ALBANY, NEW YORK

May 17, 1995

10:05 a.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order. Senators will please find their places. Please rise with me for the Pledge of Allegiance.

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

In the absence of visiting clergy, we'll bow our heads for a moment of silent prayer.

(A moment of silence was observed.)

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Tuesday, May 16. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. Prayer by Bishop Muriel Grant, Mount Olivet Discipleship, Brooklyn, New York. The Journal of Monday, May 15th was read and approved. On motion Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing

no objection, the Journal will stand approved as read.

The order of business:

Presentation of petitions.

Message from the Assembly.

Message from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

SENATOR COOK: Mr. President.

ACTING PRESIDENT FARLEY: Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Skelos, on page 40, I offer the following amendments to Calendar 795, Senate Print 400, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Amendments received. Bill will retain its place.

Senator Cook.

SENATOR COOK: Mr. President, remove the star, please, from Calendar Numbers 496 and 497.

ACTING PRESIDENT FARLEY: Stars removed.

Senator Bruno. Senator Bruno.

SENATOR BRUNO: Mr. President, we have an immediate meeting of the Rules Committee in Room 332.

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

Senator Bruno, I think we're ready for the non-controversial or whatever your pleasure.

SENATOR BRUNO: Mr. President, I would like at this time to take up the non-controversial calendar.

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

THE SECRETARY: On page 8, Calendar 241, by Senator Volker, Senate Print

2445, an act to amend the Civil Practice Law and Rules, in relation to limitations on certain actions against professional engineers.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 448, by Senator Trunzo, Senate Print 3314, an act to amend the Real Property Tax Law, in relation to exemption from real property taxation for foster parents.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 545, by Senator Bruno, Senate Print 1859, an act in relation to authorizing the village of Round Lake, county of Saratoga, to reduce the speed limit on its highways.

ACTING PRESIDENT FARLEY: There's a -

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT FARLEY: Laid

aside.

THE SECRETARY: Calendar Number 624, by Senator Kuhl, Senate Print Number 3235, an act to amend the New York State Urban Development Corporation Act, the Omnibus Economic Development Act of 1987 and the Economic Development Law.

SENATOR PATERSON: Lay aside, please.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 632, by Senator DeFrancisco, Senate Print 3608, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to authorizing the sale of advertising or corporate sponsorship.

SENATOR PATERSON: Last section.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 679, by Senator LaValle, Senate Print 3269, an act to amend the Education Law, in relation to the issuance of limited permits in dentistry.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 680, by Senator LaValle, Senate Print 3324, an act to amend the Education Law, in relation to licensure exemption for students enrolled in

approved dental school programs.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Paterson.

SENATOR PATERSON: Mr. President, is Calendar 63... Number 632 still in the house?

ACTING PRESIDENT FARLEY: 632 is still here, yes.

SENATOR PATERSON: May we lay that aside just for a moment? Senator Leichter has a question on it.

ACTING PRESIDENT FARLEY: Withdraw the roll call. Call the roll on reconsideration.

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: Lay the bill aside.

THE SECRETARY: Calendar Number 682, by Senator Kuhl, Senate Print 4296, an act to amend the Education Law, in relation to optional retirement programs for employees of the State University of New York.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 685, by Senator Hoblock, Senate Print 2353, an act to amend the General Municipal Law, in relation to authorizing municipalities to

utilize contingency and tax stabilization reserve.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 693, by Senator Trunzo, Senate Print 4131, an act to amend the Education Law, in relation to World War II military service credit for certain members of the New York State Teachers Retirement System.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect August 31st.

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 695, by member of the Assembly Bragman, Assembly Print 6389, an act to amend Chapter 414 of the Laws of 1887, relating to the reorganization and incorporation of Syracuse University.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 697, by Senator DeFrancisco, Senate Print 4052, an act to authorize the New York State Canal

Corporation to abandon certain canal lands.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 709, by Senator Wright, Senate Print -

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 711, by Senator Present, Senate Print 4092, an act to amend the Economic Development Law, the General Municipal Law and others.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 29. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 712, by Senator Rath, Senate Print 4459, an act to amend the State Administrative Procedure Act and the Executive Law, in relation to review of agency permits.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of October.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 723, by Senator Hannon, Senate Print 4177, an act to amend the Public Health Law, in relation to revising the schedules of controlled substances as regarding levo-alphacetylmethadol.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 725, by member of the Assembly Gottfried, Assembly Print 2906, an act to amend the Public Health Law, in relation to pet therapy programs.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 740, by Senator Goodman, Senate Print 3424, an act to amend the Administrative Code of the city of New York, in relation to a credit against the unincorporated business income tax.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number

743, by Senator Seward, Senate Print 3827A, an act to authorize the city of Ithaca in the county of Tompkins to discontinue the use of certain real property owned for park purposes.

ACTING PRESIDENT FARLEY: That bill has a home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: I'm going to ask for a little quiet in this chamber. It's very noisy. We're having difficulty hearing, so please take your conversations outside the chamber.

Secretary will continue.

THE SECRETARY: Calendar Number 744, by Senator Marchi, Senate Print 3842, an act authorizing the city of New York to release its interest in certain real property acquired

by in rem tax foreclosure in the borough of Staten Island.

ACTING PRESIDENT FARLEY: Senator Marchi, why do you rise?

SENATOR MARCHI: I'd request that it be laid aside for the day. We are submitting amendments.

ACTING PRESIDENT FARLEY: The bill will be laid aside for the day pending amendments.

THE SECRETARY: Calendar Number 746, by Senator Padavan, Senate Print 4185, an act to amend the Real Property Tax Law, in relation to a tax exemption for certain industrial and commercial properties.

ACTING PRESIDENT FARLEY: Read -

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 753, by Senator Leibell, Senate Print 3445, an act to amend the Agriculture and Markets Law, in relation to application for a dog license in the

county of Westchester.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 754, by Senator Cook, Senate Print 3603, an act to amend the General Business Law, in relation to the licensing of barbers.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47, nays

one, Senator Tully recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 755, by Senator Goodman, Senate Print 3672, an act to amend Chapter 687 of the Laws of 1991 amending the General Business Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FARLEY: Lay the bill aside, withdraw the roll call.

THE SECRETARY: Calendar Number 756, by Senator Sears, Senate Print 3790, an act to amend the General Business Law, in relation to penalties for violation thereof.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 760, by Senator Marchi, Senate Print 742, an act to amend the Real Property Law, in relation to modifying the real estate continuing education requirement.

ACTING PRESIDENT FARLEY: Senator Marchi.

SENATOR MARCHI: Mr. President, I request that this bill also be laid aside for an amendment.

ACTING PRESIDENT FARLEY: Lay this bill aside for the day. Amendments are pending.

Secretary will continue.

THE SECRETARY: Calendar Number 764, by Senator Velella, Senate Print 2587.

SENATOR VELELLA: Mr. President.

THE SECRETARY: An act to amend the General Obliga...

SENATOR VELELLA: Star the bill.

ACTING PRESIDENT FARLEY: Star the bill at the request of the sponsor.

THE SECRETARY: Calendar Number 765, by Senator LaValle, Senate Print 2736, an act to amend the Domestic Relations Law, in relation to information regarding the test to determine the presence of Thalassemia Trait.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take place on the first day of September.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 767, by member of the Assembly Kaufman, Assembly Print 6267, an act to amend the New York City Civil Court Act, the Uniform District Court Act and the Uniform City Court Act, in relation to commercial claims.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 768, by Senator Lack, Senate Print 3934, an act to amend the Real Property Law, in relation to satisfactory evidence of an acknowledgement.

ACTING PRESIDENT FARLEY: Read

the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 772, by Senator Lack, Senate Print 4612, an act to amend the Surrogate's Court Procedure Act, in relation to the eligibility of a foreign guardian to receive letters.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 773, by Senator Lack, Senate Print 4613, an act to amend the Surrogate's Court Procedure Act, in relation to the duty of the voluntary administrator.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect 30 days after it shall have become law.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 774, by Senator Lack, Senate Print 4616, an act to amend the Surrogate's Court Procedure Act, in relation to a proceeding by a fiduciary to discover property.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 782, by Senator Rath, Senate Print 1280, an act to amend the General Municipal Law, in relation to alternative methods for performance of regulatory mandates.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 783, by Senator Kuhl, Senate Print 1546, an act to amend the Real Property Tax Law, in relation to appointments made to the state Board of Real Property Services.

ACTING PRESIDENT FARLEY: Bill is -- read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 784, by Senator Leibell, Senate Print 2744A, an act to amend the Town Law, in relation to refuse and garbage districts in the town of Putnam Valley.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 785, by Senator Volker, Senate Print 3134, an act to amend the Local Finance Law, in relation to the sale of municipal obligations by the county of Erie.

ACTING PRESIDENT FARLEY: There's a home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 786, by Senator Bruno, Senate Print 3191, an act to authorize the county of Clifton Park, Saratoga County, to employ town constables.

ACTING PRESIDENT FARLEY: Senator Bruno has a local fiscal impact note here at the desk. Home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 788, by Senator DeFrancisco, Senate Print 3648, an act in relation to authorizing the county of Onondaga to transfer ownership of the Marcellus Park to the town of Marcellus.

ACTING PRESIDENT FARLEY: There

is a home rule message at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 789, by Senator DeFrancisco, Senate Print 3649, an act authorizing the town of Camillus to discontinue use as park lands certain lands heretofore acquired for park and other public purposes.

ACTING PRESIDENT FARLEY: There's a home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 790, by Senator Bruno, Senate Print 3792, an act to establish a public library district in the town of Malta, Saratoga County.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 792, by Senator Cook, Senate Print 4172, an act to amend -

SENATOR COOK: Lay aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

THE SECRETARY: Calendar Number 793, by Senator Volker, Senate Print Number 4288, an act to amend Chapter 289 of the Laws of 1993 amending the Erie County Tax Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 794, by Senator Trunzo, Senate Print 4468, an act to amend the County Law, in relation to permitting the consolidation of Suffolk County Sewer District Number 2.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 810, by the Assembly Committee on Rules, Assembly Print 7486, an act to authorize the Freeport Union Free School District to finance deficits by the issuance of serial bonds.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 828, by Senator LaValle, Senate Print 4419, an act to amend the Criminal Procedure Law, in relation to designating fire marshals in the town of Brookhaven as peace officers.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- ayes 52, nays one, Senator Gold recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 882, by member of the Assembly Feldman, Assembly Print 354B, an act to amend the Executive Law, in relation to requiring the Division of Criminal Justice Services to collect and analyze data.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 886, by Senator Trunzo, Senate Print 3844A, an act to amend the Executive Law, in relation to the Long Island South Shore Estuary Reserve Council.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 908, by Senator Saland, Senate Print 1434A, an act authorizing the Commissioner of General Services to sell certain land to the city of Beacon.

