ALBANY, NEW YORK

February 12, 1996

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

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

THE PRESIDENT: The Senate will come to order. Would everyone please rise and join me in the Pledge of Allegiance.

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

The invocation today will be given by Reverend Jim Lee, minister of the Unity East Church Center in Brooklyn.

REVEREND JIM LEE: This is 1996 and these are the best of times and at times these are the worst of times. These are the times in which some people are experiencing wealth and prosperity and then these are times when some people are destitute and poor, and as lawmakers you are making some interesting, very interesting decisions, and I know out of your decisions, some of them in which you will be cheered and some in which you will be jeered, but throughout it all, will you make your decisions on the right or on the left?

Today I'm going to ask you to take a look at the center and at the center of

your being where the presence of the spirit lies so that you can make the right decisions for all.

So let us take a moment now in this quiet time and offer up in this moment that today will be a day of great decisions and discovery, that today will be a day in which God will lead the way in making the right decisions that will be the best of times for everyone, that this moment be the moment of great opportunity to turn to God first before any decisions are made and with God as your partner in making these decisions, you will be assured that the best outcome will be made in every situation.

So Almighty God, we ask that You come forth today, that You come forth in a mighty way that in chaos, that You bring divine order; in the midst of hatred and mistrust, that you bring Your love; in the midst of doubt, that You bring fear and in the midst of indecisions, that You bring Your divine wisdom.

Almighty God, we thank You in

advance for the spirit that lies within each and every person that is allowing these lawmakers to make the right decision, to make this the best of times for all of New York. This we ask in Your name and so it is. Amen.

THE PRESIDENT: Amen.

The reading of the Journal.

THE SECRETARY: In Senate, Friday, February 9th. The Senate met pursuant to adjournment, Senator Hoblock in the Chair upon designation of the Temporary President. The Journal of Thursday, February 8th, was read and approved. On motion, the Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

The Secretary will read.

THE SECRETARY: The Governor returned without executive approval the Senate Bill Number 5779 entitled "An act to amend the Civil Service law," in relation to providing

jurisdiction to the Public Employment Relations Board."

THE PRESIDENT: Senator Trunzo.

SENATOR TRUNZO: Madam President, I request that the veto message be laid upon the table.

THE PRESIDENT: So ordered.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Marchi, from the Committee on Corporations, Authorities and Commissions, reports the following bills:

Senate Print 425, by Senator Skelos, an act to amend the Business Corporation Law, in relation to corporate finance;

4509, by Senator Saland, an act to amend the Not-for-Profit Corporation Law, in relation to eliminating limitations;

5429, by Senator Marchi, an act to amend the New York State Urban Development Corporation Act, in relation to the name of the New York State Urban Development Corporation;

5430, by Senator Marchi, an act

to amend the Public Authorities Law, in relation to indemnification of the members of the boards of directors;

And 5814, by Senator Present, an act to amend the Public Authorities Law, in relation to removing the village of Alfred from the Alfred-Almond-Hornellsville Sewer Authority.

All bills ordered directly to third reading.

THE PRESIDENT: The bills will go directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

On behalf of myself, actually, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause,

and I'll read those numbers: 3856, 4629, 4977, 4997, 5408.

THE PRESIDENT: The enacting clauses will be struck.

SENATOR LIBOUS: Madam President, on behalf of myself, I'd like also to place a sponsor's star on Calendar Number 191.

THE PRESIDENT: The bill is starred.

SENATOR LIBOUS: And, Madam President, on behalf of Senator Levy, I wish to call up Calendar Number 187, Assembly Print Number 6048-B.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 187, by member of the Assembly Weisenberg, Assembly Print Number 6048-B, an act to amend the Vehicle and Traffic Law, in relation to making it a felony to operate a school bus while under the influence of alcohol or drugs.

SENATOR LIBOUS: Madam President, I now move to reconsider the vote by which this

Assembly bill was substituted for bill -- Senate Print Number 380 on February 7th.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 46.

SENATOR LIBOUS: I now move that Assembly Bill Number 6048-B be recommitted to the Committee on Alcoholism and Drug Abuse and that the Senate bill be restored to the order of Third Reading Calendar.

THE PRESIDENT: The Senate bill is restored.

Senator Libous.

SENATOR LIBOUS: Madam President, again on behalf of Senator Levy, I wish to call up his bill, Calendar Number 186, Assembly Print 1894.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 186, by member of the Assembly Bragman, Assembly

Print 1894, an act to amend the Vehicle and Traffic Law, in relation to civil penalties imposed for alcohol or drug-related offenses.

SENATOR LIBOUS: I now move to reconsider the vote by which this Assembly bill was substituted for Senate Print Number 371 on February 7th.

THE PRESIDENT: Call the roll on reconsideration, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 46.

SENATOR LIBOUS: Madam President, I now move that Assembly Bill, Print Number 1894, be recommitted to the Committee on Transportation and that the Senate bill be restored to the order of Third Reading Calendar.

THE PRESIDENT: The Senate bill will be restored.

Senator Rath.

SENATOR RATH: Madam President, I would move that the following bill be discharged from its committee and be recommitted with

instructions to strike the enacting clause: Bill Number 2038.

THE PRESIDENT: The bill is recommitted and the enacting clause is struck.

SENATOR LAVALLE: Madam President.

THE PRESIDENT: Oh, Senator LaValle.

SENATOR LAVALLE: Madam President, I move that the following bill be discharged from its committee and be recommitted with instructions to strike the enacting clause. That's Senate Print Number 6031-A.

Also, Madam President, on page 6, I offer the following amendments to Calendar Number 110, Senate Print Number 5765 and ask that said bill retain its place on the Third Reading Calendar.

