PRESIDENT KUHL: You are correct, Senator Bruno.

We will return to reports of standing committees. Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bills:

Senate Print 1550A, Budget Bill, an act to amend -- making appropriations for the support of government (State Operations Budget).

Senate Print 1758, Budget Bill, an act to amend the Labor Law, in relation to boiler inspection requirements.

Senate Print 1803, Budget Bill, an act to amend the Civil Service Law, in

relation to authorizing the payment of additional compensation to certain employees in the Office of General Services.

Senate Print 1810, Budget Bill, an act to repeal Section 28 of Chapter 169 of the Laws of 1994, relating to certain provisions related to the 1994-95 state budget.

Senate Print 1830, Budget Bill, an act to amend the Tax Law, in relation to corporate mergers, consolidations and acquisitions and repealing certain provisions of the Tax Law.

Senate Print 1836, Budget Bill, an act to amend the Public Authorities Law, the New York State Medical Care Facilities Finance Agency Act and the Facilities Development Corporation Act.

And, Senate Print 1843, Budget Bill, an act to amend the Tax Law, in relation to reflecting the repeal of Article 15 of the Tax Law.

All bills ordered directly for third reading.

ACTING PRESIDENT KUHL: Without objection, all bills are directed to third reading.

Senator Bruno.

SENATOR BRUNO: Mr. President. At this time, I would like to call up Calendar Number 342.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 342.

THE SECRETARY: Calendar Number 342, Budget Bill, Senate Print 1550A, making appropriations for the support of government.

ACTING PRESIDENT KUHL: Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, is there a message of necessity from the Governor on Calendar Number 342?

ACTING PRESIDENT KUHL: Secretary informs me that there is, Senator Bruno.

SENATOR BRUNO: I move we accept the message at this time.

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.

Secretary will read the last section.

SENATOR PATERSON: Explanation, Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford, Senator Paterson has asked for an explanation.

SENATOR STAFFORD: Very well, thank you.

Mr. President. We are very pleased, again, to be here in the Senate as our leader has said so many times -- but I don't think it can be said enough -- in the light of day, doing our job and passing a budget.

To be very accurate, this is our third major Budget Bill, and we call this bill

year after year "State Operations," and it is one of the major bills in support of government.

I will share with you some of the highlights we feel that are in the bill and, no doubt, there will possibly be some questions or discussion.

I, by no means, am trying to make light of what we're doing but I would emphasize here today if we ever should come here with a band and have the band playing and then have a very, very important announcement, it would be the band would play and then I would say, "The state fiscal year 1995-96 Executive Budget recommends 21.4 billion in appropriation authority, a decline of 476 million, or 2.2 percent, over the current fiscal year. Actual spending behind these appropriations is estimated at 11.7 billion, a decline of 133 million, or 1.1 percent, over Senate fiscal year 1994-95."

Now, the proposed State Operations budget which we have before us here

today does reflect agency restructuring and consolidation in areas such as Mental Health, State University of New York and Corrections. In addition, the Governor abolishes the State Energy Office and the Commission on Cable Television. These efforts will place the State's fiscal house in order creating a stronger economic environment for all New Yorkers. And I can't, again, emphasize enough but I think we have to say it and say it again. We are spending less -- yes, we are very concerned that essential services are delivered, but we're realizing we can't spend more than we take in.

Now, the State Operations budget also is amended to include an additional 14.2 million in cuts and 116.9 million in restorations, reflecting 90 million in aid to the State University of New York and 17 million -- no, and CUNY, excuse me. State University of New York and the City University of New York, that's 90 million, and 17 million for Corrections. Remaining restorations include 4

million in Mental Hygiene and 4 million for various programs in the Department of Environmental Conservation.

Now, I mentioned amendments. I would like to go over some of them, and I also am reading relatively slowly or am talking slowly because I want to make sure that we make things clear.

The reappropriation of all petroleum overcharge recovery funds in one year to honor prior commitments by the Legislature for energy efficient projects; in other words, we will have these funds available so that they can be refunded. I think we all have been - had people contact us concerning that issue and related issues.

A 24 million restoration to the City of New York -- excuse me -- the City Uni versity of New York to help achieve restructur ing, productivity and efficiencies at senior colleges and by reducing tuition requirements and/or program reductions.

We also have an amendment, and it

will provide for 86 million in the academic year lump sum restoration to the State University of New York to avert campus closures and to achieve restructuring productivity and efficiencies by reducing tuition requirements and for program reduction.

We have another amendment, a limitation on the Governor's second felony offender sentencing reform proposals, resulting in a restoration of 12.2 million to the state financial plan, also 5 million of the proposed 20 million cut in prison programs is restored.

Another amendment, a 3 million restoration to the fish and wildlife program in the Department of Environmental Conservation.

We also have restorations in the area of Mental Health, including 400,000 for the Nathan Kline Institute and for the issuance - for the Institute for Basic Research.

In addition, funding for the following treatment centers is restored: McPike, Blasdell, Creedmoor and VanDyke. I'm sure many of you had visits from individuals,

from clients, from staff, from relatives concerning these programs and we, of course, consider the programs very important.

We think, again, this is part of our doing our job proposing a budget. We're going to have a budget, and I certainly will be more than pleased to answer any questions, and I'm sure there will be some discussion.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President, may we recognize Senator Waldon, who would like to vote at this time.

SENATOR WALDON: Mr. President, I respectfully request unanimous consent to be recorded in the negative on this bill because I have to leave immediately to go to New York City on a pressing matter.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President. To accommodate the Senator, can you read the

last section of the bill on Calendar 342?

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Waldon, how do you vote?

SENATOR WALDON: No, Mr. President.

ACTING PRESIDENT KUHL: Senator Waldon is recorded in the negative. The roll call is withdrawn.

Senator Galiber.

SENATOR GALIBER: Thank you, Mr. Chairman. I will be extremely brief on this issue.

Mr. Chairman, there are just one or two questions that I would like to ask you, and they'll be short questions because I'm sure that we have -- and we do, Mr. President, have a

number of amendments which will probably cover any questions that you might be willing to be asked, and I'm sure you will be willing to answer.

What concerns some of us, and most of us, very frankly, is that even in the bright, sunny day that we have that there was a great deal of criticism with the former governor about his one-shot deals or "one-shotters". There was some discussion this year as to whether we would go that route or not. It is my understanding that there is a number of one shots that we have here. Is that correct, Senator?

SENATOR STAFFORD: I could just say no, because there is none in this. But you being a very good friend, I would say there are such -- that you have such items, but they are minimal in this year's budget as compared to last. But there are none in this particular piece of legislation.

SENATOR GALIBER: I thank you for your friendship because I assume what goes with

the friendship is a sense of candor on your part. I have a list here that says $905 million which is a total of one-shots.

SENATOR STAFFORD: Of course, that's the revenue side and that's not actually state operations, but I also would be very pleased to sit down with you because I think we have about a 400 million disagreement here, and as I have found -- as I have found in working with these budgets, I have found that things are not as exact as I at one time thought they were, but there are some. But, as I say, we are working toward the day we will have none.

SENATOR GALIBER: I would, Mr. Chairman, Senator, suggest that as we plan these matters out, there must of necessity be a financial plan of some sort; and in that context, one-shots that are mentioned here certainly are within the frame of our financial -- or should be in the frame of our financial plan. I'm sure you agree with that.

SENATOR STAFFORD: Again, that was a short question. Would you ask it again,

please?

SENATOR GALIBER: I was suggesting that to be prudent and responsible as we both are -- in fact, all the members here are. We just play games from time to time, but we are responsible legislators -- that there need be a financial plan in place before we can discuss some of these matters, and I would assume that the memorandum that I have is one which goes to the foundation of a budget which is a financial plan.

Built into that financial plan is a number of items that I have categorized or my staff has categorized as "one-shotters." I won't go through the entire list. It comes to $905 million. The two that I'm deeply concerned about is the transfer -- we call it raiding; I guess that's a vulgar term to use -- but raiding of the MTOA and the transfer from pension supplementary funds. Those two, I would like you to comment.

SENATOR STAFFORD: I would say that many of these that are within this category

I would say there is a difference of opinion. It is in the plan that this money will be used for the restructuring of state government, which will, in turn, make it possible for us to have less spending, and that is how they are being used in this plan.

SENATOR GALIBER: Thank you, Senator.

ACTING PRESIDENT KUHL: Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Will Senator Stafford yield for a couple of questions?

ACTING PRESIDENT KUHL: Senator Stafford, do you yield to Senator Dollinger?

Senator yields.

SENATOR DOLLINGER: I'd like to follow up Senator Galiber's point about the pension supplementation fund. As I understand it, this budget incorporates $110 million from the pension supplementation fund. Isn't that correct, Senator?

SENATOR STAFFORD: Pardon me?

SENATOR DOLLINGER: This budget takes $110 million from the pension supplementation fund that is established for state employees and puts it into the general fund, isn't that correct, for operations of state government?

SENATOR STAFFORD: Well, first, I would point out -- point out that this bill does not authorize such.

SENATOR DOLLINGER: Excuse me, Mr. President. The financial plan necessary to run the state operations includes taking $110 million out of the pension supplementation fund to do that.

SENATOR STAFFORD: As I mentioned earlier, we have a few of these. But what they are being used for is to provide funding for the restructuring of state government which will, in effect, result in less spending in the future.

SENATOR DOLLINGER: Through you, Mr. President.

ACTING PRESIDENT KUHL: Are you asking the Senator to yield again?

SENATOR DOLLINGER: Yes, please.

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

SENATOR STAFFORD: Sure.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: The purpose of that reduction in spending is to fund a tax cut for the wealthiest people in this state. So is it a fair comment, Senator, to say that we're taking money out of a pot of money that was de signed by this Legislature to help the poorest state employees, those who are currently retired, who have no access to additional income, and have small pensions from this state? This fund was set up to supplement their pensions, to give them more money, people who had put their lives in working for this state. We're going to take money out of that pot of funds so that we can use it for state government and hence give a tax cut to the wealthiest people in the state. Isn't that a fair statement, Senator?

SENATOR STAFFORD: No.

SENATOR DOLLINGER: Why not?

SENATOR STAFFORD: As I mentioned earlier -- as I mentioned earlier, any tax reductions, which we're very proud of, they are not included in this bill that we are considering.

SENATOR DOLLINGER: But we've got to reduce the cost of government.

SENATOR STAFFORD: Will you let me answer?

SENATOR DOLLINGER: I apologize.

SENATOR STAFFORD: You should.

SENATOR DOLLINGER: I did.

SENATOR GOLD: Mr. President.

SENATOR STAFFORD: You know, my only point is I'll answer any questions and I will stay here until 10:00 o'clock at night, and I have never interrupted anybody on this floor, and I'm not going to.

Ask your question again.

Mr. President, may we have the question again?

ACTING PRESIDENT KUHL: Senator Dollinger, would you like to repeat the question?

SENATOR DOLLINGER: Mr. President, my question was, we're taking money out of the pension supplementation fund. We're going to put it to cover the cost of government. We're using part of that to reduce the cost of government. We have to take it from the pension supplementation fund because we want to reduce taxes for the wealthiest people in this state. So is it safe to say we're taking money from the poorest people of this state, $110 million of their money, and in essence giving that $110 million to fund a tax cut for the wealthiest people in this state?

SENATOR STAFFORD: First, I apologize. We'll have to keep track today of how many apologies we have.

SENATOR DOLLINGER: Well, as long as we get at the truth, Senator, I'm not worried about apologies.

SENATOR STAFFORD: At least it

keeps us interested in something anyway.

Now, answering your question, you know, we're very proud of the program that we have in reduction of taxes.

My friends, if we do not change our tax structure and if we do not reduce our taxes, we're going to have happen just what happened in my district, and please let me explain this one. We all relate to one another, we're all concerned for one another when we see these plants shutting down, these plants leaving.

Ours is a relatively rural area and we had what we called the Sheridan Iron Works in the town of Champlain, which some of the people here in the room I'm pretty sure would know where it is. And for years and years they did very fine foundry work and we developed some very fine toolmakers in Champlain and, as a matter of fact, I don't think there's hardly any family that didn't have someone who didn't have a relative affected.

Anyway, it was purchased. Things

seemed to be going well. As a matter of fact, I can tell you this. That plant built a machine that made the TV Guide look like the Reader's Digest. That's called object learning when you explain things this way.

SENATOR DOLLINGER: I appreciate it.

SENATOR STAFFORD: You asked. I'll finish.

SENATOR DOLLINGER: I know. I just want to get to the answer.

SENATOR STAFFORD: Well, I will answer, I'm sure. So, anyway, we had 650 employees. In order to be able to have a plant that would create and manufacture a company that could make the TV Guide look like the Reader's Digest -- and, by the way, they just put the paper in. It was printed, everything went - and it came out a book at the end. Many, many engineers, and many people who, frankly, were paid quite well.

But it came time for the company to decide what they were going to do in

restructuring their company, which everybody seems to be doing, and they took 650 jobs out of our area, out of New York, and that's the type of problem that has brought this state to its knees.

And that's why we've got to make sure we have tax reductions in all areas, and we're not taking money from anyone. When we have this program, and when we continue these through -- these cuts through the years, our business is going to increase. People are going to have jobs. What we're going to do, Senator, if we don't -- as I have explained many times, if we continue to take away from the locomotive that really provides all of these services, provides everything for our people, everything, if we continue to kill that locomotive, we will have nothing and we will certainly hurt all of our people.

So my answer to you is, obviously, I am not in agreement with what you said.

SENATOR DOLLINGER: Mr.

President. On the bill -

ACTING PRESIDENT KUHL: Senator Dollinger, on the bill.

SENATOR DOLLINGER: -- since I took a lot of answer to get to that.

One is it seems to me, although I have to strongly disagree with Senator Stafford, what you are actually doing here is you are taking $110 million out of an account that was dedicated for the poorest people in this state, people who gave their lives to work as public employees and who have little, tiny pensions, people who desperately need some help, and you're taking that money and you're going to put it into the General Fund to fund State Ops so that you don't have to take $110 million from the wealthiest taxpayers in this state to be able to do the same thing. You are funding a tax cut by taking it out of the pension supplementation account. We're taking money from our poorest people who gave their lives to work for this state and you are giving it to a tax cut for wealthy people.

If, rhetorically, someone who was going to vote for this bill can explain the sense of that to me, please do so. Take it as an open question, open invitation. Stand up and tell me how you can justify taking it from those people who are retired and living on pensions, in some cases of less than $7,000 a year, and giving it to people who are making more than $50,000 or $100,000 a year? Does that make one iota of fairness, one tiny speck of fairness? Please stand up and justify it. Open invitation. Take the mike. It's like a Karaoke night. Stand up and sing the song for me and let's hear it.

SENATOR STAFFORD: All right.

SENATOR DOLLINGER: Senator, if I ask a specific question, you can come back. You can take your time in the debate to respond.

SENATOR STAFFORD: You said, "Take the mike."

SENATOR DOLLINGER: I will. You can have the mike after I turn it off. We're also doing that with the Metropolitan Transit.

We're taking money out of the Metropolitan Transit account, $220 million. We're taking it out of operations in the transit account. Why? Because we may have to raise fares for people who ride the transit in New York City, poor people in some cases who can't afford cars, and we're going to tell them that they're going to have to pay more in transit fees. Why? Because we have to fund a tax cut for wealthy people who can afford to buy cars.

No. That's what you're telling them today. That's the financial picture that comes out of this State Operations budget.

What are we also taking money out of? The Environmental Assistance Fund. You remember that. This house voted to set up that fund to dedicate resources to buy environment ally sensitive lands, to help buy the pine barrens, to help buy land in the Adirondacks, to help buy land in the Finger Lakes, so that all the people in this state can enjoy an environ ment, but we're not going to do that. We're taking $23 million out of the Environmental

Assistance Fund to fund a tax cut for wealthy people who make more than $100,000, who have vacation homes, who have access to the dollars to fly to Bermuda or wherever. They can take their own vacations. What about people who need more parkland in this state? You are taking their money away from them, their tax dollars away from them, to fund a tax cut for the rich.

SENATOR GOODMAN: Mr. President.

ACTING PRESIDENT KUHL: Senator Goodman.

SENATOR GOODMAN: Will the Senator yield for a question, please?

ACTING PRESIDENT KUHL: Will you yield to a question from Senator Goodman?

