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ALBANY, NEW YORK

April 29, 1996

3:09 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

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P R O C E E D I N G S

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

I would ask everybody to rise and join with me in saying the Pledge of Allegiance to the flag.

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

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

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Sunday, April 28. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Saturday, April 27th, was read and approved. On motion, Senate adjourned.

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

1 Presentation of petitions.
2 Messages from the Assembly.
3 Messages from the Governor.
4 Reports of standing committees.
5 Reports of select committees.
6 Communications and reports from
7 state officers.
8 Motions and resolutions.
9 Senator Libous.
10 SENATOR LIBOUS: Thank you, Mr.
11 President.
12 On behalf of myself, would you
13 please place a sponsor's star on Calendar Number
14 757.
15 ACTING PRESIDENT KUHL: At the
16 request of the sponsor, Calendar Number 757 is
17 starred.
18 Senator Libous.
19 SENATOR LIBOUS: Mr. President, on
20 page 47, I offer the following amendments to
21 Calendar Number 364, Senate Print Number 4440,
22 and ask that said bill retain its place on the
23 Third Reading Calendar.

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ACTING PRESIDENT KUHL:

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

Senator Libous.

SENATOR LIBOUS: Mr. President, on page 48, I offer the following amendments to Calendar 507, Senate Print 6219, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar 507, that was, Senator, the one you just announced?

SENATOR LIBOUS: 507, that is correct, Calendar Number 507.

ACTING PRESIDENT KUHL: 507, Amendments received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Mr. President, on page 36, I offer the following amendments to Calendar Number 670, Senate Print Number 6355, and ask that said bill retain its place on the

1 Third Reading Calendar.

2 ACTING PRESIDENT KUHL:

3 Amendments are received and adopted. The bill
4 will retain its place on the Third Reading
5 Calendar.

6 Senator Libous.

7 SENATOR LIBOUS: Mr. President, on
8 behalf of Senator Holland, I would like to call
9 up his bill, Print Number 32A, recalled from the
10 Assembly, which is now at the desk.

11 ACTING PRESIDENT KUHL: The
12 Secretary will read.

13 THE SECRETARY: Calendar Number
14 558, by Senator Holland, Senate Print 32A, an
15 act to amend the Highway Law, in relation to
16 increasing bond indebtedness.

17 ACTING PRESIDENT KUHL: Senator
18 Libous.

19 SENATOR LIBOUS: Mr. President, I
20 now move to reconsider the vote by which this
21 bill was passed.

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

1 (The Secretary called the roll on
2 reconsideration.)

3 THE SECRETARY: Ayes 47.

4 ACTING PRESIDENT KUHL: Senator
5 Libous.

6 SENATOR LIBOUS: Mr. President, I
7 offer up the following amendments.

8 ACTING PRESIDENT KUHL:
9 Amendments received and adopted.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President, on
12 behalf of Senator Saland, I wish to call up his
13 Print Number 3502A, recalled from the Assembly,
14 which is now at the desk.

15 ACTING PRESIDENT KUHL: Secretary
16 will read.

17 THE SECRETARY: Calendar Number
18 274, by Senator Saland, Senate Print 3502A, an
19 act to amend the Real Property Tax Law.

20 ACTING PRESIDENT KUHL: Senator
21 Libous.

22 SENATOR LIBOUS: Mr. President, I
23 now move to reconsider the vote by which this

1 bill was passed.

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

4 (The Secretary called the roll
5 on reconsideration.)

6 THE SECRETARY: Ayes 50.

7 ACTING PRESIDENT KUHL: Senator
8 Libous.

9 SENATOR LIBOUS: Mr. President, I
10 offer up the following amendments.

11 ACTING PRESIDENT KUHL: Amendments
12 received and adopted.

13 Senator Bruno, we have two
14 substitutions at the desk, what's your pleasure?

15 SENATOR BRUNO: Make the
16 substitutions, please.

17 ACTING PRESIDENT KUHL: Secretary
18 will read the substitution.

19 THE SECRETARY: On page 13,
20 Senator Tully moves to discharge from the
21 Committee on Environmental Conservation,
22 Assembly Bill Number 2690 and substitute it for
23 the identical Third Reading Calendar 166.

1 On page 16, Senator LaValle moves
2 to discharge from the Committee on Codes
3 Assembly Bill Number 5796B and substitute it for
4 the identical Third Reading Calendar 329.

5 ACTING PRESIDENT KUHL:
6 Substitutions are ordered.

7 Senator Bruno.

8 SENATOR BRUNO: Mr. President, I
9 believe there's a resolution at the desk by
10 Senator Levy. I would ask that the title be
11 read and that we move its adoption.

12 ACTING PRESIDENT KUHL: There is
13 a privileged resolution at the desk, I'll ask
14 the Secretary to read the title.

15 THE SECRETARY: By Senator Levy,
16 legislative resolution honoring John Kanas upon
17 the occasion of his designation as recipient of
18 the Long Island Commerce and Industry Division
19 of State of Israel Bonds' "Jerusalem 3000"
20 award.

21 ACTING PRESIDENT KUHL: Question
22 is on the resolution. All those in favor
23 signify by saying aye.

1 (Response of aye.)

2 Opposed nay.

3 (There was no response.)