Madam President, on behalf of Senator Leibell, on page 14, I offer the following amendments to Calendar Number 214, Senate Print Number 3480, and ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The enacting clause is struck and the amendment is received.

Senator Maziarz.

SENATOR MAZIARZ: Madam President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Number 5229.

THE PRESIDENT: The enacting clause is struck.

SENATOR MAZIARZ: Madam President, on page number 6, I offer the following amendments to Calendar Number 90, Senate Print Number 5183-A and ask that said bill retain its place on third calendar reading.

THE PRESIDENT: The amendments are received.

SENATOR MAZIARZ: Thank you, Madam President.

THE PRESIDENT: Senator Trunzo.

SENATOR TRUNZO: Madam President, I move to take from the table Senate Bill Number 5779 as vetoed by the Governor.

THE PRESIDENT: So ordered.

Senator Trunzo.

SENATOR TRUNZO: Madam President, I now move to override the Governor's veto of said bill.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 52, by Senator Trunzo, Senate Print 5779, an act to amend the Civil Service Law, in relation to providing jurisdiction to the Public Employment Relations Board.

THE PRESIDENT: Senator Bruno, the bill will become a law notwithstanding the veto of the Governor. Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Madam President, to vote to sustain the Governor's veto, how would one vote, yes or no? As you phrased the question, I wasn't sure.

THE PRESIDENT: We're voting on

the bill. If you want the bill to become a law notwithstanding the veto, a yes vote overrides the Governor's veto.

SENATOR LEICHTER: Okay. Thank you, Madam President. If I may be heard to explain my vote.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Madam President, this is politically a most interesting and one might say unique situation. I can't remember in the term of any Governor that he was overridden so early in his term. I have not agreed with Governor Pataki on most issues, but on this particular issue, I do agree with him, and I will vote to sustain the Governor's veto, and I would like to explain why.

I think -- I have the greatest respect for the police in New York City or throughout the state. I don't think we need to spend any time extolling how much we are grateful for the work they do, their commitment, and there's no question that they're underpaid

for the difficult job that they do, but I think to have the state Legislature interfere in this fashion in the city of New York and to change a system which has existed as a result of collective bargaining, as a result of agreements between the unions and the city of long standing -- now, there may be a better way of doing it. There may be a fairer way of doing it. It may well be that the uniformed forces in the city of New York deserve higher pay and for that matter, I think they do, and I think that the same thing can be said of other public employees, but the problem that I have -- and throughout my years here there have been a number of instances where I have been bothered by bills where the Legislature puts its heavy hand on the city of New York totally disregarding home rule, paying no attention to the mayor of the city of New York in saying, "We're going to tell you what the police are going to do. We're going to tell you when they're going to work. We're going to tell you what guns they're going to carry. We're going to tell you when they can be

promoted and now we're going to tell you how they're going to conduct collective bargaining," and I submit to you that that is wrong.

I think the mayor of New York deserves the support, not only of the legislators from the city of New York; he deserves the support of all the legislators, and I think the Governor did a principled position here -- he took a principled position. He deserves to be supported and, frankly, I'm surprised that his own party is abandoning him at this time.

Madam President, I vote to sustain the Governor's veto. As you phrased the question, I, therefore, vote no.

THE PRESIDENT: Senator Waldon to explain his vote.

SENATOR WALDON: Thank you very much, Madam President.

My colleagues, this is an issue of disparity, meaning the vote that we're taking. Police officers and fire officers in the city of New York, from what I read in the

newspapers, are in as great a danger as in any other jurisdiction in this country in the performance of their duties. In fact, I believe that the law enforcement and fire department personnel of this great city that I am from are in greater danger than other jurisdictions.

If you turn on the news at 6:00 o'clock, it is not foreign to see someone at a funeral for either a fire department person or a New York City police person. They, on a daily basis, are the good samaritans of the '90s. They put their lives on the line for people they don't even know.

Therefore, I think it is incumbent upon us -- and I applaud Senator Bruno in his wisdom for bringing this before us for consideration -- that we do what is right. It would be injudicious and not the right thing to do not to give the law enforcement personnel and the fire department personnel of New York City the same rights in terms of their earning power and the ability to take care of their families as those what are in Suffolk County, Nassau

County, Los Angeles County. These men and women are too far underpaid, and it can be resolved if PERB comes to the rescue.

And so I say, let's do what is right. Let's do what is just. Let's allow their collective bargaining to be done in an arena that will be fair to them. Unfortunately, on this one, I think the mayor is wrong. On this one, I think the Governor is wrong, but we're not here to belabor that. We're here to talk about who will be right on this issue. It will be the law enforcement and fire department personnel of this great city of New York and the legislators of this great state of New York.

I vote, Madam President, to override the Governor's veto.

THE PRESIDENT: Is there any other member wishing to speak?

Yes, Senator Oppenheimer.

SENATOR OPPENHEIMER: I would like to second what Senator Waldon has said. I feel the fire and the firemen -- the fire people and the police people of this state deserve -

of the City deserve the same support that they have throughout the rest of the state, and I may be the only mayor in this chamber who, you know, in my prior life was a mayor, and I can say that we lived quite well with PERB and we resolved many, many conflicts where we had sort of reached an impasse and they were there to assist us.

So I think it is the only proper thing to do for the fire and police people and I think it works well, and I'm voting -

THE PRESIDENT: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President. I too would like to join Senator Leichter in voting to sustain the Governor's veto, and I find myself in the unusual position of supporting the mayor and -- as opposed to the Governor. I usually oppose both of them, but I'm supporting the mayor, and I think that Mayor Giuliani is -- his concern about what would happen to the budget of the city of New York is certainly legitimate. It is correct and

appropriate, and while I fully support the police department, fire department and their rights to bargaining and a fair opportunity to bargain in the best of their interests, I believe also that they, as I do, and the citizens of New York City also have an obligation to bargain in good faith with the City and not to have the freedom and the right to go out and bargain with -- in another jurisdiction that is not within the City and under the mayor's control.

