ALBANY, NEW YORK

June 3, 1996

3:04 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 in the chamber, including those in the gallery, to rise and join us in saying the Pledge of Allegiance to the Flag. Please remain standing for the invocation.

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

We're very pleased to have the Reverend Paul DeHoff of the Union Church of Pocantico Hills from North Tarrytown, New York with us to deliver the invocation.

Reverend DeHoff.

REVEREND PAUL DeHOFF, Union Church of Pocantico Hills, North Tarrytown: Let us pray.

Creating God, we are thankful for the good place to which You have brought us in Your providence creating us to think Your thoughts. We know that what Your will is that

we know and do what is right, that we know and do what is just.

Grant those who labor here in this place Your special gifts and graces, that they may indeed think Your thoughts after You and have courage to act upon them.

We ask this grace in Your holy name. Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 2nd. The Senate met pursuant to adjourn ment. The Journal of Saturday, June 1st, 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.

The chair recognizes Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On page 52, on behalf of Senator Holland, I offer the following amendments to Calendar 1234, Senate Print 5958, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 1234 are received and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR FARLEY: Mr. President, I now move to discharge from the Committee on Transportation, Assembly Print 8464 and substitute it for Senator Holland's identical bill 5958A.

ACTING PRESIDENT KUHL: Secretary will read -- the substitution is ordered.

SENATOR FARLEY: Mr. President, I offer the following amendments to these Third Reading Calendar bills: On behalf of Senator Volker, page 5, Calendar 210, Senate Print 5492;

On behalf of Senator Nozzolio, on page 9, 390, Senate Print 2138A;

On behalf of Senator Sears, page 33, Calendar Number 999, Senate Print 7094;

On behalf of Senator Holland, on page 22, I think that's 22, Calendar 771, Senate Print 6509;

On behalf of Senator Maziarz, on page 21, Calendar 767, Senate Print 6388;

On behalf of Senator Goodman, on page 37, Calendar 1065, Senate Print 7207;

On behalf of Senator Marcellino, on page 34, 1002, Calendar Number, Senate Print 5776B;

On behalf of Senator Hoblock, on page 50, Calendar 1209, Senate Print 6889;

On behalf of Senator Velella, page 33, Calendar Number 993, Senate Print 3371A;

On behalf of Senator Volker, on page 29, Calendar Number 923, Senate Print 3995A;

And last but not least, on behalf of Senator Velella, on page 19, Calendar Number 733, Senate Print 6623. I move to amend these bills and ask that they retain their place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments are received and adopted. The bills will retain their place on the Third Reading Calendar.

Senator Skelos?

SENATOR SKELOS: Mr. President, I believe there is a resolution at the desk sponsored by Senator Rath which was previously adopted. May we please have it read in its entirety and then if you would recognize Senator Rath.

ACTING PRESIDENT KUHL: There is a privileged resolution at the desk; I'll ask the Secretary to read it in its entirety.

THE SECRETARY: By Senator Rath, legislative resolution, welcoming the children,

parents and teachers of Maple West Elementary School to the Capital City of the state of New York and noting the magnificent Heritage Quilt which the students have made.

Whereas, it is the sense of this legislative body that those who give positive definition to the profile and disposition of the communities of the state of New York do so profoundly strengthen our shared commitment to the exercise of freedom.

Attendant to such concern and fully in accord with its long-standing traditions, it is the intent of this legislative body to welcome the children, parents and teachers of Maple West Elementary School to the Capital City of the state of New York and noting the magnificent Heritage Quilt which the students have made.

The great state of New York, mirroring our beloved nation, is a construct of cultural and ethnic diversity, a melting pot through the sharing of ideas, traditions, religious backgrounds and cultures from around

the world.

Maple West Elementary School sponsored a cultural diversity education unit for their third grade students. This unit was created to help the children learn about the different cultures and take pride in one's heritage. One hundred and thirteen students participated in the program at the school which culminated in a smorgasbord of dishes from around the world on Friday, April 26th, 1996.

Besides textbook instructions, the students utilized their creative efforts in making a beautiful Heritage Quilt through the help of coordinator Sandy White and seamstress Diane Walser. Everyone involved in the education unit warrants special commendation.

This legislative body is greatly moved to specifically welcome to its chambers on June 3, 1996, Janet Voelpel, third grade teacher and a team leader; Mary Gregory principal, Maple West Elementary; Diane Walser seamstress and mother, with her son, Tyler Walser; Sandy White, chair, cultural diversity

luncheon, mother, with her son, Ben White.

It is the further intent of this legislative body to applaud the display of this truly magnificent quilt, a tapestry and mosaic depicting the cultural diversity of our nation and the great state of New York.

Through their commitment to the celebration of the cultural diversity of the nation and the great state of New York, the students of Maple West Elementary School have so unselfishly advanced that spirit of united purpose and shared concern which is the unalterable manifestation of our American experience; now, therefore, be it

Resolved, that this legislative body pause in its deliberations and most joyously welcome the children, parents and teachers of Maple West Elementary School to the Capital City of the state of New York and noting the magnificent Heritage Quilt which the students have made, fully confident that such procedure mirrors our shared commitment to preserve, to enhance and to and yet effect that patrimony of

freedom which is our American heritage; and be it further

Resolved, that a copy of this resolution, suitably engrossed, be transmitted to Mary Gregory, principal, Maple West Elementary School.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Rath on the resolution.

SENATOR RATH: Thank you, Mr. President. It is with great, great pride today that I would draw your attention to several folks who are sitting up in the gallery: Janet Voelpel, a teacher at the Maple West Elementary School, who is the third grade team leader of five third grades that have participated in this cultural diversity program. It has been taught for 12 years and this year the plan was to do a quilt. The mother who helped pull the quilt together, the mother who actually stitched the quilt, and two of the young men, Ben White and Tyler Walser, who are in the front row in the gallery, are here.

The quilt is here, it is going to be

in the outer lobby. It is a true celebration of diversity.

I would ask any of you who would like to, to see how cultural diversity comes together in the form of a patchwork quilt with the various nationalities and the symbols representing their countries, how that has been pulled together in such a beautiful and creative fashion and today will be a day that I'll long remember and I know that the mothers and the teachers and the young gentlemen who participated will long remember it.

I urge the adoption of this resolution, and please join me outside later to see the quilt.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the resolution?

(There was no response.)

The resolution was previously passed by this house but the Chair would recognize on behalf of Senator Rath, Senator Bruno and all the members of the house, the teachers and

children of Maple West Elementary School and the parents who have accompanied them. We welcome you to Albany. Thank you for all you've done to prepare this quilt. Keep up the good work.

(Applause)

Senator Skelos.

SENATOR SKELOS: Can we take up the non-controversial calendar?

ACTING PRESIDENT KUHL: We have some substitutions, Senator Skelos. Would you like to do that first?

SENATOR SKELOS: Would you make the substitutions.

ACTING PRESIDENT KUHL: Secretary will read the substitutions.

THE SECRETARY: On page 11, Senator Seward moves to discharge from the Committee on Rules Assembly Bill 8626A and substitute it for the identical Senate Bill, 5949A;

On page 19, Senator Velella moves to discharge from the Committee on Rules, Assembly Bill 2769E and substitute it for the identical

Senate Bill, 6749B;

On page 57, Senator Nozzolio moves to discharge from the Committee on Rules Assembly Bill 8696 and substitute it for the identical Senate Bill, 5965B;

On page 34, Senator Hannon moves to discharge from the Committee on Rules, Assembly Bill 9829A and substitute it for the identical Senate Bill, 6598;

On page 49, Senator Maltese moves to discharge from the Committee on Elections Assembly Bill 4513A and substitute it for the identical Senate Bill, 3086C.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Senator Skelos, that brings us to the Calendar.

SENATOR SKELOS: Take up the non-controversial calendar, please.

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

THE SECRETARY: Calendar Number

256, by Senator Nozzolio, Senate Print 2818, an act to amend the Correction Law, in relation to charging taxes on sales at commissaries and canteens.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 306, by Senator Tully, Senate Print 4578B. An act -

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 428, substituted earlier today by member of the Assembly Luster, Assembly Bill 8626A, an act to amend the Abandoned Property Law, in relation

to disposition of certain unclaimed 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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 507, by Senator Volker, Senate Print 6219A, an act to amend the Vehicle and Traffic Law, in relation to the regulation of parking by cities with a population in excess of 250,000.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. 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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 579 by Senator Skelos, Senate Print 5730 -

SENATOR SKELOS: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 691, by Senator Padavan, Senate Print 4216B, an act to amend the Penal Law, in relation to auto stripping.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 10. 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 49.

ACTING PRESIDENT KUHL: The bill is

passed.

THE SECRETARY: Calendar Number 734, substituted earlier today by member of the Assembly Stringer, Assembly Print 2769E, an act to amend the Insurance Law, in relation to prohibiting discrimination by insurers.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 744, by Senator Levy, Senate Print 1386, an act to amend the Real Property Tax Law, in relation to calculation of the alternative real property tax.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Calendar Number 770 by Senator Cook, Senate Print 6289, an act to amend Chapter 737 of the Laws of 1989, amending the Social Services 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 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 793, by Senator Maziarz, Senate Print 6193A, an act to amend to Education Law, in relation to the practice of veterinary medicine.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 831, by Senator Goodman, Senate Print 6344, an act to amend the Vehicle and Traffic Law in relation to designation of blood delivery vehicles.

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 836, by Senator Padavan, Senate Print 6843, an act

to amend the Vehicle and Traffic Law, in relation to authorizing cities and villages to designate parking for public purposes.

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 838, by Senator Levy, Senate Print 7144, an act to amend the Vehicle and Traffic Law, in relation to leaving the scene of an accident without reporting it.

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 840, by Senator Levy, Senate Print 7215, an act to amend the Public Authorities Law, in relation to adding a nonvoting member to the membership of the Triborough Bridge and Tunnel Authority.

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

842, by Senator Levy, Senate Print 7309, an act to amend the Public Authorities Law, in relation to the recovery of lost toll revenue.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect in 30 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 874, by Senator Padavan, Senate Print 2529, an act to amend the Education Law, in relation to empowering community boards.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

914, by Senator LaValle, Senate Print 1994, an act to amend the Education Law, in relation to enacting the Higher Education Community Service Act.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 925, by the Assembly Committee on Rules, Assembly Print 7846A, an act to amend the Local Finance Law and the General Municipal Law, in relation to the issuance, sale and payment of bonds.

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 943, by Senator Rath, Senate Print 7366B, an act to amend the Local Finance Law, in relation to the publication of notices of bond sales.

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 955, by member of the Assembly Tokasz, Assembly Bill 5502A, an act to amend the Election Law, in relation to the publication and distribution of registration enrollment lists.