4 The resolution is adopted.

5 The Chair recognizes Senator

6 Stafford.

7 SENATOR STAFFORD: Mr. President,

8 could we please announce a Finance Committee

9 meeting immediately in Room 332.

10 ACTING PRESIDENT KUHL: There

11 will be an immediate meeting of the Senate

12 Finance Committee in the Senate Majority

13 Conference Room, Room 332. Immediate meeting of

14 the Senate Finance Committee in the Majority

15 Conference Room, Room 332.

16 Senator Bruno, that brings us to

17 the Calendar.

18 SENATOR BRUNO: Mr. President,

19 can we, at this time, take up the non

20 controversial calendar.

21 ACTING PRESIDENT KUHL: Secretary

22 will read the non-controversial calendar.

23 THE SECRETARY: On page 16,

1 Calendar Number 323, by Senator Volker, Senate
2 Print 2957C, an act to amend the Civil Rights
3 Law, in relation to providing for limited
4 immunity from civil liability.

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

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT KUHL: Announce
14 the results -- Senator DeFrancisco, to explain
15 your vote.

16 SENATOR DeFRANCISCO: Yes. I'm
17 going vote in the negative. I think that
18 although this is a well-intentioned bill, I
19 think it's a precedent that can be used in many,
20 many other instances to limit liability based
21 upon who or what class of individuals happen to
22 be the individuals that are negligent, and for
23 that reason, I'm going to vote no.

1 ACTING PRESIDENT KUHL: Announce
2 the results.

3 THE SECRETARY: Ayes 50, nays 1,
4 Senator DeFrancisco recorded in the negative.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 355, by Senator Liebell, Senate Print 2709, an
9 act to amend the Labor Law, in relation to
10 additional eligibility requirements.

11 SENATOR BRUNO: Lay it aside,
12 please, at the request of the sponsor.

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

16 THE SECRETARY: Calendar Number
17 407, by Senator Holland, Senate Print 5072B, an
18 act to permit the reopening of the optional 20
19 year retirement plan to Douglas P. Hoering.

20 ACTING PRESIDENT KUHL: There's a
21 home rule message at the desk. Secretary will
22 read the last section.

23 SENATOR LEICHTER: Lay it aside.

1 ACTING PRESIDENT KUHL: Lay the
2 bill aside.

3 THE SECRETARY: Calendar Number
4 425, by member of the Assembly Colman, Assembly
5 Print 1865B, an act to amend the Executive Law,
6 in relation to energy purchasing programs of the
7 state.

8 ACTING PRESIDENT KUHL: Secretary
9 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 SENATOR BRUNO: Lay it aside, Mr.
16 President, on behalf of the sponsor.

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

20 THE SECRETARY: Calendar Number
21 449 -

22 SENATOR BRUNO: Same for Calendar
23 449.

1 ACTING PRESIDENT KUHL: Lay
2 Calendar 449 aside for the day at the request of
3 the sponsor.

4 THE SECRETARY: Calendar Number
5 492, by Senator Padavan, Senate Print 1286, an
6 act to amend the Agriculture and Markets Law, in
7 relation to spectators at exhibitions of animal
8 fighting.

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

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

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 51.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 534, by Senator Farley, Senate Print 18 -

22 SENATOR DOLLINGER: Lay it aside.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside.

2 THE SECRETARY: Calendar Number
3 543, by Senator Goodman, Senate Print 3424C, an
4 act to amend the Administrative Code of the City
5 of New York, in relation to a credit against the
6 unincorporated business income tax.

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

9 THE SECRETARY: Section 18. 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 51.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 549, by member of Assembly Weinstein, Assembly
19 Print 5786, an act to amend the Real Property
20 Law, in relation to the right to receive a copy
21 of an appraisal of real property.

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

1 THE SECRETARY: Section 2. 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 51.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 567, by Senator Maltese, Senate Print 5270, an
11 act to amend the Vehicle and Traffic Law, in
12 relation to denying registration of vehicles
13 owned by scofflaws.

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

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 51.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 THE SECRETARY: Calendar Number
2 570, by Senator Lack, Senate Print 6301, an act
3 in relation to granting the Department of
4 Transportation the authority to enter into
5 contracts.

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

8 THE SECRETARY: Section 2. 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 51.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 593, by Senator Stafford, Senate Print 5920A, an
18 act to amend the Environmental Conservation Law,
19 in relation to county responsibility for forest
20 fire expenses.

21 ACTING PRESIDENT KUHL: There's a
22 local fiscal impact note at the desk. The
23 Secretary will read the last section.

1 THE SECRETARY: Section 2. 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 51.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 595, by Senator Kuhl, Senate Print 3235, an act
11 to amend the New York State Urban Development
12 Corporation Act, the Omnibus Economic
13 Development Act of 1987 and the Economic
14 Development Law.

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

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 51.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 612, by Senator Levy, Senate Print 773 -

4 SENATOR DOLLINGER: Lay it aside.

5 ACTING PRESIDENT KUHL: Lay the
6 bill aside.

7 THE SECRETARY: Calendar Number
8 790, by Senator Larkin, Senate Print 7377, an
9 act to amend Chapter 708 of the Laws of 1992
10 amending the General Municipal Law.

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 51.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 Senator Bruno, that completes the
22 non-controversial calendar.

23 SENATOR BRUNO: Mr. President,

1 can we, at this time, take up the controversial
2 calendar.