ACTING PRESIDENT FARLEY: There's a home rule message at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Bruno, that completes the non-controversial calendar.

SENATOR BRUNO: Thank you, Mr. President, and now I would like to return to Calendar Number 755, by Senator Goodman, at this

time before we proceed.

ACTING PRESIDENT FARLEY: The Secretary will call up Calendar Number 755 by Senator Goodman.

THE SECRETARY: Calendar Number 755, by Senator Goodman, Senate Print 3672, an act to amend Chapter 687 of the Laws of 1991, amending the General Business Law.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT FARLEY: Senator Goodman, an explanation has been asked for by Senator Waldon and Senator Stachowski.

SENATOR GOODMAN: Mr. President, with the courteous assistance of the Majority Leader, we'll take this up, I hope briefly, now.

This was a renewal of the bill which was passed in this house four years ago. Its purpose was to clear up a very serious problem that existed in obstructing the retail business in New York City which was resulting because of a series of very difficult and unfor tunate abuses of a group of disabled veterans

who were being used as front people for some pushers of counterfeit goods and other illegal transactions.

The essence of the bill is that it is a bill that is designed to prevent the selling of shoddy and counterfeit merchandise at the doorways of such establishments as Sak's Fifth Avenue or Bergdorf Goodman. Some of the finest shops in New York were being very heavily impacted by the existence of people who were bringing up counterfeit watches, Gucci scarves and the like, to virtually the front doors of these retail establishments and, with the passage of our bill, we were able immediately to clean up this very difficult problem and, at the same time, to provide extensive assistance to veterans groups who were being -- who, in the judgment of the legitimate veterans, needed assistance so that specifically they got substantial sums of money and assistance with employment, and the general reaction of the veterans groups has been extremely favorable to this.

So it's my hope that the house will once again pass it. It's an experiment which proved itself to be very beneficial to the entire city and, therefore, deserves passage in the house.

SENATOR STACHOWSKI: Mr. President.

ACTING PRESIDENT FARLEY: Senator Stachowski.

SENATOR STACHOWSKI: Could Senator Goodman yield for a question, please?

ACTING PRESIDENT FARLEY: Would you yield, Senator Goodman?

SENATOR GOODMAN: Yes, I will, Senator.

SENATOR STACHOWSKI: Senator, the bill that's on the floor now, is this an extender or does it make it permanent?

SENATOR GOODMAN: Permanentizes it.

SENATOR STACHOWSKI: Thank you. We have a -- we have a memo here from the disabled vendors, veteran vendors that points

out that there was a contract with the government, put together with the Fifth Avenue business people and with the City and the state of New York and that out of the many items in the contract, only two have been completed and that they point out that they would prefer not to see this permanentized until this whole contract was dealt with.

They also point out in their memo that in spite of the fact that the city of New York and the state of New York has failed to live up to most of the contract as agreed upon, that they, on their own, have trained 75 veterans and they have a hundred veterans yet to be trained in the Culinary Arts Institute, that they have set up a program, a non-profit merchandise distribution center, for their disabled veterans, that they have most significantly accomplished an agreement with major corporations, food corporations such as Kraft, Pepsi-Cola, Su...

SENATOR GOODMAN: (Talking over) Mr. President.

SENATOR STACHOWSKI: -- and all these things have taken place in spite of the fact that the contract has not been yet lived up to.

SENATOR GOODMAN: Mr. President.

ACTING PRESIDENT FARLEY: Senator Goodman.

SENATOR GOODMAN: Would Senator Stachowski yield for just a moment, please?

ACTING PRESIDENT FARLEY: Senator Stachowski, will you yield?

SENATOR STACHOWSKI: Yes, I will.

SENATOR GOODMAN: Senator, I didn't want to interrupt you, but I thought you would want to know that this is not an accurate memorandum. It is replete with distortions.

The facts are that the contract that was entered into with the veterans contained two provisos. One was the provision of $400,000 of funds to assist a very, very small group of disabled veterans who were indeed deserving of help, and the second item involved

a training program which was made available, and an employment program, both of which were made available to these groups and of which they took advantage.

The rest of these items have nothing whatsoever to do with the contract and, therefore, I hope you will not be misled by this memo which is specious.

SENATOR STACHOWSKI: Thank you very much, Senator. I won't be misled, but I still have some problems in that they have some questions, and I'm not saying that, O.K., even if this is not entirely accurate, I don't know why the gentleman would send it up and sign it.

I do know, though, that in 19 - the last time when we passed this and that now it's going to sunset that Senator Goodman read from a letter from Tom Cusick, if I pronounce that correctly -- sorry if I didn't -- saying that all the veterans that have vendors licenses would be hired and paid twice the amount that they are being -- making now, and I don't think that happened either, so that's probably as

accurate as this memo based on that part.

However, I think that since there is this concern, if we could just clear this up and maybe hold this over the week end and see if we could hold this over for one day and see if we could clear this up.

SENATOR GOODMAN: Senator, let me just tell you that we do have the facts with respect to that employment matter that you raised. There were, in the first go-round, 30 veterans that responded to it. They were all placed in accordance with their desires, and then it was reopened and a second go-round occurred and four veterans were placed, so that out of the total group there were only 34 who wished that assistance and they got it.

Now, let me add that with respect to several of these other items, in fact all of these other items, the Fifth Avenue Association is more than willing to assist with them, but they were not part of the original contract and there has not been time to complete it.

What I'm saying to you is, this

was a clear-cut case in which the Fifth Avenue Association and the Mayor's office worked closely with these veterans groups -- and I'm a veteran, as you know, and I dare say you may be -- and we mustn't be misled by the efforts of a few people to completely distort this and imply that there's an anti-veteran trend in this situation. It's nothing of the sort. It is altogether pro-veteran and, equally important, it's altogether pro-economic development and business in New York and has prevented a terrific amount of pollution of all kinds on the streets of some of our best shopping areas in New York which were literally being hobbled by the presence of all of these illegitimate people. I'm sure even today you see some of the people who sell these counterfeit watches, and occasionally they come on and sell counterfeit Gucci scarves and the like. The police enforce this and keep them off the streets.

It is one experiment which we undertook which has worked perfectly and, therefore, I'm emboldened to suggest to you that

the permanentizing of this is clearly in the best public interest, and I urge your support.

SENATOR STACHOWSKI: Mr. President.

ACTING PRESIDENT FARLEY: Senator Stachowski.

SENATOR STACHOWSKI: I found that all rather interesting. I still don't know how Senator Goodman stood up and made that comment without going through the Chair or asking me a question or me asking him a question, but that's nice.

My problem still is on our side we're not doubting any of the things that Senator Goodman said, either officially or unofficially, in his two statements.

My question is that -- and the questions that we have on this side, if we could just clear this up, if we could lay this aside for one day and that would be the next working day we'd take this up, so that our side wouldn't think by voting for this, and we know we're addressing the problem and we would probably

have less trouble if it was merely an extender, and in that way we would be sure the veterans wouldn't be left out there permanently with the problem if there are even a few veterans because disabled veterans are kind of at everybody's mercy, and rather than voting for a bill that I know does a lot of good, but I know might hurt some disabled veterans, if we laid this aside and cleared this up, it might not be a problem but if we're going to move it today and push it through because Fifth Avenue will never be the same if they don't have this in before the week end, then I'm probably going to have to vote no and I'd ask some of my colleagues to vote no only because we don't want to leave any of the veterans with the problem and, if we could clear up the validity of the memo that we have through our own resources, we would all feel more comfortable voting for this.

ACTING PRESIDENT FARLEY: Senator Goodman.

SENATOR GOODMAN: Could I just clear up, Senator, a moment ago that when I

responded to a question of yours I intended no discourtesy. Furthermore, it has always been my habit and I think that of any of my colleagues to extend every courtesy to the other side. If it is your wish to obtain further information, I have no objection to that and will lay the bill aside so that we can clarify it.

ACTING PRESIDENT FARLEY: Lay the bill aside.

Did you wish to speak? Senator Waldon, did you wish to speak? Senator Waldon.

SENATOR WALDON: I don't know if it's appropriate, Mr. President because the bill has now been laid aside, but I did wish to ask the learned Senator from Manhattan a couple of questions in regard to the pending situation, but if it's moot -

ACTING PRESIDENT FARLEY: I think the question is somewhat moot. It's laid aside.

SENATOR WALDON: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Thank

you, Senator Waldon.

The Secretary will continue.

THE SECRETARY: Calendar Number 241, by Senator Volker, Senate Print 2445, an act to amend the Civil Practice Law and Rules, in relation to limitations on certain actions against professional engineers.

ACTING PRESIDENT FARLEY: Senator Skelos, why do you -- Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time go to the controversial calendar.

ACTING PRESIDENT FARLEY: Controversial calendar.

SENATOR BRUNO: And I would at this time like to take up Calendar Number 545.

ACTING PRESIDENT FARLEY: 545, the Secretary will read Number 545.

THE SECRETARY: Calendar Number 545, by Senator Bruno, Senate Print 1859, an act in relation to authorizing the village of Round Lake, county of Saratoga, to reduce the speed limit on its highways.

ACTING PRESIDENT FARLEY: There's a home rule message here at the desk. You could read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT FARLEY: Hold on.

Senator Paterson.

SENATOR PATERSON: I had asked for an explanation on that bill.

ACTING PRESIDENT FARLEY: Explanation, Senator Bruno. Senator Bruno.

SENATOR BRUNO: Explanation, Mr. President.