SENATOR DOLLINGER: Mr. President, as soon as I'm finished, I'd be glad to yield to a question about any one of the issues.

ACTING PRESIDENT KUHL: Senator refuses to yield at this time, Senator Goodman.

SENATOR DOLLINGER: The final piece of this that's included in this budget is

the one I also don't understand. There $115 million in this, or there is anticipated $115 million for the new introduction on the road to what I believe will some day be casino gambling in this state, and that's the creation of the quick-draw game, Keno. There is $13 million in here for the development of a quick lottery, for the quick pick for the Keno machines. One member of this house has described it as "video crack"; that we will create an entire generation that does nothing but pick numbers out of a machine and wait 10 minutes for a response.

We're moving down the road to the possibility of casino gambling. We're increasing gambling in this state. We're laying the foundation for Keno right here. That is another one of the shots that goes into this financial plan.

We have -- and Senator Galiber is absolutely correct. There are nine of almost a billion dollars of one-shot revenues here. We're raiding every fund that we can find. We're taking it away from the poorest people in

this state, from the people who don't have means, the people who don't have access to money, the people who have worked in this state. Our Pension Supplementation Fund, we're raiding that. We're raiding funds for the Metropolitan Transit. We're raiding funds for the Love Canal settlement. Right out there in Buffalo, we set up a settlement because we got more money. It was designed to help in remediation of environmental problems. We're taking money out of that fund.

We found every possible fund we could find. All those things we set up because we determined they were in the public interest, and we're closing the accounts. We're taking the money out. Why? To fund a tax cut for the wealthiest people in this state.

Now, Senator Goodman, Senator Stafford, please take the mike. Explain to me how that's just and fair.

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

Senator Leichter.

SENATOR LEICHTER: Mr. President, I think we made the broad points on this bill. I just want to respond to what has become the mantra of the majority in this house, any aspect of the budget, any aspect of your so-called re form measures on the environment, environmental regulations or the administrative procedures or welfare, and so on, we're always met with this, "We are going to reenergize the economy of this state," and nobody states it more forcefully than my good friend Senator Stafford, and I assume, in some respects, we can't disagree that we would like to see the economy of the state improve.

But what is totally lacking in your presentation is any sort of economic basis for what you are saying, any sort of analysis, any sort of empirical evidence, that by putting in certain tax cuts that for most citizens are going to amount to less than $100 or $200 a year that this in some way is going to energize the economy of this state.

As I said in another context, do you believe that factories in Bangladesh are going to close and move to New York State or factories in North Carolina are going to close? There is no economic rhyme or reason to what you are doing, and we had an example of the economic theories that you are proposing, and that's the Reagan years, years that economists as they look back on it, years that people who make social analysis look back on it, years that anybody with their eyes open when you look back on it has to admit was a total economic disaster, this whole idea of trickle-down economics.

And that's what it all comes down to, the idea that if we make the rich even richer that it's going to help all the people; that somehow or other that's going to bring in the tide and all the boats are going to be lifted. It just doesn't work, and what we're doing is seriously undermining and hurting the economic climate in this state in so many ways.

What we're doing to the City University and to the State University is

appalling. What we're doing to the educational system of this state is appalling. What we're doing to the highways and the transportation system of this state is appalling. What we're doing to our integrity and our credibility where we have promised the localities of this state, "You go out; you make school repairs; we will pay you," where we made promises to every locality in this state and they were well-reasoned promises, and the localities responded to these promises, and then we say, "We're not going to do it."

Senator Dollinger is absolutely correct -- to set up a fund for pension supple mentation, and then to try to raid that fund. Thank God, we've got a Comptroller in this state who has a sense of integrity and he will pursue legal steps to protect the pensioners. That's their money. How can you do this or to raid the environmental -- the fund for the environment or the other funds? I don't have to list them again.

And the big joke is that we had

this promised by the Governor, "We will not have any one-shots. The gimmicks are over." Now we look at it, and we see a budget that is stuffed with gimmicks. What sort of approach is that? What is the great new government that we were promised, and when you look at it -- and we see that we have a budget that is full of these gimmicks and a budget that fails the people of the State of New York and a budget that's premised on false economic theory?

But I just want to say that I don't think you can fool all the people all the time. Abe Lincoln said it best, "You can fool some of the people all the time, and you can fool all the people some of the time, but you can't fool all the people all the time." And this mantra of getting up on every special interest legislation, every bill that you have that carries out the doctrine of the far right, ideologically-driven bills, and to say, "This is what's needed for the economic well being of the State of New York," it's not going to wash; and the reason it isn't going to wash is because it

ain't so.

This is not going to help the State of New York. This is going to hurt the State of New York. This is a bad budget. It is badly premised. It's badly based. It's the wrong approach for the State of New York.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President. Would Senator Stafford yield for a question?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT KUHL: Senator Stafford yields, Senator Paterson.

SENATOR PATERSON: Thank you, Senator Stafford.

I notice that in the legislation, I believe that it deletes all funding for the Motor Voter Program that we had in New York, and I was wondering why we would want to do anything that would limit the number of people that would have an opportunity to register to vote?

SENATOR STAFFORD: I apologize

for the delay here, but I wanted to make sure I had all the information, the correct information.

I remember very well when this was being debated in Washington, and I know that many people were saying, and I believe some officials of our state were saying even though they agreed with it -- you know some do; some don't, obviously -- I remember them saying, you know, they are giving us this job to do, unfunded mandate, here we go, and really we don't have the funds to really administer the program, and you probably saw that also in the press within the last couple of weeks.

SENATOR PATERSON: Would Senator continue to yield?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR PATERSON: Senator, my understanding is that this is a federal mandate; and regardless of what the federal government does in terms of funding -- that's a good

point. Maybe it's something that our Senators and our Congresspersons have to take up with the federal government, but just in terms of the jurisdictional properties of what we're talking about here, aren't they really telling us that this is something that we should fund?

SENATOR STAFFORD: Well, I think you are stating it very, very well that they said, "We have this program and you should fund it," and we're saying that we have problems with funding it. We don't have the funding; and until we receive the funding, we don't feel it's something we should be doing. I think there is going to be, obviously, a legal question unless there is a solution. I understand that both houses of the Congress are looking at it, and this is one that I sort of had in mind because for some reason I followed it last year when it was being debated.

SENATOR PATERSON: Thank you, Senator. On that part of the bill.

ACTING PRESIDENT KUHL: Senator Paterson on the bill.

SENATOR PATERSON: Thank you. In about 17 or 18 days, there is a federal mandate coming that commands me to pay my income taxes, and they are telling me to pay it, but I don't have the money. And if I don't, I guess I will be in violation of federal law, and that's what I'm sort of saying we as a state are; that by doing this we're in violation of federal law.

Senator Stafford makes a good point that right now with the economic crisis that the state is in, it's a little difficult for us to be burdened by something that the federal government is telling us to do, but the federal government has a policy; and that is, that we in this country feel that we want to get as many people on the ballots participating in government.

We had 43 percent participation in our presidential elections, 20 percent parti cipation in our statewide Senate elections. We have as little as 7 percent participation in school board elections. There is a desire to try to raise that number, increase registration,

increase interest in voting; and what was good about the Motor Voter bill is it is not aimed toward any particular area. As a matter of fact, it probably inures to the benefit of people who are driving cars which automatically puts a number of people at a disadvantage; and, yet, the conforming with the policy is specifically that it allows for the added participation or at least the opportunity to participate, and that's why we like the bill.

I want to move to another area involving the SUNY and CUNY funding that Senator Dollinger and Senator Galiber touched upon and ask if Senator Stafford might yield for another question.

ACTING PRESIDENT KUHL: Senator Stafford, would you yield to a question from Senator Paterson?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT KUHL: Senator is happy to yield, Senator Paterson.

SENATOR STAFFORD: I didn't hear the question.

SENATOR PATERSON: That's all right. We're restoring $86,000 to SUNY -- 86 million. I said 86,000, I'm sorry. And that is out of an original 288 million that the Governor's original proposal removes. We are restoring 24 million to the City University out of the original cut of approximately 160 million. Is there any reason why the State University funding restoration is 30 percent, by my calculations, and the City University restoration is only 15 percent?

SENATOR STAFFORD: Actually, the cut against SUNY originally was bigger than the cut against CUNY. Another item I know is -- I certainly realize that CUNY has the responsi bility for their plant and their buildings, but we have a situation or we all do -- we all have it in CUNY and we have it in SUNY. There is a situation where your plant is much more spread out, in effect, more inefficient, and I think that's one of the reasons and again it's 5 percent difference.

SENATOR PATERSON: Thank you,

Senator. If Senator Stafford would continue to yield.

SENATOR STAFFORD: Sure.

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

Senator Stafford, can I just make a suggestion -

SENATOR STAFFORD: Yes, you're right.

ACTING PRESIDENT KUHL: I know the recorder is probably having a hard time hearing you. I know the other members who are very, very interested in your conversation with Senator Paterson are having a difficult time hearing, too, so -

Senator Paterson, the Senator yields.

SENATOR PATERSON: Thank you. And Senator Stafford was trying to accommodate us by facing us, but we know that Senator Stafford has never turned his back on -- on me in particular; and so as long as we can all hear, that's a good suggestion.

SENATOR STAFFORD: Very good.

SENATOR PATERSON: Senator Stafford, my question to you involves the relocation of over 3,000 workers from the Capital Area to a number of regions where we have purchased property, where we have purchased buildings from IBM. On February the 16th, Governor Pataki announced that he had come to an agreement with IBM where the state would purchase 1.3 square million feet of space in Kingston, East Fishkill and the Endicott area for approximately $13 million. This would mean that the 49 centers that house 6,000 workers who conduct data processing for the state, that there would be a consolidation and Governor Pataki through Mr. Delaney, who is the OGS Commissioner-in-waiting, I guess, that this might save $50 million to the state.

My question is about the economic impact of this potential move; and, first, I would like to ask you how the $13 million is spent.

I would imagine, to try to answer

my own question, that a certain amount of it would go for the relocation and the purchase of the buildings, and that the other portion would be for leasing.

So my first question to you is, is the state buying these buildings or leasing them?

SENATOR STAFFORD: I, first, certainly relate to the wrenching problem it is for anyone or any family when there are relocations or layoffs, as I mentioned earlier in one of my more rambling answers, when I was talking about the company that moved from our area with 650 jobs, and you just can't explain. No one can unless they are part of it and understand. There are changes being made; there are relocations.

First, I don't believe the exact plan has been finished on exactly how the $13 million will be spent. Also, I point out -- and this gets right back to the heart of the whole matter, and unless we do our best to reduce costs and have our public sector as efficient as

possible, our private sector as efficient as possible, the first thing you know no one is going to have a job in any part of the state.

Now, we've all, of course, heard people discussing this issue. We have some very, very solid people who represent this area. They are making sure that their position is known, and I think everyone is making sure that everyone is having an opportunity, and there will be as little, if any, hurt as possible.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President. Senator Stafford, I'm sure you'll understand that if I demur to your complaint - in other words, if I accept that everything you're saying is true -- that it is still difficult for me to vote for this particular budget bill because the information doesn't exist. It may not be anybody's fault, but the point is that it is very difficult to reach a decision and consider that you are part of the

decision-making process when you can't establish whether or not certain issues exist.

For instance, is it not true that the three sites scheduled for relocation that we have either bought or leased from IBM are on the State's hazardous waste list?

SENATOR STAFFORD: If there are any problems such as that, and we understand that that is not necessarily the case -- not the case, but I would say this, that any building at all in any area, we have to be very, very careful and make sure that we don't have that problem, and I'm sure it will be handled.

I always mention this, and I'm not saying this solves any problem, but it shows how things have changed. When I was young, I used to help my father put asbestos on the furnace; in other words, just plain asbestos. It was a white material that looked like -- not cement. I'm trying to think what it looked like. Well, it looked like asbestos, and you just plaster it up there. Well, I think we know that it isn't necessarily good for you, and I

won't go any further. I think you probably know I know that.

But I'm sure that the matter if there is any problem, it will be handled and I understand that there is not such a problem.

SENATOR PATERSON: Mr. President, Senator Stafford may have already answered this question, but I want to ask just to see whether or not specifically we have this information.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield to Senator Paterson?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: The three sites of the proposed relocation, that being Kingston, East Fishkill and Endicott, the $13 million that we're planning to spend, will that cover the relocation to all three sites, or will additional funds be needed to accomplish dividing or in a sense scaling down the three sites?

SENATOR STAFFORD: I think we

would have to point out, to be very candid - and I'm sure you will understand. I don't think the final exact plans have been made. There's funds to begin the work, the relocation, the supporting of the individuals, the employees. How much more? I would say that with this administration, you will find that they will come down on the side of spending as little as we have to.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Senator Stafford, this is my problem. I have these conversations with my wife and she tells me these things, and they seem to be riddles, and I never exactly understand but she says, "You're putting the cart before the horse." And what I'm saying to you is when we have announcements coming from a governor and we have newspaper articles that you admitted very honestly are frightening people, that they are going to be relocated, that they may be laid off -- and we're not talking about a few people. We're

talking about 3,200 people, maybe 3,500 people, and we're telling these people that their jobs are in jeopardy. They do data processing in 49 different centers. There are 6,000 of them.

Eighty-five percent of them work in this region that we're standing in right now, and we're saying we're going to do relocation. We are going to buy it from IBM. We haven't said exactly what IBM is doing to help the state, but we do want to encourage business to flourish. We want to help IBM, and I want to help IBM. But at the same time, we have residents who we serve feeling this anxiety which quite often the perception of pain is sometimes -

SENATOR SALAND: Mr. President. Would Senator Paterson yield?

ACTING PRESIDENT KUHL: Senator Paterson, Senator Saland is asking you to yield.

SENATOR PATERSON: By all means.

SENATOR SALAND: Senator Paterson, perhaps I heard you incorrectly, but did you tell me that either you had been advised

or had heard that by reason of these proposed transfers that there were going to be 3,000 or 3500 layoffs, or did I misconstrue what your comments were?

SENATOR PATERSON: Thank you, Senator. Thank you for giving me the opportunity.

SENATOR SALAND: Because I do believe you may have said something like that in the course of your comments. And, if so, I fear that either you've been misinformed or perhaps you are not speaking with your usual eloquence.

SENATOR PATERSON: Senator, I don't think I was misinformed. What I'm saying is that the effect of transfer that far away would constitute a layoff for some; in other words, not everybody can go where the job is, and I was actually just responding in kind to the statements that Senator Stafford made about the possibility.

SENATOR STAFFORD: Can I ask Senator Paterson a question?

ACTING PRESIDENT KUHL: Senator

Paterson, do you yield to a question from Senator Stafford?

SENATOR PATERSON: Well, he better get in line, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR STAFFORD: I have to get this. You being a very, very good lawyer, I can't let it get into evidence that I used the word "frightening" because I never did. I have to say, I did say that whenever anyone or any family has to move, it can be very wrenching. But this is a situation that has to be consid ered, and I think these people are receiving consideration, and really we're doing this so that we can have a viable state and we're not continually spending more than we take in.

With that, I'll sit down, and I'm sure that some others -

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President. I hope this doesn't sound too

euphemistic; but if you use the word "heart wrenching," the heart applies to the fear. The wrenching comes later. I think that whichever the actual word was, just the point of some concern of an emotional basis might arise from an announcement made by the executive, the highest supervisory power that government has in the state, that there's going to be a relocation of over 3,000 workers; and I would imagine that that would lead to some people losing their jobs, some people being able to accommodate the transfer and moving to Kingston or East Fishkill or Endicott or perhaps other areas, because we don't really know where all of these transfers are going to take us.

SENATOR STAFFORD: Can I ask you one more question?

ACTING PRESIDENT KUHL: Senator Paterson, do you yield to Senator Stafford?

SENATOR PATERSON: Yes, absolutely.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR STAFFORD: Thank you. Wouldn't you agree that this is being done in a business-like manner? It's being done in order to have more efficient government, to save money? And I think there is no question but the way the administration is working, I think they are showing their concern, their compassion, and they are making sure that all people involved are considered and receive every consideration possible.

SENATOR PATERSON: Senator, you have asked me a question that I can't answer, and the reason I can't answer is the reason that you couldn't answer my questions because we don't really know all of that information yet. What I'm saying is that I just was questioning the nature of putting it in this legislation and also holding press conferences and saying that we're doing something to promote business when, in fact, we don't have the information yet.

