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ALBANY, NEW YORK

May 22, 1995

3:07 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

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

2 ACTING PRESIDENT KUHL: Senate
3 will come to order. Ask the members to find
4 their places, staff to find their seats.

5 Ask everybody in the chamber to
6 rise and join with me in the Pledge of
7 Allegiance to the Flag.

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

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

13 (Whereupon, there was a moment of
14 silence.)

15 Reading of the Journal.

16 THE SECRETARY: In Senate,
17 Sunday, May 21st. The Senate met pursuant to
18 adjournment, Senator Hoblock in the Chair upon
19 designation of the Temporary President. The
20 Journal of Saturday, May 20th, was read and
21 approved. On motion, Senate adjourned.

22 ACTING PRESIDENT KUHL: Hearing
23 no objection, the Journal stands approved as

1 read.

2 Presentation of petitions.

3 Messages from the Assembly.

4 Messages from the Governor.

5 Reports of standing committees.

6 Reports of select committees.

7 Communications and reports from
8 state officers.

9 Motions and resolutions.

10 The Chair recognizes Senator
11 Farley.

12 SENATOR FARLEY: I have one long
13 motion, Mr. President. These are amendments
14 offered to the following Third Reading Calendar
15 bills:

16 For Senator Cook, page 4,
17 Calendar 90, Senate Print 290B.

18 Senator Trunzo, page 11, Calendar
19 359, Senate Print 3661A.

20 Senator Farley, page 12, Calendar
21 374, Senate Print 3058.

22 Senator Velella, page 15,
23 Calendar 440, Senate Print 3614.

1 Senator Rath, page 28, Calendar
2 710, Senate Print 3904.

3 Senator Marchi, page 31, 744,
4 Senate Print 3842.

5 Senator Kuhl, page 31, 745,
6 Senate Print 3909.

7 Senator Cook, page 35, Calendar
8 792, Senate Print 4172.

9 Senator Sears, page 35, Calendar
10 796, Senate Print 2125.

11 For Senator Rath, page 37,
12 Calendar 812, Senate Print 1101.

13 Senator Holland, page 46,
14 Calendar 889, Senate Print 2124.

15 For Senator Saland, on page 55,
16 Calendar print 952, Senate Print 3953.

17 For Senator Kuhl, page 57,
18 Calendar 972, Senate Print 3932.

19 And for Senator Saland, on page
20 68, Calendar 958, Senate Print 4987.

21 Mr. President, I move that these
22 bills be amended and that they retain their
23 places on the Third Reading Calendar.

1 ACTING PRESIDENT KUHL: The
2 amendments to those calendar numbers that you
3 set forth, Senator Farley, are received and
4 adopted. The bills will retain their place on
5 the Third Reading Calendar.

6 Senator DiCarlo.

7 SENATOR DiCARLO: Mr. President,
8 on behalf of Senator Holland, please place a
9 sponsor's star on Calendar Numbers 727, 975.

10 On behalf of Senator Seward,
11 please place a sponsor's star on Calendar 579.

12 On behalf of Senator Libous,
13 please place a sponsor's star on Calendar 939.

14 And on my behalf, please remove
15 the sponsor's star from Senate 3362 and place a
16 sponsor's star on Senate 4358.

17 Thank you.

18 ACTING PRESIDENT KUHL: Those
19 calendar numbers are starred at the request of
20 the sponsor, and the star removed at the request
21 of Senator DiCarlo.

22 Senator Marcellino.

23 SENATOR MARCELLINO: Mr.

1 President, I'd like to place a sponsor's star on
2 Calendar Number 957, my bill, Senate 4951, ask
3 that it retain its place on the Third Reading
4 Calendar.

5 ACTING PRESIDENT KUHL: Calendar
6 Number 957 will be starred at the request of the
7 sponsor.

8 Senator Saland.

9 SENATOR SALAND: Mr. President, I
10 would request that you remove the star,
11 sponsor's star, on Calendar 607, Senate 3918,
12 and Calendar 955, Senate 4219.

13 ACTING PRESIDENT KUHL: Sponsor's
14 stars are removed on Calendar Number 607 and
15 955.

16 Senator Skelos, we have a
17 substitution at the desk if you would like to
18 take that up now.

19 SENATOR SKELOS: Please make the
20 substitution.

21 ACTING PRESIDENT KUHL: Secretary
22 will read it.

23 THE SECRETARY: On page 17,

1 Senator Sears moves to discharge from the
2 Committee on Rules Assembly Bill Number 2471B
3 and substitute it for the identical Calendar
4 Number 499.

5 ACTING PRESIDENT KUHL:
6 Substitution is ordered.

7 Senator Skelos.

8 SENATOR SKELOS: Mr. President.
9 On behalf of Senator Stafford, there will be an
10 immediate meeting of the Finance Committee in
11 Room 332 of the Capitol.

12 ACTING PRESIDENT KUHL: There
13 will be an immediate meeting of the Senate
14 Finance Committee in the Majority Conference
15 Room, Room 332. Immediate meeting of the
16 Finance Committee.

17 SENATOR SKELOS: Mr. President.

18 ACTING PRESIDENT KUHL: Senator
19 Skelos.

20 SENATOR SKELOS: I believe there
21 is a resolution at the desk by Senator Holland.
22 May we please have it read in its entirety and
23 adopted, and then I believe Senator Holland

1 would like to comment on the resolution.

2 ACTING PRESIDENT KUHL: There is
3 a privileged resolution on behalf of Senator
4 Holland at the desk.

5 The Secretary will read it in its
6 entirety.

7 THE SECRETARY: By Senator
8 Holland, Legislative Resolution memorializing
9 Governor George E. Pataki to proclaim May 22
10 through 26, 1995, as Bone Marrow Donor Awareness
11 Week in New York State.

12 Whereas, this Legislative Body is
13 justly proud to memorialize Governor George E.
14 Pataki to proclaim May 22 through 26, 1995, as
15 Bone Marrow Donor Awareness Week; and

16 Whereas, bone marrow transplants
17 now give people dying of blood-related diseases
18 such as leukemia and aplastic anemia a chance to
19 be cured if a donor can be found whose bone
20 marrow matches their own; and

21 Whereas, an individual has only a
22 30 percent chance of finding a donor among his
23 or her own family members; once family members

1 have been tested and a match is not found, an
2 individual is faced with only about 1 in 20,000
3 unrelated people who will match closely enough
4 to allow the opportunity for a bone marrow
5 donation;

6 Although the national donor
7 registry was begun in 1987 to assist finding
8 suitable donors from a pool of typed, readily
9 available volunteers, it is estimated that at
10 least one million potential donors worldwide
11 must be listed on the registry if the majority
12 of 9,000 afflicted individuals presently waiting
13 for matches in the United States are to be
14 saved; many people in the United States have
15 died because their desperate searches have not
16 produced a matching donor in time;

17 It is vital, therefore, that
18 every effort be made to assure that the donor
19 pool is as large and diverse as possible;

20 Marrow transplants require
21 matching tissue types which are characterized by
22 complex genetic traits often unique to a
23 particular race; and, currently, 92 percent of

1 the volunteer donors are Caucasian; it is of
2 critical importance that African-Americans,
3 Hispanics, Asians, and Native Americans who are
4 presently underrepresented on the registry
5 become volunteers so that the same hope can be
6 offered to all Americans in need; and

7 Whereas, in memory of the late
8 Eugene Levy, it is the intent of this
9 Legislative Body to designate May 22 through 26,
10 1995, as Bone Marrow Donor Awareness Week in New
11 York State, recognizing and honoring all of
12 those who have selflessly donated marrow or have
13 been tested as a potential donor and to enhance
14 public awareness of the desperate need for bone
15 marrow donors, particularly minority donors;

16 During Bone Marrow Donor
17 Awareness Week, the Bone Marrow Resource
18 Foundation will distribute educational material
19 and conduct a donor drive to test individuals as
20 potential donors in the Concourse; donors will
21 be registered with the National Donor Marrow
22 Program through a local donor center at the
23 American Red Cross in Albany; and

1 Whereas, funds to test
2 individuals as potential donors during Bone
3 Marrow Donor Awareness Week are raised through a
4 legislative bowl-a-thon held May 16, 1995, and
5 an individual tested and added to the registry
6 as a result of funds raised through the
7 legislative bowl-a-thon has actually been
8 matched with a patient in need and donated their
9 marrow to save a life; everyone has the ability
10 to give the gift of life by donating bone marrow
11 to someone who faces imminent death from a
12 blood-related disease; and

13 Whereas, through its commitment
14 to the preservation and enhancement of human
15 life Bone Marrow Donor Awareness Week so clearly
16 advances that spirit of unified purpose and
17 shared concern which is the unalterable
18 manifestation of our American experience; now,
19 therefore, be it

20 Resolved, that this Legislative
21 Body pause in its deliberations to memorialize
22 Governor George E. Pataki to proclaim May 22
23 through 26, 1995, as Bone Marrow Donor Awareness

1 Week in New York State; and be it further

2 Resolved, that copies of this
3 resolution, suitably engrossed, be transmitted
4 to the Bone Marrow Resource Foundation, the
5 National Marrow Donor Program, and the New York
6 State American Red Cross of Albany in
7 recognition of their efforts in educating the
8 public and assisting those in need of a bone
9 marrow donation.

10 ACTING PRESIDENT KUHL: Chair
11 recognizes Senator Holland on the resolution.

12 SENATOR HOLLAND: Mr. President,
13 as the resolution says, this was originally an
14 idea of former Senator Gene Levy. We picked it
15 up after the Senator died; and because of
16 everybody in this chamber and the other chamber
17 and lobbyists in this capital, in the last four
18 years we have raised over \$55,000 to type people
19 for bone marrow transplant. In fact, as the
20 resolution further says, we have already saved
21 one life.

22 Besides the \$55,000 that we have
23 raised, we have typed over 1,000 people, and we

1 have been in the hallways of this Capitol every
2 year; and when that wasn't good enough, we went
3 out to the departments and typed people in the
4 departments.

5 I want to say one or twice during
6 these few words that they will be typing blood
7 types today in the basement of the LOB from
8 11:00 to 5:30 today and tomorrow. If you would
9 like to have your blood typed and possibly save
10 a life in the future, we really would appreciate
11 your going down there and doing that.

12 Now, as far as the bowl-a-thon
13 goes, that is an absolutely great time.
14 Everybody has a good time, and we raised about
15 \$17,000 this year. I might say that Senators
16 DeFrancisco, Maltese, Maziarz, Rath, Skelos,
17 Spano and even Commissioner Daly came into the
18 bowl-a-thon. We had a great time. There were
19 two 279 games; and I have to say this, Senator
20 Skelos has a 224 game. He required that I say
21 that. That was a great, great game by Senator
22 Skelos.

23 Just thanks to everybody,

1 lobbyists, bowlers, donators, legislators. You
2 have saved one life. You will save many more.
3 It's today and tomorrow from 11:00 o'clock until
4 5:00 to have your blood typed.

5 Thank you very much.

6 ACTING PRESIDENT KUHL: Question
7 is on the resolution. All those in favor,
8 signify by saying aye.

9 (Response of "Aye.")

10 Opposed, nay.

11 (There was no response.)

12 The resolution is adopted.

13 Senator Maziarz.

14 SENATOR MAZIARZ: Mr. President,
15 may we please take up the noncontroversial
16 reading of the Calendar.

17 ACTING PRESIDENT KUHL: Secretary
18 will read the noncontroversial calendar.

19 THE SECRETARY: On page 13,
20 Calendar 415, by Senator Levy, Senate Print
21 4051A, an act to amend the Vehicle and Traffic
22 Law, in relation to speeding violations
23 committed within a work area.

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

3 THE SECRETARY: Section 4. This
4 act shall take effect on the 30th day.

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 45.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 442, by Senator Velella, Senate Print 3777A, an
13 act to amend the Insurance Law, in relation to
14 the period of duration of certain licenses
15 issued by the Superintendent of Insurance.

16 ACTING PRESIDENT KUHL: Senator
17 Dollinger, why do you rise?

18 SENATOR DOLLINGER: Just a point
19 of order, Mr. President. What happened to 374?

20 ACTING PRESIDENT KUHL: That was
21 amended by Senator Farley, I believe, earlier
22 today, so it's not live.

23 Secretary will continue to call

1 the noncontroversial calendar.

2 Read the last section.

3 THE SECRETARY: Section 7. This
4 act shall take effect immediately.

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 45.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 473, by Senator Maziarz, Senate Print 3341A, an
13 act to amend the Education Law, in relation to
14 courses of instruction in patriotism and
15 citizenship.

16 SENATOR DOLLINGER: Lay it aside.

17 ACTING PRESIDENT KUHL: Lay the
18 bill aside.

19 THE SECRETARY: Calendar Number
20 475, by Senator Cook, Senate Print 4140A, an act
21 to amend the Education Law, in relation to
22 establishing a suspension period for students
23 determined to have brought a weapon to school.

1 ACTING PRESIDENT KUHL: Lay the
2 bill aside.

3 THE SECRETARY: Calendar Number
4 495, by Senator Cook, Senate Print 3156A, an act
5 to amend the General City Law, the Town Law, and
6 the Village Law, in relation to the recording of
7 subdivision plats.

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

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 45.

16 ACTING PRESIDENT KUHL: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 496, by Senator Cook, Senate Print 3157A, an act
20 to amend the General City Law, the Town Law, the
21 Village Law and the General Municipal Law.

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

1 THE SECRETARY: Section 12. This
2 act shall take effect July 1.

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 45.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 497, by Senator Cook, Senate Print 3223A, an act
11 to amend the General City Law, the Town Law, and
12 the Village Law, in relation to subdivision plat
13 review.

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

16 THE SECRETARY: Section 19. This
17 act shall take effect on the 120th day.

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 45.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 THE SECRETARY: Calendar Number
2 499, substituted earlier today, by Member of the
3 Assembly Lafayette, Assembly Print 2471B, an act
4 to amend the Personal Property Law, in relation
5 to buyer's right to cancel a telephone sale.