3 ACTING PRESIDENT KUHL: Secretary
4 will read the controversial calendar.

5 THE SECRETARY: On page 19,
6 Calendar Number 407, by Senator Holland, Senate
7 Print 5072B, an act to permit the reopening of
8 the optional 20 year retirement plan.

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

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

13 SENATOR PATERSON: Mr. President.

14 ACTING PRESIDENT KUHL: Senator
15 Paterson, why do you rise?

16 SENATOR PATERSON: I noticed, Mr.
17 President, that Senator Leichter laid this bill
18 aside and I believe he's at the Finance
19 Committee meeting. Might we hold this just a
20 second pending his arrival?

21 ACTING PRESIDENT KUHL: Senator
22 Skelos, what's your pleasure?

23 SENATOR SKELOS: No objection.

1 ACTING PRESIDENT KUHL: Okay.

2 We'll lay the bill aside temporarily.

3 Continue to call the contro
4 versial calendar.

5 THE SECRETARY: Calendar Number
6 534, by Senator Farley, Senate Print 1861, an
7 act to amend Election Law and the State Finance
8 Law, in relation to requiring proposition
9 authorizing the creation of a state debt.

10 ACTING PRESIDENT KUHL: Senator
11 Paterson.

12 SENATOR PATERSON: Mr. President,
13 same trouble. Senator Dollinger laid this bill
14 aside, and he is also attending that Finance
15 Committee meeting.

16 ACTING PRESIDENT KUHL: Senator
17 Skelos.

18 SENATOR SKELOS: Mr. President, if
19 I could ask Senator Paterson a question. Is
20 there a Minority Conference going on or some
21 reason why we're not prepared to debate these?
22 They're in Finance? Okay, no objection.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside temporarily.

2 Secretary will continue to call
3 the controversial calendar.

4 THE SECRETARY: Calendar Number
5 612, by Senator Levy, Senate Print 773, an act
6 to amend the Penal Law, in relation to including
7 the theft of cats and dogs.

8 ACTING PRESIDENT KUHL: Senator
9 Paterson.

10 SENATOR PATERSON: Mr. President,
11 I would just like, because there are some
12 members outside the chamber who were called
13 there by the Acting Majority Leader, I would
14 just like the record to reflect that last year
15 Senators Abate, Babbush, Leichter, Gold,
16 Mendez, Montgomery and Waldon voted against this
17 bill.

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

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

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 51.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 Senator Bruno, we have one
7 substitution at the desk, if you would like to
8 take that up at this time.

9 SENATOR BRUNO: Please make the
10 substitution.

11 ACTING PRESIDENT KUHL: Return to
12 motions and resolutions.

13 Secretary will read the
14 substitution.

15 THE SECRETARY: On page 42,
16 Senator Trunzo moves to discharge from the
17 Committee on Civil Service and Pensions,
18 Assembly Bill Number 9530, and substitute it for
19 the identical Third Reading Calendar 728.

20 ACTING PRESIDENT KUHL: The
21 substitution is ordered.

22 Senator Bruno.

23 SENATOR BRUNO: Mr. President,

1 can we at this time take up Calendar Number 534.

2 ACTING PRESIDENT KUHL: Secretary
3 will read Calendar Number 534.

4 THE SECRETARY: Calendar Number
5 534, by Senator Farley, Senate Print 1861, an
6 act to amend the Election Law and the State
7 Finance Law in relation to requiring proposition
8 authorizing the creation of a state debt.

9 SENATOR DOLLINGER: Explanation.

10 ACTING PRESIDENT KUHL: Senator
11 Farley, an explanation of Calendar Number 534
12 has been asked for by Senator Dollinger.

13 SENATOR FARLEY: Happy to
14 explain it.

15 This is a bill, incidentally, that
16 has passed the last two years, I think
17 unanimously. The bill amends the Election Law
18 to require that a bond issue proposition that is
19 on the state ballot contain an estimate of the
20 total amount to be repaid by the taxpayers, both
21 principal and interest. At present, only the
22 principal is listed.

23 This bill passed the Senate in

1 March, 1995; in March, '94; in March, '93, all
2 three times unanimously, Senator Dollinger
3 voting to support it.

4 In summary -- I've got a summary
5 of that debate. The bill is intended to improve
6 the information available to voters when they
7 decide to issue a bond issue proposition.

8 You know, when people take out a
9 mortgage to buy a house or a loan to buy a car
10 or other expensive item, they understand the
11 amount which they pay back will include
12 interest and, hence, will be more than the
13 principal amount of the loan. In fact, the
14 state and federal laws require that lenders
15 prominently display interest rate information in
16 its advertising to show the cumulative total
17 interest payment in loan documents.

18 This bill would place bond issue
19 propositions in a similar status as consumer
20 borrowing requiring disclosure of the total
21 expected cost. The bill is designed to reflect
22 administrative reality, providing for an
23 estimate only of total cost inasmuch as the

1 actual interest rate at which obligations can be
2 sold can only be approximated in advance.

3 Also, the bill calls for
4 disclosure to be printed in the largest type
5 which is practicable for the different documents
6 involved, recognizing the administrative reality
7 of varying documents on the ballot.