In other words, before I told anybody that they were going to relocate, I would try to have my program completely

organized so that I knew exactly who was going, exactly how much money is being spent, exactly the areas of relocation.

They have mentioned the savings to the state. That sounds very nice, but we really don't know that that is the case. And so what I'm saying is that I don't know if it's really in the best interest not only of these workers in this particular area but of anyone in this state to hear about the plight of workers who may be relocated to different areas -- two of them further down in the Hudson Valley and one of them in Endicott -- and nobody knows even if the land on which the buildings they would be working in would comply with regulations promulgated by the Department of Environmental Conservation.

What I'm saying to everybody is that I don't think this is particularly a responsible thing to do. I think that the idea is good. I think that perhaps I would go as far as saying that in terms of any action that would benefit by saving the state money that certainly

the thrust is good. But I'm saying -

ACTING PRESIDENT KUHL: Excuse me, Senator Paterson.

Senator Saland, why do you rise?

SENATOR SALAND: Mr. President. Would Senator Paterson yield, please?

ACTING PRESIDENT KUHL: Senator Paterson, would you yield to Senator Saland?

SENATOR PATERSON: Yes, I would, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson yields.

SENATOR SALAND: Thank you, Senator Paterson.

Senator Paterson, I don't recall your exact words, but I think you said something to the effect that somehow or another this was irresponsible. I don't want to put words in your mouth. I'm sort of troubled by that characterization because perhaps you could tell me whether in the course of the state being able to purchase state-of-the-art high-tech computer space for probably somewhere in the area of

seven or eight dollars a square foot, when to build or to locate that space in the open market would cost 20, 30 or 40 times that amount, that could be considered irresponsible, or when the state gets a lease on state-of-the-art property for merely operation and maintenance, paying the heat, the electric and nothing more, that is considered irresponsible?

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: To be precise, I never said it was irresponsible. I just said it wasn't particularly responsible. I didn't think it was the best way to do it. However, I now have in my hand -- a subpoena? That's not it. A report from the Division of Hazardous Waste Remediation that says that these three sites are on the State's list of hazardous land areas, and so regardless of what square footage we might buy it, it would go almost to what Senator Stafford was saying a little earlier about lessons we've learned in the past and that

we've come a long way. I don't know we've come very far if we find out later on that we're purchasing land on hazardous property.

SENATOR SALAND: Senator Paterson, would you continue to yield?

ACTING PRESIDENT KUHL: Senator Paterson, do you yield to another question from Senator Saland?

SENATOR PATERSON: Yes, absolutely, Senator.

SENATOR SALAND: Do you have any idea what the acreage is on any one of those three sites?

SENATOR PATERSON: No, I don't, Senator.

ACTING PRESIDENT KUHL: Do you yield for another question from Senator Saland, Senator Paterson?

Senator yields.

SENATOR SALAND: Senator Pater son, were one of those sites consisting of 40 or 50 or 70 or 80 acres and perhaps one small por tion, say a quarter of an acre, was determined

to have had some chemicals that might have been used, chemicals that might be sitting in, say, for instance, canisters, would that, in effect, result in the whole site being considered a contaminated site?

SENATOR PATERSON: Well, Senator, first of all, I don't understand how I can get up and ask questions and then be condemned for not knowing the answers. If I knew the answers, I wouldn't be asking the questions. What I'm trying to say is it is on this list. How it got on the list is something that probably needs to be investigated.

But what I'm saying to you, Senator, is -- I'm not saying that you're wrong. I'm just saying, why don't we have this information before we go to the public? That's my question.

SENATOR SALAND: Senator, inasmuch as you have been yielding to me and I have been asking the questions, I think the rules of this house would require me perhaps at such time as you have yielded the floor to maybe

offer some statements that might provide some of the information that you're looking for. So at such time you have yielded the floor, I will avail myself of the opportunity to basically talk about what the Governor has proposed here and certainly, by all means, it's not a cornerstone of this particular bill that we're talking about now, but inasmuch as you have raised it and raised some questions that have created a sort of cycle of fear, and I think very unjustifiably, and certainly I understand the politics of it, particularly from whence it comes. I don't mean from whence it comes from you, Senator. I'm talking about some of our colleagues over in the other house who with great fanfare held a hearing on this. I understand the need for the domestic consumption, but I would like to try and talk about the merits, and as I said -

ACTING PRESIDENT KUHL: Thank you, Senator Saland. You are absolutely correct. Senator Paterson does have the floor.

Senator Paterson.

SENATOR PATERSON: Then would Senator Saland yield for a question?

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

SENATOR SALAND: Sure.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: The $13 million that was in the announcement that the Governor made on February 16th of this year, does that cover all three land areas or does it cover the entire transfer?

SENATOR SALAND: There are two purchases and one lease arrangement. One of the purchases is in the Endicott area; the other is in the Kingston area, and the lease arrangement is in East Fishkill. The lease arrangement is for some 75,000 square feet for which the State of New York will be paying yearly operation and maintenance, ten-year lease. I'm not quite sure. I don't recall whether there is an option on that, as well. The square footage in Kingston, I believe, is somewhere in the area of

a million square feet, and Senator Libous isn't present, but the square footage in the Endicott area is somewhere in excess of 300,000 square feet. The net cost to the state, as I mentioned earlier, is single digits, probably somewhere in the area of -- it's certainly less than $10 per square foot. Comparable costs would be in excess of $200 per square foot, so it's certainly, just from a dollars and cents perspective -- forget where we go in terms of how we're going to arrange the staffing, but in a dollars and cents perspective, it is an absolutely marvelous bargain for the State of New York.

And, simultaneously, what the state managed to accomplish was to assure -- and I say the "state." I mean Governor Pataki. What the Governor managed to do was to assure the continued presence of IBM at its corporate headquarters in Westchester County in the State of New York, which on a contiguous piece of attached property could have then built their new headquarters which they were going to build

-- and, in effect, were required to build for business reasons -- over in Connecticut. Would have been a major loss to the State of New York. That new corporate headquarters which will be built in the State of New York, I'm told, also will result in some 2,000 construction jobs that will also be provided for that particular site.

SENATOR PATERSON: Mr. President, this is most instructive. Will Senator Saland continue to yield?

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

SENATOR SALAND: Certainly, Senator.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR PATERSON: Can you tell me something about the condition of the buildings? And, in addition, Senator Saland, can we return to the point of the land mass of those particular areas and why you think I would imagine that they are safe environmentally.

SENATOR SALAND: I can tell you that at the current site in East Fishkill -- I have never been on the Endicott site and, although I'm familiar with the general locale at the Kingston site, I've never been there - there are currently thousands of people working at that site. The site probably consists, I would guess, of at least 40 to 50 acres, perhaps more. It may be as much as 100 acres, and I'm not sure what other properties that are currently not developed with other parcels IBM also has at that site.

There is nobody at the site that I'm aware of, no reports in the local media, no information I have received to indicate that anybody feels that their health has been jeopardized. I'm not aware of any litigation pending by anybody claiming that their health has been jeopardized. I would suggest to you it is certainly possible that whatever it is that has occurred that has resulted in their being on the register for that parcel that it could well be that it's no more than the placement of some

residue or some product that was used in one of their manufacturing processes.

SENATOR PATERSON: Senator Saland continue to yield?

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator continues to yield, Senator Paterson.

SENATOR PATERSON: Senator Saland, do you have any idea how the properties would wind up on the inactive hazardous waste disposal list?

SENATOR SALAND: I would suggest to you that there are -- Lord only knows how many. You may know more than I. I would suggest to you that -- again speaking to the one site with which I have some familiarity that is in my district that there -- I have no idea what the remediation consists of, but there is nothing that I am aware of that at this point poses a threat to anybody at that site. I have

absolutely no information. There has been none in my media. There's been nobody who has contacted me to indicate that that site is posing a hazard to anybody present on that site.

My assumption is, based on experience in other situations with remediation on large parcels, that it may well be the presence of some substance used in the manufacturing process that has been deposited on the site that will have to be moved and the site remediated, and I can only assure you that IBM has a virtually unblemished record in handling those types of problems.

If all of our business people and all of New York and corporate America addressed their problems in a similar fashion, we would not have the types of problems for which this registry was even created.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President. If Senator Saland continues to

yield?

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

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

ACTING PRESIDENT KUHL: Senator Saland continues to yield.

SENATOR PATERSON: Senator Saland, you do acknowledge that there would be a difference between chemicals that would be in a canister, as you described before, that are just on the property and need to be moved and if there actually is an environmental problem on that particular land?

In other words, I'm not trying to convince you that because it's happened before that it is the case here, but I'm just trying to make you sensitive to the fact that it has happened before and that there have been situations where this became a problem for individuals who were in those areas.

SENATOR SALAND: Senator, I'm anything but insensitive. I think what we're

dealing with here is something in the nature of a straw man than really a major problem. The reality is, it's pretty hard to find parameters such as the Governor has managed to accomplish here that's going to translate into tens of millions of dollars of savings, retain one of New York's corporate blue bloods here in the State of New York, create construction jobs, and benefit not only the economy of the State of New York but each and every one of our taxpayers with that tens of millions of dollars of savings, and that's an annual savings.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Senator Saland yield to a question?

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

SENATOR SALAND: Certainly, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: I apologize.

I know this is down in your neck of the woods and not in mine. So, again, just let me ask you a couple of exploratory questions so I make sure I understand what we're talking about.

Through you, Mr. President. Do you know how long these buildings that were owned by IBM were on the market?

SENATOR SALAND: Not particularly long. Again, I can't account for Endicott. The facility in Kingston probably within -- probably no more than two or three years, maybe even less. The facility in East Fishkill is really not on the market. They are attempting to market the space. I don't believe they are interested in selling it. There are multi purpose uses at that site. IBM and a host of other unrelated manufacturers or service people are located on the site. In fact, the site no longer is called IBM East Fishkill. I have forgotten the name. I'm showing my age by identifying it as IBM East Fishkill. It may be Mid-Hudson Business Center. I'm not quite sure what it is.

SENATOR DOLLINGER: Again, through you, Mr. President. The building -- I know East Fishkill, at least based on what I can read, is sort of a separate case over there, and my understanding is we're not going to buy that site. We're just going to lease the space there.

SENATOR SALAND: I mentioned in response to questions from Senator Paterson a bit earlier I believe that is a ten-year lease. I'm not -- I can't recall whether there is an option associated with it or not. It's strictly an operation and maintenance lease. It's a tough lease to match anywhere for the kinds of space that you are going to be getting for basically high tech computer operations.

SENATOR DOLLINGER: Right. That's why, through you, Mr. President, I would like to focus on -

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: I would like to focus on just so -- again, so I understand. The buildings down in the lower part of the state we're actually going to purchase is my understanding?

SENATOR SALAND: Excuse me?

SENATOR DOLLINGER: We're going to purchase those buildings on the IBM site?

SENATOR SALAND: Not in East Fishkill.

SENATOR DOLLINGER: No, no, apart from the East Fishkill site. I'm talking about the other buildings.

SENATOR DOLLINGER: The Kingston site is a purchase, and, again, I believe it's approximately a million square feet.

SENATOR DOLLINGER: Okay. And my understanding is they've been on the market for a couple of years?

SENATOR SALAND: No more than. When I said two to three, it might even be less.

SENATOR DOLLINGER: My question through you, Mr. President, is obviously the space being available, being vacant, has something to do with the fact that IBM has downsized, and it has something to do with the fact that these buildings are on the market, and they can't sell those buildings. So, obviously, if it was, as you've described it, wonderful space, which it may well be, it would be an attractive market commodity that would have already been sold to someone else.

My question is, is that the economic policy of this state? If we do this in this budget, is it the economic policy in this state that when a company decides that it needs to downsize that we're going to go in and buy up the property that is on the market because they overbuilt the first time and that we're going to bail them out to some extent of their downsizing by buying their vacant property?

SENATOR SALAND: Is that a question to me, Senator?

SENATOR DOLLINGER: That's the

question.

SENATOR SALAND: Senator, I think that, perhaps, it's a bit disingenuous or certainly, if not disingenuous, you are certainly taking liberties.

That property -- remember, we are talking 49 separate entities being consolidated into three sites, a common practice in business, a common practice in other states and, certain ly, a practice that should be well received here. We're talking about a situation that amounts basically to a win-win situation. Taxpayers win, people of the State of New York continue to win, and we retain a major corporation here in the State of New York.

Am I aware that IBM was going to pack up and leave? I'm not aware that IBM was going to pack up and leave, but I was aware that they were in the process of building new corpor ate headquarters. Those corporate headquarters could have been just as easily built on the same parcel, one contiguous parcel in the State of New York and the State of Connecticut. This is

anything but an effort to buttress IBM.

IBM, in case you haven't followed in the New York Stock Exchange reports, has been doing very, very well over the course of the past year or two. IBM could have just as readily chosen to do any number of things with that particular piece of property. Could have chosen to leave. Could have chosen to leave the community and just leave the facility. It wouldn't really be their problem. Could have chosen to take down the building. I mean they could have done any number of things.

But why should we be penalized - or why should you endeavor to besmirch the Governor for putting together a deal that has saved the people in your district I don't know how many thousands of dollars as part of that millions of dollars that the state is going to be saving? Does it bother you that the state somehow or other consolidate?

SENATOR DOLLINGER: Mr. President. Was that a question back to me? I was asking the questions.

ACTING PRESIDENT KUHL: Senator Dollinger, you have the floor, and you asked Senator Saland to yield. Senator Saland yielded.

SENATOR DOLLINGER: I believe he yielded for a question, so I believe he still has the floor.

ACTING PRESIDENT KUHL: No. You have the floor, Senator Dollinger.

SENATOR DOLLINGER: I do for purposes of questions. Okay. I will pass on the question. Let me ask one more.

ACTING PRESIDENT KUHL: Excuse me, Senator Dollinger.

Senator Bruno, why do you rise?

SENATOR BRUNO: Mr. President. While we're debating who has the floor and who has the question, I wonder if Senator Dollinger and if you would indulge me, if you would yield to a question or two?

SENATOR DOLLINGER: From Senator Bruno? I was asking the questions, but I will be glad to yield.

SENATOR BRUNO: Do you mind?

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR BRUNO: Thank you for your courtesy. I have a question, and I wasn't here for all of this exchange, but I would like to ask you very directly, Senator, on whether or not you support keeping IBM in New York State with its headquarters?

SENATOR DOLLINGER: Oh, absolutely.

SENATOR BRUNO: You do. And, Senator, you recognize that what you are discussing was part of the total package? You know, understand total packages that are made when you are making an arrangement?

SENATOR DOLLINGER: I do perfectly, Mr. President, if that's the next question.

SENATOR BRUNO: Thank you. And, Mr. President, one other question.

ACTING PRESIDENT KUHL: Senator Dollinger, continue to yield?

SENATOR DOLLINGER: Yes.

SENATOR BRUNO: If we were dealing with Eastman Kodak, would you feel the same way about keeping them here in the state, Senator?

SENATOR DOLLINGER: Mr. President, that was the exact purpose of the line of questioning I was hoping to get to with Senator Saland.

SENATOR BRUNO: Well, I'm very happy -

SENATOR DOLLINGER: Excuse me, Mr. President. Could I answer the Majority Leader's question?

ACTING PRESIDENT KUHL: That you may.

SENATOR DOLLINGER: If it is the economic policy of this state that when compan ies downsize and they have vacant property, we're going to take state operations and put them into that vacant property as part of a total package to keep them in New York State, I would simply ask and I would certainly be

willing to look at a concept that said what we do for IBM in Kingston, I think we might look at to do it for Eastman Kodak Company or Xerox or Bausch & Lomb.

That's why what I was simply trying to identify through Senator Saland was whether this is now the economic policy of this state so I can go back to the corporate community in my community and say to them, "Gee, we now have this policy; if we have vacant buildings, we have opportunities, we're going to consolidate state operations and move them there, as we did to Kingston." If that's the policy, I'd simply like it articulated.

SENATOR SALAND: Is that a question for me or a question for Senator Bruno? I'll yield to Senator Bruno.

SENATOR DOLLINGER: I believe I was just answering the question.

SENATOR BRUNO: Well -

ACTING PRESIDENT KUHL: Senator Dollinger was answering a question from Senator Bruno.