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

8 THE SECRETARY: Section 2. This
9 act shall take effect on the first day of
10 January.

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 45.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 501, by Senator Farley, Senate Print 2674, an
19 act to amend the Personal Property Law and the
20 General Business Law, in relation to the taking
21 of a purchase money security interest.

22 SENATOR PATERSON: Lay it aside.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside.

2 THE SECRETARY: Calendar Number
3 508, by Senator Hoblock, Senate Print 2731B, an
4 act to amend the Education Law, in relation to
5 electioneering within the polling place.

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

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 48.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 575, by Senator Levy, Senate Print 979, an act
18 to amend the Vehicle and Traffic Law and the
19 General Business Law, in relation to bicycle
20 helmets.

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

23 THE SECRETARY: Section 5. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes -

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

8 THE SECRETARY: Ayes 47, nays 1.
9 Senator Farley recorded in the negative.

10 ACTING PRESIDENT KUHL: Bill is
11 passed.

12 THE SECRETARY: Calendar Number
13 582, by Senator Levy, Senate Print 3996, an act
14 to amend the Vehicle and Traffic Law, in
15 relation to the transportation of persons in
16 wheelchairs.

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

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

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 48.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 586, by Senator Levy, Senate Print 4197, an act
6 to amend the Vehicle and Traffic Law, in
7 relation to the proper use of certain wheelchair
8 securement devices.

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

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 48.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 647, by Senator Seward, Senate Print 4046A, an
21 act to amend the Public Service Law and the
22 General Business Law, in relation to the
23 protection of underground facilities.

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

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 48.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 651, by Senator Johnson, Senate Print 2185, an
13 act to amend the State Finance Law, in relation
14 to allocations from the State Police Motor
15 Vehicle Enforcement Account.

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

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 48.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Calendar number
4 656, by Senator Levy, Senate Print 2884, an act
5 to amend the Executive Law and the Estates,
6 Powers and Trusts Law, in relation to exempting
7 Parent-Teacher Associations from registration
8 and reporting.

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

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 48.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 664, by Senator Rath, Senate Print 4312, an act
21 to legalize, ratify, and confirm the acts and
22 proceedings of the board of education of the
23 Oakfield-Alabama Central School District.

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

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 48.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 677, by Senator LaValle, Senate Print 1994, an
13 act to amend the Education Law, in relation to
14 enacting the Higher Education Community Service
15 Act.

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

18 THE SECRETARY: Section 3. This
19 act shall take effect on the first day of
20 September.

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 48.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 686, by Senator Farley, Senate Print 2846, an
6 act to amend the Retirement and Social Security
7 Law, in relation to credit for certain members
8 employed by educational institutions.

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

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 48.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 687, by Senator Trunzo, Senate Print 3027, an
21 act to amend the Retirement and Social Security
22 Law, in relation to optional retirement for
23 detective investigators in the office of the

1 district attorney.

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

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 48.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 691, by Senator Marchi, Senate Print 3749A, an
14 act to amend the Public Authorities Law and the
15 Administrative Code of the City of New York, in
16 relation to the retirement rights of officers
17 and employees of the New York City Municipal
18 Water Finance Authority.

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

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

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 48.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 698, by Senator Marchi, Senate Print 4431, an
8 act to amend the Public Authorities Law, in
9 relation to the general powers of the New York
10 State Environmental Facilities Corporation.

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

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 48.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 707, by Senator Saland, Senate Print 2916, an
23 act to amend the State Administrative Procedure

1 Act, in relation to including the Workers'
2 Compensation Board under the scope of the act's
3 provisions.

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

6 THE SECRETARY: Section 3. This
7 act shall take effect on the 30th day.

8 SENATOR DOLLINGER: Lay it aside.

9 ACTING PRESIDENT KUHL: Lay the
10 bill aside.

11 THE SECRETARY: Calendar number
12 722, by Senator Saland, Senate Print 2039, an
13 act to amend the Public Health Law and the
14 Executive Law, in relation to court
15 authorization for human immunodeficiency virus
16 related testing of certain sex offenders.

17 SENATOR SMITH: Lay it aside.

18 ACTING PRESIDENT KUHL: Lay the
19 bill aside.

20 THE SECRETARY: Calendar Number
21 757, by Senator Sears, Senate Print 3791, an act
22 to amend the General Business Law, in relation
23 to going out of business sales.

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

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 48.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 759, by Senator Sears, Senate Print 5057A, an
13 act to amend the General Business Law, in
14 relation to licenses of persons engaged in the
15 practice of nail specialty, natural hair
16 styling, aesthetics, or cosmetology.

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

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

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 48.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 760, by Senator Marchi, Senate Print 742, an act
6 to amend the Real Property Law, in relation to
7 modifying the real estate continuing education
8 requirement.

9 SENATOR LEICHTER: Lay it aside.

10 ACTING PRESIDENT KUHL: Lay the
11 bill aside.

12 THE SECRETARY: Calendar Number
13 762, by Member of the Assembly Eve, Assembly
14 Print 2660A, an act to amend the Judiciary Law,
15 in relation to the appeals and disclosure
16 procedures for the bar examination.

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

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 48.

3 ACTING PRESIDENT KUHL: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 769, by Senator DiCarlo, Senate Print 3962, an
7 act to amend the Real Property Law, in relation
8 to occupation of premises for unlawful purposes.

9 SENATOR DOLLINGER: Lay it aside.

10 ACTING PRESIDENT KUHL: Lay the
11 bill aside.

12 THE SECRETARY: Calendar Number
13 776, by Senator Lack, Senate Print 4788, an act
14 to amend the Estates, Powers, and Trusts Law, in
15 relation to the exercise of powers of
16 appointment in further trust.

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

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

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 48.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 779, by Senator Lack, Senate Print 4853, an act
6 to amend the Surrogate's Court Procedure Act, in
7 relation to service of process.

8 ACTING PRESIDENT KUHL: Senator
9 Maziarz.

10 SENATOR MAZIARZ: Mr. President.
11 On behalf of Senator Lack, could we lay that
12 bill aside for the day, please.

13 ACTING PRESIDENT KUHL: Lay the
14 bill aside for the day at the request of the
15 sponsor. That was Calendar Number 779.

16 Secretary will continue to call
17 the noncontroversial calendar.

18 THE SECRETARY: Calendar number
19 787, by the Senate Committee on Rules, Senate
20 Print 3553, an act in relation to permitting the
21 establishment of the town of Champlain Sewer
22 Benefit Area Number 1 and legalizing,
23 validating, ratifying and confirming certain

1 proceedings.

2 ACTING PRESIDENT KUHL: There is
3 a home rule message at the desk.

4 Secretary will read the last
5 section.

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

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 48.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 SENATOR JOHNSON: Mr. President.

15 ACTING PRESIDENT KUHL: Senator
16 Johnson, why do you rise?

17 SENATOR JOHNSON: Mr. President,
18 did 677 pass?

19 ACTING PRESIDENT KUHL: Senator
20 Johnson, Calendar Number 677 did pass.

21 SENATOR JOHNSON: Mr. President,
22 I would like unanimous consent to be recorded in
23 the negative on that bill.

1 ACTING PRESIDENT KUHL: Without
2 objection. Hearing no objection, Senator
3 Johnson recorded in the negative on Calendar
4 Number 677.

5 Secretary will continue to call
6 the noncontroversial calendar.

7 THE SECRETARY: Calendar Number
8 811, by Senator Tully, Senate Print 184, an act
9 to amend the Penal Law, in relation to menacing
10 in the first degree.

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

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 48.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 813, by Senator Sears, Senate Print 1189, an act

1 to amend the Penal Law, in relation to including
2 the use of a firearm in the commission of a
3 Class A felony.

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

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

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 48.

13 ACTING PRESIDENT KUHL: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 814, by Senator Goodman, Senate Print 1618A, an
17 act to amend the Penal Law, in relation to
18 consecutive terms of imprisonment under certain
19 circumstances.

20 SENATOR MONTGOMERY: Lay it
21 aside.

22 ACTING PRESIDENT KUHL: Lay the
23 bill aside.

1 THE SECRETARY: Calendar Number
2 816, by Senator Kuhl, Senate Print 3234.

3 SENATOR PATERSON: Lay it aside.

4 ACTING PRESIDENT KUHL: Lay the
5 bill aside.

6 THE SECRETARY: Calendar number
7 819, by Senator Volker, Senate Print 3773, an
8 act to amend the Criminal Procedure Law, in
9 relation to submission of written materials to
10 the jury during deliberation.

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

13 THE SECRETARY: Section 3. This
14 act shall take effect in 90 days.

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 48.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 820, by Senator Volker, Senate Print 3804, an
23 act to amend the Civil Practice Law and Rules,

1 in relation to the issuance of a subpoena.

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

4 THE SECRETARY: Section 2. This
5 act shall take effect on the first day of
6 January.

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 48.

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 821, by Senator Volker, Senate Print 3822, an
15 act to amend the Criminal Procedure Law, in
16 relation to fingerprinting persons arrested for
17 aggravated unlicensed operation of a motor
18 vehicle.

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

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

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 48.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 823, by Senator Volker, Senate Print 3979, an
8 act to amend the Penal Law, in relation to the
9 sale of a firearm by an unauthorized person.

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

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 48.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 824, by Senator Padavan, Senate Print 4068, an
23 act to amend the Penal Law, in relation to

1 including police officers in the violent felony
2 offense of aggravated assault.

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

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

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 48.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 826, by Senator Volker, Senate Print 4297, an
16 act to amend the Civil Rights Law, in relation
17 to access to personal files of parole officers
18 and warrant officers.

19 SENATOR SMITH: Lay it aside.

20 ACTING PRESIDENT KUHL: Lay the
21 bill aside.

22 THE SECRETARY: Calendar Number
23 829, by Senator Marcellino, Senate Print 4425,

1 an act to amend the Penal Law, in relation to
2 criminally negligent homicide.

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

5 THE SECRETARY: Section 2. This
6 act shall take effect on the first day of
7 January.

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 48.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 839, by Senator Lack, Senate Print 2826A.

16 SENATOR DOLLINGER: Lay it aside.

17 ACTING PRESIDENT KUHL: Lay the
18 bill aside.

19 THE SECRETARY: Calendar Number
20 840, by Senator Levy, Senate Print 348, an act
21 directing the Commissioner of Transportation to
22 develop test pilot programs on certain school
23 bus safety devices.

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

3 THE SECRETARY: Section 2. This
4 act shall take effect April 1.

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT KUHL: Announce
9 the results when tabulated.

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 840 are Senators
12 Cook, Farley, Present, Sears, Seward and
13 Stafford. Ayes 43, nays 6.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 881, by Senator Padavan, Senate Print 2793, an
18 act to amend the State Finance Law, in relation
19 to contracts for architectural and engineering
20 services.

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

23 THE SECRETARY: Section 2. This

1 act shall take effect on the 60th day.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 49.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 SENATOR SEWARD: Mr. President.

9 ACTING PRESIDENT KUHL: Senator
10 Seward.

11 SENATOR SEWARD: Yes, I would ask
12 unanimous consent to be recorded in the negative
13 on Calendar Number 575 which passed earlier
14 today.

15 ACTING PRESIDENT KUHL: Without
16 objection. Hearing no objection, Senator Seward
17 will be recorded in the negative on Calendar
18 Number 575.

19 Senator Montgomery, why do you
20 rise?

21 SENATOR MONTGOMERY: Mr.
22 President, I would like unanimous consent to be
23 recorded in the negative on Calendar Number 824.

1 ACTING PRESIDENT KUHL: Without
2 objection. Hearing no objection, Senator
3 Montgomery will be recorded in the negative on
4 Calendar Number 824.

5 Chair recognizes Senator
6 Maziarz.

7 SENATOR MAZIARZ: Yes, Mr.
8 President, may we please return to reports of
9 standing committees. I believe there is a
10 report from the Finance Committee at the desk.

11 ACTING PRESIDENT KUHL: Senator
12 Maziarz, you are absolutely correct. We will
13 return to reports of standing committees. I
14 will ask the Secretary to read the report of the
15 Finance Committee.

16 THE SECRETARY: Senator Stafford
17 from the Committee on Finance reports the
18 following bills:

19 Senate Print 5189, Budget Bill,
20 an act to provide for payments to licensed day
21 care centers and family day care homes under the
22 child and adult care food program and making an
23 appropriation therefor.

1 Senate Print 5190, Budget Bill,
2 an act making an appropriation for the support
3 of government.

4 Senate 5191, Budget Bill, an act
5 making an appropriation for the support of
6 government.

7 Senate 5193, Budget Bill, an act
8 to provide for payments to pharmacies under the
9 elderly pharmaceutical insurance coverage
10 program and making an appropriation therefor.

11 Senate Print 5193, Budget Bill,
12 an act to provide for payments to vendors under
13 the marketing and advertising program and making
14 an appropriation therefor.

15 Senate Print 5194, Budget Bill,
16 an act to provide for payments to municipalities
17 and to providers of medical services under the
18 medical assistance program.

19 All bills ordered directly to
20 third reading.

21 ACTING PRESIDENT KUHL: Without
22 objection, all bills are reported directly to
23 third reading.

1 Senator Maziarz, that completes
2 the noncontroversial calendar and the report of
3 the Finance Committee. What's your pleasure?

4 SENATOR MAZIARZ: Mr. President,
5 may we please take up the reading of the
6 controversial calendar.

7 ACTING PRESIDENT KUHL: Secretary
8 will read the controversial calendar.

9 THE SECRETARY: On page 16,
10 Calendar 473, by Senator Maziarz, Senate Print
11 3341A, an act to amend the Education Law, in
12 relation to courses of instruction in patriotism
13 and citizenship.

14 SENATOR DOLLINGER: Explanation,
15 Mr. President.

16 ACTING PRESIDENT KUHL: Senator
17 Maziarz, an explanation of Calendar Number 473
18 has been asked for by Senator Dollinger.