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1018, by Senator Cook, Senate Print 7126, an act to amend the Education Law, in relation to providing relief to school districts.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1022, by the Assembly Committee on Rules, Assembly Print 10508, an act legalizing, certifying and confirming the acts of the St. Johnsville Central School District.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1069, by Senator Maziarz, Senate Print 7432, an act to amend the Environmental Conservation Law, in relation to providing for the removing of fill pipe.

SENATOR MAZIARZ: Lay it aside for the day.

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

sponsor.

THE SECRETARY: Calendar Number 1106, by member of the Assembly Luster, Assembly Bill 8549A, an act to amend the Penal Law, in relation to creating the violent felony of aggravated sexual abuse.

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1120, by Senator Hoblock, Senate Print 6258A, an act to amend the Family Court Act, in relation to orders of protection.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 6. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1183, by Senator Goodman, Senate Print 6417, an act to amend the Public Authorities Law and to reappeal paragraph E of subdivision 9 of section 3038 of the Public Authorities Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1214, by Senator Hoblock, Senate Print 7324A, an act to amend the Education Law, in relation to mandatory continuing education for dental hygienists.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1st, 1997.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1227, by Senator Cook, Senate Print 7608, an act to amend the Education Law and the Local Finance Law, in relation to annual meetings and elections in all small city school districts.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This

act shall take effect September 1st.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

Calendar -

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1228, by Senator Stafford, Senate Print 612, an act to amend the Environmental Conservation Law, in relation to the siting of industrial hazardous waste facilities.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1229, by Senator Larkin, Senate Print 935A, an act to amend the Navigation Law, in relation to liability of volunteer firefighters.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1230, by Senator Hoblock, Senate Print 1633, an

act authorizing the City of Albany to enact locally established parking violations amnesty for a period of three months.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. Secretary will lay the bill aside.

THE SECRETARY: Calendar Number 1231, by Senator Nozzolio, Senate Print 1999, an act to amend the General City Law, in relation to excluding the city of Auburn from provisions concerning plumbing and drainage.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. Lay the bill aside.

THE SECRETARY: Calendar Number 1232, by Senator Larkin, Senate Print 4254A, an act to authorize the town of Cornwall to discontinue certain parkland.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1233, by Senator Markowitz, Senate Print 5143A,

an act authorizing the city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. 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 1234, substituted earlier today, by member of the Assembly Colman, Assembly Print 8464, an act in relation to discontinuing the Spring Valley toll plaza of the New York State Thruway.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1235, by Senator Bruno, Senate Print 6009B, an

act to amend the Environmental Conservation Law, in relation to recordkeeping by importers.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1236, by Senator Larkin, Senate Print 6503A, an act to authorize the town of Blooming Grove, Orange County, to discontinue certain lands.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. Lay the bill aside.

THE SECRETARY: Calendar Number 1237, by Senator Saland, Senate Print 6762A, an act in relation to legalizing and validating the adoption of a bond resolution by the town board for the town of Stockport, Columbia County.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. Lay the bill aside.

THE SECRETARY: Calendar Number

1238, by Senator Velella, Senate Print 6959A, an act authorizing the commissioner of general services to sell certain lands in the city of New Rochelle.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Hoblock, that completes the reading of the non-controversial calendar. What's your pleasure?

SENATOR HOBLOCK: Mr. President, would you please take up the controversial calendar, in order.

ACTING PRESIDENT KUHL: But before we do that, the Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we, at this time, take up Calendar Number 1235.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1235.

THE SECRETARY: On page 52, Calendar Number 1235, by Senator Bruno, Senate Print 6009B, an act to amend the Environmental Conservation Law, in relation to recordkeeping

by importers.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Bruno, before I recognize you and give you the floor to speak on the bill, may we get some quite in here, please? There are a lot of members moving around, a lot of staff moving around. This is a very serious bill to debate. Get some order in the house.

Thank you.

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, thank you, and my colleagues, we are taking up an important piece of legislation, And let me announce at the outset that the people that are involved in this issue of breast cancer pesticides registration and reporting have reached an agreement, and, Mr. President, that is an important statement, that the people that really want to help cure breast cancer have reached an agreement.

We're going to pass this bill that will be a major step forward in

helping us understand and collect the information that hopefully can help lead to the cause and a cure of breast cancer in New York State and throughout the world. All that it will take for this legislation to become law will be for the Assembly to pass this legislation, when we pass it and have it signed by the Governor.

Now, we are at this stage with this agreement by the major people involved thanks to the efforts of some very concerned and special people. One of those very special people is Geri Barish who has been coordinating the One in Nine Coalition; she has worked hard, has been diligent and conscientious for years in getting us to an agreed-on version of a breast cancer pesticide registry piece of legislation. So, we're indebted to her for her commitment.

We have the Farm Bureau that has been very concerned in this state and for a lot of good reason, because while we're trying to help solve one problem, we have to be very concerned that we don't create other major

problems for innocent bystanders, for people who are out there just trying to earn a living. They have been a party to this agreement and for that we thank the president of the Farm Bureau, John Lincoln.

This bill before us has the backing and support of the American Medical Association, the American Cancer Society, Farm Bureau, as I mentioned, and the One in Nine Coalition, and others.

I also want to acknowledge and thank Senator D'Amato, who, for years, has been critically involved in this issue at the national level and has helped us here in the state to coordinate all of the activities that we have been involved in for months to get us to where we are today.

Let's, as we debate this -- and I know that there are differences of opinion on how you resolve the problem that's before us what to do about registering pesticides in this state in some orderly fashion, and recognize what we want to do is to make a judgment and a

determination, and what effect, if any, they have on breast cancer here in this state, that's the bottom line.

We're not posturing, we're not just pontificating about an issue that's unimportant or political, we have a very serious problem here in this state and it's time we move to do something about it.

So, through this legislation, we take a medical, scientific approach. If you're going to do something about collecting information as to what causes breast cancer, you have to do it medically, you have to do it scientifically, not just by collecting millions of pieces of information that people can't even relate to in any orderly way.

So, this bill creates a new cancer science board in the Department of Health and that board will consist of 11 professionals, scientific researchers, medical people, they will be the 11-person board in the Department of Health. There will be four others, and one will be a person who has been involved

personally with breast cancer as one of the four ex officio members.

What will this board do? They will be responsible for collecting all of the information that may be within state agencies, at the federal government, wherever they feel will have some impact on our research as relates to breast cancer and its cause and eventually its cure, that's their mission, is to collect the information; then secondly, to make that mission available in an orderly way through the professionals that are involved in breast cancer research, doctors, scientists, that's what this board will do.

They will make the judgments and manage this information that will be helpful, they will make the judgment on where is this information that will be helpful, how do we collect it in an orderly way, and then make it available to the medical community to help move us towards a cure for breast cancer in this state.

This legislation also calls, for the

first time, for a check-off for individuals in this state on an income tax return so that they can donate, because it takes money to do research, they can donate to help in the research toward the cause and cure of breast cancer and it also allows for individuals to supplement a dollar check-off, whatever, from other sources into the fund. It establishes a responsible and reasonable statewide registry so that the users and manufacturers of pesticides in this state will file annually with DEC, Department of Environmental Conservation, the information that has been determined has at least the potential to investigate the cause of breast cancer in this state.

We have to be sure that when we collect information, it serves a purpose. In California, they put a registry bill on the books. I am told that with the millions of reports that their law mandated, very literally, those people that are supposed to collect the information, so that to this point,

much of the information is useless in terms of trying to do something to find out what pesticides have to do with cancer and breast cancer specifically. We want to avoid that in this state.

So, those reporting are the manufacturers and the private applicators and the commercial applicators of the restricted pesticides that are used in this state. All of those will be registered and recorded and made available to researchers and, by the way, to anyone else that wants the information on what pesticides are restricted in use, and these judgments are made by the federal government, through the EPA, the Environmental Protection Association in Washington, they have a list of pesticides, those that are restricted in use. All of those will be registered by any user.

And then there are those that are categorized as probable human carcinogens and they will be registered by those users as will be spelled out in this legislation. And this is a complicated, very involved piece of legisla

tion, covers a lot of things, creates, I believe, for the first time through DEC a group to make judgments and test the waters in this state to see what contamination there may be there from pesticides that are in use, and that's critical in the research.

So, as we debate this, I'm going to conclude my remarks. I know there are others that want to talk. I want to thank also the chairman of our Conservation Committee, Carl Marcellino, who will expand on my remarks; Senator Tully, the original sponsor of one of the major pieces of legislation to move us to where we are here today; Senator Skelos, who took a leadership role in helping us get to where we are here this afternoon; the others that have been involved, many of you in this room and I know the staff have worked hard with all those involved, so I thank you for your efforts.

And, I also caution those that may see this issue as a political issue. This is not a political issue. I've heard the

statement that we are running for election in November and there are those that would like to see this out there as an issue, not resolved but as a political issue. That is wrong thinking and I know that there isn't anybody in this chamber that would buy into that kind of thinking because we all know in this chamber that this is critically important to a lot of people in this state, in this country, in the world, because breast cancer -- and all of us know the devastation, the heartache, the suffering, the deaths that come from breast cancer.

So, this is a major step forward to find out if we can register those pesticides that potentially lead to breast cancer and other cancers.

So, I ask for your support for this legislation and I hope that when we get through with our discussion, that this will find its way to the Assembly where they will seek to pass it. The Governor has indicated that when they will see fit to pass it, the Governor has

indicated that he will sign this bill upon its receipt. So, hopefully, we can debate this with the opinions that will be represented and move it to the Assembly where they will act on it in an expeditious way.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, I would like to just comment on the bill and begin by saying to you, Senator Bruno, on behalf of the Long Island legislators, certainly all the members of the Majority Conference, but even more importantly, people of Long Island, the survivors, the families, who have suffered through family members being inflicted with this horrible disease, thank you for the leadership that you've shown in bringing together interests in this state that perhaps a few months ago we didn't think could happen, and that's what leadership is about.

On Long Island we have an unacceptably high rate of breast cancer. It's

not unusual to go through communities where there will be perhaps on one block seven households where somebody in that household has been afflicted with breast cancer. In fact, we have what I believe is, maybe not statistically so, but a health emergency on Long Island when it comes to the high rate of breast cancer.

Under the leadership of Geri Barish and so many wonderful people, this legislation is poised to help find the cause and, even more importantly, the cure for this horrible disease.

All of us, unfortunately, have been to dedications of small parks like I have in Long Beach which are dedicated to a woman who has died from breast cancer, we've been to the rallies, we have released the balloons, we have done all that is absolutely necessary to show our moral support and our commitment to this cause, but now we have the opportunity as legislators to pass legislation, that's what we're supposed to do, pass legislation that is going to get to the root cause and find a cure

for this horrible disease.