SENATOR BRUNO: Senator Dollinger -

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

SENATOR DOLLINGER: I'd be glad to, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR BRUNO: You understand that Senator Saland doesn't set the economic policy for this state, don't you, Senator, in that I wondered why you'd be asking that question on the floor of the Senate?

SENATOR DOLLINGER: Through you, Mr. President, by way of response, I'm simply trying to find out whether this budget creates that policy and, if it does, try to establish if what we're doing in this budget is creating that policy, I fully you understand it, and then I can go back to the corporate community in my neck of the woods and say that this is now the policy. We set our policy through our budget in how we spend our money, how we shift our money

around, what we do to consolidate our operations. Budgets, as you well know, are policy documents.

If that's the policy, I simply want to know it so that I can go back to my community and say this is what we're now doing.

SENATOR BRUNO: Yes. Another question?

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

SENATOR DOLLINGER: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR BRUNO: What you are asking about really relates to job retention and economic development in this state and, Senator, I heard your beeper go off, and I wondered if that was the Speaker of the Assembly calling you, and you checked it.

Because my question is that I gather from your line of questioning that you have negative things to say about what we're doing here that relates to trying to maintain

one of the largest corporations in the whole world in this state, and if it pertains to creating policy, wouldn't it be a great policy if we can maintain the companies like Eastman Kodak, IBM and so many others here in this state so people can work? Wouldn't you support that, Senator?

SENATOR DOLLINGER: Oh, Mr. President, as I asked questions of Senator Saland, as Senator Paterson asked questions of Senator Saland, I think we all agree with the goal of keeping IBM here.

One of the reasons why I asked the questions, at least from my perspective, was to identify if that's the policy we're setting in this budget, I just want to know that because that will affect whether or not I vote for this budget. If it's now the policy that, "Your buildings are vacant for a couple of years, we need to consolidate operations, therefore, we'll buy your vacant buildings," there are vacant buildings in Eastman Kodak Company that are in my district. There are vacant buildings from

the Xerox company that are in my district.

Is that what we're now going to do? If so, then I would simply like to know that. That's what I was hoping to identify from Senator Saland. I don't know that my question raised any other issues.

SENATOR BRUNO: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger, you have the floor.

SENATOR DOLLINGER: I have one other question but not for Senator Saland. It actually deals with another issue in the budget.

ACTING PRESIDENT KUHL: You are asking Senator Stafford to yield?

SENATOR DOLLINGER: Senator Stafford, would you yield? This is a separate issue.

ACTING PRESIDENT KUHL: Senator Stafford yields to Senator Dollinger.

Excuse me, Senator Dollinger. Senator Paterson, why do you rise?

SENATOR PATERSON: I was just

going to ask Senator Dollinger, since we were on this specific subject, if we could finish it?

SENATOR DOLLINGER: Mr. President. Before I move on to another, I yield the floor back to Senator Paterson. I apologize.

SENATOR PATERSON: I had a question for Senator Saland, actually.

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

SENATOR SALAND: I yield.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator Saland, I have in front of me an article that refers to a study that was conducted in Binghamton in 1986, after a number of children died of leukemia and that the whole area of Binghamton apparently suffered a higher inci dence of leukemia than the norm, and this is in the direct area of what would be the Endicott plant.

Also the report from the

Department of Environmental Conservation, the Division of Hazardous Waste Remediation, it talks about the area in Kingston where the IBM plant is, was dated March 13 of 1995, and they were specific about what the problem they say was, and it had to do with groundwater that was contaminated by some kind of an organism, and it produces something called VOCs.

And my question to you is, are you familiar with any of the situations occurring in two of the three areas that the workers were scheduled to be transferred?

SENATOR SALAND: Am I familiar with the particulars of them? No, I am not familiar with the particulars of them, but I would refer back to what I said previously.

Do you believe for one moment that IBM will fail to remediate the site? Do you believe for one moment that IBM in any instance in which they have had this type of allegation raised has not endeavored to be a good corporate citizen? I'm not aware of anybody, anywhere, within this state government

or any other who has ever been able to point to IBM in saying they somehow or other have failed to oblige by whatever obligation was imposed upon them in a situation which they have been asked to remediate.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Excuse me, Senator Paterson.

Senator Cook, why do you rise?

SENATOR COOK: Can I momentarily respond to that?

SENATOR SALAND: I would defer to Senator Cook with respect to the Kingston site.

ACTING PRESIDENT KUHL: Senator Paterson, would you like an answer from Senator Cook?

SENATOR SALAND: It's in his district, and he is far more familiar with it than I am.

SENATOR PATERSON: Before Senator Cook answers. Can I answer Senator Saland's question?

SENATOR SALAND: I welcome the opportunity to have Senator Cook answer, and then perhaps there would be no need for you to ask me another question.

ACTING PRESIDENT KUHL: Senator Paterson, you do have the floor. Senator Saland merely yielded to a question from you, so you have the floor and you can say whatever you please.

SENATOR PATERSON: I will yield in a moment to Senator Cook. I just wanted Senator Saland to understand that I never said anything about the elements of the corporate citizenry of IBM. I would imagine that if IBM had these properties and that their -- the buildings were vacant, so I don't know that there would have been the necessity that IBM even address the issues until there is such time. Maybe that's why the buildings are vacant. Maybe that's an example of IBM being a good corporate citizen; they don't want anyone in those areas.

But what I'm saying is I am not

an employee of IBM. I am a public servant of the State of New York, and I'm saying that when the state wants to make a purchase, I'm just trying to get clarification of whether or not we need to have the Department of Environmental Conservation come in and conduct a study to investigate that particular area before we go ahead and buy the building.

Now, I thought that would make perfect sense without any kind of ill feeling toward IBM or any innuendo as to how IBM conducts its business. I'm sure that IBM, from their profit-making capacity and their ability to produce jobs, conducts business very well. What I'm worried about is how the state conducts business, and so that's why I asked the question.

Now I would yield to Senator Cook.

ACTING PRESIDENT KUHL: Senator Cook, Senator Paterson yields.

SENATOR COOK: Just to comment on this whole issue of the safety of the site. I'd

like to indicate that there were thousands of residents of my district who worked in those buildings, and nobody that I have ever heard of has ever raised any concern at all regarding the safety of those sites. It is always easy to raise those red herrings at any point in time and to try to cast aspersions on anything that anybody is doing, but I would like to indicate in regard to Senator Dollinger's question also, if I may, and then I will sit down, this was not a corporate bailout.

The State of New York had a need to establish a more effective data processing center. We had available a virtually new facility, a facility that is state of the art to the extent that the partitions within there are moveable -- that was one of the things that was talked about at the time the building was constructed, how easy it was to reconfigure the interior of that building, because IBM at that time said they could at any point reconfigure the interior of that building and utilize it for a whole variety of purposes, and it made it

very, very desirable for this type of activity because the electrical connections are already there, because it has been a technology center, because it is easy to take this facility and to actually change it over to the state purposes at very low cost, and that was why it was done, in addition to the economic factors that Senator Saland and Senator Bruno have been discussing.

So I say yes, Senator, if you find that there are two reasons and the two happen to come together, that's a very good reason for doing it, and, indeed, I think that probably is indeed the policy of the state. If you happen to have a facility for which the state has need and which at the same time can promote the economic viability of a corporation in the state, I'm sure that would indeed be the economic policy of the state.

ACTING PRESIDENT KUHL: Senator Paterson, if I might just interrupt. You do have the floor, but I would make -- this debate began at 2:30. We're now an hour and a half into it, so two hours would expire at 4:30.

Senator Paterson, you have the floor.

SENATOR PATERSON: Thank you, Mr. President. I have an amendment at the desk. I would like to waive its reading and make sure that it is at the desk.

ACTING PRESIDENT KUHL: The amendment is at the desk, Senator Paterson. The reading of it is waived, and you have permission to explain it.

SENATOR PATERSON: Thank you, Mr. President.

What my amendment proposes is that there be no relocation of workers under the portion of this bill to any sites that are on the State's list of hazardous waste localities, that there be no transfer.

Further, if we do decide that a transfer is necessary, and from what Senator Saland and Senator Cook are saying that this issue is actually resolved because, according to them, the three areas that we're talking about relocating workers, that these three areas

should not be on that list. They may be right. I'm suggesting in my amendment that the way we achieve this is that we have the Department of Environmental Conservation come in and conduct a study.

There are two other sections of my amendments -- in my amendment, and it be that we discontinue the funding of $3 million to the State Tax Department that will accommodate the transfer and also lease and buy the buildings; and, finally, that we discontinue $10 million funding to the Office of General Services that would engage in the leasing of all the items of materials that we would need to do this.

The reason that I offer this amendment, Mr. President, is because what I feel -- where I feel my colleagues have not addressed an issue is just on the basic point that an agency of the State of New York has a division that has rendered at least the Kingston facility suspicious when it comes to the environmental viability of it. This report was not issued prior to 1995. This report was

issued March 13 of 1995.

Now, my point is if we're just going to wave our hands at the report because we have made a good financial deal, we may find that the deal may inure to our detriment in a way that threatens the safety of human beings who we, first of all, are going to transfer from this area to another area and, secondly, may put their personal security in jeopardy. What I am saying, Mr. President, is why don't we let our own agency come in and make sure that these areas are viable? This can't be a political point of view that I'm advancing right now.

First of all, if we're going to talk about politics, we should talk about all the transfers and where they are going, because they are not going to the Bronx, they are not going to Manhattan. They are going to what I would deem to be political areas. But I don't want to talk about politics, so let's not.

Let's just talk about workers' safety and let's talk about how we have a report from an agency of the State of New York that we

are ignoring. If we don't like the things that the agency says, then let's just get rid of the agency. But as long as we have a Division of Hazardous Waste Remediation that's coming to the conclusion that it's coming, I don't understand how we can stand here, Mr. President, and just act as if there is no validity to this report.

I'm not saying that anything that Senator Saland, Senator Cook, or Senator Stafford is saying is wrong, but I'm just saying all that glitters is not gold, and I don't think that we have to jump to conclusions without doing the proper investigation, and that is the purpose of the amendment that I am submitting.

ACTING PRESIDENT KUHL: Senator Libous on the amendment.

SENATOR LIBOUS: Mr. President. I have to take exception to Senator Paterson's amendment. Senator Paterson, in all due respect, your amendment I feel it necessary to stand and defend my home town of Binghamton, New York, and Endicott, where this site is.

I don't know what the newspaper

article is that you're reading, but I can assure you that the site that IBM was on, the million square feet at the Glendale Campus is safe. It has been safe and housed over 5,000 workers since 1960. It is right next door to a golf course which houses the BC Open which is on the pro tour, and I take extreme exception that you would put an amendment on the floor and include my community as saying that it is hazardous - that it is unsafe and that there is a health hazard.

I think the real issue here is that you are creating a distortion. If you disagree with the move, that's one thing. But now to create a health hazard, Mr. President, I think is just a whole other issue.

Let me answer some of the questions that have come up, because I've had a difficult time -

ACTING PRESIDENT KUHL: Senator Libous, excuse me.

Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President.

I'd just like to advise Senator Libous that I was just talking about the article in a previous questioning that I was engaging in with Senator Saland. In my amendment, I don't ask for the Department of Environmental Conservation to look into that particular area, and the reason that I did that, Senator, is because there is no real evidence. I was just saying that there was a possibility of evidence and it would be unfair to you and to that particular area if I included it.

What I was saying about the Kingston area is we already have a report that says that; and if anybody wants to refute that report, they are certainly entitled to, but I would rather refute the report in terms of an agency investigation rather than on the floor of the Senate.

Now, in your particular area, I will show you the articles and they, to be fair to you, do not trace it to the area directly

around that particular plant, and that's why your area is not included in the amendment.

SENATOR LIBOUS: Thank you, Mr. President. Thank you, Senator Paterson, as long as we got that cleared up.

Thank you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Hoblock on the amendment.

SENATOR HOBLOCK: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Hoblock on the amendment.

SENATOR HOBLOCK: Will Senator Paterson yield for a question or two?

ACTING PRESIDENT KUHL: Senator Paterson, do you yield to Senator Hoblock?

Senator yields.

SENATOR PATERSON: Yes, Mr. President.

SENATOR HOBLOCK: Senator, I'm a little confused listening to part of this debate. Perhaps I didn't hear all of it, but is the substance of your amendment dealing with the environmental inspection of some site, or does

it go beyond that, limited to that? I'm not sure exactly what it does based on what I heard so far.

SENATOR PATERSON: It does deal with the part that you raised. In addition, it removes the funding that would actually accommodate the transfer of workers to the three regions that have been described, the regions of Fishkill -- of East Fishkill, Kingston and the Endicott area.

SENATOR HOBLOCK: Senator Paterson further yield?

SENATOR PATERSON: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield, Senator Hoblock.

SENATOR HOBLOCK: Senator, I'm a little confused because perhaps maybe being relatively new here, but is the state of New York in the business of buying or leasing property or doing whatever with property without an inspection as to whether or not it's a hazardous site? Is this a practice that the state now undergoes?

SENATOR PATERSON: Senator Hoblock, I don't think that the state has to necessarily conduct an environmental inspection if there is no evidence there is an environ mental problem. What we were presenting on the floor today is that if there is evidence in some cases that there is an environmental problem, then at that point we would ask for an investi gation. It would probably be too cumbersome to conduct all kinds of impact statement investiga tions on any kind of transfer of workers from one area to another.

SENATOR HOBLOCK: Senator Paterson continue to yield?

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

Senator yields.

SENATOR HOBLOCK: Senator, I don't think I have any problem, I'm not sure anyone would have any problem or disagreement with your concept or idea, because I don't think we should be in the business of buying or leasing or dealing with any properties that may

be on a hazardous waste site list or anything to do with hazardous waste. Perhaps, together, we can prepare some legislation that directly affects that point as opposed to expanding it to what I think is intended to expand it here today, but, rather, to deal with the issue of let's not have the state in the business of dealing with property that is identified as a hazardous waste site or has any indication. I think that's just prudent business practice, don't you agree?

SENATOR PATERSON: Senator Hoblock, I don't know if I really do agree. What I'm saying is that sometimes when we talk about business practices, we concentrate the discussion on profiteering, but what is a business practice if theoretically -- and I'm not saying that I know this would happen -- if theoretically we are relocating workers to a site that might have an undesirable effect.

SENATOR HOBLOCK: Senator Paterson continue to yield?

ACTING PRESIDENT KUHL: Senator

Paterson, do you continue to yield?

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

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR HOBLOCK: I would think that over the years the state of New York not just in this capital city of Albany but all over the state probably has leased space in a number of buildings, have moved people from point A to point B. I know the previous administration took a lot of offices out of Albany and moved them to New York City.

Do you know whether or not any of those sites were inspected or you required or anyone in this house required that they be evaluated or inspected before we expended any funds?

SENATOR PATERSON: Senator Hoblock and Mr. President, what I am saying is that, regardless of whether we inspected these sites in the past, when we have evidence that perhaps an inspection should be conducted, I

don't understand why we wouldn't go ahead and actually perform an investigation; otherwise, I would have to conclude that we have agencies that are going out testing land for oil spills and testing land for hazardous waste or contaminated water, and we're taking the information and documenting it but we're not doing anything with the documentation, and that's the kind of short-circuiting of government that I think the public is commanding us to engage in right now. The public is saying, "Let's get rid of the bureaucracy."

What I'm saying is where we have evidence that I'm not saying is conclusive, but certainly would meet the threshold test of sus picion, I think we should conduct an investiga tion and, if we did not do it in the past, then maybe this situation has brought us to a new plain, a level of responsibility that we have - in the past may have naively ignored.

SENATOR SALAND: Mr. President.

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

SENATOR SALAND: Will Senator Paterson yield, please?

ACTING PRESIDENT KUHL: Senator Hoblock was engaging in a series of questions.

SENATOR SALAND: My apologies to both Senator Hoblock and Senator Paterson.

SENATOR HOBLOCK: I will temporarily yield.

ACTING PRESIDENT KUHL: Senator Hoblock has the floor.

SENATOR SALAND: My apologies.

ACTING PRESIDENT KUHL: And Senator Paterson does not have the floor, so he would have to yield the floor to you, and that's too much for me to comprehend this late in the afternoon, and so I hope you'll -

SENATOR SALAND: It can be a bit wearing, Mr. President. I apologize.