19 SENATOR MAZIARZ: Yes, Mr.
20 President. This bill would require the Board of
21 Regents to promulgate rules to allow school
22 boards and administrators to read or post
23 excerpts of primary source historical documents

1 in public school buildings, classrooms or at
2 school events. Such rules would provide that
3 there would be no content-based censorship of
4 American history or heritage with reference to
5 these documents. In other words, there would be
6 no editing of the contents to modify the
7 document's intent or meaning.

8 SENATOR DOLLINGER: Would Senator
9 Maziarz yield to a question?

10 ACTING PRESIDENT KUHL: Senator
11 Maziarz, do you yield to a question from Senator
12 Dollinger?

13 SENATOR MAZIARZ: Certainly, Mr.
14 President.

15 ACTING PRESIDENT KUHL: The
16 Senator yields, Senator Dollinger.

17 SENATOR DOLLINGER: Senator, I
18 voted for this bill in the past, and I guess
19 question my own vote sometimes, because this
20 bill looks like a patriotic solution desperately
21 searching for a problem.

22 Could you tell me what specific
23 problem this bill was designed to remedy, if

1 any?

2 SENATOR MAZIARZ: First of all,
3 let me say, Senator, I'm glad you voted for this
4 bill in the past.

5 What this bill would do is, we're
6 all painfully aware, Senator, today, and being a
7 former history teacher myself, I know that there
8 are revisionist historians out there who are at
9 tempting to interpret the writings of the great
10 Americans who wrote the Declaration of Independ
11 ence, the Constitution of the United States, the
12 Constitution of the State of New York; and what
13 this bill would do would encourage, not require
14 but encourage school boards and school teachers
15 to post these documents in the public schools as
16 they were written so as not to deface or
17 question the intent that the authors of these
18 great documents intended and to let the students
19 decide for themselves what the author intended.

20 I will give you one example,
21 Senator. We've seen cause today to have the
22 reference of God deleted from the Pledge of
23 Allegiance to the flag. That's just one

1 example, Senator.

2 ACTING PRESIDENT KUHL: Senator
3 Dollinger.

4 SENATOR DOLLINGER: Again,
5 through you, Mr. President.

6 ACTING PRESIDENT KUHL: Do you
7 continue to yield, Senator Maziarz?

8 SENATOR MAZIARZ: Yes, I do.

9 ACTING PRESIDENT KUHL: Senator
10 continues to yield.

11 SENATOR DOLLINGER: Do you have
12 any specific instances where there has been
13 censorship exercised in our public schools about
14 these founding father documents, as you refer to
15 them? Do you have any personal experience with
16 censorship where someone censored the
17 documents?

18 SENATOR MAZIARZ: No, I do not,
19 Senator.

20 SENATOR DOLLINGER: On the bill,
21 Mr. President.

22 ACTING PRESIDENT KUHL: Senator
23 Dollinger, on the bill.

1 SENATOR DOLLINGER: I voted for
2 this bill in the past. I don't want to be
3 against patriotism. I don't want to be against
4 the founding fathers and their documents. I
5 don't want to see anybody censor those docu
6 ments. I guess I'm not afraid of revisionism
7 since it seems to be going on all the time.
8 People are going back and looking at documents
9 that were written in the past, constantly
10 reinterpreting them. I guess we're -- I believe
11 both as a lawyer and as an elected official that
12 you're bound by the wording of the original
13 documents. Nothing wrong with going back and
14 figuring out what those documents mean,
15 reinterpreting them.

16 I still think this is a bill -- I
17 said it when Senator Daly was here so I'm
18 applying the same rationale as I applied to him
19 and that is, this is a wonderful patriotic
20 solution looking for a problem that I'm not sure
21 exists. If it does exist, this bill will solve
22 it. I'm just not sure that it does.

23 I will vote in favor of it, Mr.

1 President, as I have in the past, but I still
2 think we're looking for the problem that this
3 bill solves.

4 ACTING PRESIDENT KUHL: Chair
5 recognizes Senator Waldon.

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

8 Will the learned gentleman,
9 Senator Maziarz, yield to a question?

10 ACTING PRESIDENT KUHL: Senator
11 Maziarz, do you yield to a question from Senator
12 Waldon?

13 SENATOR MAZIARZ: Yes, Mr.
14 President.

15 ACTING PRESIDENT KUHL: The
16 Senator yields.

17 SENATOR WALDON: Thank you very
18 much. Senator Maziarz, in your representation
19 of Niagara, Orleans, and Monroe County, do you
20 have occasion to visit the schools in your
21 respective counties?

22 SENATOR MAZIARZ: Yes, I have,
23 Senator.

1 SENATOR WALDON: Have you visited
2 the grade schools and high schools recently?

3 SENATOR MAZIARZ: Yes, I have,
4 Senator.

5 SENATOR WALDON: Have you had
6 occasion -- if I may continue, Mr. President?

7 ACTING PRESIDENT KUHL: Senator
8 continues to yield, Senator Waldon.

9 SENATOR WALDON: Thank you, sir.
10 Have you had occasion to visit
11 the classrooms in those schools?

12 SENATOR MAZIARZ: I spoke before
13 a seventh grade class just last Thursday,
14 Senator.

15 SENATOR WALDON: In any of your
16 visits to the schools, have any of the teachers
17 or guidance counselors or principals or
18 assistant principals indicated to you that there
19 has been a radical change in the approach to
20 teaching in those schools in terms of basic
21 history courses, basic civics courses? Have
22 they told you that they no longer refer to the
23 Constitution of the United States, the

1 Declaration of Independence, the Bill of Rights,
2 or the Constitution of the State of New York?

3 SENATOR MAZIARZ: No, they have
4 not, Senator.

5 SENATOR WALDON: If I may
6 continue, Mr. President?

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

9 SENATOR MAZIARZ: Yes, I do.

10 ACTING PRESIDENT KUHL: The
11 Senator continues to yield.

12 SENATOR WALDON: I appreciate
13 your indulgence, Senator Maziarz, I really do.

14 In your capacity as a Senator and
15 in your previous life before joining us in this
16 place that's sometimes described as a gluttony
17 for punishment, have you had occasion to visit
18 the colleges of the State of New York?

19 SENATOR MAZIARZ: Yes, I have,
20 Senator.

21 SENATOR WALDON: If I may
22 continue, Mr. President?

23 ACTING PRESIDENT KUHL: Senator

1 Maziarz, do you yield to another question from
2 Senator Waldon?

3 SENATOR MAZIARZ: Yes, I do.

4 ACTING PRESIDENT KUHL: The
5 Senator yields.

6 SENATOR WALDON: In your visits
7 to colleges which prepare people to teach in the
8 state of New York, have you ever had occasion to
9 discuss the curriculum or curricula of those
10 various institutions?

11 SENATOR MAZIARZ: Yes, I have,
12 Senator.

13 SENATOR WALDON: If I may
14 continue, Mr. President?

15 SENATOR MAZIARZ: Yes, I do.

16 ACTING PRESIDENT KUHL: Senator
17 continues to yield.

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

20 In that regard, Senator, have you
21 ever found in your trips, visits, conversations,
22 dialogue, an occasion where someone told you
23 that there has been a change in the preparation

1 of our teachers in the State of New York? By
2 that, I mean specifically have they stopped
3 teaching about the Constitution, have they
4 stopped teaching about the Constitution of the
5 State of New York, the Bill of Rights, have they
6 stopped teaching about the Federalist Papers?
7 Have they stopped speaking to all of the issues
8 that were taught when I was in college? -- which
9 was way before you went to college, Senator
10 Maziarz, but I would suspect that similar
11 courses taught when I attended college were
12 taught when you attended, and they certainly had
13 at that time all of those items of concern for
14 our students who wanted to become teachers.

15 I am a licensed teacher, by the
16 way, Senator Maziarz. Mr. President.

17 SENATOR MAZIARZ: Senator, if
18 your question was have they indicated to me that
19 they've been told to stop teaching it, the
20 answer is no.

21 SENATOR WALDON: Thank you very
22 much. Mr. President, if I may, on the bill.

23 ACTING PRESIDENT KUHL: Senator

1 Waldon on the bill.

2 SENATOR WALDON: Thank you very
3 much Senator Maziarz, I appreciate your
4 indulgence.

5 I am going to, for once in my
6 life, echo my learned colleague from the area of
7 Rochester. I'm going to vote as will Senator
8 Dollinger because no one here wishes to be
9 labeled anti-patriotic, and I think this is a
10 situation where we may sink into the quicksand
11 of indecision by voting on principle though we
12 should always vote on principle.

13 But I wonder what is the real
14 deal? I go into the schools of my district all
15 of the time, and the students there are con-
16 stantly taught not only about the Constitution,
17 the Bill of Rights, the Declaration of
18 Independence but respect -- not respect -
19 reverence to those documents and what they mean
20 historically to this nation and to all of the
21 people of this nation.

22 So I don't understand what we're
23 trying to address with this legislation; but,

1 certainly, rather than be labeled anti-patriotic
2 I will support this recommendation by Senator
3 Maziarz.

4 Thank you very much, Mr.
5 President. Thank you, Senator Maziarz.

6 ACTING PRESIDENT KUHL: Chair
7 recognizes Senator Leichter on the bill.

8 SENATOR LEICHTER: Good. Mr.
9 President, thank you; and I'm grateful to my
10 friends Senator Dollinger and Senator Waldon for
11 addressing this bill. It gave me a chance to
12 look at it.

13 I think there's a very easy
14 answer to the question that you raised, why deal
15 with a bill that concerns itself with a matter
16 when there is no problem. It's a lot easier to
17 deal with it when there is no problem than when
18 there is a problem, so that part doesn't bother
19 me. That I can understand.

20 But I wonder whether Senator
21 Maziarz would be good enough to yield.

22 ACTING PRESIDENT KUHL: Senator
23 Maziarz, do you yield to a question from Senator

1 Leichter?

2 SENATOR MAZIARZ: Yes, I do.

3 ACTING PRESIDENT KUHL: The
4 Senator yields.

5 SENATOR LEICHTER: Senator, while
6 I was listening to my colleagues here, I had a
7 chance to read the bill more carefully than I
8 might have when I voted for it and I did vote
9 for it the last time, and the thing that
10 intrigued me is, what is the definition of
11 content-based censorship?

12 SENATOR MAZIARZ: Content-based
13 censorship would be the elimination of some of
14 the original verbiage. It would be posting
15 shall we say the Pledge of Allegiance without
16 the word God in it, if I use that as an example.

17 SENATOR LEICHTER: Senator, if
18 you would be good enough to yield?

19 SENATOR MAZIARZ: Yes, I do.

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

22 The Senator yields.

23 SENATOR LEICHTER: Does that mean

1 that in the Declaration of Independence if I
2 just wanted to put on that school bulletin board
3 the beginning, that wonderful beginning, "When
4 in the course of human events," and so on, if I
5 just wanted to put that sentence, could I do
6 that or would that -

7 SENATOR MAZIARZ: As long as you
8 put it in as it was written originally.

9 SENATOR LEICHTER: What you are
10 saying is that as long as I quote the language
11 exactly as it is in the document, I can take a
12 sentence here or a sentence there; is that
13 correct?

14 SENATOR MAZIARZ: No, I would say
15 not "a sentence here or a sentence there,"
16 Senator. If you were going to put the preamble
17 of the Constitution, then you would put the
18 entire preamble in, all two paragraphs.

19 SENATOR LEICHTER: Well, Senator,
20 if you will continue to yield?

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

23 SENATOR MAZIARZ: Yes, I do, Mr.

1 President.

2 ACTING PRESIDENT KUHL: The
3 Senator continues to yield.

4 SENATOR LEICHTER: It gets,
5 frankly, more and more confusing. For the
6 Declaration of Independence, I could take the
7 first sentence, but the preamble for the
8 Constitution, I've got to take the whole
9 preamble. Is that correct?

10 SENATOR MAZIARZ: No.

11 SENATOR LEICHTER: I thought
12 that's what you just said.

13 SENATOR MAZIARZ: No. I'm
14 sorry. You used the example of the Declaration
15 of Independence and I used the example of the
16 Constitution. The Declaration of Independence,
17 you wanted just the -

18 SENATOR LEICHTER: Can I just
19 take that first sentence, "When in the course of
20 human events...?"

21 SENATOR MAZIARZ: As long as it
22 was as written, Senator.

23 SENATOR LEICHTER: Okay. But

1 why -

2 ACTING PRESIDENT KUHL: Senator
3 Leichter, are you asking Senator Maziarz to
4 continue to yield?

5 SENATOR LEICHTER: Yes.

6 ACTING PRESIDENT KUHL: Senator
7 Maziarz, can I just ask you to do one thing.
8 Take one step back to your right. That way your
9 conversation will be recorded on the microphone
10 in front of you.

11 Okay. Thank you.

12 SENATOR LEICHTER: All right.
13 Senator, so Declaration of Independence, I can
14 take the first sentence as long as I take it in
15 haec verba, in the exact words; and, obviously,
16 that's what should be done. However, the
17 preamble to the Constitution -- frankly, I don't
18 remember if it's more than one sentence. I
19 believe it is. But, there, I can not just take
20 the first sentence; I have to take the whole
21 preamble?

22 SENATOR MAZIARZ: No, you could
23 take whatever part you want to take, Senator, as

1 long as you take it as was written. That was my
2 point, as was originally written.

3 SENATOR LEICHTER: But, Senator,
4 I asked you if I could take let's say the first
5 sentence of the Declaration of Independence and
6 then the last sentence. Can I do that?

7 SENATOR MAZIARZ: As written?

8 SENATOR LEICHTER: As written.

9 SENATOR MAZIARZ: Yes.

10 SENATOR LEICHTER: All right.

11 Because, previously, when I asked you, can I
12 take a sentence here and a sentence there, you
13 said I could not do that, but now that we look
14 at it a little more carefully, you're changing
15 your answer; is that correct?

16 SENATOR MAZIARZ: And correct it,
17 Senator. You could post it as it was written.

18 SENATOR LEICHTER: All right. So
19 it's clear that as long as I identify with
20 quotes and so on, I could take sentences here
21 and there.