The good Senator was speaking in very subtle terms and you didn't hear him, but we're prepared to give an explanation on this earth-shattering piece of legislation. This will change potentially the course of what we do

here today because it affects the village of Round Lake that is in the 43rd Senatorial District that I represent, Mr. President, and this allows the elected officials in that village to make a judgment on reducing the speed limit from 30 miles an hour to not less than 20 miles an hour, and that is because, Mr. President, this is a very quaint, beautiful little village in Saratoga County. The houses were put up in a way that the road narrows in particular places and side streets, and 30 miles an hour might be excessive as determined by the elected officials who are responsive to the people in that village.

This in no way, Mr. President, affects any of the jurisdiction of the Department of Transportation. They are specifically excluded if there are any roads that come within that jurisdiction. So this is local government, Mr. President, at its best.

ACTING PRESIDENT FARLEY: Senator Paterson.

SENATOR PATERSON: Mr. President,

I have been suffering from a psychological dissociative response which causes me to experience auditory hallucinations, and all during the time Senator Bruno was talking, I kept hearing this voice, and it kept saying "speed trap".

I think that about covers it, Mr. President.

ACTING PRESIDENT FARLEY: There is a home rule message here at the desk. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- those recorded in the negative on Calendar Number 545 are Senators Gold and Paterson.

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: I just thought I'd

explain my vote.

I really can't envision that the AAA is going to now be telling everybody not to go to this village because it's a (whispering) speed trap, but I have to vote no because Senator Paterson is making me.

In the negative.

ACTING PRESIDENT FARLEY: Senator Gold is in the negative. Results.

THE SECRETARY: Ayes 51, nays 2.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Bruno, did you care to go back to 241, or Senator Velella, who's ever in charge there?

SENATOR VELELLA: Controversial calendar, regular order.

ACTING PRESIDENT FARLEY: Regular order.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT FARLEY: Senator Paterson.

SENATOR PATERSON: We were on Calendar Number 241, by -

ACTING PRESIDENT FARLEY: Senator Volker.

SENATOR VOLKER: Lay it aside temporarily.

ACTING PRESIDENT FARLEY: Lay that bill aside temporarily.

SENATOR PATERSON: I knew they wouldn't bring it up with me around here, Mr. President.

ACTING PRESIDENT FARLEY: All right. I think it's 448.

THE SECRETARY: Calendar Number 448, by Senator Trunzo, Senate Print 3314, an act to amend the Real Property Tax Law, in relation to exemption from real property taxation.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Senator

Trunzo.

SENATOR TRUNZO: Mr. President, what this bill does is it allows -- it amends the Real Property Tax Law to allow eligible senior citizens to receive real property tax exemptions if they choose to become foster parents.

Part of the program is to put an innocentive on elderly people to become foster parents and help children out in that particular area.

ACTING PRESIDENT FARLEY: Read the last section.

Senator Paterson.

SENATOR PATERSON: Mr. President, Senator Jones has a question on this bill.

ACTING PRESIDENT FARLEY: Senator Jones has a question.

SENATOR JONES: Yes. Would the Senator yield for a moment, please?

ACTING PRESIDENT FARLEY: Senator Trunzo, would you yield to Senator Jones?

SENATOR JONES: Yes, Senator,

there are a couple other thoughts I had on this, in fact introduced a bill. I wondered, there are instances where grandparents end up with the custody of children because of whatever reason; their child is unable to care for them. Would in any way this cover them for an exemption?

SENATOR TRUNZO: It merely covers those who are foster parents. The -- what you're discussing about is presently in the law which prohibits them from getting an exemption provided that the child lives and the child's parents live with the grandparents.

SENATOR JONES: Would Senator yield to another question?

SENATOR TRUNZO: Yes.

ACTING PRESIDENT FARLEY: Senator Trunzo.

SENATOR JONES: My other thought was, Senator, I know much of the new welfare reform involves having a parent take home the child who, let's say, has -- becomes pregnant out of wedlock, and I know that the present welfare bill, as opposed to them going on

welfare would be for them to move home with their own parents.

What would happen, let's say, if that parent is a senior citizen? Would they lose that exemption then on their house?

SENATOR TRUNZO: Technically, I guess they would if the intent of the law as it was originally written, but this is also local option on the part of the municipalities to grant this exemption if they want to do it.

SENATOR JONES: On the bill.

ACTING PRESIDENT FARLEY: On the bill, Senator Jones.

SENATOR JONES: I certainly support your bill, Senator, but I would like to offer the suggestion today that at some further day -- I did have a bill in that covered a piece of that, but I do have in my own district grand parents who, through no fault of their own and certainly saving the state money, have taken in grandchildren and have lost, as a result, their exemption on their house. These are people on a fixed income, and I would really like you to

consider at some point including them as well in a piece of legislation.

SENATOR TRUNZO: O.K.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I just want to underline Senator Jones' point about welfare reform. I know there's been a bill that's been ballyhooed by the other side that says if you're under 18 years of age you have to live at home with your parents.

Well, if that parent has a senior citizen tax exemption, they may lose the benefit of the senior tax exemption because they have a child going to school who lives at home. It seems to me that you ought to look at that in your haste to put through these measures that will somehow change our entire welfare system, end welfare as we know it. We may wind up ending senior tax exemptions as we know it, and I'm sure nobody on the other side of the aisle wants to do that.

Senator Jones' counsel is a very strong one, and I would urge the members on the other side of the aisle to look at this question in greater detail when we talk about the welfare debate. I'd also point out, Senator Jones slips me a note that says foster parents get paid, grandparents don't get paid. You punish the grandparent; you reward the foster parent.

What possible sense does that make? I'm going to vote in favor of this bill. It's a good idea. Let's look at the whole package of this in combination with welfare reform, to figure out how we can put the right incentive into the system without inadvertently punishing grandparents who take their grand children back in and need to provide them with education and support.

ACTING PRESIDENT FARLEY: Senator Mendez. No, you just want to vote. O.K.

Read the last section.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 624, by Senator Kuhl, Senate Print 3235, an act to amend the New York State Urban Development Corporation Act, Omnibus Economic Development Act of 1987.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for. Senator Kuhl.

SENATOR KUHL: Thank you, Mr. President.

This is a rather easy bill to understand. It's a bill that adds 11 words to existing law from the words "processing food" and ending "the Department of Agriculture and Markets."

Essentially, what it does is to make available certain programs that are currently available for other types of indus

tries in this state to be available for agri business industries, programs like the Industrial Effectiveness Projects, Small and Medium Sized Business Assistance Projects and the Strategic Resurgence Funding Program and the Industrial Effectiveness Program, all run through either UDC or DED.

One of the alarming statistics that is available to us is that back in 1954 there were something like 4,690,000 people employed in the processing -- food processing business in this state and I should say in the Northeast. Currently there is only 279,000 people employed in that industry.

What we find is that the Northeast has had a dramatic decline in food processing, significantly less than the rest of the country. We think it's important to our farmers to provide available types of assistance through these programs to try to encourage food processing business in this state.

We think that's what will encourage farmers to remain active in this

state. After all, agriculture is our number one business in this state. It certainly is the fabric of many of our small communities upstate. We value it. We think it's important enough to make these programs available to agribusiness much like we do to some of the other businesses in this state.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Mr. President, I -- I agree with Senator Kuhl and I -- I must say he is such an effective and eloquent spokes person for agriculture in this state, and obviously an essential industry in this state.

I have really no problem with trying to focus the energy, the economic energy of the state, on helping food processing. He's absolutely correct it's a terribly important industry. My only concern is, and I mention it and I want to say I will support this bill, is that we're doing this through the Urban Development Corporation and we really created

such a powerful agency that is without the control that we apply to other state agencies.

It's become very easy for us and particularly for governors to try to use the UDC to achieve all sorts of purposes which they can't do through regular state agencies, for good reasons, and state agencies have certain restrictions, requirements, they have certain surveillance monitoring by the Legislature which are important for the welfare of the state, for its fiscal responsibility and integrity.

UDC is really sort of out of control. It's certainly out of our control. I don't get up and say this because we have a new governor, new administration, a new president or chairman of the UDC. I said the same thing last year. I was always after our good friend, Senator John Daly, to hold more hearings on the UDC, to really deal with some of the abuses, so only in the sense that we're now making the UDC even more powerful, giving it additional functions that I'm going to support the bill because I guess UDC, if it's helping industry in

other areas, certainly ought to be able to do it in agriculture, but maybe the answer, and I think it is the answer is really to try to bring the UCD under our control. Let's do some of these things through the Department of Economic Development.

Having said this, Mr. President, I'm going to support this bill, but I really urge every member of this Legislature to take a look more carefully at UDC. I hear a lot of complaints out in the halls, but then when you get into the chamber, everybody votes more and more powers to the UDC.

I think it's about time that we really did -- took some action to try to bring the Urban Development Corporation under the controls and under the same rules and regula tions of other state agencies.

ACTING PRESIDENT DiCARLO: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Kuhl would just yield to a very brief question?

SENATOR KUHL: I'd be happy to.

ACTING PRESIDENT DiCARLO: Senator yields.

SENATOR PATERSON: Senator, were there a number of firms that were adversely affected that came forward allowing us to know about the situation, or was it just a drop in employment that would necessitate passing this bill and making them eligible for funding and certain technical assistance which it appears from your explanation that they do need?

SENATOR KUHL: Actually, neither, Senator Paterson. The -- what has happened is that we have heard -- "we" meaning myself and other members of the committee -- that the farmers are having a more difficult time finding a market for their product to be processed and that is as a result of food processors actually having left the state and, as a result of that, certainly farmers are put on the brink of whether they continue to grow a product that can't be processed on essentially an economically viable basis, and so that has

generated our recognition that, in fact, we need to create certain types of financial incentives to encourage food processors to locate here or at least to stay here, which would encourage certainly our farmers to be actively producing food.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT DiCARLO: Results.

THE SECRETARY: Ayes 54.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 632, by Senator DeFrancisco, Senate Print 3608, an act to amend the Parks, Recreation and Historic Preservation Law.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT DiCARLO: Explanation has been asked for.