So I'm voting with Mayor Giuliani and I'm voting to sustain the Governor's veto, as he is apparently intending to also support the mayor of the city of New York.

THE PRESIDENT: Senator Abate.

SENATOR ABATE: I was not going to speak, but I feel that someone has to speak and correct some of the misinformation we have been hearing.

I vote to override the Governor in this case. I do not believe this bill will bankrupt New York City. If I thought it would,

I would vote against it. If you look at the history of PERB, right now the New York City Board of Education is under PERB. For a very long time, the Transit Police was under PERB. Did we see huge increases when that occurred? No. If you look at the Civil Service Law, PERB must evaluate the ability of the employer to pay. No one talks about that. If you look at OCB and, if you look at the PERB standards, both have the same standards. I believe over time the police department will see -- receive equity. That will not occur overnight.

I do not believe this bill will bankrupt the City. I think it's a fair bill. I think we need to look at the facts and that's why I still support the PERB bill.

THE PRESIDENT: Does anyone wish to speak?

Senator Bruno.

SENATOR BRUNO: Madam President, by way of explaining my vote, I would just like the members in this chamber to recognize that in the Governor's veto message, he specifically

mentioned the outstanding job that the police do in the City. 70 percent of all the violent crimes in this state happen in New York City. He recognized that the uniformed people put their lives literally on the line and in that recognition, the Governor also suggested that there should be some relationship in how the uniformed firefighters and police are paid, and while, Madam President, we recognize the tremendous task the mayor has in trying to balance a budget, we also recognize that we as a Legislature are a separate body of government, and that we must act on behalf of our constituency as we see fit, and I consequently vote aye.

THE PRESIDENT: The results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 52 are Senators DiCarlo, Leichter, Nanula and Senator Goodman. Aye -- excuse me. Those recorded in the negative on Calendar 52, Senators DiCarlo, Goodman, Leichter, Montgomery. Ayes 46, nays 4.

THE PRESIDENT: The motion to override the Governor's veto is carried.

Senator Bruno.

SENATOR BRUNO: Madam President, there is a resolution at the desk by Senator Kruger. I would move that it be read and be adopted.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Kruger, Legislative Resolution expressing sincerest sorrow upon the occasion of the death of New York City firefighter Louis Valentino, Jr.

THE PRESIDENT: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Bruno, are you ready for the calendar?

SENATOR CONNOR: Senator, can we open that up to the entire Senate?

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Yes.

If I may, just to explain my vote on that resolution.

Senator Kruger's resolution is to recognize and honor Louis Valentino, Jr. who is the firefighter who was killed last week. He was buried on Friday. He -- he was -- and I think if you read the press account, he was certainly a hero, one of many in the long line of heroes who wore a uniform in New York City, and I would, therefore, ask -- I would assume all members of the Senate would like to be on this resolution with Senator Kruger's permission.

THE PRESIDENT: Senator Bruno, do you want all members to be on this resolution?

SENATOR BRUNO: Yes, Madam President.

Thank you.

THE PRESIDENT: Senator Bruno,

are you ready for the calendar?

SENATOR BRUNO: Yes, Madam President. Can we at this time take up the non-controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 10, by Senator Lack, Senate Print 1621-B, an act to amend the Public Health Law, in relation to the sale of commercial urns.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 10 are Senators DiCarlo, Kuhl, Libous and Wright. Ayes 46, nays 4.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 63, by the Senate Committee on Rules, Senate Print 5711-A, an act to amend the Insurance Law, the Tax Law and the Administrative Code of the city of New York, in relation to the tax deductibility.

THE PRESIDENT: Read the last section.

SENATOR LEICHTER: Lay it aside.

SENATOR GOLD: Lay it aside.

THE PRESIDENT: Lay it aside.

THE SECRETARY: Calendar Number 66, by Senator Levy, Senate Print 379, an act to amend the Vehicle and Traffic Law, in relation to the suspension and restoration of a driver's license.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 112, by Senator Levy, Senate Print 388, an act to amend the Criminal Procedure Law, in relation to providing that commission of the traffic infraction "driving while ability impaired" while under a sentence of probation or conditional discharge constitutes grounds for revocation of such sentence.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number

161, by Senator Cook, Senate Print 2345-A, an act to amend the Education Law, in relation to the use of district categorical aid funds.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 162, by Senator Cook, Senate Print 2453, an act to amend the Education Law, in relation to procedures for the submission of propositions.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 168, by Senator Farley, Senate Print 267-A, an act to amend the Arts and Cultural Affairs Law, in relation to the use of permanent durable paper.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 169, by Senator Stafford, Senate Print 628, an act to amend the Tax Law, in relation to the

distribution of the additional mortgage recording tax.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 172, by Senator Holland, Senate Print 2999, an act to amend the Social Services Law, in relation to authorizing the Commissioner of Social Services to enter into an agreement.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 173, by Senator Johnson, Senate Print 5344-A, an act to amend the Social Services Law and the Criminal Procedure Law, in relation to reinvestigating recipients.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay it aside.

THE SECRETARY: Calendar Number 187, by Senator Levy, Senate Print 380, an act to amend the Vehicle and Traffic Law, in relation to making it a felony to operate a school bus while under the influence of alcohol or drugs.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 189, by Senator Stafford, Senate Print 619, an act to amend the Highway Law, in relation to prohibiting abandonment of Crane Pond Road.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay it aside.