8 I hope that is an adequate
9 explanation.

10 SENATOR DOLLINGER: Mr. President,
11 will Senator Farley yield to a question?

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

14 SENATOR FARLEY: Sure. I would
15 be delighted.

16 ACTING PRESIDENT KUHL: Senator
17 yields.

18 SENATOR DOLLINGER: Senator,
19 during the last year, I actually got involved in
20 a lawsuit against the Board of Elections because
21 of the wording of the Proposition Number 3 that
22 was put on the ballot last year. You may recall
23 that lawsuit, Mr. Schulz and I were plaintiffs

1 in that lawsuit in an action to clarify the
2 intention of the state legislature.

3 My question to you is, I agree
4 with the concept of this bill, but I want to
5 know, why shouldn't the legislature figure out
6 and tell the Board of Elections what the stated
7 interest rate would be; and number two, why
8 shouldn't the legislature do the calculation so
9 that we don't have to fight over whether the
10 Comptroller used the right assumed interest
11 rate or whether the calculation is appropriate,
12 the kinds of things that could generate
13 litigation?

14 As you know, when financing
15 billions of dollars in debt, half a percent in
16 the interest rate or three-quarters percent in
17 the interest rate could make a huge difference.
18 Why wouldn't we do it? Why wouldn't we delegate
19 that discretion of Board of Elections, why not
20 do it ourselves?

21 SENATOR FARLEY: Well, the point
22 we're trying to make is I would think that the
23 interest rate might be a moving target, so to

1 speak, and we don't know exactly what it would
2 amount to; and again, we're only given an
3 estimate.

4 I have no great quarrel with what
5 you're saying, but this accomplishes the same
6 thing, don't you think?

7 SENATOR DOLLINGER: Actually, no.
8 I'm concerned because I'm afraid that the State
9 Board of Elections would come back with a
10 different interest rate, be very difficult to
11 calculate that interest rate, and some day we're
12 going to end up in litigation again because
13 someone will sit down and say the interest rate
14 shouldn't be five percent, it should be six
15 percent, because the long-term interest rate is
16 different if you had six percent rather than
17 five percent, the number is going to balloon by
18 several billion dollars. Why shouldn't we do
19 that?

20 SENATOR FARLEY: Because we'd be
21 in the same position that the Board of Elections
22 is, that we don't know what that interest rate
23 is; we don't know that until the bonds go out.

1 SENATOR DOLLINGER: Again,
2 through you, Mr. President, I would just suggest
3 that -

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

6 SENATOR FARLEY: Yes.

7 SENATOR DOLLINGER: I would just
8 suggest, Senator, that since this bill has
9 passed this house a number of times but it
10 never made it through the Assembly, that one of
11 the things you might think about doing is let's
12 do that ourselves. We have a Finance Committee,
13 a Finance staff, we can project the reasonable
14 interest over time. We have the same
15 capability, if not better capability, than the
16 Board of Elections does; and certainly I would
17 suggest that since we're passing the bond or
18 passing the authorization for the bond, we ought
19 to do it over the Comptroller, as well.

20 SENATOR FARLEY: Thank you. If I
21 may respond.

22 ACTING PRESIDENT KUHL: Senator
23 Farley, to respond.

1 SENATOR FARLEY: Your point is
2 well-taken, Senator Dollinger. Perhaps part of
3 the problem with this legislation is it is
4 sponsored by a Republican Assemblyman over in
5 the house and that might -- I would think -
6 and to go back to the substance of your
7 question, as I think of it, I guess the Board of
8 Elections would be making that determination at
9 a little later date closer to the election
10 or closer to the ballot than the legislature,
11 which would be out of session, would do.

12 But, by and large, if you think
13 that would make a difference, I would be happy
14 to do a chapter amendment some time else.

15 I would like to get this over to
16 see if we can't go forward with this. I think
17 that we all agree with the concept; but again, I
18 think the Board of Elections can make a later
19 decision than we could, and it might be a little
20 bit more accurate.

21 If you've got any ideas how we can
22 come up with the exact figure, I'd certainly be
23 willing to accept them.

1 SENATOR DOLLINGER: Okay. Mr.
2 President, on the bill.

3 ACTING PRESIDENT KUHL: Senator
4 Dollinger, on the bill.

5 SENATOR DOLLINGER: Senator, I
6 actually have something I think will even
7 improve this bill, I have an amendment at the
8 desk that I would ask the reading of the
9 amendment be waived and that I be given the
10 opportunity to be heard on the amendment.

11 ACTING PRESIDENT KUHL: Senator
12 Dollinger, there is an amendment at the desk.
13 We'll waive the reading of that and you are now
14 afforded an opportune time to explain the
15 amendment.

16 SENATOR DOLLINGER: Thank you,
17 Mr. President.

18 Senator Farley, I appreciate this
19 bill, I think this is a good housekeeping bill,
20 the original bill, because it does the kind of
21 thing that the voters want to know before they
22 vote on a ballot proposition. This amendment,
23 which I think is going to make this bill an even

1 better bill for the people of this state would
2 ban the practice of back door borrowing.

3 Here we've got an opportunity,
4 once again, to stand up and say that we're not
5 going to allow the agencies of this state to
6 commit the state's credit without voter
7 approval, what our constitution certainly by its
8 spirit has always required, and a great way
9 to control the state's excessive debt
10 practices, a great way to control the cost of
11 that excessive debt which, as we all know, runs
12 to billions of dollars each year.