So, I'm hopeful that after passage of this legislation today, that the Assembly will follow the lead of the Senate, pass this legislation, stop the political bickering and move forward so that we can have a real bill that's going to find the cure for this dreaded disease.

Thank you.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Mr. President, thank you for recognizing me, and I rise with pleasure to speak about this particular piece of legislation.

When I first decided to run for a seat in this Senate, I was asked what I wanted to do and what I would want to be -- how I would like to be thought of. I said I would like to be thought of as a serious Senator, responsible for serious and meaningful legislation. I can think of no more meaningful piece of legislation than what we have here

before us. The issue is literally life and death, the issue is of paramount importance to everyone in this chamber. I daresay everyone in this chamber knows of a friend or a relative who has suffered from this terrible disease.

Just this past year, I buried my cousin, a young woman with two young children, because of this terrible disease. I see no greater thing we could do, no more important issue to address than this particular issue.

When I came to the Senate, I was aware of the fact that Senator Tully had proposed legislation to develop a registry, and in conjunction, I joined with this piece of legislation, I joined, I became a co-sponsor. And Senator Tully, you should be congratulated for starting the debate, for leading the charge and opening the doors. It wasn't easy, it wasn't always popular, but he did it, he took on an issue which he knew was controversial and he carried it.

Senator Bruno, recognizing the seriousness of this issue, picked it up. We

all recognized that the earlier bill had some flaws to it and we wanted to make a bill that could pass, we wanted to make a bill that could work, we wanted to make a bill that would address the issue of not merely listing pesticides, because merely a listing of chemicals provides us with nothing but a list.

This bill that we're debating here today addresses a health concern, addresses a research concern, has a water monitoring component, has a funding component. This bill can work, this bill is meaningful, this bill will work if addressed in the proper way.

Take the political rhetoric out of the issue. Get rid of the bipartisan -- get rid of the partisanship and make it bipartisan, the way it should be, the way it ought to be.

Let's address the real concerns here. The real concern is finding a cure for a terrible, terrible disease, one that it is said impacts one in nine, but if you look on Long Island, it's probably closer to one in three or one in four. How about -- that's on a

statewide number, one in nine is a statewide number; let's bring it down to Long Island, one in three, one in four, a terrible number.

Recently I attended a rally in Long Island where a Garden of Hope was dedicated, was dedicated by One in Nine. This garden was to commemorate those women who formed this organization. My friends, many of whom are no longer with us, many of whom who were depicted have passed away as a result of this disease. They've literally given their lives in this fight. They knew what their cause was and they knew their life was limited but they spent their life, what was remaining of it, and they spent their energy to try to develop a program that would address the problems of breast cancer in this state.

This is a very meaningful afternoon and time well spent. If you have an opportunity to come down to Nassau County, we'll take you to that little park, we'll take you to that little site; you can't help but be moved.

As I said at the beginning of my comments, we have an opportunity here to do something meaningful and something that is real, not pie in the sky, not something that may or could, but something that will address an issue in a real way.

I commend Senator Bruno for his leadership, I commend Senator D'Amato for his leadership, I commend Geri Barish for her leadership and I commend all of the groups who have signed on in support of this piece of legislation, groups like the Aldephi University Breast Cancer Hotline, the American Cancer Society of Albany, the American Cancer Society of Long Island, the Babylon Breast Cancer Coalition, the Bond Camp, Brentwood Breast Cancer Coalition, Cancer Care, Incorporated of Long Island, the Great Neck Breast Cancer Coalition, the Huntington Breast Cancer Coalition, the Long Beach Breast Cancer Coalition, the Lucas Construction Company, Lorraine Pace of the Breast Cancer Survivors and Activists, the Healthy Environment for a

Living Planet, West Islip Breast Cancer Coalition, the Long Island Progressive Coalition, the Long Island Neighborhood Network, and Mary Wolf, Ph.D., American Cancer Society, and the Medical Society of New York State, which issued a press release commending the Majority Leader on the development of this particular piece of legislation.

I know there are many groups I haven't listed, and so I won't, who are opposed to it. We can address all of their concerns in the process. My suggestion is, sign on, come on board. This bill is a meaningful step in the right direction. This bill has Farm Bureau support, this bill has all sides involved willing to participate in it in a positive way.

So, I commend all of those who brought it to the floor here. This was not an easy thing. I commend everyone involved and urge everyone involved to look at this bill in a positive way, as a good first step, as a beginning to the process.

I intend to support this bill vigorously. Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter, I had you next on the list, but in talking to Senator Oppenheimer, she indicated you were going to yield the floor to her.

The Chair recognizes Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you. I believe you have an amendment at the desk and I'll waive its reading. There is an amendment at the desk.

ACTING PRESIDENT KUHL: Yes, there is an amendment at the desk, Senator Oppenheimer. The reading of it is waived and you're now afforded the opportunity to explain your amendment.

SENATOR OPPENHEIMER: Okay. I'm having a little trouble here because for me it isn't -- it isn't political rhetoric or a political activity, I am a breast cancer survivor, and I feel what I'm hearing is support by groups that are saying it's better

to take a bone thrown and to have something, which is better than nothing, because we have no data base, no information now. But, as I see it, it's almost -- the data will be so incomplete, be so inaccessible, will not be valid data to create the kind of data base that we need. We need a comprehensive data base in order to arrive at reasoned conclusions.

The largest users in our state are the farmers and they are only required to report on restricted use pesticides, and we know that that's only about 25 percent of the pesticides that they are using. What kind of valid data base is that?

Let me turn to the amendment. The amendment is the Tully-Englebright bill and it does enjoy a very broad-based support from environmentalists and women's rights groups and health advocates in our state. As we know, it has passed the Assembly for three years now and by very large margins, overwhelming margins, and it is stalled in the Senate and that is why we are seeing this bill before us.

It also has in the past been sponsored by several Republican Senators: Tully, Hannon, Hoblock, Johnson, Lack, LaValle, Leibell, Levy, Marcellino, Skelos, Trunzo, and it has many supporters outside of this chamber, to name a few of them, the League of Women Voters, NOW, the Environmental Advocates, NYPIRG, the Sierra Club, Capital District Breast Cancer Coalition, the Citizens Environmental Coalition, the Women's Bar Association, the American Cancer Society, which does support the other bill as well because they would rather see something than nothing, but this is the bill they would like to see, Judges and Lawyers for the Breast Cancer Alert.

Let me describe the amendment as briefly as I can. It requires an annual report from the DEC summarizing the pesticide sales and use by active ingredient, category of applicator, region, and documented human and wildlife pesticide poisonings. The reports are done annually and must be available to all

interested parties.

The bill that Senator Bruno has before us does not require an annual report and the information is not available to all interested parties, as we know. The information will be made available for cancer research but not for other research.

This amendment requires manufacturers and importers of registered pesticides to report sales annually by February 1st on computer disk or in writing. It directs the DEC to make the reports available to all interested parties. As I have mentioned, this is not true of the Bruno bill. It requires both commercial and private applicators to file an annual report on purchases of restricted use and general use pesticides, including quantity, by product and by active ingredient.

The bill before us, the Bruno bill, does not require private applicators to report on the purchases of general use pesticides, even though, as I mentioned earlier, this is the general use pesticide that most farmers are

applying.

And indeed, I think we should note here that the highest incidence of cancer is occurring in our agricultural counties. I heretofore also thought that it was basically occurring in my county because a majority of the people I know, women who have had breast cancer and also in Long Island where we originally had the original impetus to start to focus on this issue.

However, as it turns out, it is upstate that has the highest incidence, the highest is in Chenango, the second highest is in Ontario County, and the third highest is in Monroe County.

Also, the Bruno bill does not require that the product name or that the active ingredient be named, only the EPA, the Environmental Protection Agency's registry number which makes it a whole lot harder for the general public to begin to understand what is in this registry.

My amendment requires more reporting

information than in the Bruno bill, it requires reporting on quantity, active ingredient, and for each application it requires the name of the pesticide, the quantity, the dosage rate, the rate of application, the -- the date of application, pardon me, the method, the location by nine-digit zip code, the acreage and the target organisms.

This information must be made available to the general public with the names, addresses and other identifying information deleted. Now, this information would be much more accessible to all interested parties and it would not conceal the location as we see would happen under the Bruno bill.

This amendment does not exempt farmers from liability for damages resulting from groundwater pesticides contamination. The existing law, as it has always been, would be left intact. This is not true on the Bruno bill which shifts the loss to innocent third parties who do not choose to use the pesticide, nor they did not benefit monetarily from using

the pesticide and they have absolutely nowhere to go to redress their grievance.

I think I've touched on the main points of the amendment, and I would like to move the amendment at this time.

ACTING PRESIDENT KUHL: Senator Bruno, on the amendment -- Senator Leichter.

SENATOR LEICHTER: No, I yield to Senator Bruno.

ACTING PRESIDENT KUHL: Senator Bruno, on the amendment.

SENATOR BRUNO: Mr. President, we're not going to get engaged here on this side of the aisle in any prolonged debate on this particular amendment which really, in essence, takes this bill back to the original version that was passed in the Assembly that creates about 24 million reports from anyone's count, that made it totally unrealistic that anyone could deal with the collection of this data in any orderly way and make it of any practical use, and that is a piece of legislation that is going nowhere towards

solving this issue.

So, we're not going to debate it on this side of the aisle in this chamber, but instead, Mr. President, we're going to ask to form a conference committee and those that are advocates of the Assembly's version presently can be represented through that conference committee because if we really want to resolve this issue, that's the way we ought to do it, and I can share with you that we have tried for a length of time to resolve this in the Assembly, to pass a real bill that the Governor will sign. The Governor will not sign that version of the bill. So, posturing isn't the answer.

So, we don't want to posture, Mr. President. What we want is to resolve this issue, it's too important to too many people in this state. So, we're going to ask for a conference committee and our deputy Majority Leader, Senator Dean Skelos, will chair that conference committee and also on it will be the chair of EnCon, Carl Marcellino, Senator Tully,

the original sponsor that brought this issue before us will be on that committee, and Senator Randy Kuhl, who chairs the Agriculture Committee here in the Senate, we would ask to serve on this committee; and we will await the appointment of the Minority office so that we can conclude our part.

So, through this conference committee approach, we have been able to resolve in a positive way some very difficult issues.

So, if you will indulge us, we are not going to debate this specific amendment for the reasons that I just stated. Our position is clear, that we want to move to a meaningful resolution of how you collect this information, what use it's put to, how you fund it, and who it is available to, what is the availability of this information to what segment of the population. All of that is resolved in this approach, but we understand that people have differences of opinion and we're confident that through the conference committee approach, we

can resolve the differences and see a bill that we can pass in both houses that will become law.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter on the amendment.

SENATOR OPPENHEIMER: Would Senator Bruno yield to a question?

ACTING PRESIDENT KUHL: Senator Bruno, would you yield to a question from Senator Oppenheimer?