SENATOR DeFRANCISCO: This bill would authorize the Department of Parks and Recreation to sell advertising on maps, brochures and calendars of events and in order to help defray the cost of distributing those items that aid in providing information to the consumer, to help not only the parks distribute information but also to help tourism in this state.

Already we have the authority and we do use this vehicle in the "I love New York" campaign in the brochures that are sent out, as well as our main publication and, in addition, similarly it's done, the MTA has it on their schedules. They sell advertising, so it's nothing unique. It's just providing authorization for the Parks and Recreation Department to do the same thing.

ACTING PRESIDENT DiCARLO: Senator Leichter.

SENATOR LEICHTER: Yes, Mr.

President. If Senator DeFrancisco would yield, please.

ACTING PRESIDENT DiCARLO: Senator DeFrancisco, do you yield? Yes, he does.

SENATOR LEICHTER: Senator, do you read this bill to provide that the advertising material has to, in some respects, be related to the functions and purposes of the state Division of Parks?

SENATOR DeFRANCISCO: No, I don't think it -- you could read it that way at all. I don't think it's that narrow.

SENATOR LEICHTER: Well, if you -- if you'd continue to yield, please. If you would look at line 5, it says "*** have for sale informational or promotional materials related to programs, operation and facilities and resources under the jurisdiction of the Office." I didn't know whether they're referring to just the material, the -- that the material has to be related to the program or functions of the Office, or whether it's any -- any material that

is put out in connection or related or has a relationship to the Department.

SENATOR DeFRANCISCO: I don't think the intent is to narrowly restrict it that an advertiser, for example, of a park in the Adirondacks has to promote fishing, or I don't think there's a relation in that respect. I think the concept is to try to make it -- to not limit it to that fashion, but -- but to authorize them to sell appropriate advertising.

Obviously there's certain advertising that would not be appropriate to a brochure that's going to promote the parks, but I don't think it's limited to the specific activities occurring in a specific park.

SENATOR LEICHTER: Mr. President, if Senator DeFrancisco -

ACTING PRESIDENT DiCARLO: Senator DeFrancisco, do you continue to yield?

SENATOR LEICHTER: You have now used the key word here "appropriate", and my only concern is that we might see material which really is not appropriate. I mean, if you saw

an advertisement for cigarettes or I think you and I would consider that inappropriate, and it's in this respect that I wanted to see if the legislation in some way tried to direct the Department in having what you and I call appropriate advertising material so that this doesn't become sort of a large commercial activity which, in some ways, is contrary to the real purpose of the Department or the agency.

SENATOR DeFRANCISCO: Right. Yes, I definitely understand your point, and I think we've got some history with the "I love New York" campaign. Material such as you've discussed that we both would feel to be inappropriate have not been the type of advertisers that have been in those brochures, and that's the intent here.

Basically maybe some other type tourist activity, some activities that relate - that are -- that are -- I don't know the right word, but materials that are appropriate is the word I keep coming back to, and that's the type of people that have sought to advertise in these

types of brochures, since it's obvious there is a direct match to what they're trying to sell and to the material -- to the park or the activity that the informational materials pertain to.

SENATOR LEICHTER: Mr. President, yes.

Thank you very much, Senator DeFrancisco. I just -

ACTING PRESIDENT DiCARLO: Excuse me, Senator Leichter. If we could take the conversations out of the chamber, if we could have some quiet in the chamber, please. Again, I ask if we could take the conversations out of the chamber and have some quiet in the chamber, please. Thank you very much. May we please close the door to the chamber, Sergeant-at Arms?

O.K. Senator Leichter.

SENATOR LEICHTER: Yes. Thank you very much, Mr. President. I just hope that the statement that Senator DeFrancisco just made, the concerns that he voiced, will guide

the state Division of Parks, Recreation and Historic Preservation that we don't really see this becoming a sort of a commercial activity that in some way demeans the purposes that the agency has, and I think that's important to keep in mind, and I would hope that the Commissioner and the agency would be guided by Senator DeFrancisco's comments.

Thank you.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT DiCARLO: Results.

THE SECRETARY: Ayes 56.

ACTING PRESIDENT DiCARLO: The bill is passed.

SENATOR VELELLA: Mr. President, can we take up Calendar 755, Senator Goodman's

bill.

THE SECRETARY: Calendar Number 755, by Senator Goodman, Senate Print 3672, an act to amend the -- amending Chapter 687 of the Laws of 1991 amending the General Business Law.

ACTING PRESIDENT DiCARLO: Read the last section.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT DiCARLO: An explanation has been asked for.

SENATOR GOODMAN: A few moments ago, we discussed this bill and I believe that Senator -

SENATOR GOLD: Hold on, please.

SENATOR GOODMAN: Senator Leichter, I'm happy to tell you four years ago you voted for this bill.

SENATOR GOLD: Could we -

SENATOR GOODMAN: Thank you.

SENATOR STACHOWSKI: Mr. President.

ACTING PRESIDENT DiCARLO: Senator Stachowski on the bill.

SENATOR STACHOWSKI: As you know, I had this bill, and I asked Senator Goodman to lay it aside earlier with some questions in mind. Subsequent to that time, Senator Goodman, Senator Larkin and myself, Senator Waldon, and a few others went outside the chamber, met over the issue, got all the details explained to us and cleared up all the questions we had, the fact that there's a fund available and large sums of money for training and for the veterans, and that the city of New York helps with permits for veterans in locations other than in this particular location, and that the -- it's important to the livelihood of these businesses to clear up what was a very maybe unwholesome situation in front of their places of business, and that this is all being done with the well-being of the veterans still being kept in mind, that those were the questions that we had.

Those questions were answered and that we no longer have a problem with this bill.

SENATOR GOLD: Last section.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT DiCARLO: Results.

SENATOR VELELLA: Mr. President. Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 755, Senator DiCarlo, Libous, Marcellino, Rath, also Senator Maziarz. Ayes 51, nays 5.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Velella.

SENATOR VELELLA: Mr. President, may we return to the report of the Rules Committee now?

ACTING PRESIDENT DiCARLO: Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, hands up the following bill directly for third reading:

Budget Bill, Senate Print 5180, an act to provide a bravery award to the widow of a State Police investigator.

ACTING PRESIDENT DiCARLO: Senator Velella.

SENATOR VELELLA: Mr. President, I move we accept the report of the Rules Committee.

ACTING PRESIDENT DiCARLO: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

SENATOR WALDON: Mr. President.

ACTING PRESIDENT DiCARLO: Senator Waldon, why do you rise?

SENATOR WALDON: I would like to speak on this issue, correct? This is for the $5,000 for the detective, is that correct?

ACTING PRESIDENT DiCARLO: I believe we have to accept the report of the Rules Committee.

Opposed?

(There was no response.)

The report is accepted.

Senator Waldon.

SENATOR WALDON: My colleagues.

SENATOR VELELLA: We haven't reached that yet. Senator Waldon will have an opportunity to speak to that issue before we move on it. We have something else now that has a time problem.

I would ask now that we take up Senate 1001, Senate Bill 5180.

ACTING PRESIDENT DiCARLO: Secretary will read.

THE SECRETARY: Calendar Number 1001, Budget Bill, Senate Print Number 5180, an act to provide a bravery award to the widow of a State Police investigator.

ACTING PRESIDENT DiCARLO: Senator Velella.

SENATOR VELELLA: Mr. President, is there a message at the desk?

ACTING PRESIDENT DiCARLO: Yes, Senator, there is.

SENATOR VELELLA: I move we accept the message of necessity.

ACTING PRESIDENT DiCARLO: All in favor of accepting the message of necessity.

(Response of "Aye.").

Opposed nay.

(There was no response.)

The message is accepted.

SENATOR VELELLA: Mr. President, would you recognize Senator Volker first, please.

SENATOR VOLKER: Mr. President, first to explain what this bill is about.

This is not state money, by the way, this is fiduciary money. Some years ago we passed legislation, and I didn't have a chance really to check and see how many years ago it was, but it was a lot of years ago and I remember that I had some involvement in it and a

number of other people in this chamber, to set up the so-called Brummer Award account, and I believe that there was a considerable amount of money at that time put into this fiduciary award account, so that there would be money available to give for heroism, and so forth, that occurred within the State Police.

The reason for the bill is that, of course, it is -- it is a fiduciary account and, although it is not state money, you have to have an appropriation in effect to do that and we don't have a budget in place, and so forth, so that's why, but this is actually, as I understand it, this $5,000 is not actually state money as such, that it doesn't come directly out of the budget but is -- but is a fiduciary account that comes from -- from outside sources just in case anybody wonders, and when this bill is passed, and if you look at it, there's some language as regarding the certificate filed with the state Comptroller, the chairman of the Finance Committee and chairman of Ways and Means, which the original legislation provided,

so that's what this is about.

Ricky Parisien, by the way, was a -- was a detective if I'm not mistaken, and he was killed off duty when he was confronted with his, I believe his wife, at a shopping plaza, with a hold-up, and attempted to prevent it and was killed during the course of that attempt and this would be -- this 5,000 we would be presenting to his wife as part of this bravery award.

ACTING PRESIDENT DiCARLO: Senator Waldon.

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

SENATOR VELELLA: Mr. President, would you please -- can we recognize Senator Marcellino for the -- for one moment.

SENATOR MARCELLINO: If I could be -

ACTING PRESIDENT DiCARLO: Senator Marcellino.

SENATOR MARCELLINO: I'm going to seek consent, unanimous consent, to be recorded

in the negative on 765, Calendar Number 765.

ACTING PRESIDENT DiCARLO: Unanimous consent.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, I'd also ask unanimous consent to be recorded in the negative on 765.

ACTING PRESIDENT DiCARLO: In the negative. Thank you.

SENATOR VELELLA: Senator Waldon, without any further interruption.

ACTING PRESIDENT DiCARLO: Senator Waldon.

SENATOR WALDON: Thank you very much.

What we do with this gift, if you will, to the widow of Officer Parisien does not bespeak the debt that we owe to him for being the first line of defense for all of us. He's an example of the best that we have to offer in terms of being the modern day Good Samaritan.