Senator Bruno, that completes the non-controversial calendar.

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

ACTING PRESIDENT DiCARLO: The Secretary will read.

THE SECRETARY: Calendar Number 63, by the Senate Committee on Rules, Senate Print 5711-A, an act to amend the Insurance Law,

the Tax Law and the Administrative Code of the city of New York, in relation to tax deductibility.

SENATOR PATERSON: Explanation.

SENATOR BRUNO: Mr. President, can we lay this -- Senator Velella has just joined us. I think Senator Velella -

ACTING PRESIDENT DiCARLO: Senator Velella to explain the bill.

SENATOR VELELLA: Yes. This bill would extend something that we did last year for long-term care insurance. What we did last year was to allow for -- tax deductions for individ uals who buy long-term care policies. Unfortun ately the restrictions in setting that tax exemption up, or that tax deduction up, made it almost impossible to write policies for this long-term care insurance. So what we're doing here is extending the time period for these tax deductions to take place and allowing some latitude for the Superintendent of Insurance to make the regulations that would apply to what will be tax deductible for these long-term care

policies.

ACTING PRESIDENT DiCARLO: Senator Leichter.

SENATOR LEICHTER: Mr. President, if Senator Velella would yield, please.

ACTING PRESIDENT DiCARLO: Senator Velella, do you yield?

SENATOR VELELLA: Yes.

SENATOR LEICHTER: Senator, I know I voted for the bill last year, but one of my concerns last year, maybe more so this year -- and also just to refresh myself on tax consequences of that, could you explain those to us? What are the consequences as far as the tax that we're going to give up?

SENATOR VELELLA: The tax deduction would be $750 if an individual was between 55 and 60 years old, $2,000 if between 60 and 70 years old, and $2500 if over 70 years old -

SENATOR LEICHTER: And, Senator -

SENATOR VELELLA: -- to purchase

this policy.

SENATOR LEICHTER: And what would be the fiscal implications for the state?

SENATOR VELELLA: Probably would be a plus factor for the state because those individuals who would have this policy would have coverage for their long-term care and would not become a public charge.

SENATOR LEICHTER: If you would be good enough to yield.

SENATOR VELELLA: Sure.

SENATOR LEICHTER: Senator, I know we like to look at all of the bills that we do in a very positive, optimistic way and that all of them are going to actually bring in more money to the state treasury or cost us less money, but I wonder if any study has been made whether, in fact, this is likely to decrease the burden on the state. I imagine that many of these people, as they reach retirement age, they've taken out their insurance. They've gotten the state deduction. Now they reach retirement age. They move to Florida. They

will go to Arizona. Is there any way of assessing how many of them would stay here, and if they did stay here, that they would eventually become a burden on the state, whether they would qualify for Medicaid coverage? Do you have any sort of a study on this whatsoever?

SENATOR VELELLA: Senator, the actual in-depth study that, as you know, can prove to be very expensive has not been done, to my knowledge, and I think something that we rarely see here is something that we can apply, and that's called common sense. People get older. They go into nursing homes. They need long-term care. This is going to provide insurance for them so that they won't become a public charge. I think, you know, you just have to try and think it through yourself a little bit. We don't need an intensive study for everything. Older people in this state will need long-term care. If they're insured and somebody else pays, the people of the state don't have to pay. So if we walk it through

together, maybe we can save a lot of money and a lot of time for an extensive study.

SENATOR LEICHTER: Senator, I'll be happy to walk this through with you. I just don't want to walk over the cliff.

SENATOR VELELLA: I would never lead you there, Franz.

SENATOR LEICHTER: So I just question whether we don't have an obligation - I'm not asking for an expensive study but, I mean first of all, there must be actuarial tables. Secondly, we ought to be able to figure out over the life of one of these policies if people take it out, the average age they take it out, somebody can tell you, "Well, that's probably in their mid-40s." If they work until the age 65, the total amount of their deduction is going to be "X". How many of them -- and we have statistics on that, how many people do end up on Medicaid, being in nursing homes and what is the total cost? I don't think that's such a difficult study.

I can appreciate the logic of

your bill, but as you and I know, particularly when you deal with taxes, logic doesn't always prevail, and I think that we do want to make sure that this is not going to be to the financial disadvantage of the state.

SENATOR VELELLA: Well, Senator, the only thing I can say to you is that first of all, we are not making the state an insurer of the long-term care. This would be pursuant to a private policy for which premiums are charged. Private companies will sell these policies. Private companies will go through the expense of having the actuarial study to substantiate what it is that they are committing to, so that we will not have to bear that burden. It will be a private enterprise or a private company. The state Insurance Department will review the rates and review the actuarial studies submitted and if they are, in fact, sound, will approve the policies and the structure of the premium and the benefits that would accrue to the policyholder. However, there should be no major loss to the state in terms of the long-term

commitment and a minimal commitment, as I outlined to you, of $750 for someone who's of a younger age to deduct from their policy expenses.

SENATOR LEICHTER: One final question, if you would be good enough to yield, Senator. Even accepting what you say -- and I can see just looking at it without any studies it makes sense, but the other thing is we want to do this as an inducement to people to buy long-term policies, is that correct?

SENATOR VELELLA: Yes, that's correct.

SENATOR LEICHTER: Has anybody looked at it? Is anybody going to buy a long-term policy because the savings are going to be $50 a year in taxes? Is that going to really be a inducement? We may be giving a benefit to people when, in point of fact, nobody's going to make a decision based on that and it's going to be a windfall.