22 Now, Senator, can a teacher write
23 any sort of explanatory material on a matter in

1 the Declaration of Independence? I mean could
2 the teacher, for instance, where it says all men
3 are created equal -- could the teacher write
4 underneath that, "This does not include
5 slaves"? Would that be permitted or would that
6 be content-based censorship?

7 SENATOR MAZIARZ: I don't think
8 that's addressed at all in this bill, Senator.
9 I don't think that would be content-based
10 censorship.

11 SENATOR LEICHTER: Well, what is
12 addressed?

13 ACTING PRESIDENT KUHL: Senator
14 Leichter, are you asking Senator Maziarz to
15 continue to yield?

16 SENATOR LEICHTER: If you will
17 continue to. Yield?

18 SENATOR MAZIARZ: Yes.

19 ACTING PRESIDENT KUHL: The
20 Senator continues to yield.

21 SENATOR LEICHTER: What are we
22 addressing? I would like to know. Give me an
23 example of content-based censorship.

1 SENATOR MAZIARZ: All right. We
2 will use the example that I used earlier about
3 the preamble to the Constitution, not to delete
4 the word "God," as an example, in the preamble,
5 to post the Pledge of Allegiance to the Flag
6 deleting the word "God".

7 SENATOR LEICHTER: Well, Senator,
8 suppose I take it the preamble -- or take the
9 Pledge of Allegiance and I quote it but I show
10 that I'm leaving out words. Could I do that,
11 with an identification as we often do? When
12 authors are quoted, you may leave out certain
13 words but indicating. Could I do that?

14 SENATOR MAZIARZ: I would say
15 no. You mean post the Pledge of Allegiance and
16 leave out certain words?

17 SENATOR LEICHTER: But indicating
18 that I've left out some words.

19 SENATOR MAZIARZ: I would say no.

20 SENATOR LEICHTER: Senator, how
21 about in a decision of our Supreme Court, where,
22 as you know, sometimes these decisions go on for
23 many, many pages. Sometimes a sentence will go

1 on for a page or more with quotes, and so on.
2 Could I take a sentence from a Supreme Court
3 decision and leave out the citation of
4 precedents?

5 SENATOR MAZIARZ: I would say no.

6 SENATOR LEICHTER: I would have
7 to -- this is a fifth grade class, Senator, and
8 I want to give them a wonderful statement, let's
9 say, from one of our great Chief Justices. But
10 you are saying for that fifth grade class, I've
11 got to give them all the citations. I've got to
12 give them all the words; and then afterwards
13 when they say, "56 US 9484 Supreme Court AD 2d"
14 and so on, if I have left that out, that would
15 be censorship?

16 SENATOR MAZIARZ: I don't know
17 how many fifth grade classes would post
18 something like that in, Senator, but I would say
19 you would do that maybe in a high school or in a
20 college. I would say to post the entire matter
21 and let the student decide what is important and
22 what is not.

23 SENATOR LEICHTER: Excuse me.

1 ACTING PRESIDENT KUHL: Senator
2 Leichter, are you asking Senator Maziarz to
3 continue to yield?

4 SENATOR LEICHTER: Yes, if you
5 would do so.

6 SENATOR MAZIARZ: Yes.

7 ACTING PRESIDENT KUHL: Senator
8 Maziarz continues to yield.

9 SENATOR LEICHTER: Senator, you
10 were a teacher. I wasn't. You would write
11 things on the blackboard. Now, here you're
12 writing -- this is an eleventh or twelfth grade
13 class, studying constitutional history, and
14 you're writing out an important decision of the
15 Supreme Court, Brown versus Maryland or
16 something like that, where there is a
17 particularly important sentence that includes
18 within that sentence a long string of
19 citations. You are saying that I have to write
20 down all those citations?

21 SENATOR MAZIARZ: I would say -
22 no, Senator, you're way off the mark here. I'm
23 talking about posting in a classroom information

1 of historical significance, historical
2 documents. You know, you are talking about
3 writing information on the blackboard about a
4 particular decision. I think you are carrying
5 it a little bit too far, Senator. You are
6 carrying it beyond the meaning, beyond my intent
7 of this resolution.

8 SENATOR LEICHTER: Senator
9 Maziarz, then, as I understand it, your bill
10 would not include writing anything on the
11 blackboard. Is that correct?

12 SENATOR MAZIARZ: No, Senator. I
13 think you don't understand the bill. The bill
14 simply requests the Education Department to
15 promulgate rules to encourage teachers to post
16 in the classroom historical documents.

17 SENATOR LEICHTER: Senator, I'm
18 trying to understand the bill. Obviously, it's
19 clear in your mind; but as we find out sometimes
20 when we start looking at legislation what's
21 clear in the sponsor's mind, when questions are
22 raised, sometimes it's not that clear to other
23 people or to agencies that then have to

1 interpret the bill and sometimes it isn't clear
2 to courts when they have to deal with it, so
3 that sort of discussion helps; and, frankly, I
4 have a little trouble understanding as a clear
5 guide to the Education Department and then to
6 teachers throughout the state what they are
7 allowed to do and what they are not allowed to
8 do; and if you are talking about posting, that
9 would seem to include writing on blackboards.

10 So that in the example that I
11 gave, where there are decisions of the Supreme
12 Court, very important documents in our
13 constitutional history which include a very long
14 string of citations, I would like to know
15 whether now I've got to post that whole string
16 of citations, if it's included within one
17 sentence?

18 SENATOR MAZIARZ: Again, Senator,
19 I'm going to answer you the same way I answered
20 you previously. I think you're carrying it -
21 you are carrying it much beyond the meaning and
22 the intent of this resolution.

23 SENATOR LEICHTER: Mr. President,

1 on the bill.

2 ACTING PRESIDENT KUHL: Senator
3 Leichter on the bill.

4 SENATOR LEICHTER: Let me thank
5 Senator Maziarz.

6 Senator, one of the things that
7 we find out here -- and I don't mean to presume
8 to lecture you, and so on, or anybody, but we
9 find out that when you write bills -- and they
10 are extremely well-intentioned. I think if you
11 go to somebody and say, "I put in a bill against
12 censorship," and everybody will say, "Gee,
13 that's wonderful. We hate censorship." We
14 particularly hate it if you a take a great
15 American constitutional document and twist its
16 meanings, and so on.

17 The problem is, however, when you
18 interpret that and when you put it in practice,
19 sometimes you find that very difficult. So when
20 you say "no content-based censorship," I submit
21 to you that, far from achieving your purpose, it
22 actually precludes teachers from doing their job
23 and helping to teach children about what the

1 meaning of our history is and the meaning of our
2 wonderful historical documents, because what is
3 clear to you as far as censorship is certainly
4 not clear to me; and I must say the questions I
5 asked you and your answers would seem to leave a
6 lot of doubt as to what is included. When you
7 have to have a whole sentence, you have to have
8 the whole document, you have to put in the
9 citation; and as was pointed out by Senator
10 Dollinger and Senator Waldon, we don't even have
11 that problem.

12 I mean nobody's been able -- you
13 were asked, "Well, where is there a problem?"
14 Where do we find in the schools in this state
15 that anybody is twisting our wonderful tradition
16 of liberty, of democracy, of individual
17 freedom? Where are they twisting it? Where is
18 there a problem? Where has the school board
19 come to us and said, "Oh, my God, we're having
20 such a terrible time; you got to give us some
21 legislation because our teachers don't know what
22 to do?"

23 I have no problem passing bills

1 that -- you know, that try to deal with non
2 problems, but I have problems passing bills that
3 deal with non-problems that create problems, and
4 I think that you are achieving the very thing
5 that you are trying to prevent, if it were a
6 problem which is, by writing it in this way, you
7 are in a certain sense imposing censorship
8 because you are making it difficult for teachers
9 to really express themselves and to do what I'm
10 sure you did in your classroom, which was to try
11 to educate the students in your classroom within
12 the purpose and aim of the class that you were
13 teaching.

14 I'm sure you did an excellent
15 job. I don't think anybody had to tell you
16 about content-based censorship. So I submit to
17 you that really this bill just is going to end
18 up creating a problem, and I think your answers
19 made it very clear that there is no guide that
20 we have, no sensible, logical, clear guide of
21 what is content-based censorship; and, indeed,
22 you are creating that sort of censorship by this
23 bill.

1 ACTING PRESIDENT KUHL: Chair
2 recognizes Senator Paterson.

3 SENATOR PATERSON: Thank you, Mr.
4 President. I was wondering if Senator Maziarz
5 would yield for a couple of brief questions.

6 ACTING PRESIDENT KUHL: Senator
7 Maziarz, do you yield to Senator Paterson?

8 SENATOR MAZIARZ: Sure.

9 ACTING PRESIDENT KUHL: The
10 Senator yields.

11 SENATOR PATERSON: Thank you,
12 Senator. Senator Maziarz, we have in our
13 Constitution Article I, Section 2, Clause 3,
14 which was the section of the Constitution that
15 allowed for slavery in this country and, for
16 purposes of population counting, counted these
17 slaves as 3/5 of an individual for purposes of
18 taxation.

19 Also in the Constitution, there
20 was added Article IV, Section 2, Clause 3, which
21 was the article that provided for the recovery
22 of runaway slaves.

23 Now, because of the passage of

1 the Thirteenth, Fourteenth and Fifteenth
2 Amendments, in many copies of the Constitution,
3 it is said in a sort of scholarly way that this
4 article, Article IV, Section 2, Clause 3,
5 doesn't have any real meaning based on the
6 subsequent passage of the Thirteenth, Fourteenth
7 and Fifteenth Amendments. So, many times, when
8 the Constitution is actually printed out that
9 section, Article IV, is deleted.

10 Are you saying that that section
11 should be put in because in the original
12 drafting of the Constitution, it was there?

13 SENATOR MAZIARZ: I would say,
14 Senator, that in the original drafting it was
15 there, but in the Constitution as it now reads,
16 it is not there, and what I'm saying is if the
17 teacher wants to post the Constitution of the
18 United States or the Constitution of the State
19 of New York, they should post it the way that it
20 is in the form that it's in right now.

21 ACTING PRESIDENT KUHL: Senator
22 Paterson.

23 SENATOR PATERSON: Senator,

1 that's the question I'm asking you. Do you
2 think that the articles should be or should not
3 be there?

4 SENATOR MAZIARZ: The articles
5 that have been deleted from the Constitution?

6 SENATOR PATERSON: Mr.
7 President. What I'm saying, Senator Maziarz, is
8 that those articles have never been deleted from
9 the Constitution.

10 ACTING PRESIDENT KUHL: Senator
11 Maziarz.

12 SENATOR MAZIARZ: I'm saying that
13 the Constitution should be posted in the manner
14 that it is in law right now and on the books. I
15 guess I don't understand the question.

16 SENATOR PATERSON: Okay.

17 ACTING PRESIDENT KUHL: Senator
18 Paterson.

19 SENATOR PATERSON: Let me try to
20 explain again. The article that I am referring
21 to has never been deleted from the Constitution.
22 It's never been taken out. It's always been
23 there. But due to the passage of the

1 Thirteenth, Fourteenth and Fifteenth Amendments,
2 it doesn't have any real meaning. So when the
3 Constitution is printed-- and you will see many
4 manuals that print the Constitution -- they
5 don't list it any more, and I'm asking you,
6 would they be in violation of your law if they
7 did not list it?

8 SENATOR MAZIARZ: No, they would
9 not be, Senator.

10 ACTING PRESIDENT KUHL: Senator
11 Paterson.

12 SENATOR PATERSON: What I'm
13 saying, Senator Maziarz, is my interpretation of
14 your bill is that they would be in violation of
15 the spirit of your legislation if they don't
16 list it, because in the original Constitution
17 it's never been deleted; and so, therefore, it
18 should stay. It should not be deleted by
19 anybody when printing a copy of the
20 Constitution. So I'm saying my interpretation
21 of your bill without, you know, giving you any
22 personal comment but just my interpretation of
23 the legislation, is that under what your bill

1 says, that the historic documents have to be
2 printed accurately, that the most accurate way
3 to reflect what Article IV, Section 2, Clause 3,
4 means is to list it.

5 SENATOR MAZIARZ: I'm sorry,
6 Senator. You have an incorrect interpretation.
7 That's your interpretation. You can certainly
8 vote based on your interpretation if you like.

9 ACTING PRESIDENT KUHL: Senator
10 Paterson, you have the floor.

11 SENATOR PATERSON: Mr. President,
12 before I even vote, I just want to understand
13 and what I'm trying to understand is -- if
14 Senator Maziarz would yield for a question?

15 SENATOR MAZIARZ: Yes.

16 ACTING PRESIDENT KUHL: Senator
17 Maziarz, do you yield? The Senator yields.

18 SENATOR PATERSON: I just want
19 you to explain to me how I'm wrong. The article
20 that I'm referring to has never been deleted.
21 It has never been deleted by any government
22 body; and so, since it hasn't been deleted, why
23 do they continue to print the Constitution and

1 not put it there? In other words, what I'm
2 saying under your bill is, it should be printed
3 and you are saying that's an incorrect
4 interpretation, and I don't understand that
5 because I'm relying on your bill to provide me
6 with the scope for which I'm making the
7 interpretation.

8 SENATOR MAZIARZ: Well, certainly
9 those amendments have been superseded by the
10 Thirteenth, Fourteenth and Fifteenth Amendments,
11 as you pointed out, Senator.

12 SENATOR PATERSON: Well, Senator,
13 if I would give an example, I would go back to
14 your example of the Pledge of Allegiance
15 because, although the references to God are in
16 the Pledge of Allegiance now, they were not in
17 the original version which was -- we started
18 using the Pledge of Allegiance in 1911, and the
19 reference to God, which I would always want to
20 keep and I'm sure you would too, was first
21 brought into being in 1953 during the Eisenhower
22 Administration.

23 So I'm just using your example to

1 say that in the original form, now that we have
2 added the reference to God, it would seem to me
3 that I would want to know whether or not anyone
4 printing the original form would be wrong under
5 your legislation, based on how you answered the
6 question relating to Article IV.