13 This is the opportunity to do it.
14 Here's your chance. We don't have to ban
15 abortions, but we can ban back door borrowing,
16 we can do it today. We can start down the path
17 to the kind of fiscal sanity that Senator
18 Farley's underlying bill I think achieves with
19 respect to delineating the actual cost of the
20 bond.

21 Here's a chance where we can
22 return to fiscal sanity right now, right today,
23 start down the path, send this good bill with

1 an even better amendment over to the other
2 house, give them an opportunity not only to
3 state the interest rate so the voters know what
4 they're actually paying, but also put a little
5 provision in the State Finance Law, the same
6 provision of the State Finance Law that would
7 say we're going to ban back door borrowing,
8 we're going to return to the days of fiscal
9 sanity in the state in which we let the voters
10 decide how much money we've committed to future
11 generations.

12 It's been a bad practice, it's
13 been abused; if anything, it's been bipartisan
14 abuse. Perhaps that abuse has come from this
15 house, it may have come from the Assembly; Lord
16 knows, it's clearly come from Governors on both
17 sides of the aisle, but it's a bad practice, we
18 ought to stop it. Here's a way to send a little
19 message to the house across the way, here's a
20 message to send to the Second Floor, that we're
21 going to ban back door borrowing. Here is your
22 chance to do it.

23 I would move the amendment, Mr.

1 President.

2 ACTING PRESIDENT KUHL: Any other
3 Senator wishing to speak on the amendment?

4 Senator Leichter, on the
5 amendment.

6 SENATOR LEICHTER: If Senator
7 Dollinger would yield, please.

8 ACTING PRESIDENT KUHL: Senator
9 Dollinger, do you yield to Senator Leichter?

10 SENATOR DOLLINGER: Yes, I will,
11 Mr. President.

12 ACTING PRESIDENT KUHL: Senator
13 yields.

14 SENATOR LEICHTER: Senator, could
15 you briefly describe to us how your amendment
16 would ban back door borrowing?

17 SENATOR DOLLINGER: What it
18 would say is, it would simply amend section 41-
19 it would add a new section 41-A to the state
20 Finance Law and it would simply say that the
21 appropriations, the eliminative appropriations
22 under the State Finance Law would be limited to
23 those under which the revenue of the state is

1 appropriate, whether or not on a contingent
2 basis, for the purposes of making payments of
3 principal or interest on indebtedness of the
4 state or any municipality, individual, public or
5 private corporation.

6 It would prevent the payment of
7 appropriations for debt that is not authorized
8 by the voters.

9 SENATOR LEICHTER: Mr. President.

10 ACTING PRESIDENT KUHL: Senator
11 Leichter.

12 SENATOR LEICHTER: If Senator
13 Dollinger would continue to yield.

14 ACTING PRESIDENT KUHL: Pardon
15 the interruption, gentlemen. I just, for my own
16 benefit, counted at least ten conversations
17 going on in the chamber. It's extremely noisy
18 in here. I'd like the benefit of your
19 questions and answers, if nobody else does.

20 Could we quiet it down, please?

21 Thank you.

22 The Senator yields, Senator
23 Leichter.

1 SENATOR DOLLINGER: I will, Mr.
2 President.

3 SENATOR LEICHTER: Senator
4 Dollinger, would your amendment, if it were
5 enacted as part of the Constitution, prohibit
6 and stop such practice, for instance, when the
7 Urban Development Corporation issued bonds in
8 order to purchase a prison from the state of
9 New York and the proceeds of that bond issue,
10 or, rather, the purchase price for the prison as
11 turned over to the state was used to meet its
12 current obligations.

13 SENATOR DOLLINGER: Yes, it
14 would. It would prevent the state from entering
15 into an agreement when the consequence of the
16 agreement was that they would have to make
17 interest payments that were not authorized by
18 the voters pursuant to the state Constitution.

19 This is a change in the state
20 Finance Law; it's not a constitutional
21 amendment. As I've said all along, we alone
22 have the power to ban back door borrowing.

23 SENATOR LEICHTER: Mr. President,

1 if the Senator would continue to yield.

2 So, my understanding is that -
3 would it ban the New York State Power Authority
4 from going out and raising moneys by the
5 issuance of bonds?

6 SENATOR DOLLINGER: Without
7 voter approval in instances in which the state
8 of New York is actually entering into the
9 agreement, correct.

10 SENATOR LEICHTER: Okay. So, I
11 understand.

12 Mr. President, just very briefly
13 on the amendment.

14 ACTING PRESIDENT KUHL: Senator
15 Leichter, on the amendment.

16 SENATOR LEICHTER: Essentially,
17 then, what the amendment does, and I didn't
18 understand it at first because I thought it went
19 beyond that and was a constitutional amendment,
20 but certainly I don't think anybody can disagree
21 with Senator Dollinger that some of the
22 practices that we've engaged in where the state
23 of New York has used the credit of various

1 authorities to raise moneys in a way that has
2 been universally condemned by all the fiscal
3 monitors and where we have obligated the state
4 to make these payments for many years in
5 advance, where real moneys is raised in a
6 manner that should be done under the
7 constitutional provision but we really use an
8 authority as the state's alter ego, so I would
9 certainly hope that the members of the other
10 side of the aisle who like to get up and talk
11 about fiscal responsibility and being fiscal
12 conservatives, you get a wonderful chance to
13 prove it by supporting this amendment.