In fact, I want to tell you, I was approached last year having reached the ripe

old age by somebody who wanted to sell me long-term insurance, and the one thing that this broker never mentioned was, "Oh, well, the state of New York, you know, you could do this, Leichter, and you're going to get a tax deduction." So I'm not so sure that what we're doing here really isn't going to be in a sense a windfall to the insurance companies without any benefit to the state of New York or, stated in a somewhat different way, we may be giving inducements to people when there's no reason or no benefit -- I shouldn't say benefit -- no reason to give them -- to give them this inducement because they're either going to buy the policy or they're not going to buy it. I don't know whether there is going to be an inducement.

SENATOR VELELLA: Senator, would you yield to a question?

SENATOR LEICHTER: Yes.

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

SENATOR VELELLA: Would you agree

that the policy of this state ought to be to try and encourage people to provide for their long-term care, if they can financially, themselves?

SENATOR LEICHTER: I think so, Senator. I think that's true and, therefore, if this, in fact, is an inducement, as Senator Gold muttered sotto voce, so I'm going to answer him -- he said, how is this an inducement -- how is this a windfall to the insurance company? Well, it's a benefit to the insurance companies because they may very well be able to change the premiums in such a way that they may benefit, but I will agree with you, Senator Gold, that that's -- that's a point probably not -- you know, among all the points I made, we'll discard that one, but the other ones are really just questions, Senator. I maybe accept your -- you have a question.

SENATOR VELELLA: Senator, let me put your mind at rest. Private insurance companies that do sell these policies -- now, I don't mean to say anything dirty here or

anything out of order, but their intention is to make a profit off the total business. However, those people who need the services will also be benefited by it. It's the idea of spreading the risk. If you have thousands of people that buy these policies, not everybody is going to need long-term care. Those who need long-term care will use the policy. Those who died without the necessity of long-term care, will not have gotten the benefit of it, but that goes to the pool that would make up the profits, and that's why they do an actuarial study of it. That's why we're extending the bill so that the Superintendent of Insurance will have an opportunity to structure these a little more soundly.

SENATOR LEICHTER: Senator, one final question: Does -- the department of the budget or fiscal people on the second floor, are they in support of this bill?

SENATOR VELELLA: Yes, they are.

SENATOR LEICHTER: I mean, it's just that since I've become such a strong

supporter of the Governor with my vote on the - I just want to know what his position is.

SENATOR VELELLA: I might add also the New York State AFL-CIO has come out in support of this bill in this kind, Senator. That may sway you, Senator.

SENATOR LEICHTER: In all seriousness, Senator, I understand what you're trying to do and I have great respect for it. I am always concerned when we have bills that reduce state revenue, particularly this year, when our revenue seems to be so lacking for the needs and the services we have to provide, but I will accept your answers.

Thank you.

SENATOR VELELLA: Thank you.

ACTING PRESIDENT DiCARLO: Senator Onorato.

SENATOR ONORATO: Mr. President, I rise to support this bill. It came up in committee, and I go along with Senator Velella. I think in the long term it's going to save the state of New York a great deal of money when we

have an inducement for many of our citizens to purchase long-time health care, because so many of our senior citizens are deathly afraid of winding up in nursing homes and denuding themselves of all of their assets, that they start giving it away prematurely, and some of them get burned by that because they don't wind up in nursing homes, but they wind up in the poor house because they've already given all of their assets to their children and then the state winds up picking up the costs through Medicaid.

So if there's any way at all for the state to provide an inducement and an incentive for our seniors and non-seniors to purchase long-term health care, I think that this bill is one of the first steps in the right direction, and I urge my colleagues to support the bill.

ACTING PRESIDENT DiCARLO: Senator Gold.

SENATOR GOLD: Mr. President, I had a few questions, but on the other hand, I

don't want to give up if Senator Onorato is going to buy me dinner tonight.

Would Senator Velella yield to just a couple of questions?

SENATOR VELELLA: Yes.

ACTING PRESIDENT DiCARLO: Does Senator Velella yield to a couple of questions? The Senator does.

SENATOR GOLD: Senator, just to clarify for my mind, is there a federal deduction similar to this?

SENATOR VELELLA: Not to my knowledge. There is -- I'm just being updated. There is a proposed and pending action in Congress for such a deduction.

SENATOR GOLD: Fine. And the second question I have is if somebody were filing a return in New York State and using the standard deduction, I assume this would be like any other deduction. It would be part -- there wouldn't be an addition to the standard deduction. A person would have to make a decision whether they itemize or take standard

deductions, is that correct?

SENATOR VELELLA: I would assume so. You have a choice on your return.

SENATOR GOLD: Right.

SENATOR VELELLA: You can take standard or you itemize.

SENATOR GOLD: Right. And the third question I have, if I understand it properly, if someone were under 55, the amount they would be able to deduct is, I assume, the amount of their premium up to a maximum of $750, is that correct?

SENATOR VELELLA: Under 55?

SENATOR GOLD: In other words, it says limited to -

SENATOR VELELLA: As I read the bill, it's between 55 and 60 years old that the exemption starts.

SENATOR GOLD: Yeah, but it's the amount of the premium up to a maximum of 750 for that age.

SENATOR VELELLA: Correct.

SENATOR GOLD: And being a

deduction, if I could ask this question, it's not costing the state of New York $750. It would be the tax on $750. So if people were in the top bracket, we're talking about -- maybe about 48, $49.

SENATOR VELELLA: Exactly.

SENATOR GOLD: The last question is it's your opinion that somebody would or would not buy this if they could save the $48; that's the inducement, or if they were, for example, going to spend $2,000, they might be able to get $130 back, and you think that that would be encouragement to spend 2,000?

