ALBANY, NEW YORK

June 5, 1996

10:00 a.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: Senate will come to order. Ask the members to take their places, staff to find their places.

I ask everybody in the chamber to rise and join me in saying the Pledge of Allegiance to the Flag, and remain standing for the invocation.

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

We're very pleased to be joined by the Reverend Tony Cestone of Christ Alive Ministries in Hartsdale, New York.

Reverend Cestone.

REVEREND TONY CESTONE: Good morning. Let us pray.

O Heavenly Father, we thank You for bringing us all here today, and we thank You for giving us breath once again. We thank You for living in the land of the living.

I ask You, Lord, this special day to give these men and women knowledge, understanding and wisdom to operate in Your

perfect will and for them to have the true fear of God so that, in turn, they can make the right decisions, not according to head knowledge but according to the heart that they will truly make decisions today and to care for life that is so precious to You, and that all the decisions that they will make today will be according to Your will and purpose so that we may live a peaceful life in this state. Let them regard life as You have ordained it.

We thank You, Lord, that You will guide them and direct them, O God, and that they can live at peace with one another. We thank You, and we are ever so grateful to acknowledge You as our Lord, as our Saviour, the Messiah Israel, the Lord Jesus Christ.

Amen.

Thank you, Reverend Cestone.

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 4th. The Senate met pursuant to adjournment. The Journal of Monday, June 3rd, 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.

Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Libous, on page number 15, I offer the following amendments to Calendar Number 581, Senate Print Number 6197, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 581 are received and adopted. The bill will retain its place on

the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Libous, once again, on page number 26, I offer the following amendments to Calendar Number 917, Senate Print Number 6285, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 917 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Trunzo, on page number 29, I offer the following amendments to Calendar Number 969, Senate Print Number 5985A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 969 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Rath, on page number 33, I offer the following amendments to Calendar Number 1046, Senate Print Number 7370, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 1046 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Lack, on page number 34, I offer the following amendments to Calendar Number 1055, Senate Print Number 4606, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 1055 are received and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR MARCELLINO: Thank you,

Mr. President.

ACTING PRESIDENT KUHL: Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Trunzo, please remove the sponsor's star from Calendar Number 130.

ACTING PRESIDENT KUHL: At the request of the sponsor, the star is removed from Calendar Number 130.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Rath, I wish to call up her bill, Print Number 7364, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: By Senator Rath, Senate Print 7364, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Senator DiCarlo.

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

bill 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 33.

ACTING PRESIDENT KUHL: The bill is before the house.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Skelos, we have some substitutions at the desk.

SENATOR SKELOS: Please make the substitutions, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: On page 45,

Senator Present moves to discharge from the Committee on Rules Assembly Bill 7916A and substitute it for the identical Senate Bill 993A.

On page 48, Senator Volker moves to discharge from the Committee on Rules Assembly Bill 10409 and substitute it for the identical Senate Bill 6535.

On page 48, Senator Bruno moves to discharge from the Committee on Rules Assembly Print Bill 9085 and substitute it for identical Senate Bill 7511.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Skelos, that brings us to the calendar.

SENATOR SKELOS: Mr. President, please take up the noncontroversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 191, by Member of the Assembly Bragman, Assembly

Print 8454C.

SENATOR SKELOS: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 270, by Senator Hoblock, Senate Print 4211, an act to amend the Alcoholic Beverage Control Law, in relation to compensatory service.

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

THE SECRETARY: Section 8. This act shall take effect the 1st day of January.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 336, by Senator Libous, Senate Print 4443A.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the

bill aside temporarily.

THE SECRETARY: Calendar Number 348, by Senator Libous.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 364, by Senator Libous, Senate Print Number 4440B.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 700, by Senator DiCarlo, Senate Print 1982, an act to amend the Executive Law, in relation to testing of certain applicants for employment.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 714, by Member of the Assembly Towns.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR SKELOS: Also lay aside Calendar Number 757 temporarily.

ACTING PRESIDENT KUHL: 757 is laid aside temporarily.

THE SECRETARY: Calendar Number 817, by Senator Levy, Senate Print 5792A, an act to amend Chapter 312 of the Laws of 1994.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 833, by Senator Maziarz.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 868, by Senator Saland, Senate Print 6813A, an act to amend Family Protection and Domestic Violence Intervention Act of 1994.