SENATOR BRUNO: Yes, Mr. President, and I will have to excuse myself shortly. We're trying to move the process forward in some other areas here that are important to all of us and I believe we're going to be getting together with some of those involved within the next five or ten minutes.

ACTING PRESIDENT KUHL: Senator Oppenheimer.

SENATOR OPPENHEIMER: Senator Bruno, I am very happy to hear that there will be a conference committee. I would respectfully

request that, if I could be put on that committee, I would like to be on it. It's a very important issue to me for the afore mentioned reason and -

SENATOR BRUNO: Senator, and that will be noted, I'm sure, by the Minority Leader, your leader.

SENATOR OPPENHEIMER: And also -

SENATOR BRUNO: So we will await a recommendation to us.

SENATOR OPPENHEIMER: I just wanted to object to the word "posturing" because as the Assembly, when they passed their bill and you could say that you here now would be posturing. I think you may have different approaches, you're similarly interested in trying to do something. I think the conference committee is the way to go; I applaud that.

SENATOR BRUNO: Thank you, and I apologize if I was offensive in the use of posturing. I guess I was just making it clear that the Governor has indicated he would not

sign that bill, it would not become law, and so to debate that bill isn't very productive in any of our lives, so I apologize.

ACTING PRESIDENT KUHL: Senator Leichter, on the amendment.

SENATOR LEICHTER: Senator Bruno, I realize that you have other important business to do, but before you leave, I wondered, would you be so kind to yield to one question?

SENATOR BRUNO: Yes, I'd be happy to.

SENATOR LEICHTER: Senator, under your bill, you provide that commercial applicators will inform the data base or will collect information from the data base on restricted pesticides and also on general use pesticides, is that correct?

SENATOR BRUNO: In the general use, those that have a probable cause.

SENATOR LEICHTER: Right, and because -- and you do that because you want to have as complete a data base as possible.

SENATOR BRUNO: Excuse me. I've

been corrected. The commercial applicator will report all, general, you are correct.

SENATOR LEICHTER: Okay, fine. And you do this, obviously, because you think it's important to put into the data base the use of the general use pesticides, isn't that right?

SENATOR BRUNO: Yes.

SENATOR LEICHTER: Well, can you tell me, then, why, if it's important for the commercial applicators to do it, why you exempt farmers who are actually the utilizers of 75 percent of all general use pesticides?

SENATOR BRUNO: The general use pesticide registry is presently required of commercial applicators, that's present law, and farmers presently are not required to report all general use; and the best answer I can give you is that once you get by the probable causes or the potential causes, you get into categories that relate to almost household use pesticides and to require farmers to have to file reports would require literally millions and millions of reports to be filed for no

consequential reason.

SENATOR LEICHTER: Senator, you're saying -- if you would be good enough to continue to yield.

ACTING PRESIDENT KUHL: Senator Leichter, are you asking Senator Bruno to continue to yield?

SENATOR LEICHTER: Yes, if he would be good enough to yield.

SENATOR BRUNO: I yield.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: Senator, I have difficulty understanding your saying that no use would be served by having farmers file records on their utilization of general use pesticides. You've admitted that you have the commercial applicators file that information, it's under present law, it's provided in your bill, and you do so because the fact is that there are a number of general use pesticides which have been identified as possibly being a cause of cancer, particularly breast cancer, but

then when it comes to farmers, you say it would serve no purpose. Senator, I find your position is, frankly, hard to understand.

SENATOR BRUNO: Well, I can understand that, Senator. Let me see if I can help you be a little clearer.

There are over 10,000 general use pesticides that are in use in our homes, by private applicators such as farmers. Now, if you are going to mandate by law that any time a farmer uses Comet, a can of cleaner, cleanser, to wash their utensils, to do whatever, which people use all over the country, you want them to file a form by the hundreds for just common household products, we think that that is -- I was going to say ridiculous. It just doesn't serve a purpose, and it literally creates such a glut of information, such as in California, that it will bury everyone in paperwork and serve no consequential purpose. There will be no result. That's the thinking that's behind limiting this in this way.

SENATOR LEICHTER: Senator, if the

idea and the purpose is -

ACTING PRESIDENT KUHL: Senator Bruno, excuse me. Do you continue to yield?

SENATOR BRUNO: Yes, Mr. President.

SENATOR LEICHTER: One last question.

SENATOR BRUNO: Yes, Mr. President, one last question.

ACTING PRESIDENT KUHL: Senator yields for one last question.

SENATOR LEICHTER: That if the idea and purpose is to get a complete data base and to try to collect information on pesticides that are actually being used, it seems to me inherently illogic to say, "Well, so many pesticides are being used that we can't record them," so, therefore, the very likelihood of identifying some causation between pesticide use and cancer is negated by your being unwilling to deal with what you say is a mass of paperwork that, and I'll deal with it later, can easily be handled.

But, it defeats the very purpose of

your bill.

SENATOR BRUNO: Mr. President, I'm looking at the Long Island Breast Cancer Coalition, signed by the president, Geri Barish, and let me just read you a couple of sentences from their response to your question and your concerns: "Following the advice of California registry experts, this legislation that's before us seeks to avoid the data overload and backlog afflicting that state's landmark reporting system by focusing on the most suspected pesticides first, restricted and known probable carcinogens. Cancers activists cannot afford to have New York's registry undermined by overwhelming it with data on the thousands of restricted and general use pesticides applied in this state. The resulting administrative burden and cost would certainly threaten the continued existence and utility of such a registry. The incremental approach described in this bill, combined with a petition mechanism to add specific pesticides, is more prudent while pesticide

reporting and research is in its infancy."

Now, this is a group that has been way out front for years with their major concern and main concern dealing with breast cancer, what causes it, what to do about it, how to cure it. That's their response to your question, and it's a lot better than any that I could ever give you.

SENATOR LEICHTER: Senator Bruno, do you have time for one more question?

SENATOR BRUNO: Yes.

SENATOR LEICHTER: Good. Let me just say, Senator, of all the organizations involved in this battle, including One in Nine, Senator, you have them vote on which bill they prefer to see, whether they would prefer to see the Tully-Englebright bill as contained in Senator Oppenheimer's amendment, or your bill.

And you know overwhelmingly what they want is a full, complete, effective bill and let me just point out to you that One in Nine, in their spring 1996 bulletin, I guess before certain pressures or inducements or

other persuasion was applied to them to write this letter, they said, "One in Nine --" I'm quoting, "One in Nine finds this provision of S. 6009 particularly troubling. It is a well-known fact that the majority of the pesticides sprayed and applied to the food that we eat fall under the classification of general use pesticides."

But, my question to you, Senator, is you said that the Tully-Englebright bill wouldn't go anywhere and I was going to say that this bill really misses the mark. It's sponsored, of course, by some very distinguished Senators from your side of the aisle, Senators Tully, Hannon, Hoblock, Johnson, Lack, LaValle, Leibell, Levy, Marcellino, Skelos and Trunzo. Senator, you put that bill out, you put that bill out, and I guarantee you, it will go somewhere, it will go right down to the Governor's desk because Senator Connor has told me that there is enough votes in the Democratic Minority here, combined with these distinguished Senators, that that bill will go out.

Now, maybe some of them may not vote for their own bill as an amendment and we'll have the usual argument, "Well, it violates our procedures," and so on, but the fact is, the only reason this bill isn't going anywhere is because you refuse to put it out.

SENATOR BRUNO: Do you have a question, Senator?

SENATOR LEICHTER: Yes. Put the bill out. Will you put the bill out?

SENATOR BRUNO: Mr. President, the answer is no, and we wouldn't put the bill out because the Governor would not sign that bill. It would not become law. It would be a waste of everyone's time. And, Senator, I am amazed that you aren't aware that the passage that you read was in the early version of our bill. We are going to pass the "B" print and that was corrected. So, thank you for calling that to our attention, but when One in Nine was calling that to your attention, we corrected that in this legislation. So, thank you.

ACTING PRESIDENT KUHL: Senator

Leichter, on the amendment.

SENATOR LEICHTER: Senator Bruno, I thank you. Let me just briefly say while you're still here the part that I read very clearly referred to general use pesticides and that, I think, is the point that we were trying to make.

Let me also say I think it is very likely that if the amendment passes, if the Tully-Englebright bill passes, that the Governor would sign it. I do not believe that this Governor would say to the people of the state of New York, and particularly the women of the state of New York, "I'm not going to sign a bill that would provide a comprehensive data base," I just don't believe that.

But, the fact is I think what we have here is really this is a fig leaf to cover the Republicans' failure to address the use of pesticides which are causing cancer in our society, and what we have here is a compromise, so-called, but you're compromising with the health of New Yorkers, you're compromising with

the health particularly of women who are subject to breast cancer. If you take a look at the organizations that Senator Marcellino read off, I think without exception, Senator, you would have to concede they would prefer to see the Tully-Englebright bill.

ACTING PRESIDENT KUHL: Senator Leichter, excuse me. Senator Marchi, why do you rise?

SENATOR MARCHI: I would request that the Senator yield for a question, please.

SENATOR LEICHTER: I will.

ACTING PRESIDENT KUHL: Senator yields to a question.

SENATOR MARCHI: I'm a little intrigued by the opposition and number two on the list is the state of New York, State Trial Lawyers' Association. I would like to know, do you have the reasons they assign for opposing this bill, that they have come out in opposition? What is the basis for their opposition?

SENATOR LEICHTER: Senator, what

they oppose is the Bruno bill. They have no problem whatsoever with the Tully-Englebright bill as contained in the amendment.

SENATOR MARCHI: Tell me, coming from where they are coming from, why do they oppose it?

SENATOR LEICHTER: Senator, I'm going to give you their memo which would set it forth much better than I can tell you, but the basic reason is because they are opposed to eliminating the long-standing common rule principle which applies to farmers who use pesticides, and that is strict liability. You and I learned that in law school. So many things have changed since you and I were in law school; there were some bedrock principles, and one of them, as you remember and even I remember it, was that somebody who uses an inherently dangerous substance assumes full liability on the grounds that if you -- and even though that person may not have known that the substance was dangerous or may not have known the specific reasons or grounds contained

in that particular substance, that when you're pooling the interests of a totally interested party whose well has been poisoned by pesticides, whose children drink from that well, whose children develop tumors, whose family may be devastated by cancer, and a farmer who used that pesticide put it in the well, then the common law and our principles of law that apply even now but would not under this bill, is that the farmer is strictly liable and that I believe is the grounds for the opposition of the trial lawyers.

SENATOR MARCHI: Senator, the difficulty I have is to reconcile their support of the legislation which to me waters down the liability that exists today.

SENATOR LEICHTER: I'm sorry, I'm not sure I understand your question.