7 SENATOR MAZIARZ: Would they be
8 wrong?

9 SENATOR PATERSON: That's what
10 I'm asking.

11 SENATOR MAZIARZ: Yes, because
12 the document has the word "God" in it now.

13 SENATOR PATERSON: Okay. And
14 that part I understand totally, because what you
15 are attempting to do in this legislation is to
16 stop someone who wants to substitute their own
17 interpretation of what the Constitution or the
18 Declaration of Independence should be, based on
19 their opinion, particularly to school children
20 who could, in many ways, be manipulated to think
21 one thing when, in reality, that's not what the
22 Constitution or the Declaration of Independence
23 says, and that's what I think your bill means,

1 and I'm going to vote for your bill.

2 All I'm asking is that in these
3 other situations where based on superseding
4 legislation there has been an interpretation to
5 remove the preexisting verbiage just for
6 purposes of clarity that your bill does not
7 strike that down.

8 SENATOR MAZIARZ: No, it does
9 not.

10 SENATOR PATERSON: All right.
11 Thank you very much, Senator.

12 ACTING PRESIDENT KUHL: Senator
13 Montgomery.

14 SENATOR MONTGOMERY: Thank you,
15 Mr. President. Would Senator Maziarz yield for
16 a couple of questions.

17 ACTING PRESIDENT KUHL: Senator
18 Maziarz, do you yield to Senator Montgomery?

19 SENATOR MAZIARZ: Yes.

20 ACTING PRESIDENT KUHL: The
21 Senator yields.

22 SENATOR MONTGOMERY: Thank you,
23 Senator Maziarz. You seem to be -- the

1 legislation seems to say that you want to
2 preserve the integrity of the original
3 documents, historical documents, and I notice in
4 the memo in support, you talk about providing
5 young people with an understanding of the
6 foundation of our various cultural heritages,
7 and I'm wondering if you include in the
8 documents that you want to ensure the integrity
9 of writings of people like Fredric Douglass,
10 Dubois, Phyllis Sweetly, those people who were
11 writing during the same period and whose
12 writings are obviously part of our history and
13 culture?

14 SENATOR MAZIARZ: Yes, Senator,
15 if you look on line number 21 at the very end,
16 it says, "and any other primary source or
17 historic document." I put that in there,
18 Senator -- we amended it to put that in there so
19 that it would include -- other documents would
20 be able to be included in the bill.

21 SENATOR MONTGOMERY: Thank you.
22 Senator, if you would yield for one other
23 question.

1 SENATOR MAZIARZ: Yes.

2 ACTING PRESIDENT KUHL: Senator
3 continues to yield.

4 SENATOR MONTGOMERY: Recently,
5 there was a school board member in Queens -- I
6 forget his name -- who held up certain books by
7 certain authors. One of those authors was
8 Martin Luther King, and what he was attempting
9 to do was to have any books by Martin Luther
10 King or about Martin Luther King censored from
11 the schools and libraries in that particular
12 school district because he said Martin Luther
13 King was unfit and that he was a thug and it
14 would not be fitting having writings by him in
15 the school.

16 Would your legislation prohibit
17 that kind of decision and action by a school
18 board member in the State of New York?

19 SENATOR MAZIARZ: Yes, I believe
20 it would. I believe it would, Senator.

21 SENATOR MONTGOMERY: All right.
22 Thank you.

23 Mr. President. If Senator

1 Maziarz' bill will, in fact, prevent this kind
2 of outrageous statement and action and attempt
3 to delete from the libraries of a school
4 district or the public libraries in any
5 jurisdiction in this state, prevent people from
6 censoring material by people who have made great
7 contributions to our nation, I certainly support
8 that; and so, therefore, I'm going to vote yes
9 for Senator Maziarz' legislation.

10 Thank you.

11 ACTING PRESIDENT KUHL: Senator
12 Dollinger.

13 SENATOR DOLLINGER: Mr.
14 President, just one brief moment. I'll spare
15 Senator Maziarz. Again, I point out that when
16 Senator Daly was up talking about this bill, I
17 asked him a whole bunch of questions as well.

18 I point out this is really a
19 mandate to school districts to tell them what to
20 do. We pass a bill every year that says we will
21 have no more mandates. This Legislature will
22 not mandate anything. But, yet, this bill says
23 we're going to tell you what to do.

1 There's nothing in this bill that
2 says a local school board can't do exactly what
3 Senator Maziarz wants to do. I appreciate
4 that. Let's let local school boards make this
5 decision. They are perfectly capable of doing
6 it.

7 There's no enforcement clause.
8 What happens if they don't do it? No
9 enforcement clause. The whole thing just seems
10 like an idea looking for a problem to solve, and
11 I think the point that Senator Paterson made is
12 absolutely correct. There is revisionism in
13 this country. I'm not afraid of it, but some
14 people would look at the Pledge of Allegiance
15 and say, "My gosh! It was a victim of
16 revisionism."

17 In 1953, in the last Republican
18 contract for America, they decided that the word
19 "under God" should be inserted into the Pledge
20 of Allegiance; and so they revised the Pledge of
21 Allegiance which had been in this country for
22 half a century to conform to their view of what
23 they thought it ought to say. If revisionism is

1 alive and well supposedly in 1990, it was alive
2 and well in the last Republican contract with
3 America back in 1954. We should all be leery of
4 it, yet it's nothing to be afraid of it so long
5 as we understand historically what happened.

6 I repeat, I think this is a
7 solution looking for a problem. I'll vote in
8 favor because I don't want to be unpatriotic. I
9 don't want to tamper with the great documents of
10 America, but I'm not so sure that we're doing
11 anything to solve any real live problem.

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

14 THE SECRETARY: Section 3. This
15 act shall take effect on the first day of
16 September.

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT KUHL: Announce
21 the results when tabulated.

22 THE SECRETARY: Ayes 51, nays 1.
23 Senator Leichter recorded in the negative.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 Chair recognizes Senator
4 Maziarz.

5 SENATOR MAZIARZ: Mr. President,
6 could we please take up Calendar Number 1006.

7 ACTING PRESIDENT KUHL: Secretary
8 will read the title to Calendar Number 1006.

9 THE SECRETARY: Calendar Number
10 1006, Budget Bill, Senate Print 5193, an act to
11 provide for payments to vendors under the
12 marketing and advertising program and making an
13 appropriation therefor.

14 ACTING PRESIDENT KUHL: Chair
15 recognizes Senator Paterson.

16 SENATOR PATERSON: Mr. President,
17 do we have a message of appropriation from the
18 Governor on this?

19 ACTING PRESIDENT KUHL: No, we
20 don't, Senator Paterson. We're informed by the
21 second floor that there is no need for a message
22 of appropriation.

23 SENATOR PATERSON: The second

1 floor says there is no need for it.

2 ACTING PRESIDENT KUHL: That's
3 correct. This is similar to many of the
4 appropriation bills that we've taken up for the
5 last, now, about seven weeks.

6 SENATOR PATERSON: Well, Mr.
7 President, I know I have been a little slow. I
8 was spending that time trying to get the staff
9 paid, and so when I finally got past that, I
10 finally got a chance to look at some of this,
11 and it is just the opinion of the Minority
12 Leader, my opinion and that of many others that
13 under Article VII, Section 5, that there should
14 be a message of appropriation from the Governor
15 on an item of necessity such as this, and I
16 would like to make record of the fact that we
17 feel that there should be a message of
18 appropriation.

19 ACTING PRESIDENT KUHL: Certainly
20 the record will reflect your comments, Senator
21 Paterson.

22 Secretary will read the last
23 section.

1 Senator Dollinger.

2 SENATOR DOLLINGER: Which number
3 is this, Mr. President?

4 ACTING PRESIDENT KUHL: Calendar
5 Number 1006.

6 SENATOR DOLLINGER: Is this the
7 "I Love New York" appropriation?

8 ACTING PRESIDENT KUHL: That's
9 correct, Senator Dollinger.

10 SENATOR DOLLINGER: Can we have
11 an explanation of that, and why we need to do
12 this now? Senator Stafford for an explanation?

13 SENATOR STAFFORD: I would just
14 say that Senator DeFrancisco has done and is
15 doing a great deal of work in this field and I'm
16 sure he will explain very clearly why it is
17 necessary for us to take steps which will add to
18 our coffers, and really it's what this budget is
19 all about.

20 ACTING PRESIDENT KUHL: Senator
21 Stafford yields to Senator DeFrancisco for an
22 explanation.

23 SENATOR DeFRANCISCO: In order to

1 have an advertising budget that will mean
2 anything, you have to advertise before the
3 season when people start making plans for their
4 trips. We've had calls in my office from all
5 the area coordinators of tourism indicating that
6 people are already making their plans for the
7 summer. Other states are making their
8 advertising campaigns; they are performing their
9 advertising campaigns and unless we get on
10 board, the most important season, the summer
11 season, is going to be lost and it's essential
12 that we start doing our advertising campaign.

13 ACTING PRESIDENT KUHL: Excuse
14 me, Senator DeFrancisco.

15 Senator Gold, why do you rise?

16 SENATOR GOLD: If he has
17 completed his comments, I wanted to ask him to
18 yield to a question.

19 ACTING PRESIDENT KUHL: Senator
20 Gold, I do have some other members who've
21 indicated that they wanted to speak, prior to
22 your rising.

23 SENATOR GOLD: I'm just asking

1 the gentleman to yield. I want to speak.

2 ACTING PRESIDENT KUHL: If you
3 have no problem with Senator Smith.

4 Senator Smith, do you yield to
5 Senator Gold?

6 Senator DeFrancisco, do you yield
7 to Senator Gold for a question?

8 SENATOR DeFRANCISCO: Yes.

9 ACTING PRESIDENT KUHL: Senator
10 yields.

11 SENATOR GOLD: I don't think
12 there is anybody that I've spoken to on this
13 side who has a problem with what you have said
14 so far, but my understanding, Senator, and if
15 you'll answer this question, is that the \$10
16 million is the annual budget that's being
17 requested by the Governor. Isn't that true?

18 SENATOR DeFRANCISCO: That's
19 correct.

20 SENATOR GOLD: Well, if the
21 Senator will yield to another question -

22 SENATOR DeFRANCISCO: Yes.

23 ACTING PRESIDENT KUHL: Senator

1 yields.

2 SENATOR GOLD: Senator, is this
3 advertising budget then for advertising that
4 will take place throughout the whole year?

5 SENATOR DeFRANCISCO: Through the
6 balance of the year, correct.

7 SENATOR GOLD: Well, Senator, if
8 you will yield to one more question.

9 SENATOR DeFRANCISCO: Yes.

10 ACTING PRESIDENT KUHL: Senator
11 continues to yield.

12 SENATOR GOLD: How does
13 advertising next January help people make their
14 plans for this June and July.

15 SENATOR DeFRANCISCO: It doesn't.

16 SENATOR GOLD: Well, Senator,
17 isn't it a fact -- if you will yield to a
18 question?

19 SENATOR DeFRANCISCO: Yes.

20 ACTING PRESIDENT KUHL: Senator
21 continues to yield.

22 SENATOR GOLD: -- that the budget
23 bills that we have out of Finance today are

1 emergency bills for most of it. We give money
2 that gets us through a few weeks here and there,
3 and that all we really need to do at this point
4 with the "I Love New York" program is to
5 authorize advertising money for May and maybe
6 into June, that people making their plans in May
7 and June will see these ads and maybe we'll get
8 them for July and August and maybe at that point
9 maybe have a budget; but I don't understand, and
10 perhaps you can explain it to the house, why the
11 "I Love New York" program rises or falls based
12 upon a budget today for advertising which will
13 not take place until January, February and March
14 of next year.

15 SENATOR DeFRANCISCO: See,
16 advertising doesn't -- even though advertising
17 is airing for the summer season starting now if
18 we can get this passed -- but also there's not
19 only the physical commercial that's out there
20 but there's also agencies that are actually
21 doing planning for the next phase that has to be
22 paid so the commercial will go on time for the
23 next phase. In addition, the local tourism

1 agencies have a matching fund program, as you
2 well know, that will depend upon the type of
3 advertising that we're able to do, and they have
4 to plan as to what we're going to be able to do
5 over the full time.

6 Now, presumably, we can say, "All
7 right, make this a \$5 million special
8 appropriation." It's not out of the question.
9 It just happens to be the full amount. It would
10 make most sense for planning to have the
11 advertising agency be able to do the whole
12 planning for the entire year so that the
13 advertising will be ready at the appropriate
14 time.

15 SENATOR GOLD: Will Senator yield
16 to another question?

17 ACTING PRESIDENT KUHL: Senator
18 continues to yield.

19 SENATOR DeFRANCISCO: Yes.

20 SENATOR GOLD: Senator, I saw a
21 note around today, and I don't know whether it's
22 accurate or not, but it seemed to indicate that
23 -- here it is right here. It seemed to

1 indicate that the Assembly was suggesting a
2 version of this that was at \$7 million, and we
3 don't have a budget. Senator, can you conceive
4 of any situation where, when we did our final
5 budget, the city of Syracuse would need \$3
6 million and that you might say at that point
7 that the "I Love New York" program might do
8 terrific at 7 million if the other 3 million
9 might go to Syracuse? Don't you think that
10 might at some point handle itself into the
11 negotiations of a total budget?

12 SENATOR DeFRANCISCO: No,
13 Senator. I try to look at this as a global
14 state budget rather than my parochial interest
15 in the city of Syracuse, although I have an
16 interest in that, as well.

17 But in all seriousness, I think
18 that the tourism industry is the second largest
19 industry in this state. For years, before my
20 time, we were spending \$17-18 million a year in
21 this advertising campaign. The tourism business
22 has been hurt substantially over the last
23 several years; \$10 million is not enough to do

1 what we need to generate economic activity and
2 to help all the tourist attractions in this
3 state, so I can conceive of a need for Syracuse,
4 for Buffalo, for whatever other city, but not
5 out of this pot because it's already been
6 depleted, and this will generate a substantially
7 greater income and resources, so maybe there is
8 a bigger tax base that we can use to help
9 Syracuse and your city as well.