ACTING PRESIDENT KUHL: Senator Hoblock.

SENATOR HOBLOCK: Well, Mr. President, very briefly on the amendment.

ACTING PRESIDENT KUHL: Senator

Hoblock on the amendment.

SENATOR HOBLOCK: You know, I've heard over the past several days as it concerns legislation that's presented on this side, budget bills or whatever it may be, from across the aisle that there are certain portions of it we agree with, there are certain portions of it we don't agree with, and let's sit down and work this out and maybe we can come up with something better; that I would like to support it but I can't because of this or I'm opposing it, but I would rather not because of whatever some specific language may be, and I think this is a perfect illustration.

I can't believe that the state of New York is in the business of leasing or pur chasing property, subjecting its employees intentionally to an unsafe condition, a condi tion that is not healthy, that does not meet the very laws that we make in this house and ask our state agencies to enforce.

If, in fact, there is in any one of the locations we're talking about here today

any indication or evidence that there is a hazardous site -- it is a hazardous site, any condition that would affect the public safety and health of the state worker or anybody associated with that area should be inspected, and I support that, and if Senator Paterson wants to work with me on a piece of legislation that, in fact, requires that statewide, I would be happy to assist him and work with him on that legislation.

I have a feeling that this particular legislation goes beyond that, though. There is some underlying theme here that we haven't heard about and I would like to hear about. But if it has to do with the issue of the health and safety of our state employees, Senator Paterson, with you or anyone else, I am totally on board and we have to address that issue. But if it's something else, I would like to hear it.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, I'm not at all trying to obfuscate the entire issue. We have gotten off onto a discussion about the environment, but I would not neces sarily like to see the workers who are in this particular area relocated out of the area.

Just as a point of view, I introduced the amendment, and I guess I have a right to my point of view, and, well, that's part of it, also, Senator Hoblock.

I would also like to add that right here in Albany in Building 8, we are - there had been problems with the air quality in that particular building if I'm correct, and that that has in many ways been part of facilitating the transfer. So, no, the state is not in the business of making decisions at the expense of workers, but never at any point in my discussion have I labeled any intent on the part -

ACTING PRESIDENT KUHL: Excuse me, Senator Paterson. Senator Cook, why do you rise?

SENATOR COOK: Mr. President. Point of information, and perhaps a point of order. Does this amendment add language to the budget? Is that the intent of this amendment?

SENATOR PATERSON: Yes, Senator.

SENATOR COOK: Mr. President. Now, a point of order.

I believe -- is there not a court decision that says that the Legislature may not add language to the Governor's budget? And if so, I would contend that the amendment is, on its face, unconstitutional and, therefore, out of order.

ACTING PRESIDENT KUHL: If you will allow me a moment to talk with counsel, Senator Cook.

SENATOR PATERSON: Mr. President.

SENATOR PATERSON: Senator Paterson, do you want to speak to the point of order?

SENATOR PATERSON: Yes. If you were seeking counsel, I was going to offer it to

you free rather than the paid counsel.

(Laughter.)

ACTING PRESIDENT KUHL: Always willing to listen to counsel, Senator Paterson.

SENATOR PATERSON: This particular amendment, while it discusses the budget, is not additional language in the sense that it challenges the constitutionality of it. What we're just saying is we're putting forth - we are not rewriting the Governor's budget. We're just saying we want to take $3 million out of the Tax Department; we want to take $10 million away from the Office of General Services to stop the transfer. Then we are asking that the Department of Environmental Conservation investigate where there have been instances where there is evidence of possibly land contamination on those particular sites. I don't see in there any kind of language that actually puts a new direction on the Governor's budget.

SENATOR COOK: Mr. President.

ACTING PRESIDENT KUHL: Yes,

Senator Cook.

SENATOR COOK: It would be my contention that lines 16 through 20, in which the language is added, "that no expenditure shall be made..." et cetera, which actually restricts -- adds restrictive language to the use of the appropriation, violates the case, the constitutional case that was decided -- I've forgotten -- a couple of years ago, that says that language may not be added to the Governor's budget by the Legislature.

ACTING PRESIDENT KUHL: Yes, Senator Paterson, I have now had an opportunity to discuss the matter with counsel and also to review the amendment, and it does appear that in lines 2 through 14, in fact there is language that says you're inserting language. Then there's about 12 lines that are inserted, and then, as Senator Cook has mentioned, there is an additional insertion of language, 16 through 20.

True, there are portions of the amendment that deal with changing numbers,

appropriations, and so it is my understanding that the Bankers decision, in fact, did rule this type of amendment to be unconstitutional.

So it would be the decision of this chair that your amendment is out of order, and that the point of order issued by or raised by Senator Cook is well-founded.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: The Bankers decision, if I remember correctly, was rendered by a court that may not have had the wisdom that you have, but it still was a court. In other words, a question of constitutionality -

ACTING PRESIDENT KUHL: Senator Paterson, what I would like to do at this point is to say I have rendered a determination. That is the decision of this Chair. If you wish to challenge that, you certainly have the right to talk to that throughout the appropriate time.

SENATOR PATERSON: Mr. President, I'm raising a point of order. In other words,

I'm not questioning your decision. I would not. I'm sure you reached a decision that you thought was right, but what I'm questioning is -

SENATOR SKELOS: Mr. President. I believe a point of order has been raised by Senator Cook. The Chair -- the President has made a determination. If you wish to appeal the ruling of the Chair, you certainly have the right to do so.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: If the Majority Leader would just allow me. I don't even -- I haven't even gotten to the point where I want to appeal the decision of the Chair. What I am questioning is whether or not the Chair can make a decision related to constitu tionality of a particular amendment that I'm contending is not unconstitutional. In other words, I don't understand how that decision can be made here. We're not a court.

That is a question of comparison

between what's put forth in the amendment and what actually exists in our constitution, although I understand the point that Senator Cook raised. I'm just saying that I don't think this body has the jurisdiction to make that decision.

ACTING PRESIDENT KUHL: Then I would say, Senator Paterson, that you have the opportunity and the right, before I continue -

SENATOR PATERSON: Mr. President. What I am asking you is, can you point to the rule of the Senate that gives you the jurisdiction to rule my amendment unconsti tutional and out of order because it's unconstitutional?

SENATOR COOK: Mr. President.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: I think that we can -- time is precious. I think that my point of order was well-founded and your response was correct. I think that the Minority wanted to make its point. Rather than extending this

debate, I think we might better just -- I will withdraw my point of order if I can do it at this point.

ACTING PRESIDENT KUHL: You certainly can withdraw your point of order.

The point of order is withdrawn, so the question of the determination of the Chair is unnecessary and moot at this point.

The Chair would recognize Senator Paterson on the amendment.

SENATOR PATERSON: We're back to the amendment, Mr. President.

ACTING PRESIDENT KUHL: Yes.

SENATOR PATERSON: So in answer to Senator Cook's original question, that's what the amendment does. It takes the money out of the two agencies that would facilitate the transfer of the workers and it additionally commends the DEC to conduct an investigation where one may be needed due to data that has been brought forth through investigation.

ACTING PRESIDENT KUHL: The question is on the amendment. All those in

favor, signify by saying aye.

(Response of "Aye.")

SENATOR PATERSON: Party vote, with exceptions.

ACTING PRESIDENT KUHL: Secretary will call the roll.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT KUHL: And record the party line vote with exceptions.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Note the exceptions and announce the results.

Senator Paterson.

SENATOR PATERSON: Did I win?

(Laughter.)

ACTING PRESIDENT KUHL: It appears to be very close, Senator Paterson. That's why it's taking so long to record the vote.

SENATOR PATERSON: Because if it's going the wrong way, rule it out of order.

ACTING PRESIDENT KUHL: We have

the results. Secretary will announce them.

THE SECRETARY: Ayes 25. Nays 35. Party vote with exceptions.

ACTING PRESIDENT KUHL: Senator Paterson, you didn't win. The amendment failed.

Senator Abate, on the bill.

SENATOR ABATE: Yes, would Senator Stafford yield to a question?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT KUHL: Senator Stafford yields to Senator Abate.

SENATOR ABATE: A question or two, Senator. This is concerning the funding of the alcohol treatment centers. Do you recognize and I think everyone in this chamber would recognize that in New York City, particularly Manhattan and Bronx, that we face enormous problems around alcohol and substance abuse, and there are close to 2- or 300,000 people in need of treatment. Would you concede that?

SENATOR STAFFORD: First, I concede that we have a very, very serious problem with alcohol in upstate New York.

SENATOR ABATE: Would you also agree clearly that alcohol abuse and drug abuse is a problem statewide?

ACTING PRESIDENT KUHL: Senator Abate, would you suffer an interruption, please?

SENATOR ABATE: Sure.

ACTING PRESIDENT KUHL: May we have some order in the chamber. Awful lot of noise. Please take your places, close the doors, stop the movement. Take the discussions outside the chamber.

Thank you.

Senator Abate.

SENATOR ABATE: Yes, thank you.

While I agree with you that the problem of alcohol and drug abuse is prevalent throughout the state, clearly in terms of the Bronx and Manhattan, in terms of sheer numbers, there are more people in need of treatment in the Bronx and Manhattan than probably in any other area in New York State, just sheer numbers.

SENATOR STAFFORD: Is that a question?

SENATOR ABATE: Yes.

SENATOR STAFFORD: I think probably you obviously know your district, but I would share with you -- you probably would be surprised -- if we went in percentages, you would see some serious problems upstate.

SENATOR ABATE: But in terms of the fact that the numbers that we're talking about in New York City -- close to 500,000 people, we believe, are in need of this kind of treatment -- there probably is not another city in New York State that has the numbers of people, close to a half a million people, in need of treatment.

SENATOR STAFFORD: You are asking me -

SENATOR ABATE: In terms of, is there any other city that has more than 500,000 persons in need of treatment?

SENATOR STAFFORD: I think this, when you are dealing with a problem such as

this, it's so serious. You are dealing with human beings; and if there is one problem, if there is one human being, it's serious.

SENATOR ABATE: I happen to agree with you, and that's why I'm so concerned that $5.1 million was added for the restoration for four out of six alcohol and treatment centers, and what was restored were the centers in Rockland County, in Queens, Oneida, Seneca County, and the two that were not funded were Bronx and Manhattan. What was the rationale for this decision?

SENATOR STAFFORD: Well, I, of course, realize when it comes to these -- I'm looking for my list. I am sure that these decisions are made on a professional basis. I don't know exactly what the differences are. I, of course, find that -- or we find that in these budgets, it's always very, very difficult, and we find that these decisions are made really on a professional basis by those who are really dealing in the field.

SENATOR ABATE: I guess what I'm

questioning here is the foundation for these decisions. Were they based on need or some other criteria?

SENATOR STAFFORD: I'm sure there are many criteria that any professional considers. I think there would be health, being able to deliver health treatment as it should be. But as we say there are limited dollars, limited funds and, of course -- that was, of course, what I was alluding to a few minutes ago. Also, there are not-for-profit facilities in the downstate area where you don't have facilities in these other areas.

SENATOR ABATE: Unfortunately, those facilities have also been cut through OASAS funding and also 13B demonstration projects, and if that were the case, I might agree with you. My understanding is that the greatest need, or at least as great a need, is in the two areas where the centers are not funded, and I would like to pursue with you further, again, the rationale for those cuts.

At this point, I have to believe

the basis for the cuts was not as a result of need but some other criteria which I think would not be particularly worthy.

ACTING PRESIDENT KUHL: Secretary will read the last section.

Senator Dollinger.

SENATOR DOLLINGER: Would Senator Stafford yield to just one question? As you may recall, I had a question when I yielded to Senator Paterson on the IBM issue.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield to Senator Dollinger?

SENATOR STAFFORD: The previous question was, again, we were talking about delivery of health care and whether it's getting there.

Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: Mr. Presi dent, I will try to be brief. My understanding is that in this budget, the funds for Low Level Radioactive Waste Siting Commission are removed

or significantly reduced. Is that correct?

SENATOR STAFFORD: The only funding remaining is that for accrued benefits for those who are working. Just one second.

Go ahead.

ACTING PRESIDENT KUHL: Senator Dollinger, do you wish Senator Stafford to continue to yield?

SENATOR STAFFORD: They said that I -- I'm -- really, I have your next question.

Go ahead.

SENATOR DOLLINGER: Mr. President. Can I assume that the answer is yes, that it is abolished?

SENATOR STAFFORD: Yes.

SENATOR DOLLINGER: Through you, Mr. President, just so, again, we understand the policy. Is it now the policy of the Governor and of this Senate as we approve this that we have abandoned the concept of looking for a low level radioactive waste storage site in this state?

SENATOR STAFFORD: No, not at

all. And I am one that worked with the entity that we are ending, and I am not at all concerned that it is ending. We will now be working with the Governor. The Governor's office will make a determination, and there will be a vehicle to carry out any mission that we have in this area.

SENATOR DOLLINGER: Again, through you, Mr. President, so I understand if Senator Stafford will yield?

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

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: So the previous function of determining the appropri ateness of a low level radioactive waste site is now going to be done by the Governor's office?

SENATOR STAFFORD: As I mentioned, to be accurate, that the Governor's office, working -- I'm sure working with all of us, working with others, working with

professionals, I'm sure a decision will be made whereby there is a vehicle to carry out the mission if there is one needed concerning exactly what we're talking about here today.

SENATOR DOLLINGER: We're abandoning the concept of an independent siting commission.

SENATOR STAFFORD: No, what we're -- what we're doing is we're abandoning the idea of spending $50 million and not getting any result.

SENATOR DOLLINGER: How are we going to -- again, through you, Mr. President, if Senator Stafford will yield.

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

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: How are we going to determine the appropriateness of a low level radioactive waste site?

SENATOR STAFFORD: Well, I

mentioned earlier that we would see, I'm sure, a determination by those responsible, including the Governor, and a vehicle will be there if there is a need for the mission. But I also would yield to my Senator from Otsego, who works in this field. Could he answer?

SENATOR DOLLINGER: Mr. President, if you wish to yield to Senator Seward, I have no problem, Mr. President, if that's the appropriate protocol.

ACTING PRESIDENT KUHL: Senator Seward to answer the question posed to Senator Stafford.

SENATOR SEWARD: I was outside the chamber on other business. Getting into the middle of this discussion, I'm not sure what ground has been covered so far, but just following up on Senator Stafford's answer in terms of this legislation before us, we, in fact, do basically eliminate the Low Level Radioactive Waste Siting Commission. That's as far as we can go in this particular piece of legislation.

I would envision the need for either an Article 7 bill or subsequent legislation to set the policy in the post Commission era, shall we say, on this issue. So it's not going to be a loose thing. It is going to be decided by this chamber and the other house and the Governor in terms of additional legislation, which is the normal course. When we deal with items such as this through the budget, the numbers are one thing, the policy and the process is another, and that will be dealt with in subsequent legislation, and we can have the type of discussion at that time.

SENATOR DOLLINGER: Again through you, Mr. President, if Senator Seward would yield?

ACTING PRESIDENT KUHL: Senator Seward, do you yield to Senator Dollinger?

SENATOR SEWARD: Certainly.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: Where are we going to get the money to fund that alternative?

SENATOR SEWARD: Well, that's a question for later on. The fact of the matter is that, as others -- many other states have done, we can do the same in terms of the assigning it to a unit in the -- in another agency, perhaps the Department of Environmental Conservation. They have people over there that are very knowledgeable in this area, and that could be assimilated as part of that agency.

What we're saying as part of this measure is we're acknowledging the fact that the bottom line is that the Commission has failed to carry out its mission. There's got to be a better way and we're going to deal with it, the siting commission, through this budget, and then we're going to, together, seek that better way.

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

SENATOR SKELOS: What time did the debate begin on this bill?

ACTING PRESIDENT KUHL: The debate began at 2:30. That's been two hours and about eight minutes at this point in the debate.

SENATOR STAVISKY: Mr. President, may I?

ACTING PRESIDENT KUHL: Senator Stavisky.

SENATOR STAVISKY: Mr. President, I have two amendments to the bill before us, and I would like the opportunity to explain them and to do it briefly.

ACTING PRESIDENT KUHL: Well, Senator Stavisky, I hate to share this information with you, but right now Senator Dollinger has the floor.

SENATOR DOLLINGER: Mr. President, I would yield the floor to Senator Stavisky.

ACTING PRESIDENT KUHL: In that case, Senator Stavisky.