SENATOR MARCHI: I don't see how they -- you also stated, but I'm not sure of that because I don't have any memo, you also stated that the trial lawyers support the other bill or the bill that we're talking about.

SENATOR LEICHTER: Right.

SENATOR MARCHI: Why?

SENATOR LEICHTER: Well, they don't oppose it, Senator, because it doesn't -

SENATOR MARCHI: You said that they support it. Is that in error?

SENATOR LEICHTER: Senator, I'm advised that they do not oppose it and the reason that they don't oppose the Tully Englebright bill, the Oppenheimer amendment, is because it doesn't do damage to the long standing principle of the common law that strict liability ought to apply to somebody who uses pesticides.

SENATOR MARCHI: Thank you, Mr. President.

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

SENATOR MARCELLINO: Yes. Would Senator Leichter yield for a question?

SENATOR LEICHTER: Certainly.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR MARCELLINO: Thank you, Mr. President.

Mr. President, through you, Senator Leichter, the trial lawyers, I believe, use the example of dynamite. They say that if you use dynamite, you're liable, not the manufacturer.

Isn't it true, though, that if you use dynamite, you're fully aware of the potential danger of dynamite to destroy, to harm, whereas a farmer using a pesticide today has absolutely no knowledge, other than what he's being told by the current scientific knowledge of the day as to what is or is not a problem?

SENATOR LEICHTER: Senator, I don't think that's quite so. I think that what we have learned is that pesticides can be extremely dangerous, even general use pesticides. There are general use pesticides, for instance.

SENATOR MARCELLINO: Senator -

SENATOR LEICHTER: Let me finish

answering your question.

SENATOR MARCELLINO: Sure.

SENATOR LEICHTER: -- Dursban, which there seems to be indication -

SENATOR MARCELLINO: Seems to be.

SENATOR LEICHTER: That's right. Therefore, just by the same token, there is indication that dynamite, which, when properly used, is safe; but, if improperly used, is dangerous. I submit to you that there are general use pesticides that are inherently dangerous, that can do as much damage, if you will, as dynamite, and it certainly seems fair under those circumstances and with the general knowledge that farmers and everybody else has as to the use of pesticides that they ought to be held strictly liable.

Senator, the fact is that the highest rate of cancer, breast cancer, is not on Long Island, it's in farm areas. Senator Oppenheimer read to us the statistics. We have to -

SENATOR MARCELLINO: Senator -

ACTING PRESIDENT KUHL: Senator Marcellino, Senator Leichter has the floor.

SENATOR MARCELLINO: I apologize.

SENATOR LEICHTER: That's all right. Please go ahead. You're anxious to ask your question.

SENATOR MARCELLINO: The question is simple. What I heard from Senator Oppenheimer in those statistics, what I heard was that there was some studies that seemed to indicate that it might be the case, that it might be the case, that there are percentages involved because in small rural communities, very small numbers of incidences can shift percentages and sound much higher than in areas where the population is much denser. So, downstate, Long Island where you have a huge number of people, the same number of incidences would be relatively small compared to upstate communities with a lesser population.

But to get back to the question, your point of a farmer who is operating under current practices, currently accepted

practices, using pesticides with appropriate methodology, you're saying that that farmer, ten years down the line, should be sued if someone finds out that that pesticide, ten years later, could have caused cancer, is that what you're saying?

SENATOR LEICHTER: Senator, that had been the principle of law that has been applied, it's based upon, as I tried to point out, not point out to Senator Marchi, because I wouldn't presume to educate him on the law, but remind him what we learned in law school and has been employed by the courts in a perfectly consistent, fair manner.

Senator, you want to put the burden on that family whose children have developed cancer and say, well, they are out of luck, the farmer used pesticides, maybe he should have realized or known, but there wasn't any specific information, tough luck to those kids who have cancer or those women who develop breast cancer, I just don't accept that.

SENATOR MARCELLINO: Would you

yield?

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

SENATOR LEICHTER: Yes.

SENATOR MARCELLINO: Thank you, Mr. President.

Senator, asbestos, used in school buildings, used by the U. S. Navy, used in many homes, the user is not held liable, it went back to the manufacturer. Those people that you're talking about could sue the manufacturer and not the farmer, who is also, you might say, an innocent party to the proceedings. They are not doing something to deliberately poison, they are doing something which is an accepted farming practice with the accepted knowledge of the day. I mean, we're not suing, we're not suing the Navy, we're not suing that landlord of an apartment building where asbestos lined the pipes, we're suing the manufacturer. All we're saying is treat the farmer in the same way.

I don't see the problem. Perhaps

you could educate me on that. I'm not a lawyer, thank God.

SENATOR LEICHTER: I would be happy to educate you on that, Senator, because I think, Senator, I think what happens is that the women who developed breast cancer under my example, the children who develop tumors, of course you would sue the manufacturer, you would see the manufacturer not only because under common principles, he's more culpable, but you would sue the manufacturer because he has deeper pockets.

Now, you also sue the farmer. It may be that in some instances, the manufacturer is no longer around, so at that point, at that point, state of New York, you have a situation where your two parties, you may say both of them are innocent, but certainly between the two of them, I think most fair minded people would say that the recovery should be had by those persons who develop cancer against the farmer who put that dangerous pesticide into the ground and poisoned the well.

The farmer -- where you have a culpable manufacturer who is still around, if you sue the farmer, the farmer would just cross claim against the manufacturers, so that in most instances, you would not have a recovery against the farmer. So, to make it that you're looking for farmers to pay what the asbestos manufacturer pays, you're going to have a billion dollar judgment against farmer is, of course, totally ludicrous.

Senator, this has been the law, it's worked in the common law in many situations. Farmer builds a dam, he does it according to the best known method of building a dam. Unfortunately, the dam breaks, floods the land of his downstream neighbor. Who's liable? The farmer, that's been the law.

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

SENATOR SKELOS: With Senator Leichter's indulgence, and perhaps for a more orderly debate, not that it isn't very interesting, maybe we should vote on the

amendment and then we can get on to the bill itself because the debate is now going into the merits of the bill, the demerits of the bill, whatever you want to call them. Maybe we should vote on the amendment and then go on to the bill.

Well, if you wish to continue, I'm not going to -

SENATOR LEICHTER: Senator Skelos, the fact is that really the amendment and the bill go together. What we're saying is that we want to go and have the bill that has the support of all these prominent Republican Senators and that's what we ought to be voting on.

SENATOR SKELOS: But Senator Leichter, I don't consider myself a prominent Republican, but I'm certainly -

SENATOR LEICHTER: With exceptions, with exceptions.

SENATOR SKELOS: -- proud to be a Republican and I am one of those nine, but I'm also very proud to be supporting this

legislation which I think goes a lot further than the amendment, things like check-offs so that we can have public awareness programs, that there is a funding stream that will be used for research and I could go on and on, but maybe we'll save that for the bill itself, once the amendment is defeated.

ACTING PRESIDENT KUHL: Senator Leichter, do you wish to continue on?

SENATOR LEICHTER: Yes, I do wish to continue.

ACTING PRESIDENT KUHL: Senator Leichter, on the amendment.

SENATOR LEICHTER: Senator Oppenheimer, I think, pointed out in discussing all the benefits and advantages of her amendment what is wrong with this particular bill. The point is that you need a full, complete data base. We don't know specifically which chemicals are responsible for the high incidence of breast cancer. We do know that it is a medical crisis that we face and I want to say that everybody in this chamber, but I

particularly want to acknowledge the long fight that Senator Tully has waged on this issue and everybody has acknowledged that and Senator Marcellino got up, and Senator, I think you spoke very genuinely, very sincerely and with real concern, so nobody is questioning the common goal that we have of trying to find out to the best extent possible which other pesticides that are contributing to the high incidence of breast cancer.

And, by the way there is not just cancer, there is neurological damage, which is another problem with this bill, because it's all limited to cancer and the pesticides may cause other ailments.

But, what we're saying is that if we're going to do it, then you've got to do it completely, you can't compromise with the health of New Yorkers and that's what you're doing, you're doing it because you're saying, "Well, we don't want to impose this burden on farmers," and Senator Bruno -- and I found his position, frankly, difficult to understand and

I think constitutionally -- and I think illogical.

If you want to find out, then you've got to have a registry of all of the pesticides. We're not talking pesticides that you use at home, we're talking -- and in any event, those are covered by the commercial applicators. If you say the commercial applicators have to list and have to have a registry of all pesticides restricted, as well as the general use pesticides, then you've got to do it for the farmers and you must do it for the farmers because otherwise you have an incomplete data base and that's what we're arguing. We're arguing that, if you're going to do it, you can't do this in the usual Albany way, Well, let's cut the difference. I mean, this is not a negligence suit and we're going to cut the award in half. We're dealing with something, frankly, that I just think is too serious.

And when Senator Marcellino gets up, and Senator, I've heard this so often in this

house, when somebody is uncomfortable with a bill that they've got to support they say, "Oh, well, it's a first step." Senator, I think this issue is too important to be satisfied with first steps.

I want to go back and I want to do the bill that was done, that was introduced by you together with Senator Tully, and you know in your heart, you know in your heart that that is a preferable approach and every one of those organizations that you read off, you give them a choice, you go to the One in Nine and you say, "Do you want the Tully bill or do you want the Bruno bill," and I think unanimously they would say, "We want the Tully bill."

You know, Senator Bruno says, "Well, let's not be political on this issue," which is interesting coming from the Majority Leader because -- and I respect him and he's a very combative Majority Leader, certainly doesn't shy away from political issues. I suspect the reason that he doesn't want this to become a political issue is because he knows that you're

on the wrong side of this issue, that what you're doing is not what the people of the state of New York want, it's certainly not what they need. What they need is a full, complete, workable data base that's going to get us results. Your bill has a loophole that is so enormous that we'll never accomplish what we want and that is to identify the pesticides that are causing the cancers and other illnesses in our society.

So, I urge you all very strongly to do the amendment. If you don't want to do it under the name of Oppenheimer, although I think it's a fine name, then bring out the Tully bill, bring it out, I'm sure that all the co-sponsors will vote for it. You've got the votes from this side of the aisle. The Assembly has passed the bill.

I just feel it so deeply in every cell that I have that the Governor is going to sign that bill when it comes out. To say you're going to put it to a conference committee, I don't see really what that does

because the fact of the matter is you don't want to be political but you've taken a very political position. So, I urge you, do the right thing, support the amendment.

SENATOR SKELOS: Mr. President, I would just like to clarify one of the comments made by Senator Leichter. He mentioned that he didn't believe that certain household-type pesticides should be recorded, yet under the amended bill, farmers would be required to report items like Lysol brand disinfectant, Black Flag Special City Formula 2 Roach Killer, Raid Wasp and Hornet Killer, Raid Wasp and Hornet Killer 3, Zodiac Flea and Tick Spray for Dogs, these are the types of items under the amendment that farmers would be required to file and report with the DEC. And, in fact, under the amendment that's offered, if you're concerned for the data base, Senator, for the data base, then, Senator Leichter, you should go in to the homeowners who use general use pesticides, require every homeowner then to report everything to DEC so we can have one

billion pieces of information sent to Albany that will just create a complete data base breakdown.