10 SENATOR GOLD: Thank you. If the
11 Senator will yield to one more question.

12 ACTING PRESIDENT KUHL: Senator
13 DeFrancisco yield?

14 SENATOR DeFRANCISCO: Yes.

15 ACTING PRESIDENT KUHL: The
16 Senator yields.

17 SENATOR GOLD: Senator, I'm not
18 going to stand here and question your concerns
19 about the people of Syracuse. I think that your
20 sincerity is there, but I remember a day earlier
21 this year, within the last seven weeks, when the
22 Senate was supposedly passing a complete budget
23 one day, and you voted for that, and the next

1 day you had a bill to change and to add on
2 because something important to Syracuse was left
3 out, and my only concern, Senator, is not for
4 the tourism program or not for the tourism
5 industry -- because I am concerned about the
6 tourism industry and I'm concerned about the
7 program. What I am concerned about is the fact
8 that we have been handling emergency bills as we
9 need them, and here is one situation where we do
10 not have to make the total commitment; and in
11 the final judgment on the budget, it may be that
12 the schools need that extra 3 million. Maybe
13 it's \$5 million. It may be a lot of things.

14 I don't even know whether the
15 Assembly is committed to this bill, again. God
16 forbid people talk to each other except for in
17 the newspapers, but my understanding is they may
18 not even handle this bill at \$10 million, that
19 they are willing to go for the program and maybe
20 even for an emergency appropriation. So I don't
21 know why we have a confrontation on this, when
22 the fact is, Senator, I believe you that we have
23 to encourage tourism. I believe you that the

1 program, the "I Love New York" program, is
2 important, so I don't know why we don't -
3 not -- we depoliticize it and pass an emergency
4 appropriation that gets it rolling and on its
5 way while we finish the budget negotiations.

6 ACTING PRESIDENT KUHL: Senator
7 Dollinger, do you wish to speak?

8 (There was no response.)

9 Senator Smith is next. Senator
10 Smith waives.

11 Secretary will read the last
12 section.

13 Senator Paterson.

14 SENATOR PATERSON: Mr. President,
15 earlier, I made an objection just to the failure
16 of the body to be using the message of
17 appropriation from the Governor, and I think
18 this is just a little bit of an example of it
19 because the overriding point that I think
20 Senator Gold -- and he made several points, but
21 the one that he really drove home to me is the
22 fact that we're appropriating the annual amount
23 rather than what would be, say, 1/26 of it,

1 which is what we're doing in these messages of
2 appropriation which are really items of
3 necessity, things that are urgent, that we need
4 right now; and I'm sure that we can plan a
5 budget for advertising to the very important
6 industry of tourism in this state, but I just
7 think that it's not really fair to the rest of
8 the budget process and to all of the other
9 appropriations of need that we have to come to
10 -- being 52 days late, as we are, to be putting
11 this one in front of others.

12 ACTING PRESIDENT KUHL: Senator
13 Dollinger now.

14 SENATOR DOLLINGER: Mr.
15 President. Will Senator DeFrancisco yield to
16 one question?

17 ACTING PRESIDENT KUHL: Senator
18 DeFrancisco, do you yield to Senator Dollinger?

19 SENATOR DeFRANCISCO: Yes, I
20 will.

21 ACTING PRESIDENT KUHL: Senator
22 yields.

23 SENATOR DOLLINGER: Senator, how

1 much do you anticipate "I Love New York" would
2 spend in the next month?

3 SENATOR DeFRANCISCO: The next
4 month or what should have been spent in the past
5 three months?

6 SENATOR DOLLINGER: We can't do
7 anything about what should have been spent in
8 the last three months. The question is how much
9 -- I appreciate your comment. If we're going
10 to spend the money, we've got to spend it now,
11 but how much are we going to spend in the next
12 month? Are we going to spend all 10 million?

13 SENATOR DeFRANCISCO: No, we're
14 not going to spend all 10 million, but you got
15 to realize we're also behind from what should
16 have been spent and paid to those providers who
17 got us to this point to get the advertising
18 ready for airing, so I can't precisely tell you,
19 to be honest with you, the amount. It's a
20 percentage of the 10 million. I don't know.

21 SENATOR DOLLINGER: I appreciate
22 that -- through you, Mr. President, just on the
23 bill.

1 I appreciate that dilemma. I
2 think our position, at least mine is, we have
3 handled emergency appropriations to pay for the
4 bills for a two-week period. We have other
5 vendors who are out there, frankly vendors who
6 are calling me saying, "Where is the rent? We
7 are now two months behind in the rent. I'm out"
8 -- in one case -- "\$27,000 from the State of
9 New York and I don't have any money." They are
10 a vendor that would love to be paid, too; and we
11 have taken a position -- the second floor has
12 taken a position that those bills are not going
13 to be paid because they are not part of the
14 emergency appropriations to keep the state
15 going.

16 Here we are giving preferential
17 treatment to the people who happen to be in the
18 advertising industry. I understand the basis
19 for that because I agree with you, Senator, if
20 we don't spend the money now, it's going to be a
21 dry summer in our tourist business.

22 This highlights the problems that
23 are created by a delayed budget, but it seems to

1 me to authorize the whole 10 million, as Senator
2 Gold in his questions pointed out, now when what
3 we should do is give it 2.5 million -- this is
4 the big time. Let's put 2.5 million into the "I
5 Love New York" campaign, so while we fiddle
6 around with the budget we can get the tourist
7 message out, but to authorize the thing for the
8 whole year is inconsistent with what we have
9 done in our prior emergency appropriations.

10 ACTING PRESIDENT KUHL: Senator
11 Abate.

12 SENATOR ABATE: Would Senator
13 DeFrancisco yield to a question?

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

17 SENATOR DeFRANCISCO: Yes, I do.

18 ACTING PRESIDENT KUHL: The
19 Senator yields.

20 SENATOR ABATE: Yes, I just need
21 some clarification. The \$10 million, that
22 represents the annual appropriation for this
23 program, does that exceed last year's total

1 appropriation?

2 SENATOR DeFRANCISCO: By a few, a
3 very few dollars.

4 SENATOR ABATE: How many dollars
5 is a few?

6 SENATOR DeFRANCISCO: 500,000, if
7 I'm not mistaken. It was around there, one of
8 the sides -

9 SENATOR ABATE: Right.

10 SENATOR DeFRANCISCO: It's about
11 the same amount.

12 SENATOR ABATE: Wouldn't you say,
13 though, even if it exceeded it by 10,000, now
14 maybe half a million dollars, isn't that an
15 issue that should be addressed through the
16 budget negotiations?

17 SENATOR DeFRANCISCO: Of course.

18 SENATOR ABATE: But, yet, we are
19 now -- if we pass this in the Senate, we are
20 furthering an additional \$500,000 appropriation
21 over last year without a full discussion whether
22 this program merits that growth.

23 SENATOR DeFRANCISCO: Well, when

1 you say "full discussion," what full discussion
2 have we had so far in the budget negotiation
3 process?

4 SENATOR ABATE: But there is a
5 process in terms of the budget, and this is, in
6 effect, going through an independent means, and
7 shouldn't -- my suggestion is clearly this is a
8 worthwhile program; it should be funded. We
9 have to make sure it's not paralyzed because of
10 the budget delay, but my concern is, do we need
11 to spend the full year and in excess of last
12 year? That also troubles me, that we're not
13 only funding it a full year but another \$500,000
14 which may or may not be warranted, and that
15 really should be within the budget process and
16 in negotiations.

17 SENATOR DeFRANCISCO: From my
18 perspective, I agree with you. It should be
19 part of the process as everything else is, but
20 all I'm guessing is it's been grossly
21 underfunded in comparison to prior years, and
22 from my position as chairman of the tourism
23 committee, I think this is a wonderful

1 opportunity for the tourism people who have been
2 neglected over this period of time to have a
3 decent advertising campaign, and budget
4 negotiations should be talking about more money
5 so that we can have more economic growth in this
6 second biggest industry in this state, so I
7 agree with you in philosophy but from a
8 practical standpoint, from my perspective, this
9 is grossly under what we should have, and we
10 should have more in the budget process.

11 SENATOR ABATE: But isn't this -

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

14 SENATOR DeFRANCISCO: Yes.

15 SENATOR ABATE: Yes. Thank you.

16 ACTING PRESIDENT KUHL: Senator
17 continues to yield.

18 SENATOR ABATE: But isn't this an
19 unusual way to use the emergency appropriation
20 process to now say that not only do we want to
21 fund it so it stays whole and stays on the right
22 track, but we want to fund it beyond last year's
23 growth, and it seems to me that's not the

1 purpose of an emergency appropriation.

2 So I would ask you along with my
3 colleagues to consider an accounting, what's
4 been spent, what needs to be appropriated over
5 the next couple of months so the program is not
6 jeopardized. I don't think through an emergency
7 appropriation process we should be funding this
8 program in excess of last year's dollars.

9 SENATOR DeFRANCISCO: I
10 understand. Thank you.

11 ACTING PRESIDENT KUHL: Senator
12 Waldon.

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

15 Would Senator DeFrancisco yield
16 to a question or two?

17 SENATOR DeFRANCISCO: Yes.

18 ACTING PRESIDENT KUHL: The
19 Senator yields.

20 SENATOR WALDON: Senator, are you
21 able to tell us which company will be the lead
22 company on this advertising campaign?

23 SENATOR DeFRANCISCO: I can tell

1 you. I just can't remember the name. It was
2 hired a while back. I can find that out for you
3 momentarily, but it has been selected. It was
4 selected some time ago.

5 SENATOR WALDON: If I may
6 continue, Mr. President.

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

9 SENATOR WALDON: Senator, can you
10 advise us if this was one of three companies
11 which submitted bids for this opportunity?

12 SENATOR DeFRANCISCO: It was part
13 of a bid process, correct.

14 SENATOR WALDON: If I may
15 continue, Mr. President.

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

18 SENATOR DeFRANCISCO: Yes.

19 ACTING PRESIDENT KUHL: Senator
20 continues to yield.

21 SENATOR WALDON: Senator, I have
22 an awareness -- and I'm going to say this and
23 then ask a question. I have an awareness of the

1 advertising industry. My wife was an assistant
2 art director of one of the major advertising
3 firms in this state and at a very young age
4 received national recognition in that capacity.
5 So I understand story boards. I understand what
6 it means to buy print. I understand what it
7 means to do air time, the whole nine yards, not
8 from personal experience, but just observing her
9 for many, many years.

10 Can you tell us what kind of
11 campaign has been proposed for the \$10 million
12 dollars and why we had to do it all at once in
13 that regard to the specific program, because
14 normally in these situations you pay as you go.
15 You don't pay the whole thing up front; you pay
16 a part. When that piece is delivered, you pay
17 the second part; that piece is finished, you pay
18 the next part.

19 SENATOR DeFRANCISCO: I don't
20 know the payment schedule, but I do know we had
21 a committee meeting of the tourism committee
22 about a month and half ago where the advertising
23 agency came up, showed us all the story boards,

1 all the print, gave us examples of the items
2 they were considering. I remember Senator
3 Hoffmann was there, made suggestions as to other
4 types of commercials that she felt would be more
5 appropriate, for example, using the canal system
6 as one of the bases, and using some of our
7 historic battlefields as another tourism
8 attraction.

9 That was done about a month and
10 half ago. The payment schedule, I really can't
11 tell you. I know it's not the full 10 million.
12 I can clearly say that, but the process is
13 ongoing for the rest of the year, as well.

14 SENATOR WALDON: If I may, Mr.
15 President.

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

18 SENATOR DeFRANCISCO: Yes.

19 SENATOR WALDON: Senator, I don't
20 want to -

21 ACTING PRESIDENT KUHL: Senator
22 continues to yield, Senator Waldon.

23 SENATOR WALDON: Yes, thank you,

1 Senator. I don't want to really ask the
2 question. I would like to make a request in
3 closing, that when you get the information on
4 the payment schedule and which company is being
5 utilized and other information, for those of us
6 who are not on the tourism committee, if you
7 would be kind enough to share that information
8 with us, I'd greatly appreciate it.

9 Thank you, Mr. President. Thank
10 you, Senator.

11 ACTING PRESIDENT KUHL: Chair
12 recognizes Senator Smith.

13 SENATOR SMITH: Thank you, Mr.
14 President. Would Senator DeFrancisco yield for
15 one question?

16 SENATOR DeFRANCISCO: Yes.

17 ACTING PRESIDENT KUHL: Senator
18 yields.

19 SENATOR SMITH: Senator, could
20 you possibly tell me what amount was set aside
21 in the Senate Republican version of the budget
22 that was voted on in this house in March of this
23 year?

1 SENATOR DeFRANCISCO: The same
2 amount as the Governor had, 10 million, last
3 year's amount. It was last year's. I think -
4 I got to correct myself. The extra 500,000 was
5 actually for the matching funds for the
6 agencies, the TPAs throughout the state. The
7 actual advertising budget was actually the same
8 as this past year.

9 SENATOR SMITH: You are saying
10 that this is the amount that you had originally
11 requested for the entire year in the -- in your
12 particular budget?

13 SENATOR DeFRANCISCO: That's
14 correct.

15 SENATOR SMITH: The one that you
16 then changed a few days later?

17 SENATOR DeFRANCISCO: No, no.
18 The Governor recommended 10 million in
19 advertising. The Senate passed the same 10
20 million in the advertising budget which was the
21 same as last year.

22 SENATOR SMITH: Thank you.

23 ACTING PRESIDENT KUHL: Secretary

1 will read the last section.

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

4 SENATOR GOLD: Mr. President.

5 ACTING PRESIDENT KUHL: Call the
6 roll. Senator Gold to explain his vote.

7 (The Secretary called the roll.)

8 SENATOR GOLD: Mr. President. I
9 don't think the issue is the "I Love New York"
10 program. I think it's a wonderful program, and
11 I'm glad the Governor is committed to continue
12 it. But there is a major principle here.