SENATOR SKELOS: Mr. President, I would like to move to close debate at this time.

SENATOR STAVISKY: Mr. President.

ACTING PRESIDENT KUHL: Senator Stavisky.

SENATOR STAVISKY: Mr. President,

I believe that fairness, no matter who is in control of this house, should allow a member who has an amendment to offer -

ACTING PRESIDENT KUHL: Senator Stavisky -

SENATOR STAVISKY: -- be able to offer that amendment.

ACTING PRESIDENT KUHL: Senator Stavisky, this motion made by the Acting Majority Leader is non-debatable.

At this point, I will ask the Secretary to call the roll.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: A point of order.

ACTING PRESIDENT KUHL: Pardon?

SENATOR PATERSON: A point of order.

ACTING PRESIDENT KUHL: Point of order. Make your point of order, Senator Paterson.

SENATOR PATERSON: The point of order is that we had a point of order that took a very long time that really didn't relate to the debate at all on my amendment, and so what I'm suggesting as a compromise, is that that brief period be subtracted from the debate time, that would allow Senator Stavisky to put his amendments on the floor. We'll do it as briefly as possible. We understand what time the debate started, and we understand the very timliness that the Majority has delegated to starting the sessions and ending them on time and trying to get us to work within a time limit, which I agree with, but I'm just saying, since we had a rather lengthy debate more about the rules of the Senate than the actual budget bill, if we could just concede that time to Senator Stavisky who worked very hard on his amendments, he could put them in very quickly.

I'm just asking the Majority and yourself, Mr. President, if we can just do that and from here on in, we will try to bring our debates to closure in the seasonable period.

SENATOR STAVISKY: Mr. President, you have my assurance that I will abide by a timely -

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Stavisky.

SENATOR SKELOS: Let me just state, in fairness to everybody, I think Senator Paterson did raise a good point about we were debating the rules.

However, I do want to point out, prior to moving to close debate, I asked Senator Paterson, "Is Senator Abate your last speaker?" He indicated yes. If not at that time, I would have encouraged the other members to present their amendments so that we could follow the rules of the Senate and complete debate within two hours.

But in fairness to Senator Stavisky, as long as he's brief and these are the last two amendments, we will give you the courtesy of presenting the amendments at this time.

SENATOR STAVISKY: Thank you.

SENATOR SKELOS: And I would withdraw my motion to close debate.

SENATOR STAVISKY: Thank you, Senator.

And I will discuss the two amendments as though they were one.

ACTING PRESIDENT KUHL: The motion to close debate is withdrawn.

Senator Stavisky, have the amendments been served?

SENATOR STAVISKY: Yes, they have. They're at the desk. I will waive the reading and I would explain the amendments briefly and treat them as a single presentation to save time. I'll give you that assurance.

Mr. President and members of the Senate -

ACTING PRESIDENT KUHL: Senator Stavisky, just as a clarification to the Secretary and to the Chair, now you wish to offer up the first amendment; you'll discuss both amendments when you offer that up, and then

we'll take a vote on the first amendment and then we'll take another vote on the second amendment?

SENATOR STAVISKY: Yes.

ACTING PRESIDENT KUHL: All right. Reading of the first amendment is waived. You are entitled at this time to briefly describe the amendments to it.

Senator Stavisky.

SENATOR STAVISKY: Mr. President, I think that there is no member of the Senate of the state of New York who does not have faculty and students and employees of the State University of New York and the City University of New York in his or her district.

These institutions, which were aided immeasurably by Republican and Democratic governors over the years, including two Republican governors by the name of Governor Dewey and Governor Rockefeller, now are in jeopardy if proposed cuts are not restored in some meaningful manner.

What the amendments before you

propose to do are designed to restore funding to eliminate major increases in tuition for students in SUNY and CUNY. If we do not act, tuition increases of up to $1,000 per annum in CUNY and up to $1600 per annum in SUNY may make New York State one of the highest tuitioned states among the large states.

Lower tuition presently exists, without an increase, in the state of Michigan, in the state of California, in state of Florida, in the state of Maryland, in the state of Arizona, and there is additional state support behind each full-time equivalent student in states such as Michigan, California, Florida, Maryland and New Jersey.

I don't believe that members of the Legislature have been given accurate information when they were told that surrounding states have higher tuition than we do when, in fact, the states that I have mentioned, not only have a greater state contribution behind each student, but also in a number of cases have lower tuition.

In 1847, a tradition of free public higher education was initiated in New York State. It was called the Free Academy, and over the years since the mid-17th Century, the contribution of City University students and subsequently State University students have made this state truly a state with riches, riches in intellectual contributions and in professional contributions and business contributions.

I don't want to go into a litany of who are the graduates, but at a time when there's an increased emphasis on higher educational training in order to meet the needs of a high-tech society, we do not want to discourage this generation of students, many of whom are minority, many of whom are students that might not have a chance to continue their education, to make productive contributions to their chosen careers without the opportunity for affordable higher education.

If I had my way, I would remove the tuition entirely because a person who graduates from a higher educational institution

is likely to make up to a half million dollars a year in additional earnings over the course of a lifetime, and we will recoup that money in higher taxes and so will the federal government recoup that money, and the loss at all levels of government, in Washington, of student loans, student grants and other forms of financial aid, and the loss of scholarship programs in our own state and other financial incentives for students to learn and not go on welfare will be sorely felt.

If you believe in getting people off of welfare and on to WorkFare, then you should support these amendments or, if you believe that affordable tuition is not important, then obviously, we will not be prepared for the challenges of the 21st Century.

I am asking you, in order to fulfill the mandate of having a trained work force available for industry, for professions, the arts and the sciences and also government, in order to accomplish that objective, we need to allow students to go on to higher education.

The Chancellor of the City University of New York predicted that, if the original projections of a tuition increase came to pass, some students would be denied admission. Others would be excluded from portions that they need for graduation. Faculty members would be laid off, and a similar scenario, coupled with the closing of individual campuses, would follow in parts of the State University of New York.

I urge you to consider and to support these two amendments which would restore only enough money -- only enough money to prevent these massive tuition increases from coming to pass and, with this explanation, I now urge your support for these two amendments.

ACTING PRESIDENT KUHL: Senator Stavisky, for the benefit of the members, is it fair to categorize the first amendment as being an additional -- an addition to the budget of approximately 400- to $500,000, and that the second amendment is for an addition of about $16 million -

SENATOR STAVISKY: No, that's not the case.

ACTING PRESIDENT KUHL: -- for the educational opportunity -

SENATOR STAVISKY: No, that's not the case. Those are different amendments. The amendments I offer is for an additional 116 million for CUNY, an additional 215 million for SUNY to avoid the tuition increases.

ACTING PRESIDENT KUHL: Okay.

SENATOR STAVISKY: And not along the lines that you have -

ACTING PRESIDENT KUHL: The question is on the first amendment which would restore monies for -

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford on the amendment.

SENATOR STAFFORD: Mr. President, Senator Skelos' motion which -- was entirely in order, but I'll do this in three or four lines. It is an increase of 330 million in an academic year, 200 million for our cash for this budget.

Now, again, it would be nice if we could do many things. There are many worthy causes, but we are trying to pass a budget that's responsible within the framework of what we can afford.

Therefore, we would, of course, urge that the amendment be defeated.

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

(Response of "Aye".)

Opposed, nay.

(Response of "Nay".)

The amendment is defeated.

The question is on the second amendment. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(Response of "Nay".)

The second amendment is defeated.

The Secretary will read the last

section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT KUHL: Call the roll. Are there five senators wishing a slow roll call?

There are -- seeing five standing, the Secretary will call a slow roll call.

THE SECRETARY: Senator Abate.

SENATOR ABATE: No.

THE SECRETARY: Senator Babbush, excused.

Senator Bruno.

(Affirmative indication.)

THE SECRETARY: Yes.

Senator Connor.

(Negative indication.)

THE SECRETARY: In the negative.

Senator Cook.

(There was no response.)

Senator DeFrancisco.

(There was no response.)

Senator DiCarlo.

SENATOR DiCARLO: Aye.

THE SECRETARY: Senator Dollinger.

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

ACTING PRESIDENT KUHL: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: I made my views about this State Operations Budget known earlier.

I can't justify voting in the affirmative when we're raiding the state pension supplemention fund for poor, retired workers from this state to fund a tax cut for wealthy people.

I can't justify raiding $220 million out of the Metropolitan Transit Authority operating account to fund a tax cut for the wealthy.

I can't justify taking $62 million out of the Love Canal settlement accounts to fund a tax cut for wealthy people.

I can't justify taking $23 million out of the Environmental Assistance Fund with which we're going to buy sensitive and environmental lands throughout this state to fund a tax cut for wealthy people.

I cannot justify, starting down the road to Keno -- to Keno, the video gambling operation, to fund a tax cut for wealthy people.

I can't justify taking state funds, moving and shuffling state workers around without some kind of impact statement about what it means to their host region.

An lastly, Mr. President, I'm not even sure that we're doing something final here that has any assemblance of finality.

Yesterday we approved a state budget, a capital budget and sure enough, there are press releases now circulated that said, "We didn't really mean what we said when we voted for that."

Here's one that says, "We're going to restore the money for the stadium" even though yesterday we voted -- this body, over my

objection, voted to cut out funding for stadiums. So I'm not sure what it is we do here, but this doesn't make any sense to me.

So I will be voting in the negative, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger in the negative.

THE SECRETARY: Senator Espada.

(There was no response.)

Senator Farley.

SENATOR FARLEY: Aye.

Senator Galiber.

(There was no response.)

Senator Gold.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold to explain his vote.

SENATOR GOLD: I'll be really very, very brief. I made the point yesterday but I really have to make it again.

It's one thing to call the Minority in this house names and say that we were obstreperous, we do this and we do that.

The bottom line here is very simple. This is probably the first time maybe in the history of the state, certainly the first time that I know of, when a party said they are going to pass a budget without disclosing at least what the budget was.

You have not disclosed the budget. You are giving us a bill at a time, and in doing that, you're asking for trust that you have not earned. And I don't mean that in a fresh way. I mean that we have different political philosophies.

If you said in the next four or five days we are going to pass a complete budget, this is the budget, and it's going to take four or five days because there are issues to be discussed, and we understand that you don't want to work all night and you want to take a few bills a day, we could understand that, and that would be a legitimate thing to say, and then we could say, "Well, this is their budget, and their capital program is only this big because on the capital part of it -- for the

state purposes rather, they're spending this much", and we could understand that, but this is, probably in all my years, the most unfair way to put out a budget and it's insincere. Maybe it's insincere because you don't know where the bottom line is.

As Senator Dollinger so very, very articulately pointed out, yesterday you had a capital projects budget and after Senator DeFrancisco's release, we find out it's not really the total capital budget, and we're told that there are still negotiations going on some place else.

So the bottom line of it all is simple. You do not have a budget. And all of these press releases would say that there is agreement between the Governor and the Senate Majority on a budget are absolutely untrue. There is no Republican budget. If there was, it would be sitting out there and, while it would take time to vote for it all, we would know the budget.

I vote no.

ACTING PRESIDENT KUHL: Senator Gold in the negative.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: No.

THE SECRETARY: Senator Goodman.

SENATOR GOODMAN: Yes.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hoblock.

SENATOR HOBLOCK: Yes.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: No.

THE SECRETARY: Senator Holland.

SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Jones.

SENATOR JONES: No.

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: No.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Mr. President.

ACTING PRESIDENT KUHL: Senator LaValle to explain his vote.

SENATOR LAVALLE: Mr. President, I rise very briefly to -- to say to the body here that the portion in this budget for higher education, despite the remarks that Senator Stavisky had made -- much of his comments were on proposals in the beginning, show that creativity and hard work on the part of the members, the subcomittee under Senator Stafford that I chaired and Senator Stafford's staff, Senator Bruno's staff and my staff, that we were able to come up with very creative ideas that ensure that campuses will not close, that tuition can be ameliorated, that we can have a plan to redesign, to make sure that access and quality will be maintained in both our public institutions.

And so, in speaking here today, I think that the staff and the members who worked on this piece in the budget should really be congratulated for their hard work, their ingenuity and the energy that they showed.

I vote yes.

ACTING PRESIDENT KUHL: Senator LaValle in the affirmative.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Aye.

THE SECRETARY: Senator Leichter.

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

ACTING PRESIDENT KUHL: Senator Leichter to to explain his vote.

SENATOR LEICHTER: Yeah. I appreciate what Senator LaValle said and I also appreciate how difficult this budget is for him because Senator LaValle has been a very staunch fighter for higher education in this state.

Senator, you use words as such a "creative budget, ingenuity". You might also use the word "fantasy", because the fact is that

the State University and the City University are grievously hurt by this budget, and if this budget should pass, there's going to be very, very substantial increases at approximately $1,000 per student.

I think it's appalling that we're denying people the educational opportunities, Senator, that you had and I had when we grew up, the ability to go to a good public educational institution, and make no mistake about it, that the State University of New York will no longer remain in the foreranks of leading state institutions throughout this nation because of the cuts that are being imposed in this budget.

You talked about economic development. What is a more significant help to the economic development of this state than to have good academic institutions to give the opportunity to young people to attend these institutions and come out with an education that will allow them to compete in this very complex, difficult, modern, technological, economic world? That's what we should be about.

This budget doesn't do it, and no matter how you cut it, no matter how many times Senator Stafford gets up and talks about the economic engine, the fact is that we are hurting this state economically all because of a mad, obsessive drive to give tax cuts to the wealthy.

I vote no.

ACTING PRESIDENT KUHL: Senator Leichter in the negative.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Libous.

(There was no response.)

Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senatoar Maziarz.
SENATOR MAZIARZ: Aye.
THE SECRETARY: Senator Mendez.
SENATOR MENDEZ: No.
THE SECRETARY: Senator Montgomery.
SENATOR MONTGOMERY: No.
THE SECRETARY: Senator Nanula.
SENATOR NANULA: No.
THE SECRETARY: Senator Nozzolio.
SENATOR NOZZOLIO: Aye.
THE SECRETARY: Senator Onorato.
SENATOR ONORATO: No.
THE SECRETARY: Senator Oppenheimer.
SENATOR OPPENHEIMER: No.
THE SECRETARY: Senator Padavan.
SENATOR PADAVAN: Yes.
THE SECRETARY: Senator Paterson.
SENATOR PATERSON: No, Mr. President.
THE SECRETARY: Senator Present.
SENATOR PRESENT: Aye.

THE SECRETARY: 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.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Solomon.
SENATOR SOLOMON: Mr. President, to explain my vote.
ACTING PRESIDENT KUHL: Senator Solomon to explain his vote.
SENATOR SOLOMON: As a graduate of SUNY and someone who's admired the public college system, both CUNY and SUNY, the CUNY which has produced probably more Nobel Prize

award winners than any other institution, I have to vote no on this budget.

Thank you.

ACTING PRESIDENT KUHL: Senator Solomon in the negative.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: No.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: No.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Mr. President -

ACTING PRESIDENT KUHL: Senator Trunzo to explain his vote.

SENATOR TRUNZO: -- to explain my vote.

Earlier on, I believe Senator Dollinger had made some point in the early part of this debate when I wasn't in the room, and he

did it explaining his vote that the -- this particular bill raided the supplemental pension fund.

I would just like to let Senator Dollinger know that this bill does not entail or dictate any passage of the Article 7 bill that would raid the state retirement system supplementation reserve fund as outlined by the Governor.

It's not in this bill. We are not raiding the money, and there are negotia tions going on to try to develop a bill and something that would be in accord with the unions and the Legislature and the Governor and the Comptroller to work out something for the retirees.

I vote in the affirmative.

ACTING PRESIDENT KUHL: Senator Trunzo in the affirmative.

THE SECRETARY: Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Aye.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon voting in the negative earlier today.

Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT KUHL: The Secretary will call the absentees.

THE SECRETARY: Senator Cook.

SENATOR COOK: Mr. President.

ACTING PRESIDENT KUHL: Senator Cook to explain his vote.

SENATOR COOK: Mr. President, this has been a very instructive budget season, particularly with relation to the State University, and Senator LaValle is not here right now, but I wanted to compliment him and his staff for the great work that they've done on this budget.