What we have in this bill -- I'm just speaking to close for myself in terms of the amendment -- is a real bill with a science board that's going to make decisions, not bureaucrats. Say it's a bill that's going to have a funding mechanism to help support public information, to help fund the process in finding out the cure, and that's why, Mr. President, I am going to vote no on the amendment.

SENATOR LEICHTER: Mr. President, if I could ask Senator Skelos to yield.

ACTING PRESIDENT KUHL: The question is on the amendment. We're on the amendment, Senator Leichter. There are two - we're on debate on the amendment, Senator Leichter. There are two other members who have indicated they want to speak on the amendment. So, if you have a question of Senator Skelos on the amendment, then it's -

SENATOR LEICHTER: Yes, based on the comment that you just made, Senator Skelos.

ACTING PRESIDENT KUHL: Senator Skelos, do you yield?

SENATOR SKELOS: I'm not going to yield.

ACTING PRESIDENT KUHL: Senator refuses to yield.

SENATOR LEICHTER: Mr. President, then let me just point out to Senator Skelos, the reason that farmers would have to list general use pesticides, some of which you say would just be used in the household is that they are considered as applicators under the law. Certainly it would not apply to the ordinary household, and the reason that it also isn't necessary for the ordinary household is because they are purchasing it through a process that was put in motion by commercial applicators who do have to register. So, your lye and other things have to be registered.

But the question I was going to ask

you is whether you wouldn't want farmers to now register and put into the data base their use of something, say, Dursban, which is indicated as causing anatomical birth defects, 24-D, which is linked to non-Hodgkin's lymphoma, and which is presently listed as a general use pesticide; Sevin, which is used very much on lawns, which kills -- which may cause reproductive problems, and Atrazine -- Atrazine I'm just told used to be general use but is now a restricted. But, that's what we're talking about, Senator, some things that are likely to cause people to develop cancer and other ailments.

ACTING PRESIDENT KUHL: Senator Paterson, did you wish to speak on the amendment?

SENATOR PATERSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson on the amendment.

SENATOR PATERSON: Mr. President, on the amendment, Senator Skelos said earlier

that the amendment is going to be defeated, and actually that is a violation of Federal Rules of Procedure Law, 88-e, assuming a fact not in evidence.

However, if Senator Skelos were to get up right now and challenge me to a bet, he would have to bet to my one dollar, millions of dollars before I would take him up on that bet because I think he's right, this amendment is going to be defeated.

But, the general understanding that this is the case can often lead to the perception, as was advocated a little while ago, that the efforts that Senator Oppenheimer was making could be considered kind of a form of posturing. And while I understand the desire to move legislation quickly and the need to expediate the process around here, the fact is that when examining pieces of legislation and offering amendments, I would just like to urge a little caution among all of my colleagues, that if the Assembly does not work with the Senate on this piece of legislation

which we are going to presumably pass right after we address the amendment, then there will be no opportunity for the Governor to sign any piece of legislation and, therefore, the fact that it's on the floor today could be, if someone wanted to, termed as posturing. And I don't think it is posturing.

I've heard Senator Marcellino, Senator Skelos and Senator Bruno speak and I think that they are taking this issue very seriously, and Senator Bruno raised a point that I don't agree with but I think it has substantive validity and the point is that he feels that if too many pesticides go on the list that we would feel are at risk that it would take so long to wade through them all that we might not actually be able to address the major ones. I don't agree with that. I think that's a substantive issue, just like the one that was just raised by Senator Skelos who was saying that some household pesticides would wind up on the list and some of them are just designed to spray to keep ticks out of the

household or other minor kinds of pesticides, and I think that that's a point worth looking into.

But, as we look to create legislation that we can all live with, I think that we as a legislative body, both Senate and Assembly, are making a terrible mistake. The mistake that we're making and the one that I think this amendment addresses is the very serious issues for which we have been forced to today compromise because some individuals who are negotiating are not negotiating out of the best interests of the public. We, the Legislature, are the ones who bear that responsibility.

So, if accusations are made against certain bureaus or certain individuals who might have personal interests, and Senator Marchi got up and expressed one, even if the debate comes from total sincerity on their part, we have to acknowledge that individuals have certain agendas that they may represent a little more than the public.

But we in the Legislature have to represent the public, and in my opinion, to compromise on this bill is to make a horrible mistake. Compromises are something that we should maintain for situations such as reapportionment, aid to localities, perhaps even the distribution of the budget, but certainly not on the issue that, as Senator Marcellino has pointed out, has killed so many women around this state. Because on those types of issues we've got to come together to recognize that these pesticides, the ones that have been proven to have been harmful and fatal in the past, attack individuals whether they're upper, middle class or welfare recipients or whether they are Republicans or Democrats, without any regard to race, religion, national origin or geographic location in this state.

And so if we are going to find some workability, sensible, achievable remedies, we are going to have to take the issues that Senator Oppenheimer put forth in this amendment relating to some forms of use pesticides,

general use pesticides, specifically, the ones that Senator Leichter pointed out. He talked about Dursban, he talked about 24-D, he talked about Sevin and Atrazine, these are pesticides that have in the past not only been proven to cause cancer, but it's been demonstrated that they cause birth defects, reproductive problems, they suppress the autoimmune system. They have caused neurological damage. They attack the body chemical estrogen and cause it to reproduce greater in the cells of breasts of women, causing all kinds of mutant reactions and, too often, death. These are the types of pesticides that right now would be on the list and would not be checked.

Now, Senator Bruno says that on May 21st, this is somehow addressed in an addendum. I don't see that before me. If it's proven, I would be glad to withdraw, but the point is, to just simply list the names of the groups that are supportive because they have been fighting for years and haven't been able to establish redress is somewhat shill and is

somewhat cursory because these groups are fighting very hard and they are working to try to make some change to try to spare some lives.

If we're going to be getting up and peddling a bunch of simplistic exaggeration about the problems that have been caused and how they are addressed in this bill and how women have died all over this state, then we have to remember that there are women who live near farms, women who live in Long Island, women who live all over this state who will be taking their ancestors' place if we don't act responsibly -- when you -- and responsibility here is governed by our willingness to go as far as possible with this legislation, not to compromise.

We're drowning in an orgy of self compromise. We have got to put forth some sensible, achievable goals through whatever legislation we pass and recognize that this is not reapportioning of districts, this is not the regular politics that goes on, that people

around this state may not even be in the position or sophisticated enough to review our action. We as legislators alike have got to come to the conclusion that this is an extremely serious issue that will envelope us all if we don't act now, which is why I am in support of the amendment.

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

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I'm going to speak on the bill when it comes to the floor, but I want to just make one quick comment about the amendment.

It seems to me that what this amendment is all about -

SENATOR SKELOS: If I might.

SENATOR DOLLINGER: Certainly.

SENATOR SKELOS: Senator Dollinger, if I could, with the consent of the Minority, if Senator Levy could vote on the amendment and then the bill itself.

SENATOR DOLLINGER: Absolutely.

Mr. President, I yield the floor to Senator Skelos.

ACTING PRESIDENT KUHL: The question is on the amendment. Senator Levy, how do you vote?

SENATOR LEVY: No.

ACTING PRESIDENT KUHL: Senator Levy will be recorded in the negative on the amendment.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Levy, how do you vote on the bill?

SENATOR LEVY: Aye.

ACTING PRESIDENT KUHL: Senator Levy will be recorded in the affirmative on the bill.

Last section -- roll call is

withdrawn. Return to the debate on the amendment.

The Chair recognizes Senator Dollinger on the amendment.

SENATOR DOLLINGER: Thank you, Mr. President.

My comments on the amendment will be somewhat brief. This debate about the amendment is all about the price of food, that's really what we're talking about, because it's obvious, Senator Marcellino, that the bill that's underlying this, the bill that will be on the floor when this amendment -- after this amendment is voted on, is a bill that will impact the price of food because it will require some activities on the part of farmers with some reporting requirements that will affect their overall costs and, therefore, presumably, raise the price of the food that they sell because they will have to engage in activities that they are not currently obligated to do by law.

In addition, because they are

currently liable for the use of pesticides, they have another built-in cost in the price of food and that is the anticipated liability that the food that they produce that will cause damage to someone else, whether it's in the form of downstream water contamination, that could lead to health complications, or in the specific issue that this addresses, whether the use of those chemicals will cause breast cancer in women, that's a cost that they now bear.

It seems to me that what this amendment does is it says that the current system of liability that we have which is now a part of food costs in this state, that is, that a farmer, when he uses a pesticide, because it's inherently dangerous, is liable if that pesticide is linked to adverse health consequences to an innocent third party, that cost is already built into the cost of food in this state. It's already there.

When we buy our ear of corn for a dime, an ear for 12 cents an ear or for 20 cents an ear, we're already paying the farmer for

that risk.

What the amendment would do is, the amendment would say we're going to keep that risk, we're going to continue to require the farmer to include that cost, that risk, in the price of his food.

What the bill does that this seeks to amend is this seeks to say to the farmer, "No, as long as you use the pesticide, you don't have to worry about that cost because we're going to absolve you from liability, even if it's inherently dangerous." But, more importantly, what this bill does is this bill, this amendment says, "We're going to now require you to carry out reporting requirements that are more expensive than what you do currently, if the Bruno bill passes."

The Tully bill, the Oppenheimer bill says, "We're going to require you to engage in even greater reporting and recordkeeping which will add to your costs."

I don't make any doubt or bones about it, Senator Marcellino, Senator Bruno.

There's no question that this bill would cost farmers more money to keep track of their pesticides. How much more? I don't know, I haven't heard that, but it will cost them more money. It will cost -- the price of an ear of corn may go from 12 cents an ear to 15 cents an ear or from 12 cents an ear to twelve and a half cents an ear. It would clearly put a cost to the farmers.

I understand why farmers are against it, but that cost will be minuscule, minuscule, when compared to the cost that breast cancer extracts from the women of this state and their families. It will be a tiny cost.

If we can somehow -- and you said it correctly, Senator Marcellino, you put it absolutely correctly. You said that this pesticide registry might, and you emphasized "might" because you're right, it only might lead to connections to cancer and the use of these kinds of general use pesticides. It's only a "might"; it's only a gamble, Senator, but

it's the best science that we have available today that shows that there's a linkage between Dursban and 24-D and Sevin and Atrazine, but there is a linkage between the use of those chemicals and the appearance of cancers in rats and the appearance of cancers in other animals, just like in the 1960s and 1950s there were appearances of smoke in rats or animals that led us to the general conclusion that smoking was dangerous to your health.