14 ACTING PRESIDENT KUHL: Any other
15 Senator wishing to speak on the Amendment?

16 (There was no response.)

17 Hearing none, the question is on
18 the amendment. A vote in the affirmative is a
19 vote for the amendment to amend the bill on the
20 floor. A vote in the negative is a vote to
21 defeat the amendment.

22 All those in favor of the
23 amendment, signify by saying aye.

1 (Response of "Aye.")

2 All those opposed, signify by
3 saying nay.

4 (Response of "Nay.")

5 The amendment is lost.

6 Is there any other Senator
7 wishing to speak on the bill?

8 SENATOR FARLEY: Read the last
9 section.

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

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

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 55.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 Senator Skelos, there is just one
21 bill left on the controversial.

22 SENATOR SKELOS: If we could take
23 up Senator Holland's bill, Calendar Number 407.

1 ACTING PRESIDENT KUHL: Secretary
2 will read Calendar Number 407.

3 THE SECRETARY: Calendar
4 Number 407, by Senator Holland, Senate Print
5 5072B, an act to permit the reopening of the
6 optional 20-year retirement plan.

7 ACTING PRESIDENT KUHL: There is
8 a home rule message at the desk.

9 Secretary will read the last
10 section.

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

13 SENATOR PATERSON: Explanation.

14 ACTING PRESIDENT KUHL: An
15 explanation has been asked for.

16 SENATOR HOLLAND: Senator, this
17 bill has already passed, and because there was a
18 mistake in the bill, the Social Security Law
19 states that it must be filed within one year
20 after the Comptroller is elected to office, and
21 the bill said December 31st, 1995; it must be
22 changed to December 31st, 1996.

23 The Village understands that they

1 made the mistake, they put the \$17,000 up, they
2 gave us a home rule, they agree totally.

3 ACTING PRESIDENT KUHL: Any other
4 Senator wishing to speak on the bill?

5 (There was no response.)

6 Secretary will read the last
7 section.

8 THE SECRETARY: Section 2. 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 55.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 Senator Gold, why do you wise?

17 SENATOR GOLD: Mr. President,
18 while I was out of room, we voted on Calendar
19 Number 612, Senate Bill 773. I would like
20 unanimous consent to be recorded in the
21 negative, please.

22 ACTING PRESIDENT KUHL: Without
23 objection, hearing no objection, Senator Gold

1 will be recorded in the negative on Calendar
2 Number 612.

3 Senator Leichter.

4 SENATOR LEICHTER: Mr.

5 President, I similarly was at a meeting of the
6 Finance Committee while 612 was voted on. Would
7 the record please show that I should be recorded
8 in the negative on that bill.

9 ACTING PRESIDENT KUHL: Without
10 objection, hearing no objection, Senator
11 Leichter will be recorded in the negative on
12 Calendar Number 612.

13 Senator Mendez.

14 SENATOR MENDEZ: Mr. President, I
15 also was in a Finance Committee meeting when the
16 bill was called for a vote. I want to be
17 recorded in the negative on Bill Number -
18 Calendar Number 612, 612.

19 ACTING PRESIDENT KUHL: Without
20 objection, hearing no objection, Senator Mendez
21 will be recorded in the negative on Calendar
22 Number 612.

23 Senator Skelos.

1 SENATOR SKELOS: Mr. President,
2 at this time if we could return to reports of
3 standing committees, I believe there is a
4 report of the Finance Committee at the desk. I
5 ask that it be read.

6 ACTING PRESIDENT KUHL: We'll
7 return to reports of standing committees. There
8 is a report here, Senator Skelos. I'll ask the
9 Secretary to read.

10 THE SECRETARY: Senator Stafford,
11 from the Committee on Finance, reports the
12 following bills direct to third reading.

13 SENATOR SKELOS: Mr. President,
14 could you just wait a minute, please?

15 ACTING PRESIDENT KUHL: Senator
16 Skelos.

17 SENATOR SKELOS: Mr. President,
18 if we could have the report of the Finance
19 Committee at this time.

20 ACTING PRESIDENT KUHL: Secretary
21 will read the report of the Finance Committee
22 which is at the desk.

23 THE SECRETARY: Senator Stafford,

1 from the Committee on Finance, reports the
2 following bills direct to third reading:

3 Senate Print 7468, by the
4 Committee on Rules, an act to amend Chapter 989
5 of the Laws of 1958 relating to the Temporary
6 State Commission of Investigation;

7 Senate Print 7476, by Senator
8 Marchi, an act to amend the New York City
9 Criminal Court Act, in relation to the
10 jurisdiction of the New York City Criminal
11 Court.

12 ACTING PRESIDENT KUHL: Without
13 objection, the bills are reported directly to
14 third reading.

15 Senator Skelos.

16 SENATOR SKELOS: Mr. President, I
17 believe the bills are being distributed and at
18 this time, may we please take up Calendar Number
19 808, Senate Print 7468.

20 ACTING PRESIDENT KUHL: Secretary
21 will read.

22 THE SECRETARY: Calendar Number
23 808, by the Senate Committee on Rules, Senate

1 Print 7468, an act to amend Chapter 989 of the
2 Laws of 1958 relating to the Temporary State
3 Commission of Investigation.

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

6 THE SECRETARY: Section 2. 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 55.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 Senator Skelos.