I think that the University itself and many of the people who purport to be supporters of the University and, indeed, many of the people who are employed in the University

have done the University a great disservice, because they have tried to raise the spectre that there, indeed, is no need for the University to participate in any way in the kind of fiscal restraints that are so incumbent upon the entire state government.

Now, I have agreed and have said consistently, as have other people in this chamber, that those cuts that were proposed by the Governor went beyond that which was reasonable to expect, and I think that Senator LaValle and Senator Stafford and their staffs have found ways to mitigate the -- the damage that perhaps those deep cuts would have made, but they have developed a responsible budget, a budget in which the State University will continue to be the same strong university that it has been, and they have reduced the necessity for increases in tuition.

And, Mr. President, that is a very, very important and significant thing, plus the fact that we now have a guarantee that the two-year Ag' and Tech' colleges, which are so

much an important part of that university's system, will be continued.

I vote in the affirmative.

ACTING PRESIDENT KUHL: Senator Cook in the affirmative. Continue to call the absentees.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Espada.

(There was no response.)

Senator Galiber.

SENATOR GALIBER: No.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Yes.

THE SECRETARY: Senator Santiago.

(There was no response.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 36, nays 22.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Please recognize Senator Saland.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, there will be an immediate meeting of the Children and Families Committee in the Conference Room.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Children and Families Committee in Room 332, the Majority Conference Room.

SENATOR SKELOS: Please recognize Senator Nanula.

ACTING PRESIDENT KUHL: Senator Nanula.

SENATOR NANULA: Mr. President, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Bill Number 1201.

ACTING PRESIDENT KUHL: Without objection, Bill Number 1201 is recommitted and the enacting clause is stricken.

The Chair recognizes Senator Wright.

SENATOR WRIGHT: Mr. President, on page number 18, I offer the following amendments to Calendar Number 90, Senate Print Number 290, and ask the bill retain its place on the Third Reading Calendar.

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

Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. Would you please call up Calendar Number 343.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 343.

THE SECRETARY: Calendar Number 343, Budget Bill, Senate Print 1758, an act to amend the Labor Law, in relation to boiler

inspection requirements.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation has been asked for by Senator Paterson.

SENATOR STAFFORD: Mr. President -- who has the -- Senator Spano, who so ably chairs the Labor Committee, will explain to us this excellent piece of legislation.

SENATOR SPANO: Thank you, Senator Stafford, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Spano for an explanation.

SENATOR SPANO: This bill reduces the unnecessary regulations of business across the state by modifying the commercial boiler inspection program in the Department of Labor.

What it does is it exempts the - the inspection of low pressure commercial boilers that have a capacity of 100,000 BTUs. It also reduces the frequency of inspection from one year -- every year to every two years for those commercial boilers with a capacity greater

than 100,000 BTUs and it also allows cities and municipalities to make similar amendments in their laws if they have assumed the responsibility for a boiler inspection.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Would Senator Spano yield for a question?

SENATOR SPANO: Yes.

SENATOR GOLD: Mr. President.

SENATOR PATERSON: Mr. President, Senator Gold has a question. I would be willing to yield to him.

SENATOR GOLD: Yeah, Mr. President. It's not so much a question, it's a request.

At the committee meeting, which is public and everyone knows I'm giving an accurate portrayal, we asked certain questions and I asked some specific questions on this bill as to how you get a handle on what areas were involved, what kind of businesses or whether any public buildings were involved, and while there

was a discussion, I was told by a staff member that someone would get back to me with the information.

Perhaps, Senator Spano, we could lay this one aside, do some of the others and we could get that information. I want to be cooperative and I know everyone wants to be cooperative, and when we're told that we will get the information, we assume we'll get it, and I know there's no bad faith here, but perhaps we could just do another bill or two and -

ACTING PRESIDENT KUHL: Senator Spano, would you like to respond to Senator Gold?

SENATOR SPANO: Mr. President, if it's all right with the chairman, Senator Gold, I have not had a chance to discuss some of the concerns you raised with the staff in the committee, and maybe I can answer the questions for you.

SENATOR GOLD: Well, Senator, in all fairness, I appreciate that, and I respect

your expertise, but I'd like to be able to see the information and take a look at it and then decide maybe I don't need a debate or maybe there should or should not be, but I think when the comments are made in the committee, particularly the Finance Committee, with bills coming directly to the floor, that we would get certain information, the understanding has kind of always been that we would get the information prior to being in the middle of a debate.

So I don't think it upsets anything, Senator. There's about five, six other bills, and I don't think we're talking about a lot -- a long period of time. It's just that I think that that would be a fairer and more orderly way to do it.

SENATOR SPANO: I mean, the one question I know that you did ask, Senator Gold, was with respect to public buildings, and there are -- there are no public buildings that we're able to find that would -- that have commercial boilers that have in excess of 100,000 BTUs. I mean, a 100,000 BTU boiler is smaller than the

size of our desks, so we're not talking about public buildings in terms of -- I mean, you make -- a commercial boiler is only designated as such because it may be in a commercial establishment, it might be a grocery store or a bar. If you define a "public building" that way, then the answer will be yes.

SENATOR GOLD: Mr. President, if I may.

Senator Spano, this is a classic situation where we may not even have to debate it, I don't know, but it seems to me that, in good faith, we were told at the committee meeting that we would have certain information, and I'd just as soon see it, sit with a few minutes and it may answer my question, but this is not what I anticipate when a staff person says, "we'll get you the information" that -- in the course of the debate. That's all.

SENATOR SPANO: Mr. President, can we lay the bill aside just for a few minutes while we try to get the answers for Senator Gold?

SENATOR GOLD: I appreciate the courtesy, Senator.

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

Senator Skelos.

SENATOR SKELOS: 344.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 344.

THE SECRETARY: Calendar Number 344, Budget Bill, Senate Print 1803, an act to amend the Civil Service Law, in relation to authorizing the payment of additional compensation to certain employees in the Office of General Services.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: An explanation has been asked of Calendar Number 344 by Senator Leichter.

SENATOR STAFFORD: Thank you.

I believe Senator Lack has the information.

ACTING PRESIDENT KUHL: Senator Lack to respond to the explanation request.

SENATOR LACK: Yes. Thank you, Mr. President.

Senator Leichter made the request, Mr. President?

ACTING PRESIDENT KUHL: Senator Leichter made the request.

SENATOR LACK: Senator Leichter, this would allow an evaluation of the effect of extra compensation on productivity of -- before our generation, Senator Leichter, it's sort of a Stakhanovite system that they would like to put in, if you do well, you get paid more and it's based on productivity. It's part of an agreement that has -- that has been reached.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Leichter.

SENATOR LACK: I can go into more detail, if that's what your -

SENATOR LEICHTER: Senator Lack, if you would yield.

SENATOR LACK: Surely.

SENATOR LEICHTER: What I'm concerned about, among other things, is the way that productivity is going to be determined and, frankly, I'm a bit concerned whether this is going to be done politically.

Frankly, we've seen this administration make many political appointee appointments. Now, are we going to reward these political appointments on the claim they're producing so much?

SENATOR LACK: Senator Leichter, this has been done pursuant to an agreement with the Civil Service Employees Association, CSEA, and I would hardly want to have an accusation of politics involving the members of such a laudatory collective bargaining unit.

SENATOR LEICHTER: So is there now a memorandum of understanding that's already been entered into with the CSEA?

SENATOR LACK: Yes. It's a - participate in pilot studies to evaluate whether extra compensation serves as an incentive pursuant to an agreement with CSEA.

SENATOR LEICHTER: All right. Does that set forth a criteria to judge productivity?

SENATOR LACK: Yes. There is a performance record which lists everything from tardiness through maintained orderly work area, responds well to supervision, et cetera. There are guidelines for scoring that run over a couple of pages on how this will be measured. Senator, if you would like, I'll have them shown to you right away.

SENATOR LEICHTER: Senator, let me ask you another question. I don't know if you know the answer to this.

I see that this agreement relates to the Department of General Services. I was sort of surprised to read in the paper the last few days in relation to the possible move of state employees to Kingston, that somebody who claimed to be the Commissioner of the Department of General Services was answering for the Department and for the administration.

To your knowledge, have we

confirmed a commissioner of the Department of General Services?

SENATOR LACK: No. We have an acting commissioner, I would assume. We have not confirmed the Commissioner himself. There is a person who has been designated by the Governor to be the Commissioner of General -- of the Office of General Services and that is an appointment that is pending confirmation in the Senate.

SENATOR LEICHTER: Senator Lack, if you would be so good as to continue to yield.

ACTING PRESIDENT KUHL: Senator Lack, do you continue to yield? The Senator continues to yield.

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

SENATOR LEICHTER: Do you know who the acting commissioner is?

SENATOR LACK: Yes.

SENATOR LEICHTER: And who is that gentleman?

SENATOR LACK: Mr. Delaney.

SENATOR LEICHTER: Is that the same person who the Governor has appointed as commissioner?

SENATOR LACK: Well, he has nominated him to be -

SENATOR LEICHTER: Nominated him.

SENATOR LACK: -- commissioner pursuant to confirmation of this Senate, yes.

SENATOR LEICHTER: Right. Do you know why his name has not appeared before the Senate for confirmation?

SENATOR LACK: Excuse me for laughing, Senator. Is this -

SENATOR LEICHTER: I'm laughing too.

SENATOR LACK: No, no, Senator. Excuse me. Is this coming from the same side of the aisle that was also standing up saying, "Why are all these names being rushed for confirmation before this state Senate?" Well, Senator, we heard, there's a budget that we're currently trying to do and Mr. Delaney's name is coming through in the course of things.

I would dare say, I would hate to see what happened if, all of a sudden at 20 after 5:00 this afternoon, Senator Kuhl, acting as President of the Senate, said, "There will be an immediate meeting of the Finance Committee in Room 332" and we rushed back and said, "We have the confirmation of Commissioner Delaney", at which time, Senator, somebody over there would be standing up saying, "Why is this being rushed through?" I guess we just can't win.

But Mr. Delaney is acting commissioner. It is going through the process of the Senate, Senator, and I assure you it will be here shortly.

SENATOR LEICHTER: Senator, I assure you that if the distinguished presiding officer said we're now going to have a Senate Finance Committee without previous notice to this Minority we would complain, but I don't think anything kept you two weeks ago from saying, "In a week, we will consider Mr. Delaney."

My concern is important decisions

are being made as to moving state employees by somebody who purports to be the commissioner. He didn't seem to tell the newspapers, but it may also be that the newspaper reporter got it wrong, that this gentleman was an acting commissioner and it is an important position. It's an -- it's important decisions that he's making, and he ought to come before us for confirmation, but in a deliberate fashion, not at 5:20 in the afternoon but with appropriate notice.

SENATOR LACK: Thank you, Senator, and the Majority will certainly take under very speedy advisement your request that we accelerate the pace of all appointments for confirmation.

Thank you for that advice.

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

SENATOR DOLLINGER: Mr. President, excuse me. May I ask Senator Lack one question, if he -

ACTING PRESIDENT KUHL: Senator

Lack, do you yield to Senator Dollinger?

SENATOR LACK: Yes, Mr. President.

SENATOR DOLLINGER: Was any consideration -- again through you, Mr. President. Was any consideration given in this bill to making a report of the awards granted to the members of the Legislature?

SENATOR LACK: No, Senator.

Mr. President, to my knowledge, there wasn't. This Article 7 bill merely implements the agreement that was reached between the state and CSEA. One would assume a matter by which the agreement was made, which is between the executive and CSEA, that there is a constant review, an evaluation of the program. After all, it is defined to be a pilot program to measure the efficiency and the efficacy of these types of incentives, and it's under constant review as to whether or not it works.

SENATOR DOLLINGER: Thank you, Senator Lack.

I just note that, in many other

instances when we do this kind of thing, we require that a report be filed with the Legislature, either the Speaker or Majority Leader or the respective committees that would oversee things like this. It might just be interesting for the Legislature at some time to know how this program works and to know who gets the awards and do that some time in the future. I understand -

SENATOR LACK: There will be an OGS targets cleaning and maintenance personnel and I'm sure that, if you would like to know how well that's worked, OGS would be quite happy to supply you with information.

SENATOR DOLLINGER: Thank you, Mr. President, just a thought.

ACTING PRESIDENT KUHL: 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.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 345.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 345.

THE SECRETARY: Calendar Number 345, Budget Bill, Senate Print 1810, an act to repeal Section 28 of Chapter 169 of the Laws of 1994, relating to certain provisions.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation has been asked for by Senator Paterson.

SENATOR STAFFORD: Thank you, Mr. President.

Yield again to Senator Lack.

ACTING PRESIDENT KUHL: Senator Lack for an explanation.

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

This Article 7 bill would improve the business climate by eliminating the fee that vendors are charged to participate in the state's procurement process because it elimin ates special revenue procurement accounts. It will reduce revenue by approximately $700,000.

ACTING PRESIDENT KUHL: Explanation satisfactory?

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.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. Would you call up Calendar Number 346.

ACTING PRESIDENT KUHL: The

Secretary will read Calendar Number 346.

THE SECRETARY: Calendar Number 346, Budget Bill, Senate Print 1830, an act to amend the Tax Law, in relation to corporate mergers, consolidations and acquisitions.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation has been asked for by Senator Paterson.

SENATOR STAFFORD: Mr. President, this was really in effect -- there's probably some people have been involved with a tax on mergers and acquisitions. It really never worked because it didn't raise that much money -- it did not raise that much money because of, I guess some people would say good lawyers. Other people would say other things.

However, it isn't really friendly to business, obviously, and we think it's a good bill to repeal.

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

THE SECRETARY: Section -

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: I just had a brief question for Senator Stafford.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield to Senator Paterson? The Senator yields.

SENATOR PATERSON: Senator Stafford, I don't see any fiscal impact one way or the other in this piece of legislation, but in a lot of respects this is what I call ADC legislation, instead of Aid to Depend Children, it's Aid to Dependent Corporations. I don't understand why we should be in a sense letting them use the tax codes or subsidies or any kind of interests in order to, say, for instance, acquire another business which could cause us to lose jobs. That's the only -

SENATOR STAFFORD: I understand and, as a lawyer to a good lawyer, the income from the legislation was de minimis, and if we look up that, it means there wasn't much money.

Also -- also, on a serious note, I don't think that New York should be taxing. We don't think New York -- the Governor does not think New York should be taxing businesses any place we can. It's not a subsidy. It's just not having a tax that we don't have in other jurisdictions.

And, you know, if we're going to -- I want to stress this, and I would say to you -- I would say to you maybe that I'm glad you asked the question, but that isn't quite true, but I want to emphasize, again, though, that for years and years and years, we've been taxing businesses every way we could, and we simply lost one company after another, good companies, Fortune 500 companies, small businesses, and this is a time when we're saying that, if you're involved in this legitimate activity, you're not going to be taxed in this state, and I not only would want to pass this bill, but I'm sure there are many others we could pass like it.

ACTING PRESIDENT KUHL: Senator

Paterson.

SENATOR PATERSON: Mr. President, I don't have a better friend in this chamber than Senator Stafford, and he's always -- except for Senator Galiber or Galiber if you're Caribbean, but Senator Stafford has always invigorated me, and today what he's saying is that this legislation is de minimis which I think is from de minimis res manes lex which is of the Latin that means that in the end it doesn't really make -- it doesn't have a real effect as in a building you might use red piping instead of gold. It might not have been what the customer asked for, but in the end it satisfies the same purpose.

So you're saying that the legislation satisfies the purpose, it might be set up in a way that appears to give an advantage, but in the end it doesn't give an advantage.

My only other question, Senator, is, has the Tax Department ever conducted a study to make sure that it doesn't make a

difference?

SENATOR STAFFORD: There was not a study made. However, we have corresponded and been in contact with them and they, of course, agree with the legislation and support it.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, on the bill, and I would just like to pick up on a point that Senator Stafford -

SENATOR STAFFORD: I would just happen to also mention -- excuse me, Senator - the Tax Department drafted the bill.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just on the bill.

I want to follow up on a comment that Senator Stafford made. He said that this was unfriendly to business. We've done a couple of these other Article 7 bills that showed that we were unfriendly to business, and I guess it's one of those rhetorical questions. Who was so

unfriendly to business before I got here? What happened before 1992? There must have been a period of time when someone in this chamber was very unfriendly to business.