Having, along with Senator Volker, been in the experience of law enforce

ment, I can relate to the sacrifice that his family has made. At night now he will not be there. If they have children, and I believe they do, they will not grow with their father. I don't know what we can do to show our gratitude better than this, but I'm glad that at least we are doing this, and I wish Mrs. Parisien and her family Godspeed.

ACTING PRESIDENT DiCARLO: Read the last section.

SENATOR COOK: Mr. President.

ACTING PRESIDENT DiCARLO: Senator Cook.

SENATOR COOK: Mr. President, I'd simply like to echo Senator Waldon's remarks. Officer Parisien and his wife were in the store. He was not on duty. He probably could have simply found some excuse to be a little slower in reacting, or not gotten directly involved. It was not a case where he was ordered to do something or that he was even on duty to do something, but he saw an act that was in the process of being committed and he rushed

forward out of this sense, I think, of human duty as much as his sense as a police officer, and intervened and gave his life in the process, and simply want to join in that small tribute.

ACTING PRESIDENT DiCARLO: Read the last section.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT DiCARLO: Excuse me. Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I don't know who would answer this question, and I don't know who to direct it to since it's a budget bill and Senator Stafford isn't here, but my only question through you, Mr. President, is why we have to do this today on a message of necessity.

I know I certainly agree with Senator Cook and Senator Waldon about the importance of recognizing this, and we have funds set aside in the fiduciary trust account.

My question is, we're in a budget stalemate. There are lots of people who aren't

getting paid, lots of people who aren't getting this. My question is, why do we have to do this today?

ACTING PRESIDENT DiCARLO: Senator Volker, would you like to speak to that?

SENATOR VOLKER: I thought maybe I indicated. I would say that, as people who were at the memorial service yesterday realize, and as Senator Cook just pointed out, this police officer was killed just this past year and the intention was to present this -- the wife was here and the Governor was to present the wife with the money tomorrow.

I don't think it was realized although, let me reiterate, this is not state money. This is a fiduciary account which means that the money comes from -- from other sources but, of course, is appropriated to the State Police, and the answer is because we don't have a budget, she's here to get the award and the - in order to do that officially rather than do it unofficially, that's why this bill is necessary so that, because the account, the appropriation

money itself is part of the budget, although the money, cash money itself doesn't come from the treasury itself, that's the only reason for this bill, Senator.

SENATOR DOLLINGER: I guess on the bill, Mr. President.

ACTING PRESIDENT DiCARLO: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I'm going to vote in favor of this bill, Mr. President, but I think of it just highlights the whole problem with this budget. I know there are crime victims and others awaiting funds from the state. I know I've been called by landlords waiting to be paid by the state of New York and I know there are people out there not engaged in suffering not just waiting for awards, but actually waiting for services to be rendered, and if this bill does anything, it just highlights the contribution of our police officers and perhaps the consequences of our long budget delay.

ACTING PRESIDENT DiCARLO: Read

the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT DiCARLO: Announce the results.

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Velella.

SENATOR VELELLA: Regular order, Mr. President. Regular order, Calendar Number 709, I believe.

THE SECRETARY: Calendar Number 709, by Senator Wright, Senate Print 3137, an act to amend the State Administrative Procedure Act, in relation to requiring that state rules not impose standards higher than those of federal law.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT DiCARLO: An

explanation has been asked for.

SENATOR WRIGHT: Mr. President.

ACTING PRESIDENT DiCARLO: Senator Wright.

SENATOR WRIGHT: The bill amends the Administrative Procedure Act and provides two specific provisions.

One prohibits state agencies from imposing standards for rules and regulations that exceed federally established minimums un less expressly authorized by this Legislature and, secondly, it provides that in instances of compliance that, if a company, small business, local government achieves compliance with the federal standard, that that is satisfactory in achieving compliance for state purposes.

We've debated this bill before and I would point out the importance of this bill in terms of maintaining the economic competitiveness in our state, and I would reference the memorandum of support filed by the National Federation of Independent Business Agencies who consider this a key small business

vote, and I quote: "A business that is seeking to expand or relocate will choose the state with the most business friendly climate. If we impose regulations that go above and beyond, not only the federal but our neighboring states, we will surely lose the race to attract jobs to New York State because we have made ourselves uncompetitive."

That is the essence of what this legislation does, is provide one additional opportunity for New York State to establish the competitive nature of its economic climate.

ACTING PRESIDENT DiCARLO: Senator Leichter.

SENATOR LEICHTER: Yeah, Mr. President.

As Senator Wright stated, we've debated this bill before. I just want to point out one thing which I think is the inconsistency in the approach that this bill takes and, frankly, the inconsistency of so many of the statements we hear from the other side.

We hear the Republicans,

particularly the Republican right, talking about it's important to return control to the states. Who's the federal government, who's the national government to take over all of these powers and functions?

So what do we have before us, a bill which says that the federal government is going to set the standards. You're going to have some guy, some representative from Montana and somebody from Utah, they're going to determine what we can do here in New York State. Doesn't make any sense.

You know, I have a lot of problems with many of your policies, but at least try to be consistent. This is totally in consistent. Why should New York State cripple itself? Why should New York State handcuff itself? Why should New York State limit itself as to what we think is necessary to protect the welfare of the people of the state of New York?

Senator Wright, I have the greatest respect for you and, while you and I may differ on some philosophical basis, I would

much rather trust you than to trust that representative from Montana to set forth the standards which ought to govern how people in New York State are going to be regulated.

So I just want to point this out and I also want to just address very briefly the argument that we're losing our competitiveness and the reason that we've lost jobs is because our regulations are so much more severe than other states. That just isn't true.

New Jersey regulates its en vironment much more closely and directly than we do here in the state of New York and, while New Jersey's economy isn't particularly great either as all of the Northeast has suffered in the last few years, there was a period just a few years ago when New Jersey was really doing much better than we were in creating jobs.

It's just a myth to say that because we've over-regulated the environment and other aspects of our economic life that New York State has lost its competitiveness. In fact, very often it's regulation that's needed in

order to create a healthy economy. It really would be unfortunate to see a bill like this passed. It may sound good on first blush but, if you examine it, it really will do a lot of harm to the state of New York.

ACTING PRESIDENT DiCARLO: Senator Paterson.

SENATOR PATERSON: Mr. President, I would just like to echo what Senator Leichter just said. The concept of federalism is really one of the foundations of our government, and it really provides that the states would have the opportunity to regulate themselves.

One of the reasons that we have federalism in this country is because the federal government knew at the outset that the insight on specific local issues would be better handled by states and basically gave the states the purview to make those regulations and to make those laws.

We just debated a little while ago one of the towns who wanted to lower the speed limit in this state and so, as Senator

Leichter pointed out, and it really in my opinion was quite astute, we're actually arguing these different sides of concepts when the specific situation merits it, and in terms of trying to set some sort of viable and consistent public policy, I really think we need to avoid that and, specific to this bill, I think we need to address the fact that we do need at times to have agencies regulating beyond the federal standard because New York State has a unique ness. Its geographical and economic conditions are different than other states, and I hope that we'll never stray from that. Otherwise, I don't understand why we really would even have agen cies or even have a state government.

ACTING PRESIDENT DiCARLO: Senator Oppenheimer.

SENATOR OPPENHEIMER: Oh, thank you, Mr. President.

I just wonder how the state would be able to respond to -- to local conditions if this law were to be adopted. It really restricts our ability to respond to local

conditions that may not even exist federally and it seems to me that we are the ones that pass the law in the New York State Legislature and so, if we deem that it is not a wise move to pass the law because it will impede some area of business or some whatever, we're the ones responsible. We're elected to take that responsibility, and I think this would hamstring us as far as being able to do what we have to do at our state level because the problem is a New York State problem and it may not even exist out west, and they may have a different rule nationally but it doesn't really assist us at our local level in our state.

ACTING PRESIDENT DiCARLO: Senator Rath.

SENATOR RATH: Yes, Mr. President.

I'd like to rise in support of my colleague, Senator Wright, on this bill. I think it is a long time in coming, and I think it's something that we have needed and been demonstrated, this need, over and over again as

Senator Wright pointed out, from the business community.

Yesterday you'll recall in Congress the Clean Water Act was debated, and it passed 240 to 185, and I'd like to read you a quote from one of the Congressmen who voted for it: "Flexibility means that local officials who pay their own bills can control their own destiny." He said, "Additionally, Iowa being different from Buffalo, I shouldn't have to do the same thing that we do," and I think what we're saying in New York State, our destiny in Erie County with Lake Erie is very different than your destiny in New York City with the Hudson River, and I think that we should have local opportunity to make some of those choices and it's with Senator Wright's bill he is saying that the over-arching regulation, which is the federal regulations, isn't gone, it's going to be scaled back some, and we will be working with scaled back federal regulations.

That does not mean that the local governments and the local people who have to pay

those bills will not have an opportunity to do so locally. What we're saying is don't over regulate them from the federal and then regulate them again at the state and ask the local guys to pay the bill.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT DiCARLO: Senator Leichter, why do you rise?

SENATOR LEICHTER: Wonder whether Senator Rath would yield to a question.

SENATOR RATH: Certainly.

ACTING PRESIDENT DiCARLO: Senator Rath, do you yield to a question?

Senator Leichter.

SENATOR LEICHTER: Senator, I was listening to your comments which extolled the virtue of having local people regulate and govern their affairs, and I don't have, in principle, disagreement with you, but I'm just wondering whether or not you and I are reading a different bill because, as I read Senator Wright's bill, it says that the state of New York cannot impose regulations that are stricter

than federal regulations. Isn't that correct?

SENATOR RATH: Correct.

SENATOR LEICHTER: Well, Senator, suppose a locality -- suppose the state of New York makes a determination that it wants to impose regulations which, under Senator Wright's bill, would be stricter than the federal regulation -- doing what you and I agree with, let's be masters of our own fate, let the locality determine this -- now, Senator Wright's bill won't let us do that.

SENATOR RATH: As I read -

SENATOR LEICHTER: How is that consistent with that wonderful statement you made about home rule, home powers?