It's a gamble, Senator Marcellino. I know it's a gamble, but whenever I take a gamble, I look at the cost of what we're going to require and the potential benefit. What this amendment says is that the additional cost of requiring general use pesticides to be registered, to be sent to the government so that we can do the long-term studies about the impact of these chemicals on women and their families, but the cost of that -- and there is a real cost, it will be more cost to the farmers, I admit it, but what's the possible benefit that we'll get and it's only a possible

benefit. The possible benefit is we will link the use of these chemicals and the dosages of these chemicals that contaminate our water systems that end up in your foods and will link them to the possible breast cancers that are killing women in this state.

It's a big gamble, but from my point of view, it's a gamble well worth taking because that extra half a penny on an ear of corn, that extra quarter of a cent on an ear of corn, when compared to the personal cost to women who endure this tragedy, to the rest of the families that endure these tragedies, and to the medical costs of this state, the enormous medical costs of trying to treat and deal with this terrible, terrible disease, when I put them on the scales, I'm willing to put a little more onerous restriction on the farmers of this state, as this amendment does, and I don't make any bones about it. It does that, you're right, it does, but I'm willing to put that as a little bit of extra detriment on the farmers of this state for the chance that the benefit that

we'll get is we'll determine that certain general use pesticides used by farmers in this state have caused breast cancer, and when it happens, I hope then we as a society will come to the conclusion that we have to discontinue the use of these pesticides, that we will find a way to grow the food that we need without causing the terrible devastation that it may have caused. And if we're wrong, Senator Marcellino, if it turns out we're wrong, that we haven't properly done it, if we haven't properly balanced the detriment to farmers with the possible dangers of these chemicals, then you're going to be correct, it won't have been worth the price. But, based on the science as I see it, based on the potential benefit that this amendment could give to the women of this state, it seems to me that that price, that additional cost for our food is well worth the benefit of possibly holding out the hope that we would end the pollution of our groundwaters, the concentration of these pesticides in our food that may be causing excessive rates of

breast cancer in the women of this state.

I'm willing to take the gamble that the Oppenheimer amendment poses for this Senate and for this Legislature and for this state. I know that nine other members of the state Senate on that side of the aisle were willing to take the same risk. It seems to me that's the right thing to do.

I'll close with only one other comment. I'm a little disappointed with Senator Bruno's comment about he knows that Governor Pataki won't sign this bill. Well, I guess that that means that Governor Pataki, who did have a seat in the Senate as recently as two years ago, ought to come back because he's obviously telling the Senate what to do and the Senate is not exercising its own independent judgment as the 61 of us were elected to do.

I personally refuse to let anyone on the second floor tell this body what is in the best interests of the people of this state. That's our job, that's the job we're elected to do, not to give that power over to anyone who

happens to sit on the second floor. I'll be voting in favor of this amendment. The cost is worth the risk.

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

(There was no response.)

Hearing none, the question is on the amendment. Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I was just going to suggest that if Senator Dollinger's somewhat brief statement is over, that you could read the last section.

ACTING PRESIDENT KUHL: We'll take the amendment first, Senator DeFrancisco, thank you.

The question is on the amendment. All those in favor of the amendment, signify by saying aye.

Secretary will call the roll.

SENATOR DeFRANCISCO: Party vote in the negative.

SENATOR PATERSON: Party vote in

the affirmative.

ACTING PRESIDENT KUHL: Record the party line votes. Announce the results.

THE SECRETARY: Ayes 17, nays 37.

ACTING PRESIDENT KUHL: The amend ment is lost.

Now, debate on the bill.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Slow roll call.

ACTING PRESIDENT KUHL: Are there five members? There are five members.

The Secretary will read the roll slowly -- Senator Marcellino, do you have a question?

SENATOR MARCELLINO: Yes, I have a question on how the vote was read on the amendment.

ACTING PRESIDENT KUHL: The amendment was lost. There were 17 members of the Minority who voted in favor of the amendment; there were 37 members of the Majority who voted against the amendment.

Secretary will read the roll slowly.

THE SECRETARY: Senator Abate.

SENATOR ABATE: To explain my vote.

ACTING PRESIDENT KUHL: Senator Abate, to explain her vote.

SENATOR ABATE: I think we have heard some very articulate arguments today why we should be looking at the Oppenheimer amendment and the Tully bill. The only thing I would like to leave with this chamber, if we had done the same thing and these smoking companies are being criticized today because they had information a long time ago to improve the cigarettes and let that information be known to the public, we are criticizing them, we are in the same position today. If we could have that information at hand, we could

perhaps find a cure, understand the causes of breast cancer if we had information. We as a body should not cut off that information. We need the most comprehensive reporting system possible so we can make the proper decision to protect the people of this state.

This is not a time of compromises. Yes, many of the bills that are before us, we need to balance, but at stake is the life and death of people throughout the state. We always should err in their favor and we should not have this bill. We should look at a comprehensive remedy, a comprehensive reporting system, and for these reasons, I cannot support the bill.

ACTING PRESIDENT KUHL: Senator Abate will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Yes.

THE SECRETARY: Senator Babbush.

(There was no response)

Senator Bruno.

(Affirmative indication)

THE SECRETARY: Senator Connor.

(Negative indication)

THE SECRETARY: Senator Cook.

SENATOR COOK: Aye.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Aye.

THE SECRETARY: Senator DiCarlo.

SENATOR DiCARLO: Aye.

THE SECRETARY: Senator Dollinger.

ACTING PRESIDENT KUHL: Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: I argued on the amendment why I thought the amendment was a better idea.

I think the other thing that this bill will do on the merits is it will discourage farmers from using safe pesti cides. What it will do, by removing them from liability, by taking away their obligation to stand up and say, "This was a dangerous pesticide," what in essence it will do is it

will encourage them to use other types of pesticides, unknown pesticides, create a possible complication for them to use them in different concentrations and it seems to me we get away from the whole idea of using safer pesticides that we know do not cause the kinds of devastation that the list that Senator Leichter mentioned, Dursban, 24-D, Sevin, Atrazine, they've already given evidence that they cause carcinogens.

So, it seems to me that we're now passing a bill that will give an incentive to use more dangerous pesticides rather than to use the safer ones.

For that reason, Mr. President, and for the reasons I mentioned earlier, this is the wrong bill to pass. The amendment is what we should have done. I'll be voting in the negative.

ACTING PRESIDENT KUHL: Senator Dollinger will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Espada

excused.

Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Gold.

SENATOR GOLD: No.

THE SECRETARY: Senator Gonzalez.

(There was no response.)

Senator Goodman.

(There was no response.)

Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hoblock.

SENATOR HOBLOCK: Yes.

THE SECRETARY: Senator Hoffmann

excused.

Senator Holland.

SENATOR HOLLAND: Aye.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: No.

THE SECRETARY: Senator Kuhl.

ACTING PRESIDENT KUHL: Aye.

THE SECRETARY: Senator Lachman.
SENATOR LACHMAN: No.
THE SECRETARY: Senator Lack.
(There was no response.)
Senator Larkin.
SENATOR LARKIN: Aye.
THE SECRETARY: Senator LaValle.
SENATOR LaVALLE: Aye.
THE SECRETARY: Senator Leibell.
ACTING PRESIDENT KUHL: Senator Leibell, to explain his vote.
SENATOR LEIBELL: Mr. President, this is a bill that has had a long history with its predecessor, and I compliment Senator Tully for the work he has done in this area.
I've listened to a great deal of discussion prior to this bill coming to the floor today and have quite honestly been greatly concerned. My greatest concern is that by not taking some form of action today, we would lose the opportunity to do something in the area of pesticides.
In my mind, and I think, too, for

many of my colleagues, there's no question that this pesticide represents in many cases a great danger to our population, certainly for so many women who thought of breast cancer as a terrifying reality. I'm hopeful that today this legislation will begin a process that recognizes the importance of controlling pesticides in this state. I'm willing to be optimistic that with the Majority Leader's indication that this will now go to a conference committee, we will have the opportunity to come out with a bill that will be even better, be stronger, be improved and one that will be acceptable to the Assembly, as well as to the Governor's office.

With that in mind, I'll cast my vote in the affirmative, Mr. President.

ACTING PRESIDENT KUHL: Senator Leibell will be recorded in the affirmative.

Continue to call the roll.

THE SECRETARY: Senator Leichter.

ACTING PRESIDENT KUHL: Senator Leichter, to explain his vote.

SENATOR LEICHTER: This is a flawed bill because you're trying to carry water on two shoulders. On the one hand, you want to show the women, the people of the state of New York, you're concerned about pesticide use; on the other hand, you don't want to get the farmer bothered, so you come out with a bill that carves out 75 percent of all the general use pesticides.

If we knew which pesticides were related to cancers, we wouldn't need the data base. But, if you're going to have a data base, then you've got to put all the meaningful data into it to give you the information that you're going to extrapolate from it to be able to say, "Don't use these pesticides."

And to say that, "Well, we'll wait for a conference committee, and so on," we've got a good bill, it's the Tully bill. It was put together by concerned people who know what needs to be done, and you can't square the circle.

You're dealing with the health of

New Yorkers. It requires more than a first step. It requires more than, "Well, we got to do something, at least we're getting the process going." It requires an answer and the answer is to have a complete data base that all general use and all restricted pesticides that are used, whether they're used by farmers or whether they're used by commercial applicators, will be registered.

Mr. President, this is a bad bill because it doesn't do what it's supposed to do. It's a fig leaf, as I said, and I vote in the negative.

ACTING PRESIDENT KUHL: Senator Leichter will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Levy recorded in the affirmative earlier today.

Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator

Marcellino.

ACTING PRESIDENT KUHL: Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Mr. President, someone said, I believe it was Confucius, that a journey of 1,000 miles begins with a single step. So, that first step has to be taken no matter where we go.

I've heard the term "compromise" used as if it was a dirty word here. Declaration of Independence, compromise; United States Constitution, compromise; declaration of war, in the second World War, compromise. If we don't compromise, we don't accomplish anything in this chamber.

Every law, every bill signed into law, is the result of an agreement between the two houses and the Executive Branch. I mean, I may be crazy, but to me that's compromise. I daresay I don't remember a single bill that ever came through in its original form and just swept through everything. You have strong feelings on both sides of this issue. You have

real issues on both sides of this issue and they should be addressed.

There are people who have said that this was posturing on the part of the Republicans in the Senate, that this was posing and we don't really want a bill, this is just a fig leaf, this is just cover. But you have a conference committee established. If it's a figment, if it's cover, there would have been no conference committee. The conference committee belies all that.