SENATOR STAFFORD: Could I -

SENATOR DOLLINGER: And I, frankly, can't understand who was so unfriendly to business. I look around the chamber now and I don't see people who are unfriendly to business, and I'm just intrigued by how did we ever get to be so unfriendly with business?

Maybe these bills were passed by some other Senate in some other state. Certainly not anything I've heard in this chamber suggests we have been unfriendly to business. I'm just astounded. We keep saying these things are all evidence of being unfriendly to business, and I would wonder who was here before 1992 that passed this law that was so unfriendly to business?

SENATOR STAFFORD: I'll start with Senator Perry.

SENATOR DOLLINGER: Would Senator

Perry vote for a bill like this?

ACTING PRESIDENT KUHL:

Gentlemen, gentlemen. Senator Dollinger.

SENATOR DOLLINGER: Just through you, Mr. President. Was Senator Perry in the Majority then, Senator? Maybe I missed something.

Senator Jones properly points out, had he been in the Majority, he would still be here and I wouldn't.

SENATOR STAFFORD: This is probably making everyone -- making their heart just filled to see you and I here at the end of the day after we've been in the trenches.

I would make one final point, one final point. You asked about -- and I think it's a serious question -- how have we been unfriendly to business?

One morning -- one evening we all left, everyone went back to where they were staying and went home. We came back in the morning and we had put -- we had put a $50 million tax on an industry. Now, I don't call

that friendly, and it's the type of thing that was done and we've got to stop doing it and I think this is a step in the right direction.

SENATOR DOLLINGER: Just through you, Mr. President.

Senator Stafford, do you recall how you voted on that $50 million tax?

ACTING PRESIDENT KUHL: Are you asking Senator Stafford to yield, Senator Dollinger?

SENATOR DOLLINGER: I'm just trying to find out whether that was in the friendly or unfriendly period, Mr. President.

SENATOR STAFFORD: You know, there's no more highly thought of person that sees the light.

I came here when I was young. I came here probably a lot younger than you are now, and I have learned, and if you're asking if I made a decision and do I understand, and unless we straighten the state around, unless we stop this spending more than we take in and unless we stop placing the state in debt, we're

going to have nothing, and again, I keep saying this, and I don't say it really as well as I should, but my point is, it's the private sector, it's the business -- you're relatively close to business. I don't want to -- you understand.

SENATOR DOLLINGER: Oh, I do.

SENATOR STAFFORD: You have relatives involved in business.

SENATOR DOLLINGER: I'm involved myself.

SENATOR STAFFORD: Yes. And we all do, and if these people don't make a profit and they aren't able to support this state with revenues, then all we talk about here, all we talked about, we just aren't going to be able to do it, and state is going to just keep going down, down, down 'til there's nothing, and I feel very strongly about it.

SENATOR DOLLINGER: Mr. President, I thank Senator Stafford for his response. I've also enjoyed the Adirondack raconteur in the answers that you've given me

this evening and during the day today. Some day maybe I'll find out who was so unfriendly to business when we did all these things and I'll have the answer I was seeking.

Thank you.

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

THE SECRETARY: Section 20. 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.

SENATOR STAFFORD: I am going to explain the bill. Before I do, I'll just mention -

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

SENATOR STAFFORD: Sorry.

THE SECRETARY: Those recorded in

the negative on Calendar Number 346 are Senators Connor, Galiber, Kruger, Leichter, Markowitz, Onorato, Paterson and Stivisky. Ayes 51, nays 8.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. Would you call up Calendar Number 347.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 347.

THE SECRETARY: Calendar Number 347, Budget Bill, Senate Print 1836, an act to amend the Public Authorities Law, the New York State Medical Care Facilities Finance Agency Act and the Facilities Development Corporation Act, in relation to the succession by the Dormitory Authority.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation has been asked for by Senator Paterson.

SENATOR STAFFORD: Mr. President, this will merge the Dormitory Authority, the Medical Care Finance Agency and the Facilities Development Corporation into one unit.

I've been around here and this has been discussed for 20 years. What it will do, it will provide efficiency. We'll have one head. There will be less administration, and also there will not be duplication of work. We think it's a bill whose time has come.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Leichter.

SENATOR LEICHTER: Yeah. If Senator Stafford would be good enough to yield.

ACTING PRESIDENT KUHL: Senator Stafford, would you yield to Senator Leichter? The Senator yields.

SENATOR LEICHTER: Senator, could you tell us how much, if any, saving is anticipated from this merger?

SENATOR STAFFORD: First, there will be 105 million available to the state in

reserves and 4- to 5 million savings in operation every year, and that, we think, is not de minimis.

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

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

SENATOR LEICHTER: Well, the reserves, Senator, don't immediately become available to the state to be used. I assume these reserves are there for various bonds that have been issued, and while the reserves may be transferred to the newly merged entity of the Dormitory Authority, the fact is that the reserves are there for a specific purpose; isn't that so?

SENATOR STAFFORD: General operating reserves not pledged to bonds and become available due to the merger.

SENATOR LEICHTER: I'm sorry. Thank you.

If you would be so good as to

yield. I just apologize because I was speaking while you were trying to answer.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Okay. I understand from counsel that one of the components of the reserve is the sale of an asset at 80 Centre Street, is that correct?

SENATOR STAFFORD: The Dormitory Authority at the present time has the title -- has 30 million -- it would pay that over to the state for the title to 80 Centre Street.

SENATOR LEICHTER: And is it the intention of the Governor -- is it part of the budget to use the proceeds from the sale of that asset in this year's budget to be operating expenses?

SENATOR STAFFORD: Yes, yes.

SENATOR LEICHTER: So it's a one shot, is that correct?

SENATOR STAFFORD: I just asked that and -

SENATOR LEICHTER: The answer was

yes.

SENATOR STAFFORD: Non-recurring resources.

SENATOR LEICHTER: Thank you.

Mr. President, if Senator Stafford -

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

SENATOR LEICHTER: -- would be good enough to continue to yield.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR LEICHTER: One issue that I understand is raised by this consolidation is which projects are now going to be covered by the Wicks Law, which are going to be covered by the procedures that the Dormitory Authority has used. Can you enlighten us on that?

SENATOR STAFFORD: Yes. That was explained in the Finance Committee meeting. The programs are not changed, and if they are covered, they remain covered.

SENATOR LEICHTER: One of the

issues that I see as raised is -- maybe you would be good enough to address this for us - whether the combination of Medicaid cuts, greater use of managed care and disuse in the use of the MCFFA reserves, will it have a negative impact on hospitals paying their debts?

SENATOR STAFFORD: I understand what you're asking. With the merger, it's not going to change the way at all of -- the debt is paid any hospital would have.

SENATOR LEICHTER: Senator Stafford, I -

ACTING PRESIDENT KUHL: Senator Stafford -

SENATOR LEICHTER: -- I think our concern is whether we are impairing the ability of these institutions and eventually, of course, of the agency which issued the bonds of repaying the debt.

SENATOR STAFFORD: Well, of course, many are insured by the federal government but, again, you're asking whether the

reduction in Medicaid is going to cause a problem for these hospitals to repay their debt.

SENATOR LEICHTER: If I may just interrupt, Senator.

SENATOR STAFFFORD: Please.

SENATOR LEICHTER: I mean, it's not only the Medicaid cuts obviously as you and I know are going to have an impact on the hospitals, many of which are already in great difficulty, but now you combine that with managed care and, understandably, that's not part of this bill, and that issue would exist irrespective of whether we had this consolidation or not.

But then you add a third element, which is that you raided the reserves of the agency, which is now being folded into the Dor mitory Authority. So if you put all three of these together, I just wonder whether we're not impairing the ability to meet the debt obligation on these bonds?

SENATOR STAFFORD: Again, it's a

good question. It's a very detailed question, not complex, but I am advised that bond counsel and the agency have assured us that this will have none of the -- will result in none of the problems to which you are referring, and I think if you think about it with your question, they are opposite -- not opposite, they are separate from really the payment.

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

SENATOR STAFFORD: Yes.

SENATOR LEICHTER: Thank you. Let me just ask one other question that concerns me.

We're now making the newly consolidated agency, which is really the Dormitory Authority -- we're folding the health/ medical facilities into the Dormitory Authority. Is the Dormitory Authority now going to have legal responsibility for the bonds that have been issued in connection with the financing of health facilities?

SENATOR STAFFORD: It's just like any legal entity. Area successors are assigned, and you'll find that that's really the vehicle by which legality changes from one entity to the other.

SENATOR LEICHTER: If I may then just on the bill.

ACTING PRESIDENT KUHL: Senator Leichter, on the bill.

SENATOR LEICHTER: I thank you, Senator Stafford.

I think a lot of questions are raised by this. Senator Stafford has certainly done his best, and it's a very able job as he always does in answering them, but there are a lot of real uncertainties and, while the idea of merging two agencies, I think, is one that instinctively appeals to us, it may save some money which certainly is favorable, but I think a lot of very tricky financial and legal issues are raised, some of them that Senator Stafford and I discussed.

The last point that was made by

Senator Stafford's answer that we're now making the Dormitory Authority -- which has been, I think, a very successful state agency, has served all of us, has done well -- to make that agency responsible now for the bonds that were issued by the medical care facilities, that raises some problems, concerns, in my mind. I guess in one respect the state is responsible for them in any event because, just as in 1975, those of you who were here with me remember when we had to go out and save UDC and other state authorities, I assume, if they get in trouble, we would have to step in again.

Nevertheless, I just wonder whether that's not going to affect the price at which the Dormitory Authority is going to have to go out and raise money? They've done very well. They're considered a very prudent, a very creditworthy agency that is terribly important to us. Now they're taking on the obligation of these health facilities that are in much worse financial state, and I just wondered to what extent that's going to affect the price which

the Dormitory Authority is going to have to pay for money?

I think it's a concern. I don't know what the answer is, but I just question whether all of these issues have been thought through carefully.

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

THE SECRETARY: Section 9. This act shall take effect on June 1st.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 347 are Senators Connor, Galiber, Kruger, Leichter, Onorato, Paterson and Solomon. Ayes -- also, Senator Abate and Senator Stavisky. Ayes 50, nays 9.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, call up Calendar Number 348, please.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 348.

THE SECRETARY: Calendar Number 348, Budget Bill, Senate Print 1843, an act to amend the Tax Law, in relation to reflecting the repeal of Article 15 of the Tax Law and to repeal such Article 15, relating to a tax on the transfer of certain insurance awards.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation has been asked for by Senator Leichter.

SENATOR STAFFORD: Very quickly, Mr. President. This was not only de minimis, what we received from this law, we got zero. It was -- it was sued and -- what's the word - challenged, and it would have ended up, the department spending more to collect than what we would get, and the person really who worked on this for years to get this passed was Senator Velella.

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

THE SECRETARY: Section 6. This act shall take effect immediately. Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Paterson.

SENATOR PATERSON: Mr. President, would you please recognize Senator Stachowski and Senator Montgomery.

ACTING PRESIDENT KUHL: The Chair would recognize Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, may I have unanimous consent to be recorded in the negative on Bill 347, Calendar Number -

ACTING PRESIDENT KUHL: Without objection, Senator Stachowski will be recorded in the negative on Calendar Number 347.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I would like to be recorded in the negative on Calendar 346.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Could we just return to reports of standing committees?

ACTING PRESIDENT KUHL: Without objection, Senator Montgomery will be recorded in the negative on Calendar Number 346.

We'll return to reports of standing committees.

Senator Skelos.

SENATOR SKELOS: Would you call up Calendar Number 343, please.

ACTING PRESIDENT KUHL: Back to the calendar.

The Secretary will read Calendar Number 343.

THE SECRETARY: Calendar Number 343, Budget Bill, Senate Print 1758, an act to amend the Labor Law, in relation to boiler inspection requirements.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah, the staff member came to see me on this. We've discussed it. I believe that the gentleman I spoke to gave me the best information he has which is that the Labor Department does not really have too good enough information.

I personally don't know where these boilers are. Some of them, I think, are in establishments that might be dangerous to people, I don't know. We don't have to debate it all, but I personally am going to vote in the negative because I just don't have enough information to make me comfortable.

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

Senator Paterson.

SENATOR PATERSON: Mr. President, I was going to ask Senator Spano just to yield to a brief question.

ACTING PRESIDENT KUHL: Senator

Spano, will you yield to Senator Paterson?

SENATOR SPANO: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: And the question was my understanding was that the actual -- that the actual size of the boiler did not relate necessarily to the effect of some of the hazards. If you can clear that up for me, I would appreciate it; otherwise, I would not want to support the bill.

SENATOR SPANO: Could you say that again, Senator?

SENATOR PATERSON: I'm sorry, Senator Spano. My question is what does -- the size of the boiler, how does that affect the hazards that can be created when a boiler is defective?

SENATOR SPANO: This issue came to the forefront years ago, Senator, actually back, it was an incident in the phone company back in the '50s when an employee had jumped out the safety controls on the boiler and bypassed

the system. There's a low water cut-off. There's pressure relief valve. There are different controls on a boiler that would prevent a problem.

This person -- this was a high pressure boiler, bypassed the system and it turned that boiler into a rocket and -- which caused the major problem, a big hoopla, and resulted in this type of an inspection system.

This -- we do nothing to exempt -- we do nothing to change those high pressure boilers. The high pressure boiler is the type of boiler you would see at a dry cleaner, at a major apartment building, all those -- the inspection procedures are there. This is only a low pressure boiler which operates at a steam pressure of anywhere between four to seven pounds versus a high pressure which is 15 pounds or more, and a 100 BTU boiler, as I said to Senator Gold, is smaller than our desks. It's smaller than the boilers that you would see at any of our homes.

ACTING PRESIDENT KUHL: Senator

Paterson, is that explanation satisfactory, because what is happening is several of your members are indicating they want to be recorded in the negative. We can't do that because a roll call has not been called, but I would be happy, if that's the end of the discussion, to have the Secretary read the last section so that members like -- who have -- are indicating that they would like to be recorded in the negative could be voted.

SENATOR PATERSON: Let's read the last section, Mr. President.

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

Thank you, Senator Paterson.

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.

ACTING PRESIDENT KUHL: The Chair

would recognize Senator Larkin.

SENATOR LARKIN: Mr. President, I would like unanimous consent to be -- to abstain.

ACTING PRESIDENT KUHL: Without objection, Senator Larkin will be recorded as abstaining on the vote.

Senator Nanula to explain his vote?

SENATOR NANULA: No. I'm actually asking for -- are we finished with the last one? I apologize. I apologize.

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 343 are Senators Abate, Connor, Dollinger, Galiber, Kruger, Leichter, Markowitz, Montgomery, Nanula, Onorato, Paterson, Smith, Stavisky. Also, Senators Oppenheimer, Mendez and Jones. Ayes 42, nays 16.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Could we return to reports of standing committees?

ACTING PRESIDENT KUHL: We'll return to reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Saland, from the Committee on Children and Families, reports the following bill directly for third reading: Senate Print 3926-A, by Senator Saland, an act to amend the Family Protection and Domestic Violence Intervention Act of 1994, in relation to changing the date of operation of the computerized registry.

ACTING PRESIDENT KUHL: Without objection, the bill is reported directly to third reading.

Senator Nanula.

SENATOR NANULA: Mr. President, I would like to be -- I would like to request, I should say, unanimous consent to be recorded in the negative on Calendars Number 346 and 347.

ACTING PRESIDENT KUHL: Without

objection, Senator Nanula will be recorded in the negative on Calendars Number 346 and 347.

SENATOR NANULA: Thank you.

ACTING PRESIDENT KUHL: Senator Smith.

SENATOR SMITH: Mr. President, I would like unanimous consent to be recorded in the negative on 346 and 347.

ACTING PRESIDENT KUHL: Without objection, Senator Smith will be recorded in the negative on Calendars Number 346 and 347.

Senator Abate.

SENATOR ABATE: I'm not sure whether I was recorded in the negative. I ask unanimous consent to be recorded in the negative on 346. I believe you have me in the negative.

ACTING PRESIDENT KUHL: Without objection, Senator Abate will be recorded in the negative on Calendar Number 346.

SENATOR ABATE: Thank you.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President,

there being no further business, I move we adjourn until Friday, March 31st, 1995 at 10:00 a.m. sharp.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, Friday, March 31st, at 10:00 a.m.

For all the members who can still hear me, there will be an immediate meeting of the Minority in the Minority Conference Room.

(Whereupon, at 5:59 p.m., the Senate adjourned.)