SENATOR RATH: My understanding of Senator Wright's bill, Senator Leichter, is that we are not going to put into place more oppressive regulations than the federal government has in place. The federal government is attempting to do in many cases exactly what we are trying to do in New York State, free up the hands of business and small government so

that they can be masters of their own fate, and what has happened quite universally is that the federal government will put in a set of regulations and the state of New York will come along and regulate even further than the federal government has and, in many cases, let me be clear about this because we are really moving into a whole area of regulatory reform that is going to be quite different.

Regulatory -- regulations have been wonderful in many regards. We have one victory that all of us should take credit for with environmental regulation, but in some cases they have gone further than they needed to go in order to accomplish the goal that they set out to do. That "further than they have needed to go" was extraordinarily expensive for business, and it's one of the reasons that many businesses have found New York to be unfriendly to business and what I'm talking about is moving towards a risk assessment, cost/benefit analysis type of thinking which is a bill that I have introduced, has yet to be debated, but it's coming fairly

soon, and so this is what I'm basing my thoughts on now.

If I am incorrect, I would certainly stand to be corrected, but I would like to have my colleague, Senator Wright, also comment.

SENATOR LEICHTER: Well -

ACTING PRESIDENT DiCARLO: Senator Leichter.

SENATOR LEICHTER: If Senator Wright would be so good as to yield to one more.

ACTING PRESIDENT DiCARLO: Senator, do you yield?

SENATOR WRIGHT: Sure.

SENATOR LEICHTER: The explanation that you gave now is, the way I understand it, a logical explanation for supporting this bill. I happen to disagree with it, because I think as you, in part, pointed out many of the advances that we've made cleaning up, for instance, the lakes, lakes in your district, never would have been possible if

Senator Wright's bill were law, but I'm not addressing that, because I -- there we have a philosophical difference.

What I object to or I have difficulty understanding is, your getting up and saying this is a wonderful bill because it gives us home rule. It gives us local power, when it does just the opposite, because under this bill, Senator, am I not correct that if your locality or the state of New York, you and I together, saw an environmental need that we wanted to address where there was a federal law which was less strict than what you and I want to do, we couldn't do it.

You're turning the powers over to legislators from outside of this state, to the people from Montana, to Washington and so on, to determine what ought to be done here. Now, if you want to do that, and that's obviously what you want to do, fine. Say so, but don't say - don't get up and say, "Oh, I'm preserving home rule, I'm letting -- letting the local people decide." You're doing the exact opposite.

SENATOR RATH: Well, my understanding is that we can accomplish the goal that you're pointing out by individual and local legislation. I don't believe that the state of New York has to tie the hands of the locals right up front. I believe that we can do that by local legislation.

ACTING PRESIDENT DiCARLO: Senator Solomon.

SENATOR SOLOMON: Yes, Mr. President.

Will the sponsor yield, Senator Wright?

ACTING PRESIDENT DiCARLO: Senator Wright, do you yield?

SENATOR WRIGHT: Yes, Mr. President.

SENATOR SOLOMON: Senator, if there is no federal rule or regulation, will the state agency be able to impose a federal rule or regulation in that area?

SENATOR WRIGHT: Senator, if - if there is no federal rule or regulation, the

state, of course, could not impose a federal rule or regulation because it wouldn't exist; but does the state then have the authority to proceed with their own regulations? Yes, and there is no restriction on that and, in fact, there is no restriction on local governments if you read through this legislation.

It deals simply with an instance where you have an existing federal standard, a federal minimum standard that New York State has to address. In turn, New York State has had a long history of adding onto those federal re quirements, and that puts our local governments, our businesses, our industry at a competitive disadvantage, because we have a long history of adding on.

This precludes adding on by the bureaucrats. It does not turn over our state's rights, our authority, to Iowa, to Wyoming, to Colorado. In fact, it reinvests this chamber, this Legislature, with our appropriate authority by taking that power away from the bureaucrats, by allowing the bureaucrats to add on and

specifically requiring that if, in fact, you are going to exceed a federal minimum, then you have to have the express approval of the state Legislature to do that, in fact, the elected representatives of the people to decide the policy of the state.

ACTING PRESIDENT DiCARLO: Senator Solomon.

SENATOR SOLOMON: Thank you, Mr. President.

If Senator Wright will yield?

ACTING PRESIDENT DiCARLO: Senator Wright, do you continue to yield?

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

SENATOR SOLOMON: Senator, what I'm concerned with is the fact that there are a large number of people in my Senate District that adhere to certain religious restrictions in terms of purchase of food products in terms of being kosher or not, and we have the Department of Agriculture which has instituted certain rules and regulations which go beyond what the

federal government has in terms of this area, because there has not been any regulation or there's been minimal regulation.

Under this bill, what could the impact be on those rules and regs?

SENATOR WRIGHT: Mr. President, under this bill, there would be no impact if the Legislature specifically directed that there be provisions in New York State regulation as reflected by statute that would provide those same protections over and above the federal requirements. It simply requires that the Legislature endorse that, and I, quite candidly, don't anticipate that there would be any difficulty in that area.

SENATOR SOLOMON: Well, Mr. President, if Senator Wright will yield again.

ACTING PRESIDENT DiCARLO: Senator Wright, do you continue to yield?

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

ACTING PRESIDENT DiCARLO: Senator Solomon.

SENATOR SOLOMON: If I understand you correctly, Senator, you just informed me that the state Legislature would have to act to -

ACTING PRESIDENT DiCARLO: Excuse me, Senator Solomon. Excuse me. If we could please have the attention of everybody in the chamber and please take conversations outside.

Thank you, Senator Solomon.

SENATOR SOLOMON: Thank you, Senator DiCarlo.

As I understand it from your answer to my previous question, Senator, the state Legislature might have to enact legislation to authorize these regulations by the Department of Agriculture of New York State.

SENATOR WRIGHT: Senator, in fact, the state has enacted legislation that authorized those regulations originally.

What I would envision under this bill is that the legislation would expressly authorize those regulations to exceed any

existing federal minimums in that particular category, so it does not, in fact, prohibit. It simply requires the Legislature to specifically acknowledge that there is a requirement in New York State, that New York State recognizes a need in excess of the federal standards and expressly says that should be our policy and that that is done by the elected officials of this state as opposed to appointees in an agency.

SENATOR SOLOMON: But, Senator, if you would yield one more time.

ACTING PRESIDENT DiCARLO: Senator Wright, do you continue to yield?

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

ACTING PRESIDENT DiCARLO: Senator Solomon.

SENATOR SOLOMON: Senator, as you've just stated again to me, the Legislature is going to have to take some affirmative action in many instances or possibly affirmative action in many instances if this bill is adopted, first

to O.K. regulations or authorize regulations that we might currently have.

ACTING PRESIDENT DiCARLO: Senator Wright.

SENATOR WRIGHT: Well, Mr. President, of course the legislation has an effective date that is prospective, not retroactive; so consequently, as new issues are brought before this Legislature, if those issues require the authorization of regulations, this Legislature should then very specifically incorporate in the statute that authorizes those regulations our willingness to have federal minimums exceeded if that's the will of the Legislature.

ACTING PRESIDENT DiCARLO: Senator Solomon.

SENATOR SOLOMON: Senator Wright yield to one more question?

ACTING PRESIDENT DiCARLO: Senator Wright, you continue to yield?

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

ACTING PRESIDENT DiCARLO: Senator Solomon.

SENATOR SOLOMON: Each answer brings another question to mind.

So, Senator, we ought to pass legislation that authorizes our agencies to implement that legislation through regulation. We're now going to have to change that legislation, language in that legislation assuming that those regulations could, in some instances, be in conflict with federal regulations?

ACTING PRESIDENT DiCARLO: Senator Wright.

SENATOR WRIGHT: Mr. President. Yes, I would then anticipate that, in some instances, you may well have to change that language. I do not see that to be a dramatic change. Simply, you're indicating that a federal regulation or a requirement applies, establishes a minimum standard, and that we're addressing that issue. We have the benefit of that information and we accordingly acknowledge

that we direct and authorize that the standards established in this state may exceed those federal minimums and, in fact, in many instances that may be the very origin of the legislation that's before this house, that a member or a constituency has identified that, in fact, there is a compelling need for this state to do something other than what the federal minimum is and we then specifically look at that and address that consideration as elected officials establishing the policy.

So I don't see that as an undue burden. I don't see it as an encumbrance. I don't see it adding to the tasks or responsi bilities of this Legislature.

SENATOR SOLOMON: Mr. President, on the bill.

ACTING PRESIDENT DiCARLO: Senator, on the bill.

SENATOR SOLOMON: Thank you. I think the more we delve into this bill and take the layers off the skin of the bill, it's almost like an onion, and it seems to be endless

problems that could arise out of this.

I see numerous lawsuits arising out of this legislation in the future. Some group might contend that a state regulation is, in fact, also impacted by a federal regulation. There may be a grey area; it depends on how the regulations are written.

I also see problems in various agencies. Again, I have to agree with my colleague, Senator Leichter. This seems to be a piece of legislation where, on the face, it looks very good, but the more you look into this legislation, in fact, we are taking away local control in many instances, and I question whether or not this legislation is, in fact, going to result in huge amounts of litigation by various groups who can go through the volumes and volumes of federal regulations and say, you know, this federal regulation is, in fact, in conflict with this state regulation. This federal regulation may be -- may be more, may be less restrictive than the state regulation, and I really question the impact that this will have

on the operation of government.

I think this is going to have an impact on the operation of state government that is going to be exactly the opposite of what the sponsors envision, in fact, making things a lot more complex, a lot more problems and a lot more lawsuits that are going to be commenced as a result of this.

That's why I'm going to vote no. Thank you, Mr. President.

ACTING PRESIDENT DiCARLO: Chair recognizes Senator Johnson. For the members, we have a list at the desk. If you wish to speak, please signify. Senator Kuhl.

SENATOR KUHL: Yes, Mr.President. Before you go to the next speaker, can you read the last section, please.

ACTING PRESIDENT DiCARLO: Will the Secretary read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of October.

SENATOR KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR KUHL: Now, would you recognize Senator Leichter for the purpose of casting his vote on this bill.

ACTING PRESIDENT DiCARLO: Senator Leichter.

SENATOR LEICHTER: No.

ACTING PRESIDENT DiCARLO: Senator Leichter in the negative.