SENATOR VELELLA: I don't know that that would be the deciding factor. Obviously the cost of the policy would be more of a factor, but it would be an inducement to provide for people to go out and get their own long-term care insurance so that they would have this little bit of tax savings.

SENATOR GOLD: Yeah. In other words, your philosophy is that somebody otherwise might not spend the $2,000, but if

they were going to get $130 back of the 2,000, they might now be more intent on buying the $2,000 policy so they would get the refund check for 130.

SENATOR VELELLA: Well, I don't know. All I can say is I would think that it's part of an inducement to try to bring the costs down and help the state policy -- to encourage people to buy these policies if they're financially able to.

ACTING PRESIDENT DiCARLO: Senator Dollinger.

SENATOR DOLLINGER: Would Senator Velella yield to just a couple quick questions?

ACTING PRESIDENT DiCARLO: Senator Velella, do you yield?

SENATOR DOLLINGER: Senator, I think this is a great idea. I just want to ask, the concept of the tax deduction that accompanies the purchase, one of my questions is can you under current New York law use tax sheltered assets to buy these policies? For example, could you use your accumulated value in

your IRA or your pension plan or the cash value of your insurance policy as a source from which to buy these and include them in as an asset in your IRA?

SENATOR VELELLA: My understanding is that your tax consequences - and now I'm talking this bill does not at all address that, or does not change any law that might or might not apply. However, if you wanted to invade your own retirement funds or your IRA, I think you might suffer federal tax consequences and would have to weigh those types of consequences against the purchase of it. We don't prohibit nor do we suggest or allow for someone to invade their retirement funds to purchase these policies. All we do is provide the tax deduction. Whatever laws are in effect regarding that would stay in effect, and I don't believe it would probably be very financially rewarding for someone to do that with an IRA, let's say, but again, they would have to look at the numbers.

SENATOR DOLLINGER: Right. Again

through you, just on the bill, Mr. President, I think this is a good bill. I think it moves in the right direction. I think we could move further to encourage the use of these policies if we allowed people that use their savings - and often times they're only through IRAs or pension plans -- we allowed them to accumulate a policy like this as an asset out of these funds, we would then say to people with their minimal amount of savings that we can actually not only buy you financial security when you retire, but you could actually provide long-term care if you ever need it.

I know I've carried a bill that would convert whole life insurance policies into policies that could be used for long-term care once the person reached the life expectancy at the time they bought the policy, so you could convert it. We have that now for exceptional life needs like those who need Hospice care for long-term disease and disability, but we've never extended that to long-term care, and I would hope that we could perhaps look at that

kind of innovation and the innovation of using tax-sheltered assets like IRAs or pension plans to buy these as assets. I agree with the sponsor. This is something that we need to do, encourage to do, so that fewer people are coming knocking on our door, asking for contributions to long-term care.

So I'll be voting in favor of the bill, and I hope the trend of using this device and encouraging the use of this device and innovating in the way we use this device will continue.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

SENATOR LEICHTER: Mr. President.

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

SENATOR LEICHTER: To explain my

vote.

ACTING PRESIDENT DiCARLO:

Senator Leichter to explain his vote.

SENATOR LEICHTER: I don't know whether anybody cares, but I think I at least owe an explanation because, after having ended up being mesmerized by Senator Velella's persuasiveness and having said, "Well, I think I'll support it," as I thought more about it, I think the problem with this bill is that it's probably -- one, it's not an inducement but it is going to cost the treasury money. Finally, it really benefits a very, very small segment of our society, those people who have enough monies, first of all, that could afford such a policy and secondly, that the deduction is of any value. The real problem we have in this state is taking care of working people, middle class people who are not going to be able to take advantage of this deduction. So it really benefits primarily wealthy people, and I'm not so sure in the absence of any study -- that's really what I was getting at, Senator Velella,

when I first asked you, are there any studies that would show what the loss of revenues is going to be and how many people who are in that category -- we're talking by and large, people who make more than 100,000 a year -- end up on Medicaid in nursing homes? I imagine some do, but I don't believe that many do. So I think if you take a look at the -- on balance what this is going to do, I think it may hurt the state and not benefit the state.

So I'm sorry, Senator Velella, I'm going to vote in the negative.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Ayes 49, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT DiCARLO: The bill is still passed.

The Secretary will read.

THE SECRETARY: Calendar Number 173, by Senator Johnson, Senate Print 5344-A, an act to amend the Social Services Law and the Criminal Procedure Law, in relation to

reinvestigating recipients of public assistance.

ACTING PRESIDENT DiCARLO:

Senator Johnson, an explanation has been asked for.

SENATOR JOHNSON: Mr. President, this -- this bill would provide that upon a sentence of conviction of a welfare recipient, the local Social Services Department would be informed of that conviction so they could do a reinvestigation, determine whether, in fact, this person would continue to get benefits, whether his family was relying upon him or her and would require additional aid, and there's been some problems with this in the past.

A lot of money has been lost because payments continued several months after a person was convicted, money which was just perhaps wasted or there's been evidence of other persons using the ID cards in a fraudulent manner for several months after the recipient - intended recipient of those resources was incarcerated. So this is the deal that would rationalize the system which should have had a

rationalization long ago.

We understand originally when this bill was enacted -- first introduced in 1987 and passed in 1990, that originally the departments would look in the local paper, see who got arrested, see if they could find anybody there. There's been an ad hoc improvisation for some period of time with Social Services and DOCS have been exchanging information sporadically. We understand perhaps it's on a quarterly basis, some people say monthly basis. We think it should be immediate notification so the investigation could be done and the benefits corrected properly and in an expedient manner, save the taxpayers a lot of money and may help some people on welfare and certainly help the taxpayer by saving a lot of wasted money.