15 SENATOR SKELOS: Mr. President,
16 at this time may we please take up Calendar 809,
17 Senate 7476.

18 ACTING PRESIDENT KUHL: Secretary
19 will read.

20 THE SECRETARY: Calendar Number
21 809, by Senator Marchi, Senate Print 7476, an
22 act to amend the New York City Criminal Court
23 Act, in relation to the jurisdiction of the New

1 York City Criminal Court.

2 ACTING PRESIDENT KUHL: Read the
3 last section.

4 THE SECRETARY: Section 2. 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 55.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 Senator Skelos.

13 SENATOR SKELOS: Mr. President,
14 if we could stand at ease.

15 ACTING PRESIDENT KUHL: The
16 Senate will stand at ease.

17 (The Senate stood at ease from
18 3:46 p.m. To 4:34 p.m.)

19 ACTING PRESIDENT KUHL: Senate
20 will come to order.

21 Chair recognizes Senator Skelos.

22 SENATOR SKELOS: Would you please
23 recognize Senator Stafford, the esteemed

1 chairman of the Finance Committee?

2 SENATOR STAFFORD: Thank you, Mr.
3 President.

4 ACTING PRESIDENT KUHL: Senator
5 Stafford.

6 SENATOR STAFFORD: Thank you,
7 Senator Skelos. Please announce a meeting of
8 the Committee on Finance in Room 332.

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

15 Senator Wright.

16 SENATOR WRIGHT: Thank you, Mr.
17 President.

18 On page number 25, I offer the
19 following amendments to Calendar Number 538,
20 Senate Print Number 5766A, and ask that said
21 bill retain its place on the Third Reading
22 Calendar.

23 ACTING PRESIDENT KUHL: Amendments

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

3 Senator Skelos.

4 SENATOR SKELOS: Can we stand at
5 ease, Mr. President?

6 ACTING PRESIDENT KUHL: The
7 Senate will stand at ease.

8 (The Senate stood at ease from
9 4:35 p.m. to 5:23 p.m.)

10 ACTING PRESIDENT KUHL: Senate
11 will come to order.

12 SENATOR SKELOS: Mr. President.

13 ACTING PRESIDENT KUHL: Senator
14 Skelos.

15 SENATOR SKELOS: There will be an
16 immediate conference of the Majority in Room 332
17 of the Capitol, and we expect that we will be
18 back by approximately ten to six.

19 ACTING PRESIDENT KUHL: There
20 will be an immediate meeting of the Majority in
21 the Majority Conference Room, Room 332. There
22 will be an immediate meeting of the Majority in
23 the Majority Conference Room, Room 332, and the

1 Senate stands at ease.

2 (The Senate stood at ease from
3 5:24 p.m. to 6:33 p.m.)

4 ACTING PRESIDENT KUHL: The
5 Senate will come to order.

6 Senator Skelos.

7 SENATOR SKELOS: There will be an
8 immediate meeting of the Finance Committee in
9 Room 332 of the Capitol.

10 ACTING PRESIDENT KUHL: Immediate
11 meeting of the Senate Finance Committee in the
12 Majority Conference Room. Immediate meeting of
13 Senate Finance Committee in the Majority
14 Conference Room, Room 332.

15 Senator Skelos.

16 SENATOR SKELOS: Mr. President,
17 if we could return to reports of standing
18 committees, I believe there's a report of the
19 Finance Committee at the desk. I ask it be read
20 at this time.

21 ACTING PRESIDENT KUHL: Return to
22 reports of standing committees, ask the
23 Secretary to read the report.

1 THE SECRETARY: Senator Stafford,
2 from the Committee on Finance, reports the
3 following bill direct to third reading:

4 Senate Print 7481, by the Senate
5 Committee on Rules, an act making appropri
6 ations for the support of government.

7 ACTING PRESIDENT KUHL: The bill
8 is reported directly to third reading.

9 Senator Skelos.

10 SENATOR SKELOS: Mr. President, I
11 move we adopt the report of the Finance
12 Committee.

13 At this time, if we can call up
14 Calendar Number 810, Senate 7481.

15 ACTING PRESIDENT KUHL: Secretary
16 will read Calendar Number 810.

17 THE SECRETARY: Calendar Number
18 810, by the Senate Committee on Rules, Senate
19 Print 7481, an act making appropriations for the
20 support of government.

21 SENATOR SKELOS: Mr. President,
22 is there a message of necessary and appropri
23 ation at the desk?

1 ACTING PRESIDENT KUHL: There is.

2 THE SECRETARY: Move we accept.

3 ACTING PRESIDENT KUHL: Motion

4 is to accept the message of necessity and

5 appropriation which is at the desk. All those

6 in favor, signify by saying aye.

7 (Response of "Aye.")

8 Opposed nay.

9 (There was no response.)

10 The message is accepted.

11 SENATOR SKELOS: Lay the bill

12 aside temporarily.

13 ACTING PRESIDENT KUHL: Lay the

14 bill aside.

15 Senator Waldon.

16 SENATOR WALDON: Mr. President, I

17 respectfully request unanimous consent to be

18 recorded in the negative on Calendar Number 612;

19 I was called out of the house.

20 ACTING PRESIDENT KUHL: Without

21 objection, hearing no objection, Senator Waldon

22 will be recorded in the negative on Calendar

23 Number 612.

1 Senate will stand at ease.

2 (The Senate stood at ease from
3 6:35 to 6:40 p.m.)