We have the ability here to make working, real legislation, meaningful legislation that will accomplish a registry - in fact, a registry of restricted and nonrestricted use pesticides that can be implemented and that can be used in a real way, not just some general listing of 10,000 known insecticides and pesticides that no one will ever use. That was the California experience. It cost them a fortune to finally get to a phase-in situation.

This legislation is meaningful, it's

important, it's good, it's responsible, it will do a job that the other bill would not do. This bill will accomplish a meaningful registry which will be used in real research by true scientists who are looking for a cure, not just to pose and posture, but to look for a real cure.

This bill is deserving of passage. I vote aye.

ACTING PRESIDENT KUHL: Senator Marcellino will be recorded in the affirmative.

Continue to call the roll.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Aye.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: No.

THE SECRETARY: Senator Montgomery.

ACTING PRESIDENT KUHL: Senator

Montgomery, to explain her vote.

SENATOR MONTGOMERY: Mr. President, to explain my vote. This insecticide bill obviously does not do what is needed, it does not go far enough to protect the interests of women as it relates to breast cancer, and I notice that one of the highest rates of -- some of the highest rates of breast cancer occur in some of the areas, the rural areas of the state, i.e., Chenango, Ontario, Seneca, Livingston, Monroe and even Richmond County, or Staten Island.

So, I know that the sisters who reside in those counties who are suffering from various aspects of this disease, some of them have lost both of theirs breasts, some of them probably have maybe lost one, live in fear, don't know what to make of the fact that they have such a tremendously high rate among them suffering from this. They are not necessarily so organized that they can get to us quickly and easily. They live in isolation and live in fear, and I vote for them, as well as women in

other parts of the state who are also living in fear of this same disease.

We have excluded 75 percent of the use of pesticides. We need to be studying every single possibility that could be linked to this terrible disease. So, I vote no, Mr. President.

ACTING PRESIDENT KUHL: Senator Montgomery will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: No.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Onorato.

ACTING PRESIDENT KUHL: Senator Onorato, to explain his vote.

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

Mr. President, I rise in opposition to this bill, not the concept of it, but to object to the glaring flaws that are in the existing bill. If we pass this bill in both

houses, it would really create a false sense of security for the people of this state to have to be required by a commercial user and then in the same breath tell that commercial user because if he uses it, it's very, very dangerous, but if a farmer uses the same product, it doesn't mean anything, you don't have to report it. It doesn't mean that the same two products can kill you, but only report it if the commercial guy uses it, not the farmer. It does not make common sense to me in one way or another.

For these glaring omissions, plus they only refer to breast cancer as the sole beneficiary of this, but many, many pesticides have already been attributed to many other types of cancer, especially prostate cancer for the men.

So, this is a bipartisan and a bisexual type of bill, but I want equal protection for the men, as well as for the women, and for that reason, I am voting no against this bill.

ACTING PRESIDENT KUHL: Senator Onorato will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Oppenheimer.

ACTING PRESIDENT KUHL: Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: Yes, I was going to bring that up, also.

If I may explain my vote. There is a connection, I believe there is a connection between various male cancers, as well as infertility, sterility in men and women so it does pose serious problem, health problems to both sexes, and I also have been approached by the commercial applicators and said, "Why is it good for us? Why do we have to report, but it's not good for the farmer to do the same kind of reporting?"

Let me say that in the past the Environmental Protection Agency in Washington has simply been registering pesticides and, of course, they have come to the realization this

is certainly not beneficial, that many potentially tragic chemicals have been pesticides -- have been used and now they are reviewing, they are going through, reviewing pesticides that are used, the general use pesticides and they are starting the process of restricting many of these, they are moving them from one list, general list, into the restricted use list. Indeed, they are banning them outright as we have seen with DDT. That was really irresponsible for this Legislature to exempt this wide array of general use pesticides from reporting requirements because it is that reporting that is now helping EPA and helping us to see what must be restricted.

This provides such a vastly incomplete data base that the research cannot be solid research, and without solid research, women cannot feel protected, and I feel that women deserve a great deal more than this bill provides them.

As far as statistics, in the past 30 years, we have gone from one in 20 incidents of

breast cancer that was in 1960, to now one in eight women will have breast cancer, and of that, about one-third of those women will die.

The ages of women also has demonstrated some very dramatic changes. For example, women in the low 30's, their rate of cancer has tripled in the last 30 years and for women ages 35 to 39, their rate of cancer has quadrupled in the last 30 years. So, we are talking about an incidence that seems to be attacking our younger women at a much higher rate than had ever been previous.

I think that the sponsors of the legislation before us may be saying that it's okay to allow women to die upstate and downstate if it means less paperwork for farmers, and maybe that's a radical statement, but it seems to me to not take into consideration the enormous toll that this is taking on women and all women's lives.

And the other side of this seems to be yes, a large amount of paperwork and extra cost, but I think it has to be -- the scales

have to weigh in on the side of health. And we are responsible in this body for the health of this state and I think we have to look beyond the political pressures that are placed on us and concern ourselves at this juncture with the health of our citizens.

ACTING PRESIDENT KUHL: Senator Oppenheimer will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Aye.

THE SECRETARY: Senator Paterson.

ACTING PRESIDENT KUHL: Senator Paterson, to explain his vote.

SENATOR PATERSON: No, I was actually going to tell you something else, Mr. President.

I vote no.

ACTING PRESIDENT KUHL: Senator Paterson will be recorded in the negative.

Continue to call the roll.

THE SECRETARY: Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Rath.
SENATOR RATH: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.
THE SECRETARY: Senator Santiago.
SENATOR SANTIAGO: No.
THE SECRETARY: Senator Seabrook.
(There was no response.)
THE SECRETARY: Senator Sears.
SENATOR SEARS: Aye.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: Aye.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Aye.
THE SECRETARY: Senator Smith excused.
Senator Spano.
SENATOR SPANO: Aye.
THE SECRETARY: Senator Stachowski.
SENATOR STACHOWSKI: No.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator Stavisky

excused.

Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Velella.

(There was no response)

Senator Volker.

SENATOR VOLKER: Aye.

THE SECRETARY: Senator Waldon excused.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

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

SENATOR MENDEZ: Mr. President, I would like to know, how was I recorded on the bill?

ACTING PRESIDENT KUHL: The Secretary has you recorded as voting in the negative, Senator Mendez.

SENATOR MENDEZ: Oh, I want to correct that misinformation. I am a co-sponsor

of the bill. I realize the bill's shortcomings. We really must have a broader data base, the data base to investigate the origins of breast cancer. However, I think that one way of dealing with that, and I hope that it is dealt with in conference, could be to start including a timetable in a timetable sort of way, start including different kinds of the general pesticides that are being left out of this bill, and in that fashion, the data base will increase.

There is nothing today, there is nothing going for a woman who suffers breast cancer, nothing going in terms of policy of New York State, and although this bill has those shortcomings, at the moment in which I could sponsor it, I saw that -- I saw it as a saving grace in an area that I know very well through my own personal experience because I am a breast cancer survivor.

So, I am very hopeful, I am supporting this bill and I am very hopeful that when it goes to conference, it, in fact, will

allow incremental growth in terms of the general -- the broader data base that we need to fight this horrible disease. I vote in the affirmative.

ACTING PRESIDENT KUHL: Senator Mendez, the record will reflect and the vote will be changed right now so that you're voting in the affirmative.

Secretary will call the absentees.

THE SECRETARY: Senator Babbush.

(There was no response.)

Senator Gonzalez.

SENATOR GONZALEZ: No.

THE SECRETARY: Senator Goodman.

SENATOR GOODMAN: Aye.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Seabrook.

(There was no response.)

Senator Velella.

SENATOR VELELLA: Aye.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 38, nays 16.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR MAZIARZ: Mr. President, at this time could we please take up Calendar Number 210, by Senator Volker.

ACTING PRESIDENT KUHL: The Secretary will read the title to Calendar Number 210.

THE SECRETARY: Calendar Number 210, Senator Volker moves to discharge from the Committee on Rules, Assembly Bill Number 948-B and substitute it for the identical Senate Bill 5492-A.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read the title.

THE SECRETARY: Calendar Number 210, by Member of the Assembly Katz, Assembly Print 948-B, an act to amend the Criminal Procedure Law and the Penal Law, in relation to assault against a child in the course of sexual conduct against a child.

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

THE SECRETARY: Section 7. This act shall take effect on the first day of August.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: There is, several items. We have some substitutions. Take those first, Senator Maziarz?

SENATOR MAZIARZ: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: On page 10, Senator Wright moves to discharge from the

Committee on Rules, Assembly Bill Number 9124-A and substitute it for the identical Senate Bill Number 6300-A.

On page 15, Senator Marcellino moves to discharge from the Committee on Rules, Assembly Bill Number 9075 and substitute it for the identical Senate Bill 6097.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Senator Maziarz, continue the housekeeping?

(Senator Maziarz nods head.)

Return to motions and resolutions.

The Chair recognizes Senator Farley.

SENATOR FARLEY: Mr. President, I wish to call up, on behalf of Senator Volker, his bill, Print Number 4633-A, which was recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Volker, Senate Print 4633-A, an act to amend the Civil Practice Law and Rules, in relation to personal service by mail.

SENATOR FARLEY: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT KUHL: The motion is to reconsider the vote by which the bill passed the house.

The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: Senator Farley.

SENATOR FARLEY: I offer the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Farley.

SENATOR FARLEY: On behalf of

Senator Wright, on page 36, I offer the following amendments to Calendar 1039, Senate Print 6870, and I ask that that bill retain its place.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 1068 are received and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR FARLEY: On behalf of myself, on page 59, I offer the following amendments to Calendar Number 991, Senate Print 7374, and I ask that that bill retain its place.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 991 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Farley.

SENATOR FARLEY: Also on my bill, on page 12, I offer the following amendments to Calendar 482, Senate Print 2083-A, and I ask that that bill retain its place.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 482 are received

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

Senator Maziarz, that completes the housekeeping that's at the desk.

SENATOR MAZIARZ: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Excuse me, Senator Maziarz.

SENATOR MAZIARZ: I'm sorry.

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

SENATOR RATH: Housekeeping, Mr. President.

Had I been in the room on May 30th, I would have voted in the negative on Senate Bill 1605, Calendar 1135. I request approval.

ACTING PRESIDENT KUHL: The record will reflect, Senator Rath, that had you been in the chamber on May 30th when a roll call was taken on Calendar Number 1135 that you would have voted in the negative.

Senator Maziarz, I believe -

SENATOR MAZIARZ: Any further housekeeping?

Mr. President, for the information of the members, the time for session for Tuesday, Wednesday and Thursday have been moved to 10:00 a.m.

There being no further business, I move we adjourn until Tuesday, June 4, at 10:00 a.m.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, June 4, at 10:00 a.m. Note the time change, 10:00 a.m. tomorrow morning.

(Whereupon, at 5:27 p.m., the Senate adjourned.)