13 If I listen to Senator
14 DeFrancisco about localities having to plan,
15 Senator, I know you are in a hurry but the
16 localities also have to plan about their school
17 budgets, and we're driving them crazy on their
18 school budgets. They have to plan on
19 transportation costs, whether they are going to
20 have increases in the transportation costs.

21 There are day care centers, there
22 are senior centers, all wondering whether they
23 will be kept open throughout the year.

1 The Assembly, as I'm told, will
2 not pass the 10 million. So we wind up doing
3 nothing for the "I Love New York" program. I
4 personally would have no trouble voting for 2
5 million, 2.5 million, if that's what it takes to
6 get us going and get us back through the summer;
7 but as a matter of principle, it's totally
8 irresponsible to vote for one item of the budget
9 and say that this 10 million must be held in
10 place, but we don't know what the school kids
11 are going to get; we don't know what's going to
12 happen to SUNY and CUNY; we don't know what's
13 going to happen to medical costs, and nursing
14 homes. It's a ridiculous way to do a budget.
15 An emergency bill is fine. This is not an
16 emergency bill. This is one isolated item, and
17 it shouldn't be handled at the 100 percent
18 level.

19 I vote no.

20 ACTING PRESIDENT KUHL: Senator
21 Gold in the negative.

22 Senator Dollinger to explain his
23 vote.

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

3 I concur with everything that
4 Senator Gold said except I would add one other
5 one. There are construction workers in my
6 district who are sitting in the hall waiting to
7 be called out because this state hasn't passed
8 the budget. They would like to go to work on
9 projects that are going to be authorized by this
10 state in the budget. There are projects that
11 are going to be bonded that are going to put
12 those people to work. They are waiting for us
13 to finish the budget, just like the day care
14 workers and everyone else that Senator Gold
15 mentioned.

16 I got that idea from my
17 colleague, Senator Jones, who perhaps isn't as
18 interested in jumping up to point that out, but
19 I think that's critical too. There are lots of
20 people waiting for that budget. If we're going
21 to prefer "I Love New York" for funding, we
22 should just give them what's needed, \$2 million,
23 \$2.5 million. If it's \$3 million due, give them

1 the \$3 million and deal with the issue later.

2 I will be voting no.

3 ACTING PRESIDENT KUHL: Senator
4 Jones to explain her vote.

5 I apologize. If I had known
6 Senator Dollinger was going to steal your
7 thunder, I would have called on you first.

8 SENATOR JONES: I am very
9 uncomfortable the way we're approaching this. I
10 certainly support the tourism. I think we have
11 to get it started for the summer, but, you know,
12 we made people worry from week to week whether
13 or not they were going to be able to pay their
14 mortgage. As Senator Dollinger pointed out, and
15 I know I'm getting those phone calls, we got
16 people sitting there waiting. Are they even
17 going to be able to get enough weeks work on
18 construction to get unemployment, because the
19 season is going to end before they start work.

20 So I feel very uncomfortable
21 singling out one single piece here and giving
22 them their entire year's budget with so many
23 things left hanging.

1 I certainly would have supported
2 it if you could have given me the figure that it
3 would have taken to get the summer going and
4 whatever number of months, I could have
5 supported it, but I can't support it the way
6 it's out here today.

7 I vote no.

8 ACTING PRESIDENT KUHL: Senator
9 Jones in the negative.

10 Announce the results.

11 THE SECRETARY: Those recorded in
12 the negative on Calendar Number 1006 are
13 Senators Abate, Connor, Dollinger, Gold, Jones,
14 Mendez, Montgomery, Onorato, Paterson, Smith and
15 Senator Waldon. Ayes 42, nays 11.

16 ACTING PRESIDENT KUHL: The bill
17 is passed.

18 Chair recognizes Senator Maziarz.

19 SENATOR MAZIARZ: Mr. President.
20 Could we please take up Calendar Number 1002,
21 please.

22 ACTING PRESIDENT KUHL: Secretary
23 will read Calendar Number 1002.

1 THE SECRETARY: Calendar Number
2 1002, Budget Bill, Senate Print 5189, an act to
3 provide for payments to licensed day care
4 centers and family day care homes under the
5 child and adult care food program.

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

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 53.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 Senator Maziarz.

17 SENATOR MAZIARZ: Mr. President.
18 Can we please take up Calendar Number 1003.

19 ACTING PRESIDENT KUHL: Secretary
20 will read Calendar Number 1003.

21 THE SECRETARY: Calendar Number
22 1003, Budget Bill, Senate Print 5190, an act
23 making an appropriation for the support of

1 government.

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

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 53.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 Senator Maziarz.

13 SENATOR MAZIARZ: Mr. President.
14 May we please take up Calendar Number 1004,
15 please.

16 ACTING PRESIDENT KUHL: Secretary
17 will read Calendar Number 1004.

18 THE SECRETARY: Calendar Number
19 1004, Budget Bill, Senate Print 5191, an act
20 making an appropriation for the support of
21 government.

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

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

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 53.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 Senator Maziarz.

10 SENATOR MAZIARZ: Mr. President.
11 Can we please take up Calendar Number 1007.

12 ACTING PRESIDENT KUHL: Secretary
13 will read Calendar Number 1007.

14 THE SECRETARY: Calendar Number
15 1007, Budget Bill, Senate Print 5194, an act to
16 provide for payments to municipalities and to
17 providers of medical services under the medical
18 assistance program.

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

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

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 53.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 Senator Maziarz.

7 SENATOR MAZIARZ: Mr. President.

8 Can we please take up Calendar Number 1055.

9 ACTING PRESIDENT KUHL: Secretary
10 will read Calendar Number 1005.

11 THE SECRETARY: Calendar Number
12 1005, Budget Bill, Senate Print 5192, an act to
13 provide for payments to pharmacies under the
14 Elderly Pharmaceutical Insurance Coverage
15 Program and making an appropriation therefor.

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

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 53.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 Senator Maziarz.

4 SENATOR MAZIARZ: Mr. President.
5 May we return to the controversial calendar,
6 please.

7 ACTING PRESIDENT KUHL: Secretary
8 will continue to call the controversial calendar
9 commencing with Calendar Number 475.

10 THE SECRETARY: On page number
11 16, Calendar Number 475, by Senator Cook, Senate
12 Print 4140A, an act to amend the Education Law.

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

15 ACTING PRESIDENT KUHL: Lay the
16 bill aside for the day at the request of the
17 sponsor.

18 THE SECRETARY: Calendar Number
19 501, by Senator Farley, Senate Print 2674, an
20 act to amend the Personal Property Law and the
21 General Business Law, in relation to the taking
22 of a purchase money security interest.

23 SENATOR PATERSON: Explanation.

1 ACTING PRESIDENT KUHL: Senator
2 Farley, an explanation has been asked for by
3 Senator Paterson.

4 SENATOR FARLEY: Thank you, Mr.
5 President. This bill would entail -- excuse
6 me. It would enable retail merchants in New
7 York to take a security interest in certain high
8 value merchandise sold under the revolving
9 credit agreement. New York is the only state in
10 the nation which prohibits a security interest.
11 There is no evidence that in the other 49 states
12 that the consumers are harmed or merchants
13 unduly enriched by the ability to receive
14 payment for goods purchased.

15 This bill also contains consumer
16 protection provisions far in excess of any other
17 state. They have been described by a committee
18 of the State Bar Association as landmark in
19 nature. That's in consumer protection.

20 The retail industry in New York
21 State employs nearly a million people, many
22 part-time and low-income people. Retail
23 employment is in decline. Restrictive laws

1 which prevent merchants from collecting payment
2 for items sold can only contribute to business
3 losses which lead to job losses.

4 This bill is essentially the same
5 which passed both houses in 1992. The Senate
6 vote was 44 to 16, and it was vetoed by then
7 Governor Cuomo.

8 The veto referenced the overall
9 interest rate deregulation issue, and that issue
10 was resolved in 1994. That was the reason for
11 his veto because he wanted to see deregulation
12 of interest.

13 The companion Assembly bill is
14 sponsored by Assemblymen Feldman, Farrell,
15 Lafayette, Green, Kaufman and Ramirez. I expect
16 that this bill will become law.

17 ACTING PRESIDENT KUHL: Chair
18 recognizes Senator Paterson.

19 SENATOR PATERSON: Thank you, Mr.
20 President. Would Senator Farley be willing to
21 yield for a question?

22 SENATOR FARLEY: I would be happy
23 to.

1 ACTING PRESIDENT KUHL: Senator
2 Farley, do you yield? Senator yields.

3 SENATOR PATERSON: Senator
4 Farley, why is there no minimum financial amount
5 level that would be the level that would trigger
6 a repossession process?

7 SENATOR FARLEY: Why is there no
8 minimum?

9 SENATOR PATERSON: Right. For
10 instance, if a person is \$5 in arrears, after
11 the 30-day period has elapsed, theoretically you
12 might be able to come over and repossess
13 something that costs thousands of dollars.

14 SENATOR FARLEY: We're talking
15 about a significant item and, of course, again,
16 it has to be more than \$200.

17 I understand your question. I'm
18 just checking to see if there is -- the account
19 must be in default for 30 days before the notice
20 is sent. The buyer is given an additional 30
21 days.

22 All right. I don't have that.
23 Gosh, he's got about 15 pages here of

1 information.

2 I can't answer that question,
3 Senator Paterson. I'm sorry. Why is there no
4 minimum? I guess there isn't one. There is on
5 almost all security interest, I could answer it
6 that way.

7 ACTING PRESIDENT KUHL: Senator
8 Paterson.

9 SENATOR PATERSON: Thank you,
10 Senator Farley. I have a couple of other
11 questions, if Senator Farley will yield.

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

14 SENATOR FARLEY: All right.

15 ACTING PRESIDENT KUHL: Senator
16 does.

17 SENATOR PATERSON: Senator
18 Farley, I notice that the agreements are not
19 written in large type. Also for those who might
20 not have had the presentation made in English,
21 the agreements are not written in the same
22 language as the presentation may have been, and
23 you said earlier that it has the strongest

1 consumer protection issues that are involved in
2 any other state, but I find the two of them to
3 be important issues.

4 But if you would yield for a
5 question, and you said that you would, my
6 question is, at the time that the account is
7 actually opened, there has to be a notification
8 of the buyer that there is this security
9 interest, but the item that may be bought at
10 that time might not actually be one that is over
11 \$200, so it is not necessarily eligible; in
12 other words, we're just allowing the consumer to
13 know that a security interest exists, that they
14 are in an account that could later have a
15 security interest.

16 My question is, at the point that
17 they actually purchase the item that could be
18 repossessed, do you think it would have been
19 better to have written the legislation to
20 reflect it at that time as well, because that's
21 the real big ticket item, and that's -- the
22 consumer down the road may not realize he would
23 incur the repossession?

1 SENATOR FARLEY: Okay. Let me,
2 generally speaking, discuss disclosure
3 requirements, and we did expand them. You know,
4 over the last two decades, several changes have
5 taken place in both the state and federal
6 treatment of these types of financing agreements
7 and in the practical application and management
8 of consumer financing accounts, the major change
9 in federal regulation in 1982 was the "truth in
10 lending." That is Federal Reserve Regulation
11 Z. Because New York's closed end agreements
12 permit more than one transaction on an account,
13 the amendments treated them as open-ended for
14 federal disclosure purposes.

15 Similarly New York's personal
16 property law subjects both types of accounts to
17 the disclosures required in the "Truth in
18 Lending" regulation; hence, as far as the
19 consumer can see, there is no distinction
20 between the types of account as far as regulated
21 disclosure is concerned.

22 SENATOR PATERSON: Mr. President.

23 ACTING PRESIDENT KUHL: Senator

1 Paterson.

2 SENATOR PATERSON: I have one
3 last question, Senator Farley.

4 ACTING PRESIDENT KUHL: Senator
5 Farley, do you yield to one more question? The
6 Senator yields.

7 SENATOR FARLEY: I'll try.

8 ACTING PRESIDENT KUHL: Senator
9 Farley, as you know, many of these retailers
10 have in their agreements very high, almost
11 astronomical, interest rates, 18 to 23 percent
12 at times and, if we are going to pass this bill
13 which is going to be adding protection for
14 retailers, why are we not insisting that the
15 retailers bring these interest rates down to
16 consumers of New York State?

17 SENATOR FARLEY: Well, that's an
18 ongoing question. So many times on the interest
19 rates with credit cards, and so forth -- I don't
20 want to go into past history, but when Senator
21 D'Amato proposed capping credit card interest
22 rates, it really blew up from the point of view
23 -- from the general public's point of view that

1 they just will not make them available to people
2 that -- that want the credit cards and revolving
3 credit.

4 I couldn't agree with you more,
5 and I would have -- probably concur that, for
6 instance, some of these retail rates are very,
7 very high, but people that want to use them and
8 avail themselves to it that need that item and
9 they're willing to pay that, that's all part of
10 the marketplace and, believe me, even in the
11 area of credit cards -- because I'll use that as
12 a retail credit situation -- there are
13 competitive rates that are down to seven and
14 eight percent.

15 You can see those -- Senator
16 Markowitz, I think, announced last year in Money
17 Magazine and in some of the other financial
18 magazines where you can apply for a credit card
19 that has lower interest rates as I'm sure that
20 retailing, which is very competitive, will
21 probably bring down the rates on some of these
22 security interests in order to attract business.

23 SENATOR PATERSON: Mr. President.

1 SENATOR FARLEY: I can't justify
2 the high rates standing here, Senator Paterson.

3 ACTING PRESIDENT KUHL: Senator
4 Paterson.

5 SENATOR PATERSON: Mr. President,
6 may I make a suggestion to Senator Farley?

7 SENATOR FARLEY: Sure.

8 SENATOR PATERSON: Why don't we
9 sunset this particular legislation, Senator, and
10 then at that point we would be able to gauge
11 whether or not the interest rates went down, and
12 the reason I make the suggestion is because what
13 drove the interest rates to the point that they
14 are now, averaging sometimes 20 percent, which
15 is really quite a lot, was the fact that they
16 were not secured creditors, the fact that they
17 were unsecured so, in other words, this was the
18 reason that they told us they needed to have
19 this interest rate, but now that they've come
20 and told us that they want to create a
21 circumstance where they are secured creditors,
22 they haven't said, "And when you do, we'll let
23 you have the interest rate back." I think

1 they're kind of having their cake and eating it
2 too.