Senator Stavisky also. Senator?

SENATOR STAVISKY: Because I am not certain that the sponsor has more confidence in this -

ACTING PRESIDENT DiCARLO: This is your vote.

SENATOR STAVISKY: I am voting. -- than George Pataki as a Republican, I wonder whether he wishes to record his vote. I'm voting in the negative.

SENATOR KUHL: Now, withdraw the roll call, please.

ACTING PRESIDENT DiCARLO: Withdraw the roll call. Senator Johnson.

SENATOR JOHNSON: Mr. President, I regret the fact that Senator Leichter, my longtime sparring partner on environmental issues, cast his vote and left the room, because I wanted to ask him if he read the bill, particularly (b) -- number 1 under (b) and whether he understood that this does not say that this state cannot promulgate regulations more onerous or more strict than federal regulations. It says, if these regulations are to be promulgated, they'll be done with a specific legislative authorization to do so.

So what this bill really does, in simple language, it says the bureaucrats can't make up their own regulations as they go along. They have to do it in accordance with the law. This is the Legislature. We're supposed to make the laws. The agency appointees are not supposed to make law, but they've been doing that under the guise of regulation for many years.

This merely returns to this house, exactly contrary to what Senator Leichter

alluded, this returns to this house the powers to make the laws in this state. A very appropriate bill certainly, and timely.

SENATOR DOLLINGER: Mr. President, will Senator Johnson yield to a question?

ACTING PRESIDENT DiCARLO: Senator Dollinger. Senator Johnson, do you yield to a question?

SENATOR JOHNSON: Yes.

SENATOR DOLLINGER: Senator, you've been one of the guiding forces behind fish regulations in this chamber. I can remember discussions with you about Long Island fish I never heard of. Senator Marchi told us what killi's were, and we've passed bills regulating the taking of killi's, and I know that you and Senator LaValle once sparred over some kind of bass that I'd never heard of, whether we should regulate the size or not regulate the size.

I want to ask a question. Suppose the federal government said you couldn't

-- you could -- you could take any bass, name the type, that was 12 inches long or longer and suppose the DEC found that one year in Long Island Sound there was a drastic fall-off in the population and, therefore, in New York State by regulation DEC would say, Wait a second, overnight the population has been threatened by a hurricane, could be wiped out. We're going to establish a restriction that says you can't take a bass that's bigger than six inches. They put that in effect on April 1st because they know that's the mating season or whatever it is, and they don't want to deplete the population because they don't want to wipe out the fishing industry on Long Island.

What happens under this bill to that fish and to that fishing industry?

SENATOR JOHNSON: Well, of course -- of course, crises like these very seldom happen but, when we pass our bill, we give specific language what's to be done and we also give in most cases, for a period of two or three years, ability of the DEC to manage this fishery

in accordance with the guidance of their own biologists and managers in that field.

So yes, they could take emergency action if they found it necessary because we have authorized them to do so.

SENATOR DOLLINGER: But under this -

ACTING PRESIDENT DiCARLO: Senator Dollinger.

SENATOR DOLLINGER: Under this bill, if Senator Johnson would yield, there is no emergency exception under this bill and, therefore, the federal regulation which deals with the taking of striped bass or black bass or brown bass or Long Island bass, whatever they call them, that federal regulation would apply because that specifically deals with the exact issue that New York State has dealt with and, under this bill, federal rule would apply and DEC's regulation to try to control the population in Long Island or the Hudson River or in Lake Ontario dealing with lake trout or salmon, those would be completely overruled and

the answer would be you can take any bass as long as it complies with federal rule, isn't that correct?

SENATOR JOHNSON: No, that's not correct, Senator. I told you that we have -- we anticipate these things where we feel it could be a problem; but what I'm telling you is this, that if this bill is not -- is not in place then we will not be a part of the United States of America. We will have laws and regulations as we've had in the past greatly exceeding most other states, making this state a pariah for business, and even farming and everything else to stay in New York and in this state. We have to be aware that we're part of the United States and that business and people should be -- feel free to have generally similar regulations, not onerous regulations, which are not tied to any particular economic or social or scientific benefit, and that's what we've been having by agencies making their own laws as they go along.

SENATOR DOLLINGER: Again through

you, Mr. President, if Senator Johnson will yield?

ACTING PRESIDENT DiCARLO: Senator Johnson, do you continue to yield?

SENATOR DOLLINGER: If there were a disaster that affected the Long Island fishery or the Hudson River fishery, wouldn't you want to be assured that DEC could provide greater regulation to preserve that industry than the federal government in Washington?

SENATOR JOHNSON: You know that the Governor can call us back if there's a crisis, and we can enact a law.

SENATOR DOLLINGER: But that might take months, might it not?

SENATOR JOHNSON: I hardly think that will happen. This hypothetical is really erroneous, and just another red herring, you might say, in the fishery.

SENATOR DOLLINGER: Mr. President, do I have the floor? I was just asking Senator Johnson a question.

ACTING PRESIDENT DiCARLO: Yes,

Senator Dollinger, you have the floor.

SENATOR DOLLINGER: O.K. I think my colloquy with Senator Johnson emphasizes the point and the problem that this legislation creates. If the federal government said yes, you can take any bass, any fish over six inches, that's the federal rule, we have decided in Washington that that's the right way to control the national fishery, if it were a disaster that affected Long Island as a hurricane once did and the fishing population were significantly affected and we didn't realize it until early spring, how would we control our fishery and the fishing populations under those regulations?

The answer is the federal regulation would control. You could take any mature fish over six inches. We may want to have it twelve inches, older fish fourteen inches, five pounds, ten pounds, so that we can set our own limits to provide for the fishing population.

Under this bill, the answer is, we can't do that. I know we've debated bills

about the fishing industry here. I know your concern, Senator Johnson, Senator LaValle, other Senators from Long Island about the Long Island fishery. I have the same concern about the Great Lakes fishery, and I'm not so sure I want those decisions made in Washington. I want to give DEC the power by regulation to move quickly to establish larger sizes, to establish restrictions on limits so that you can protect the industry we've got here. Under this bill, you can't do that.

I have one other suggestion, Mr. President. There was in this chamber a state Senator last year who sat right over there where Senator Maziarz sat, and he voted for this bill. He thought this was a great idea.

He has the power by executive order to do everything that Senator Wright wants to do. He can change the regulations. He can simply inform all of the agencies that the time has come not to regulate anything more than the federal government. He's got the power. We've given him the power. The Constitution gives him

the power.

Yet we debate this bill again this year, and the guy on the second floor can do it. Such a good idea, and it may be a good idea, Senator Wright, go to Governor Pataki. Have him issue an executive order that says exactly what your bill says.

I think the reason why he may not have done it yet, because he may think now that he's running the government and now that he's got responsibility to protect all the interests in this state and that he's got to have the flexibility to protect the fishing industry and other industries, that this may not be such a good idea. If it's a great idea, let Governor Pataki do it. He can certainly do it.

ACTING PRESIDENT DiCARLO: Chair recognizes Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Would you have the Secretary read the last section, please.

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

THE SECRETARY: Section 2. This act shall take effect on the 1st day of October.

SENATOR KUHL: Would you call the roll, please.

(The Secretary called the roll.)

SENATOR KUHL: Would you recognize Senator Oppenheimer for the purpose of casting her vote?

SENATOR OPPENHEIMER: I vote in the negative.

SENATOR KUHL: Are you going to waive the reading?

SENATOR OPPENHEIMER: He's going to speak.

SENATOR GOLD: I'll waive it.

SENATOR KUHL: Would you recognize Senator Gold for the purpose of casting his vote.

SENATOR GOLD: Yes, in my 17 year -- I say no.

SENATOR KUHL: Would you withdraw the roll call, please, and continue the debate.

ACTING PRESIDENT DiCARLO: Withdraw the roll call, please, and continue.

Senator Abate, please.

SENATOR ABATE: Yes. Would Senator Wright yield to a question?

ACTING PRESIDENT DiCARLO: Senator Wright, would you yield?

SENATOR WRIGHT: Yes, Mr. President.

SENATOR ABATE: Yes. While I understand the intent of this and the spirit of this legislation, you're saying that Washington has all the capacity and all the tools to address the local needs and concerns of 50 states. What I -- and which I disagree with that premise, but what's really lacking in this legislation and maybe you can address, let me give you an example.

Let's say, as we know, we have a tuberculosis problem and that problem is -- has been continuing in New York State. It's endangering the lives of many, many New Yorkers and we learn that there's a new technology that,

particularly in congregate settings, that businesses can put in place a new ventilation system, but there's no regulation that requires large manufacturing plants or prisons or whatever to do that, and we go and we're told that the federal government is looking at such a regulation, but we have an exigent circumstance in New York State. We have a crisis on something that affects the health and welfare of many people and yet there's no federal regulation, but we're told that the federal government is pursuing that.

Do we have to wait until they act -

ACTING PRESIDENT DiCARLO: Senator Wright.

SENATOR ABATE: -- knowing that they are now drafting regulations?

SENATOR WRIGHT: Mr. President, the answer is no. There would be no federal standard. There would be no federal requirement. New York State could act.

SENATOR ABATE: All right.

That's the case.

ACTING PRESIDENT DiCARLO: Senator -

SENATOR ABATE: Would you yield to another question?

ACTING PRESIDENT DiCARLO: Senator Wright, would you yield?

SENATOR WRIGHT: Sure, Mr. President.

SENATOR ABATE: But let's say that we have a health crisis, but this law would permit that there would have to be a law passed to allow the state to effectuate this new regulation.

ACTING PRESIDENT DiCARLO: Senator Wright.

SENATOR ABATE: It could not be done by executive order. It could not be done by state agency without this additional legislation.

SENATOR WRIGHT: That would be the circumstance, Senator, if and only if there were a federal requirement. In the absence of a

federal requirement, the state could act on its own. If there were a federal requirement, and certainly in the health area, in many instances we have a situation where, in fact, we do authorize in excess of the federal standard, we may well have done that, and you already, therefore, have pre-existing authorization to move ahead.

If we have, in the worst case scenario as is being defined, an extreme emergency of that nature, this Legislature can certainly act very rapidly to address those needs and those concerns in the most extreme circumstance that you could attempt to define.