ACTING PRESIDENT DiCARLO: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I'm just looking for a little clarification, if Senator Johnson would yield

for a couple of questions.

ACTING PRESIDENT DiCARLO: Senator Johnson, do you yield?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT DiCARLO: The Senator yields.

SENATOR PATERSON: Senator Johnson -- through you, Mr. President -- there's no change in the payment schedule until the investigation is complete, am I correct?

SENATOR JOHNSON: Well, of course, Senator, of course.

SENATOR PATERSON: Secondly, the investigation relates to the situation upon the conviction of the defendant and now awaiting the sentence. So, therefore, there is not a reinvestigation on this issue after the prescribed term is served. In other words, at that point the individual who is now coming out of incarceration would reapply if they're going to Social Services, is that correct?

SENATOR JOHNSON: Senator Paterson, you're correct. The law requires

delivery of a certificate of conviction to Social Services by the court which convicted that person. So nothing would -- no investigation would go until that is accomplished.

SENATOR PATERSON: And then finally, Senator Johnson, this investigation would not affect anybody who is not awaiting sentencing.

SENATOR JOHNSON: Would not - I'm sorry, Senator. I didn't hear you.

SENATOR PATERSON: It's specific to anyone who's been convicted of a crime and is awaiting sentencing, this notification.

SENATOR JOHNSON: Senator, it's upon conviction that this investigation would take place.

SENATOR PATERSON: Exactly.

Thank you very much, Senator.

ACTING PRESIDENT DiCARLO: Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, would the Senator -

ACTING PRESIDENT DiCARLO: Senator Johnson, do you yield?

SENATOR MONTGOMERY: -- Senator Johnson yield for a question?

ACTING PRESIDENT DiCARLO: The Senator yields.

SENATOR JOHNSON: Yes, Senator.

SENATOR MONTGOMERY: Senator Johnson, I am trying to also get some clarification. The -- the recipient, the category of recipient -- is there a particular category of recipient that you're referring to, or is this either AFDC or HR or -

SENATOR JOHNSON: No. There's no particular category, Senator.

SENATOR MONTGOMERY: No particular category.

SENATOR JOHNSON: No.

SENATOR MONTGOMERY: All right. Senator Johnson, if you would yield for another question. The -- in the case of an AFDC recipient -

SENATOR JOHNSON: Yes.

SENATOR MONTGOMERY: -- the AFDC payments are for support of the children?

SENATOR JOHNSON: That's correct.

SENATOR MONTGOMERY: Okay. What happens with those payments for those -- for those children at the point when -

SENATOR JOHNSON: Senator, I'm glad you asked that question because that concerned me as well, particularly what happens to the children if the parent is incarcerated, and I think notice should go out very promptly in order that -- in order that arrangements may be made for support of the remaining family when this parent is incarcerated. Perhaps you may need foster care for these children if it's a single parent there. So certainly it will be investigated, but all we're really saying -- and these investigations do take place right now from time to time. We're saying investigate promptly, rationalize the situation, provide help where it is needed or weigh benefits or pick up the card where it isn't needed so that someone else doesn't use that service in a

fraudulent manner that this person who is incarcerated formerly was entitled to.

SENATOR MONTGOMERY: All right. Mr. President, on the bill briefly.

I just -- I'm going to vote no on this bill. I'm just not sure that all of the provisions for the children of incarcerated AFDC recipients are maintained without any break in the provisions for those children, and we certainly, I don't think -- and I'm sure that Senator Johnson does not intend either -- for the children to essentially pay for whatever crime of the parent, and we have now a thousand percent increase in the incarceration of AFDC recipients what are women and, therefore -

SENATOR JOHNSON: That concern of yours -- would you stand for a -

SENATOR MONTGOMERY: Senator, I would yield.

ACTING PRESIDENT DiCARLO: Senator Montgomery yields, Senator Johnson.

SENATOR JOHNSON: Senator Montgomery, I would like you to know that the

New York Public Welfare Association has sent a memo out in support of this bill and they - they say, among other things, that the public - what do they say? They must be assured that assistance is available to those who need it so they can promptly investigate and make sure that that aid is available, that if the tax dollars are saved by catching some people, there will be more money available to help others who really need the help. So they are in favor of a prompt reinvestigation of all these cases so the people get the benefits which they deserve and which we intend them to have through the laws we've passed. So I don't think so they have do it as a negative or beating on people at all, but immediate notice which they have lacked in the past in order to be able to do this prompt investigation.

ACTING PRESIDENT DiCARLO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Senator Johnson.

I -- Mr. President, I still have

some reservations about that. As we know, the system does not work always efficiently, as we know in New York City what happens to so many thousands of children, so we just passed a bill last year -- I mean last week, excuse me -- to address a major problem in our child welfare system. These children would more than likely come into the child welfare system, but they may also be dealt with in the context of a family in a loose way or in some other way in the community, and I would not want to see those children become victimized once again by the fact that they have a parent who is incarcerated and that the only source of support for those children would be cut off prematurely.

So I'm voting no on this bill, Mr. President.

ACTING PRESIDENT DiCARLO: Senator Mendez.

SENATOR MENDEZ: Thank you, Mr. President.

Would Senator Johnson please yield for a question?

ACTING PRESIDENT DiCARLO:

Senator Johnson, would you yield to a question? The Senator yields.

SENATOR JOHNSON: Yes, Mr. President.

SENATOR MENDEZ: Senator Johnson, if there is a father, let's say of three children, who is going to be sentenced because of a crime, while that investigation is going on, will -- the payment for the support of the kids and the wife will still be in effect?

SENATOR JOHNSON: Yes, Senator, it will.

