ALBANY, NEW YORK

April 29, 1996

3:09 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: 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.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of myself, would you please place a sponsor's star on Calendar Number 757.

ACTING PRESIDENT KUHL: At the request of the sponsor, Calendar Number 757 is starred.

Senator Libous.

SENATOR LIBOUS: Mr. President, on page 47, I offer the following amendments to Calendar Number 364, Senate Print Number 4440, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL:

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

Senator 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

Third Reading Calendar.

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 behalf of Senator Holland, I would like to call up his bill, Print Number 32A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

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

ACTING PRESIDENT KUHL: Senator Libous.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: Senator Libous.

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

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator Libous.

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

ACTING PRESIDENT KUHL: Secretary will read.

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

ACTING PRESIDENT KUHL: Senator Libous.

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

bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: Senator Libous.

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

ACTING PRESIDENT KUHL: Amendments received and adopted.

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

SENATOR BRUNO: Make the substitutions, please.

ACTING PRESIDENT KUHL: Secretary will read the substitution.

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

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

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Bruno.

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

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

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

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

(Response of aye.)

Opposed nay.

(There was no response.)

The resolution is adopted.

The Chair recognizes Senator Stafford.

SENATOR STAFFORD: Mr. President, could we please announce a Finance Committee meeting immediately in Room 332.

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

Senator Bruno, that brings us to the Calendar.

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

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

THE SECRETARY: On page 16,

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

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

ACTING PRESIDENT KUHL: Announce the results.

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

ACTING PRESIDENT KUHL: The bill is passed.

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

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

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

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

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

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR BRUNO: Lay it aside, Mr. President, on behalf of the sponsor.

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

THE SECRETARY: Calendar Number 449 -

SENATOR BRUNO: Same for Calendar 449.

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

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

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

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

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

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill

is passed.

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

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the non-controversial calendar.

SENATOR BRUNO: Mr. President,

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

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

SENATOR PATERSON: Mr. President.

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

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

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

SENATOR SKELOS: No objection.

ACTING PRESIDENT KUHL: Okay. We'll lay the bill aside temporarily.

Continue to call the contro versial calendar.

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

ACTING PRESIDENT KUHL: Senator Paterson.

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

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: Lay the

bill aside temporarily.

Secretary will continue to call the controversial calendar.

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

ACTING PRESIDENT KUHL: Senator Paterson.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR BRUNO: Please make the substitution.

ACTING PRESIDENT KUHL: Return to motions and resolutions.

Secretary will read the substitution.

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

ACTING PRESIDENT KUHL: The substitution is ordered.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we at this time take up Calendar Number 534.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 534.

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

SENATOR DOLLINGER: Explanation.

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

SENATOR FARLEY: Happy to explain it.

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

This bill passed the Senate in

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

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

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

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

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

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

I hope that is an adequate explanation.

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

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

SENATOR FARLEY: Sure. I would be delighted.

ACTING PRESIDENT KUHL: Senator yields.

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

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

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

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

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

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

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

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

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

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

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

SENATOR FARLEY: Yes.

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

SENATOR FARLEY: Thank you. If I may respond.

ACTING PRESIDENT KUHL: Senator Farley, to respond.

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

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

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

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

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

ACTING PRESIDENT KUHL: Senator Dollinger, on the bill.

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

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

SENATOR DOLLINGER: Thank you, Mr. President.

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

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

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

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

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

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

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

I would move the amendment, Mr.

President.

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

Senator Leichter, on the amendment.

SENATOR LEICHTER: If Senator Dollinger would yield, please.

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

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

ACTING PRESIDENT KUHL: Senator yields.

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

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

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

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

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: If Senator Dollinger would continue to yield.

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

Could we quiet it down, please?

Thank you.

The Senator yields, Senator Leichter.

SENATOR DOLLINGER: I will, Mr. President.

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

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

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

SENATOR LEICHTER: Mr. President,

if the Senator would continue to yield.

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

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

SENATOR LEICHTER: Okay. So, I understand.

Mr. President, just very briefly on the amendment.

ACTING PRESIDENT KUHL: Senator Leichter, on the amendment.

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

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

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

(There was no response.)

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

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

(Response of "Aye.")

All those opposed, signify by saying nay.

(Response of "Nay.")

The amendment is lost.

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

SENATOR FARLEY: Read the last section.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

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

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

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 407.

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

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

Secretary will read the last section.

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

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: An explanation has been asked for.

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

The Village understands that they

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

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

(There was no response.)

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Gold, why do you wise?

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

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

will be recorded in the negative on Calendar Number 612.

Senator Leichter.

SENATOR LEICHTER: Mr. President, I similarly was at a meeting of the Finance Committee while 612 was voted on. Would the record please show that I should be recorded in the negative on that bill.

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

Senator Mendez.

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

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

Senator Skelos.

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

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

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

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

ACTING PRESIDENT KUHL: Senator Skelos.

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

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

THE SECRETARY: Senator Stafford,

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

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

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

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

Senator Skelos.

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

ACTING PRESIDENT KUHL: Secretary will read.

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

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT KUHL: Secretary will read.

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

York City Criminal Court.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT KUHL: The Senate will stand at ease.

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

ACTING PRESIDENT KUHL: Senate will come to order.

Chair recognizes Senator Skelos.

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

chairman of the Finance Committee?

SENATOR STAFFORD: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford.

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

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

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

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

ACTING PRESIDENT KUHL: Amendments

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

Senator Skelos.

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

ACTING PRESIDENT KUHL: The Senate will stand at ease.

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

ACTING PRESIDENT KUHL: Senate will come to order.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

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

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

Senate stands at ease.

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

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Skelos.

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

ACTING PRESIDENT KUHL: Immediate meeting of the Senate Finance Committee in the Majority Conference Room. Immediate meeting of Senate Finance Committee in the Majority Conference Room, Room 332.

Senator Skelos.

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

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

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

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

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

Senator Skelos.

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

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

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 810.

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

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

ACTING PRESIDENT KUHL: There is.

THE SECRETARY: Move we accept.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity and appropriation which is at the desk. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

SENATOR SKELOS: Lay the bill aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Waldon.

SENATOR WALDON: Mr. President, I respectfully request unanimous consent to be recorded in the negative on Calendar Number 612; I was called out of the house.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Waldon will be recorded in the negative on Calendar Number 612.

Senate will stand at ease.

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

ACTING PRESIDENT KUHL: Senate will come to order.

Senator Skelos.

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

ACTING PRESIDENT KUHL: Secretary will read.

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

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

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

Senator Skelos.

SENATOR SKELOS: Mr. President,

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

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

SENATOR SKELOS: Move we accept.

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

(Response of aye.)

Opposed nay.

(There was no response.)

The message is accepted.

Senator Lachman, why do you rise?

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

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

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT KUHL: Chair

recognizes Senator Seward.

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

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

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

ACTING PRESIDENT KUHL: Senator Seward.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: Senator

Seward.

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

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

Senator Bruno.

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

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 810.

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

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

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

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

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 811.

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

ACTING PRESIDENT KUHL: Message of appropriation was previously accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

Announce the results when tabulated.

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

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

Ayes 46, Nays 12.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

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

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

SENATOR BRUNO: All been taken

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

Thank you.

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

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