3 So my suggestion is that we have
4 some sort of opportunity to give ourselves a
5 second chance, lest the consumers of New York
6 State, all around the state, would suffer from
7 now being put in this position of having
8 repossessions and at the same time you are
9 paying, I think, exorbitantly high interest
10 rates.

11 SENATOR FARLEY: Well, Senator
12 Paterson, you make the point but, again, let's
13 go back to square one where we started. 49
14 states allow the consumer to be able to buy
15 these items with a security interest.
16 Otherwise, they wouldn't be able to purchase
17 it. We could have a sunset in this, but all
18 we're doing is bringing New York State in line
19 with the rest of the nation in allowing our
20 consumers to make that choice.

21 Now, we could sunset this and do
22 many other things but, again, with deregulation,
23 if there's anything that is competitive in our

1 society -- and I happen to think that the
2 financial industry is competitive, but it's
3 certainly retailing -- we see how viciously
4 competitive sometimes they are as far as driving
5 other people out of business. I think that
6 maybe you're going to see Congress or the
7 Legislature look at some of these unfair trade
8 practices in retailing because they drive people
9 out of business.

10 I truly believe that this offers
11 the consumer the most protection of any security
12 interest legislation in the nation. It's been
13 applauded in different retailing magazines. It
14 also gives the consumer of New York State an
15 opportunity to have security interests to be
16 able to buy rather expensive property when,
17 let's say, their credit is not the best in the
18 world, that they wouldn't be able to go out and
19 get a low interest loan, and you're speaking of
20 persons -- generally speaking young people that
21 are trying to get started, and so forth,
22 building up their credit and building up an
23 opportunity to set up a home.

1 I think it's a good piece of
2 legislation and one that has been pretty
3 generally received in both houses here in the
4 Legislature.

5 ACTING PRESIDENT KUHL: Senator
6 Paterson.

7 SENATOR PATERSON: Mr. President,
8 I want to thank Senator Farley.

9 SENATOR FARLEY: Thank you.

10 SENATOR PATERSON: He was very
11 responsive and just on the bill, if I might add.

12 ACTING PRESIDENT KUHL: Senator
13 Paterson on the bill.

14 SENATOR PATERSON: While Senator
15 Farley made a case for how this is very popular
16 around the country, it's very popular to have
17 this type of added, in a sense, incentive for
18 retailers and gives them a very powerful
19 weapon. What I probably would have wanted that
20 would have enabled me to vote for the bill was
21 some assurance that in those 49 states that now
22 have the purchase money security interest, that
23 the interest rates in those states have gone

1 down.

2 I do not know the answer to that
3 question. If Senator Farley wishes to enlighten
4 us, I'd certainly like to hear it because my
5 fear is that perhaps in a lot of those states
6 you have consumers now wishing they hadn't put
7 the purchase money security interests in, and
8 even with the added consumer protections that we
9 have allowed in this legislation, as I said, we
10 don't require that the security interest be
11 written in the same language as the
12 presentation. They're not required to be
13 written in very large print.

14 We have the situation where the
15 security interest is made available, the
16 possibility of it at the opening of an account,
17 but that when the actual item that meets the
18 threshold for the repossession is purchased, you
19 don't have any notification procedure at that
20 particular point and, finally, as you pointed
21 out earlier, there's no minimum amount of money
22 that the consumer would owe, so the consumer
23 could owe one dollar on a \$1200 console and get

1 it repossessed because they are one dollar in
2 arrears. It might have just been a technical or
3 computer problem.

4 And so I think that it's headed
5 in the right direction to be in compliance with
6 the rest of the country, but I just wish that
7 the bill addressed some of the issues that I've
8 raised.

9 Thank you, Mr. President.

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

12 THE SECRETARY: Section 3. This
13 act shall take effect on the 90th day.

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT KUHL: Announce
18 the results when tabulated.

19 THE SECRETARY: Those recorded in
20 the negative on Calendar Number 501 are Senators
21 Abate, Gold, Kruger, Leichter, Markowitz,
22 Mendez, Onorato, Oppenheimer, Paterson, Smith,
23 Stavisky and Waldon. Ayes 42, nays 12.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 Senator Stavisky, why do you
4 rise?

5 SENATOR STAVISKY: Mr. President,
6 on Calendar Item 473, would you be kind enough
7 to record me in the negative?

8 ACTING PRESIDENT KUHL: Without
9 objection. No objections being heard, Senator
10 Stavisky will be recorded in the negative on
11 Calendar Number 473.

12 Senator Leichter, why do you
13 rise?

14 SENATOR LEICHTER: Mr. President,
15 may I have unanimous consent to be recorded in
16 the negative on Calendar 1006?

17 ACTING PRESIDENT KUHL: Without
18 objection. No objections being heard, Senator
19 Leichter will be recorded in the negative on
20 Calendar Number 1006.

21 Senator Libous, why do you rise?

22 SENATOR LIBOUS: Mr. President,
23 may I also have with unanimous exception to be

1 recorded in the negative on Calendar Number 840,
2 please?

3 ACTING PRESIDENT KUHL: Without
4 objection. No objection being heard, Senator
5 Libous will be recorded in the negative on
6 Calendar Number 840.

7 Senator Skelos.

8 SENATOR SKELOS: Mr. President,
9 Senator Goodman informs me that the objection to
10 Calendar Number 814 has been removed, if we
11 could call it up at this time and vote.

12 ACTING PRESIDENT KUHL: The
13 Secretary will read the title to Calendar Number
14 814.

15 THE SECRETARY: On page 37,
16 Calendar Number 814, by Senator Goodman, Senate
17 Print 1618-A, an act to amend the Penal Law, in
18 relation to consecutive terms of imprisonment
19 under certain circumstances.

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

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

1 November.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 54.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 The Chair recognizes Senator
9 Skelos.

10 SENATOR SKELOS: If we could go
11 back to the controversial calendar, regular
12 order.

13 ACTING PRESIDENT KUHL: The
14 Secretary will continue to call the
15 controversial calendar in order.

16 THE SECRETARY: On page 28,
17 Calendar Number 707, by Senator Saland, Senate
18 Print 2916, an act to amend the State
19 Administrative Procedure Act, in relation to
20 including the Workers' Compensation Board under
21 the scope of the act's provisions.

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

1 THE SECRETARY: Section 3. This
2 act shall take effect on the 30th day.

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 54.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 722, by Senator Saland, Senate Print 2039, an
11 act to amend the Public Health Law and the
12 Executive Law, in relation to court
13 authorization for human immunodeficiency virus
14 related testing for certain sex offenders.

15 ACTING PRESIDENT KUHL:
16 Explanation.

17 SENATOR SALAND: Mr. President,
18 please lay it aside until tomorrow -- tomorrow's
19 calendar.

20 ACTING PRESIDENT KUHL: Calendar
21 Number 722 will be laid aside for the day at the
22 request of the sponsor.

23 The Secretary will continue to

1 call the controversial calendar.

2 THE SECRETARY: Calendar Number
3 760, by Senator Marchi, Senate Print 742, an act
4 to amend the Real Property Law, in relation to
5 modifying the real estate continuing education
6 requirement.

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

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

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes -

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

17 THE SECRETARY: Ayes 53, nays 1,
18 Senator Leichter recorded in the negative.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 769, by Senator DiCarlo, Senate Print 3962, an
23 act to amend the Real Property Law, in relation

1 to occupation of premises for unlawful purposes.

2 SENATOR DOLLINGER: Explanation.

3 ACTING PRESIDENT KUHL: Senator
4 DiCarlo, an explanation of Calendar Number 769
5 has been asked for by Senator Dollinger.

6 SENATOR DiCARLO: Yes, Mr.
7 President (inaudible-inoperable microphone).

8 SENATOR DOLLINGER: Mr.
9 President.

10 ACTING PRESIDENT KUHL: Senator
11 Dollinger.

12 SENATOR DOLLINGER: I just rise.
13 I think this is a good bill. I think it -- I
14 know that a number of us have had bills in about
15 bawdy houses and the use of bawdy houses. This
16 is a good bill that I think expands the powers
17 of neighborhood groups to deal with the problem
18 of drug infestation in their neighborhood, and I
19 commend Senator DiCarlo. I know a number of us
20 have pushed similar bills in the past, but it's
21 good to see that we're doing it. This is a good
22 idea.

23 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 54.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 ACTING PRESIDENT KUHL: Calendar
11 Number 816, by Senator Kuhl, Senate Print 3234,
12 an act to amend the Penal Law, in relation to
13 criminal possession of a weapon in the third
14 degree.

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

17 THE SECRETARY: Section 2. This
18 act shall take effect on the 1st day of
19 November.

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 54.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 826, by Senator Volker, Senate Print 4297, an
5 act to amend the Civil Rights Law, in relation
6 to access to personnel files of parole officers
7 and warrant officers.

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

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 54.

16 ACTING PRESIDENT KUHL: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 839, by Senator Lack, Senate Print 2826-A, an
20 act to amend the Judiciary Law, in relation to
21 payment of expenses in attorney disciplinary
22 proceedings.

23 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

2 SENATOR DOLLINGER: Mr.
3 President, I had asked to lay that bill aside
4 and I've had a discussion with Senator Lack. My
5 questions have been resolved.

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

8 THE SECRETARY: Section 2. This
9 act shall take effect in 90 days.

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 54.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 Senator Skelos, that completes
17 the controversial calendar. Senator Montgomery
18 has risen to be recognized.

19 Senator Montgomery, why do you
20 rise?

21 SENATOR MONTGOMERY: Thank you,
22 Mr. President.

23 I would like to be recorded in

1 the negative on Calendar Number 501.

2 ACTING PRESIDENT KUHL: Without
3 objection.

4 SENATOR MONTGOMERY: Thank you.

5 ACTING PRESIDENT KUHL: No
6 objection being heard, Senator Montgomery will
7 be recorded in the negative on Calendar Number
8 501.

9 Senator Skelos, we have some
10 housekeeping.

11 SENATOR SKELOS: Please recognize
12 Senator Farley.

13 ACTING PRESIDENT KUHL: We'll
14 return to motions and resolutions.

15 Senator Farley.

16 SENATOR FARLEY: Thank you,
17 Senator Skelos.

18 Mr. President, on behalf of
19 Senator Saland, on page 52, I offer the
20 following amendments to Calendar Number 937,
21 Senate Print 4009, and I ask that that bill
22 retain its place on the Third Reading Calendar.

23 ACTING PRESIDENT KUHL: The

1 amendments are received and adopted. The bill
2 will retain its place on the Third Reading
3 Calendar.

4 Senator Farley.

5 SENATOR FARLEY: On behalf of
6 Senator DiCarlo, on page 61, I offer the
7 following amendments to Calendar Number 195,
8 Senate Print 2503, and I ask that that bill
9 retain its place.

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

14 Senator Farley.

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

17 On behalf of Senator Cook, on
18 page 56, I offer the following amendments to
19 Calendar Number 967, Senate Print 3961, and I
20 ask that that bill retain its place too.

21 ACTING PRESIDENT KUHL: Calendar
22 Number 967, the amendments are received and
23 adopted. The bill will retain its place on the

1 Third Reading Calendar.

2 The Chair recognizes Senator
3 DiCarlo -- or, excuse me, DeFrancisco.

4 SENATOR DeFRANCISCO: May I have
5 unanimous consent to be recorded in the negative
6 on Calendar Number 840?

7 ACTING PRESIDENT KUHL: Without
8 objection. Hearing no objection, Senator
9 DeFrancisco will be recorded in the negative on
10 Calendar Number 840.

11 Senator Skelos, we have a couple
12 substitutions at the desk.

13 SENATOR SKELOS: Please make the
14 substitutions.

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

17 THE SECRETARY: On page 7,
18 Senator DeFrancisco moves to discharge from the
19 Committee on Rules Assembly Print Number 917-A
20 and substitute it for the identical Calendar
21 Number 206.

22 On page 27, Senator Trunzo moves
23 to discharge from the Committee on Rules

1 Assembly Bill Number 7394 and substitute it for
2 the identical Third Reading Calendar 690.

3 On page 58, Senator Farley moves
4 to discharge from the Committee on Rules
5 Assembly Bill Number 184-A and substitute it for
6 the identical Calendar Number 983.

7 ACTING PRESIDENT KUHL: The
8 substitutions are ordered.

9 The Chair recognizes Senator
10 Wright.

11 SENATOR WRIGHT: Thank you, Mr.
12 President.

13 I would request unanimous consent
14 to be recorded in the negative on Calendar
15 Number 840.

16 ACTING PRESIDENT KUHL: Without
17 objection. Hearing no objection, Senator Wright
18 will be recorded in the negative on Calendar
19 Number 840.

20 Senator Skelos.

21 SENATOR SKELOS: Mr. President,
22 there being no further business, I move we
23 adjourn until Tuesday at 11:00 a.m.

1 ACTING PRESIDENT KUHL: Without
2 objection, the Senate stands adjourned until
3 tomorrow, Tuesday, May 23rd at 11:00 a.m..

4 Prior to that, Senator Nozzolio.

5 SENATOR NOZZOLIO: Negative on
6 Calendar Number 840.

7 ACTING PRESIDENT KUHL: Without
8 objection. Hearing no objection, Senator
9 Nozzolio will be recorded in the negative on
10 Calendar Number 840.

11 Again, without objection, the
12 Senate stands adjourned until tomorrow -- note
13 the change of time -- tomorrow, Tuesday, at
14 11:00 a.m.

15 (Whereupon, at at 5:10 p.m., the
16 Senate adjourned.)

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