SENATOR ABATE: Is there anywhere that -

ACTING PRESIDENT DiCARLO: Senator Abate, would you please ask questions through the Chair.

SENATOR ABATE: Yes. Would the Senator continue to yield?

ACTING PRESIDENT DiCARLO: Senator Wright, do you continue to yield?

SENATOR WRIGHT: Yes.

ACTING PRESIDENT DiCARLO: Senator Abate.

SENATOR ABATE: Is there anywhere in the legislation that allows for emergency or exigent situations, where it allows for expeditious handling of these issues?

ACTING PRESIDENT DiCARLO: Senator Wright.

SENATOR WRIGHT: There are emergency procedures and emergency rule-making procedures that are reflected within the SAPA statute itself. This specifically deals with the agen... the areas in terms of federal regulations. You still have the ability to pursue, under SAPA, the emergency rule-making procedures.

SENATOR ABATE: Would the Senator yield to another question?

ACTING PRESIDENT DiCARLO: Senator Wright continue to yield?

SENATOR ABATE: Let me give you another hypothetical situation. Let's say the

federal government does recognize that there is a local need around TB and implements a new regulation, but that new regulation is not effective until a year hence, and we decide on a local level that we can not wait. It's a year away or six months away. We have a crisis locally.

How would this statute interpret that situation?

SENATOR WRIGHT: Mr. President, the statute would not inhibit that in any fashion if New York State wanted to make a decision in excess of the federal requirements; so, if we wanted to put that in place sooner, either by saying in this state the federal requirement would become effective a year early, or saying that it will not only become effective a year earlier, we will impose the additional requirements, that's certainly within our latitude.

This does not prohibit our ability to do that. It simply changes who the decision-maker is. It requires that the elected

officials do that as opposed to appointed bureaucratic agency personnel.

SENATOR ABATE: On the bill.

ACTING PRESIDENT DiCARLO: Senator Abate, on the bill.

SENATOR ABATE: Because I do not want to repeat what my colleagues have said where I think it is a step in the wrong direction, that we in New York State should be in charge of our own destinites and be responsible in terms of what kind of regulations are fostered in New York State, but the fact that this bill says that even in emergency or exigent circumstances, we have to go through a laborious time-consuming process of passing a law -- and I don't think anyone in this chamber would suggest this is an easy process to pass a law; we may not be in session; we may have to be called back; laws are not enacted and passed and debated overnight -- I think this bill is particularly deficient in this area which we're talking about, not just the fishing industry which I know is important, but the health and

safety and welfare of many New Yorkers and, for these reasons and others enunciated today, I could not support this legislation.

ACTING PRESIDENT DiCARLO: Senator Wright to close.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

The intent of this legislation is very clear. It's to restore New York State to competitiveness. There are numerous examples where New York State exceeds far and beyond the federal requirements: Whether it's a two-page application that the federal government requires for Medicare in a nursing home that New York State makes a 48-page application, whether it's solid waste requirements where the federal government will establish the requirement for one liner and New York State will make it three liners, at significant cost without additional benefit; whether it's air quality, water quality standards, that put our industries at significant risk with all the added expense and

without any documented substantial environmental benefit, the list goes on and on, and it's well documented.

That's what this legislation is intended to address, to restore a level playing field within the state of New York. It does not in any way abrogate local control. The federal government, by the establishment of a federal standard, already restricts local options. If local options want to add over and beyond, it simply becomes the prerogative of this elected Legislature to extend that decision.

As to legislation in terms of federal versus state intent, I think this makes it abundantly clear there will be a federal minimum. If New York State decides to impose over and beyond that federal minimum, it is done here in this chambers. It's specifically debated and articulated laying out the legis lative intent which will, in fact, go a long way to addressing the concerns of litigation.

And last, but not least, the question of the Legislature's ability to act.

If, in fact, you look at the rule-making procedure, it is exceedingly slow and cumbersome even within an emergency. Yet, in fact, this Legislature just today passed a bill that was introduced today and acted upon today within far short of a 24-hour period. So, in fact, we are not restricting our ability to govern this state. We are not abrogating our responsibilities to the federal government. We, in fact, are taking back jurisdiction to the elected officials to restore a competitive playing field to this state.

I encourage my colleagues to support the legislation.

Thank you, Mr. President.

ACTING PRESIDENT DiCARLO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of October.

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT DiCARLO:

Senator Paterson.

SENATOR PATERSON: Mr. President, just to explain my vote.

ACTING PRESIDENT DiCARLO:

Senator Paterson to explain his vote.

SENATOR PATERSON: I really just want to reiterate what Senator Leichter said before. We may not agree on this particular piece of legislation, but what is a little disturbing about this debate is that we can't even agree on what the bill does, and I guess that's just a matter of perception which each of us reaches their own conclusion, but I would strongly suggest that, if anyone took this law under judicial review, that it would fail, that it is actually unconstitutional, because what we are actually doing is buttressing a state law against a federal law which is unconstitutional and it would be restricted by the due process clause of the Fifth and the Fourteenth Amendments because what we're really doing is abrogating our responsibility and attaching it

with a state law to a federal law.

I don't think that this piece of legislation would actually withstand that judicial scrutiny.

ACTING PRESIDENT DiCARLO: Announce the results.

Senator Dollinger.

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

ACTING PRESIDENT DiCARLO: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: I made my views on the bill substantively known. It's just the thing about this bill that bothers me most, it just seems to imply that Washington knows business. Best I can tell in the last ten years of watching politics, if there's any lesson we learn, it's that Washington knows least about what's going on. Why we would give this power to Washington is absolutely beyond me.

No.

ACTING PRESIDENT DiCARLO:

Senator Stachowski to explain his vote.

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

I don't disagree with Senator Wright that this would give the Legislature all that power and chances to set our own regulations if they would go past the federal government, but at a time when the federal government is doing things like the example Senator Rath said, only I take a different view on the Clean Water Act, when they're walking away from the programs that are cleaning up the Great Lakes, and in particular Lake Erie, and they're walking away from programs to clean up the Buffalo River and the Niagara River and they're walking away from that responsibility - at least the House is so far; hopefully the Senate won't go along -- I'm very concerned that we don't want to fall in line with an idea like that.

I happen to like the idea that years ago, when I first got here, Senator Dunne passed the acid rain bill that may never have

been a thing set up if we had been under the mind set that we didn't want to do anything beyond what the federal government does; and so with that kind of idea in my mind, I can't support this bill at this time, and I vote no.

ACTING PRESIDENT DiCARLO: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 709 are Senator Abate, Babbush, Connor, Dollinger, Espada, Gold, Kruger, Leichter, Markowitz, Mendez, Nanula, Onorato, Oppenheimer, Smith, Solomon, Stachowski, Stavisky, also Senator Paterson. Ayes 40, nays 18.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 746, by Senator Padavan, in relation to tax exemption for certain industrial and commercial property.

ACTING PRESIDENT DiCARLO: Read the last section.

THE SECRETARY: Section 27. This

act shall take effect July 1st, 1995.

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT DiCARLO: Announce the results.

THE SECRETARY: Ayes 58.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President.

I think there's one bill remaining on the controversial calendar. That's Calendar Number 241, Senator Volker's bill. Would you lay that aside for the day, please.

Then I believe there's a privileged resolution at the desk, by Senator Leichter. Could we take that up?

ACTING PRESIDENT DiCARLO: Yes, Senator Kuhl, there is.

SENATOR KUHL: And if the Secretary will read the title, please.

ACTING PRESIDENT DiCARLO: Secretary will read.

THE SECRETARY: Legislative Resolution, by Senator Leichter, Legislative Resolution paying tribute to Alfred Howell upon the occasion of his designation for special honor by Riverdale Senior Services at the agency's 21st Anniversary Spring Party to be held on May 21st, 1995.

ACTING PRESIDENT DiCARLO: All in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Kuhl.

SENATOR KUHL: You got some housekeeping at the desk?

ACTING PRESIDENT DiCARLO: Yes, Senator.

SENATOR KUHL: Could we take that up?

ACTING PRESIDENT DiCARLO:

Senator Present.

SENATOR PRESENT: Mr. President, on page 19, on behalf of Senator Levy, I offer the following amendments to Calendar Number 573, Senate Print 392.

ACTING PRESIDENT DiCARLO: The amendments are received and adopted.

Senator Present.

SENATOR PRESENT: Mr. President, on behalf of Senator Levy, on page 66 I offer the following amendments to Calendar 77, Print 328A, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT DiCARLO: Amendments received and adopted.

SENATOR PRESENT: Mr. President, on page 4, on behalf of Senator Levy, I offer the following amendments to Calendar Number 79, Senate Print 384C, and ask that it retain its place on the Third Reading Calendar.

ACTING PRESIDENT DiCARLO: Amendments received and adopted.

SENATOR PRESENT: Mr. President,

on behalf of Senator Saland, on page 72, I offer the following amendments to Calendar Number 955, Senate Print 4219, and ask that it retain its place.

ACTING PRESIDENT DiCARLO: So ordered.

Senator Kuhl. We have one substitution at the desk.

SENATOR KUHL: May we take that up at this time, please?

ACTING PRESIDENT DiCARLO: Secretary will read.

THE SECRETARY: Senator Farley moves to discharge from the Committee on Rules Assembly Print 1905 and substitute it for the identical Calendar Number 455.

ACTING PRESIDENT DiCARLO: Substitution ordered.

Senator Kuhl.

SENATOR KUHL: Is that it for the housekeeping?

ACTING PRESIDENT DiCARLO: That's it, Senator.

SENATOR KUHL: O.K. At this time, I would remind all the members of the Majority that there will be a Majority conference immediately on the conclusion of session today, and there being no further business, I would move, Mr. President, that we adjourn until Monday, May 22nd, at 3:00 p.m., all intervening days to be legislative days.

ACTING PRESIDENT DiCARLO: There will be an immediate meeting of the Majority Conference in Room 332.

Senate stands adjourned until May 22nd at 3:00 p.m. Without objection, the Senate stands adjourned.

(Whereupon at 11:58 a.m., the Senate adjourned.)