4 ACTING PRESIDENT KUHL: Senate
5 will come to order.

6 Senator Skelos.

7 SENATOR SKELOS: If we once again
8 could return to reports of standing committees,
9 I believe there is a report of the Finance
10 Committee at the desk, I ask it be read.

11 ACTING PRESIDENT KUHL: Secretary
12 will read.

13 THE SECRETARY: Senator Stafford,
14 from the Committee on Finance, reports the
15 following bill direct to third reading:

16 Senate Print 7477, by the Senate
17 Committee on Rules, an act making appropri
18 ations for the support of government.

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

22 Senator Skelos.

23 SENATOR SKELOS: Mr. President,

1 is there a message of necessity and appropri
2 ation at the desk?

3 ACTING PRESIDENT KUHL: There is a
4 message of appropriation at the desk.

5 SENATOR SKELOS: Move we accept.

6 ACTING PRESIDENT KUHL: Motion to
7 accept the message of appropriation that's at
8 the desk. All in favor signify by saying aye.

9 (Response of aye.)

10 Opposed nay.

11 (There was no response.)

12 The message is accepted.

13 Senator Lachman, why do you rise?

14 SENATOR LACHMAN: Yes. While I
15 was out, Mr. President, I think 612 was voted
16 on. I would like to be recorded for a nay vote
17 on that.

18 ACTING PRESIDENT KUHL: Without
19 objection, hearing no objection, Senator Lachman
20 will be recorded in the negative on Calendar
21 612.

22 SENATOR SEWARD: Mr. President.

23 ACTING PRESIDENT KUHL: Chair

1 recognizes Senator Seward.

2 SENATOR SEWARD: While we're on
3 housekeeping, I wish to call up Senate Print
4 1865B.

5 ACTING PRESIDENT KUHL: Return to
6 motions and resolutions. Secretary will read.

7 THE SECRETARY: Calendar Number
8 425, by member of the Assembly Colman, Assembly
9 Print 1865B, an act to amend the Executive Law,
10 in relation to energy purchasing programs of the
11 state.

12 ACTING PRESIDENT KUHL: Senator
13 Seward.

14 SENATOR SEWARD: I now move to
15 reconsider the vote by which this Assembly bill
16 was substituted for my bill, 5729A, on March
17 13th.

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

20 (The Secretary called the roll
21 on reconsideration.)

22 THE SECRETARY: Ayes 58.

23 ACTING PRESIDENT KUHL: Senator

1 Seward.

2 SENATOR SEWARD: I now move
3 Senate Bill Number 3729A be restored to the
4 order of Third Reading Calendar.

5 ACTING PRESIDENT KUHL: The Senate
6 bill will be restored to third reading.

7 Senator Bruno.

8 SENATOR BRUNO: Mr. President,
9 can we at this time call up Calendar Number 810.

10 ACTING PRESIDENT KUHL: Secretary
11 will read Calendar Number 810.

12 THE SECRETARY: Calendar Number
13 810, by the Senate Committee on Rules, Senate
14 Print 7481, an act making appropriations for the
15 support of government.

16 ACTING PRESIDENT KUHL: Message
17 of necessity and appropriation was previously
18 accepted.

19 Secretary will read the last
20 section.

21 THE SECRETARY: Section 13. This
22 act shall take effect April 1.

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 58.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 Senator Bruno.

7 SENATOR BRUNO: Mr. President,
8 can we, at this time, take up Calendar Number
9 811.

10 ACTING PRESIDENT KUHL: Secretary
11 will read Calendar Number 811.

12 THE SECRETARY: Calendar Number
13 811, by the Senate Committee on Rules, Senate
14 Print 7477, an act making appropriations for the
15 support of government.

16 ACTING PRESIDENT KUHL: Message
17 of appropriation was previously accepted.

18 Secretary will read the last
19 section.

20 THE SECRETARY: Section 7. This
21 act shall take effect April 1st.

22 ACTING PRESIDENT KUHL: Call the
23 roll.

1 (The Secretary called the roll.)
2 Announce the results when
3 tabulated.

4 For the benefit of the members,
5 Calendar Number -- excuse me, Senate Bill 7477,
6 it's Calendar Number 811 that is before the
7 house on a roll call.

8 THE SECRETARY: Those recorded in
9 the negative on Calendar Number 811 are Senators
10 Alesi, DeFrancisco, DiCarlo, Dollinger, Hoblock,
11 Hoffmann, Kuhl, Libous, Maziarz, Nozzolio,
12 Oppenheimer and Senator Wright.

13 Ayes 46, Nays 12.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 Senator Bruno.

17 SENATOR BRUNO: Mr. President, is
18 there anything at the desk that presently needs
19 the attention of our colleagues here in the
20 chamber?

21 ACTING PRESIDENT KUHL: It's all
22 been taken care of, Senator.

23 SENATOR BRUNO: All been taken

1 care of? There being no further business, then,
2 to come before the Senate, I would move that we
3 stand adjourned until tomorrow at 2:00 p.m.

4 Thank you.

5 ACTING PRESIDENT KUHL: Without
6 objection, the Senate stands adjourned until
7 tomorrow, April 30th, at 2:00 p.m.

8 (Whereupon at 6:47 p.m., the
9 Senate adjourned.)

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