Senator, this bill doesn't say if you're arrested, your welfare stops. It only says if you are convicted and you're going to be put away for a period of time, that a notice is sent to Social Services to reinvestigate the case. Obviously, your particular part of that check wouldn't be there, but the benefits to the rest of the family would remain, perhaps increase if it were a working parent who is incarcerated. They would obviously need more

aid than they received previously. That would also be delivered in this case.

SENATOR MENDEZ: So -- Mr. President, so, therefore, during the period of time in which that person is being reinvestigated, the children and his wife will be receiving the welfare check?

SENATOR JOHNSON: Yes, Senator.

SENATOR MENDEZ: Oh, I see.

Thank you.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50, nays 1, Senator Montgomery recorded in the negative.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 189, by Senator Stafford, Senate Print 619, an

act to amend the Highway Law, in relation to prohibiting abandonment of Crane Pond Road.

ACTING PRESIDENT DiCARLO: Senator Stafford, an explanation has been asked for.

SENATOR STAFFORD: Thank you.

Mr. President, we had passed this bill in 1991, 1992, 1994 and 1995. It is a bill that's very, very important to the people of the Essex County area.

We have a town road that has been there for years and due to the classification which has been -- the area has been classified a wilderness area, there is a problem with keeping the town road. We want to keep it open so that people will be able to enjoy the area and also those who are older and those who are not able to walk or -- maybe not walk at all.

I would point out, Mr. President, that I think this is one of the points that puts us over the top, so to speak. You can stand on this road and hear the cars on the Northway, and they're calling it a wilderness area. We would

hope that we could have the bill passed and we could see this opportunity for all within the area of New York and other areas to enjoy this area.

ACTING PRESIDENT DiCARLO: Senator Oppenheimer.

SENATOR OPPENHEIMER: We -- we have a long history with this bill. It goes back several years, and while -- while it sounds very logical what's being said by Senator Stafford -- and I do respect him and feel that he is doing what he thinks is the best thing for the area that he represents, but this issue actually is considerably larger than -- than just this one road, and this just being a road that the municipality -- the area would like to see remain open.

The fact is there is in the Adirondacks a master plan and within that master plan, there is a process where issues that are conflicting with that master plan can be resolved. The process here will be totally eliminated, and it will simply be a legislative

issue which it was never intended to be.

There is a process. The process was made just for these kind of problems that come up between the municipality, in conflict with the master plan for the area, and so as you can see, this is really much larger than just this one road and in the past, many people have voted against this -- this bill because it really does go against the structure that has been created and simply says, "Well, the Legislature can just do whatever they want. All they need is to vote their will," and the fact is we have law here and this would be against our law, and the people who voted against it in the past were the following Senators: Abate, Connor, Dollinger, Espada, Jones -- Oops! Pardon -- Leichter, Markowitz, Onorato and Stachowski and on the other side of the aisle, Goodman, Leibell and Levy.

Thank you.

ACTING PRESIDENT DiCARLO: Senator Paterson, do you wish to be heard on the bill?

SENATOR PATERSON: If the Senator would yield for a question. Thank you.

Senator, I guess it's just a concern, as Senator Oppenheimer mentioned, for the actual process, not the result that you're trying to obtain. With respect to the state land master plan and how basically it would be interpreted by the Adirondack Park Association, it's really just a concern that we the Legislature are micro-managing where it is thought by these entities that there was a hearing and there was a proper and seasonable period for this issue to be represented, and so I'll just simply ask you why you feel the Legislature needs to be intervening at this point.

SENATOR STAFFORD: Very, very fair question. First, this is so -- the mistake is so extreme, we feel that we should have legislation and we should have it changed and, again, as I said, so people can get there, people can enjoy it, the physically handicapped, as I say, the elderly, and I've noted that it's

very hard to call it wilderness when you stand there -- and it is quite interesting to be standing there fishing in a pond when you're hearing cars on the Northway. I don't think that's quite wilderness. It takes a bit of time. We're working on it.

We have a number of changes we hope to make to the master plan. I assure you that that will be something that will be debated a good bit, and when we are able to make some of the changes that we're suggesting, we'll be very pleased, but until we get -- as a matter of fact, what we're trying to do is to sit down and have some real sensible negotiations to have these changes, and this legislation is correcting something, as I say, so extreme, that we feel it should pass, but we certainly are going to be working on the master plan and a great deal of work needs to be done, and people have to be reasonable on both sides -- no, all sides, because I assure you there's more than two sides.

SENATOR PATERSON: Thank you,

Senator.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 189 are Senators Abate, Connor, Dollinger, Gold, Goodman, Hoblock, Leibell, Leichter, Marcellino, Markowitz, Maziarz, Montgomery, Nanula, Onorato, Oppenheimer, Paterson, Smith and Stachowski. Ayes 33, nays 18.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Skelos, that completes the controversial reading of the calendar.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT DiCARLO: Yes, there is.

Senator Marcellino.

SENATOR MARCELLINO: On behalf of Senator Velella, Mr. President, on page number 11, I offer the following amendments to Calendar Number 177, Senate Print Number 2766-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT DiCARLO: The amendments are received.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Hannon, on page number 17, I offer the following amendments to Calendar Number 12, Senate Print Number 5239, and ask that said bill retain its place on the Third Reading Calendar and remove the star.

ACTING PRESIDENT DiCARLO: So ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Tuesday, February 13th, at 3:00 p.m. sharp.

ACTING PRESIDENT DiCARLO:

Without objection, the Senate stands adjourned until Tuesday, February 13th, 3:00 p.m. sharp.

(Whereupon at 4:12 p.m., the Senate adjourned.)