ACTING PRESIDENT KUHL: The 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 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 905, by Senator Nozzolio, Senate Print 4473A, an act to amend the Executive Law, in relation to final revocation hearings.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 33.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 989, by Senator Spano, Senate Print 6209A, an act to amend the State Finance Law, in relation to payment of emergency financial aid.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1052, by Senator Holland, Senate Print 1250A, an act to amend General Obligations Law, in relation to the liability of persons.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1124, by Senator Levy, Senate Print 325, an act to amend the Vehicle and Traffic Law.

SENATOR SKELOS: Lay it aside temporarily, and also Calendar 1141.

ACTING PRESIDENT KUHL: Calendar Number 1124 will be laid aside. Also Calendar Number 1141 will be laid aside.

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1240, by Senator Present, Senate Print 766, an act to amend the Tax Law, in relation to the exemption from sales and use taxes.

ACTING PRESIDENT KUHL: There is a local fiscal note at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1241, by Senator Kuhl, Senate Print 906, an act to amend the Tax Law, in relation to certain Tax Department liens.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1242, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 7916A, an act to amend the Tax Law, in relation to penalties and interest assessments.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 1244, by Senator Johnson, Senate Print 2402.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1245, by Senator Marchi, Senate Print 3125A, an act to allow Michael Acito to receive credit in the New York State and Local Employees' Retirement System.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1246, by Senator Nozzolio, Senate Print 3203.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1247, by Senator Volker, Senate Print 3812, an act to amend the Civil Practice Law and Rules, in relation to the validity of the service of process.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1248, by Senator Nozzolio, Senate Print 3948, an act to amend the Criminal Procedure Law and the Executive Law, in relation to providing to

victims.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1249, by Senator Hoblock, Senate Print 4455, an act to amend the Executive Law, in relation to display of the prisoner of war and missing in action flag.

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

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1250, by Senator Maziarz, Senate Print 5321A, an act to amend the Criminal Procedure Law, in relation to the period of limitation.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1251, by Senator Santiago, Senate Print 5493, an act to amend the Banking Law, in relation to authorizing the Superintendent in certain circumstances.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1252, by Senator Volker.

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

SENATOR SKELOS: Also Calendar Number 1253.

ACTING PRESIDENT KUHL: Lay aside Calendar Number 1253 aside for the day.

THE SECRETARY: Calendar Number 1254, by Senator Hoblock, Senate Print 5795, an act to amend Chapter 553 of the Laws of 1994.

ACTING PRESIDENT KUHL: The 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 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1255, by Senator Hoblock, Senate Print 5798A, an act to amend the Education Law, in relation to tuition awards for certain veterans.

ACTING PRESIDENT KUHL: The 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 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1256, by Senator Holland, Senate Print 6157, an act allowing the Village of Piermont, Rockland County.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1257, by Senator Nozzolio, Senate Print 6334, an act to amend the Navigation Law, in relation to the regulations of construction.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1258, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 10409, an act to amend the Civil Practice Law and Rules.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1259, by Senator Stafford, Senate Print 6637, an

act to continue the existence of Hamilton County Industrial Development Agency.

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

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1260, by Senator Kuhl, Senate Print 7010, an act to amend the General City Law, in relation to excluding the City of Corning from the provisions of Article 4.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1261, by Senator Larkin, Senate Print 7090A, an act to establish a Library District in the City of Kingston.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1262, by Senator Cook, Senate Print 7206A, an act to create the Wallkill Public Library District.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1263, by Senator Sears.

SENATOR SKELOS: Lay aside Calendar Number 1263 and Calendar Number 1264 for the day.

ACTING PRESIDENT KUHL: Calendar Number 1263 and Calendar Number 1264 are laid aside for the day.

THE SECRETARY: Calendar Number 1265, substituted earlier today, by Member of the Assembly Canestrari, Assembly Bill 9085, an act to amend the Public Authorities Law, in relation to the membership of the board of directors of the Hudson-Mohawk Urban Cultural Park Commission.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1266, by Senator Larkin, Senate Print 7513.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

SENATOR SKELOS: Mr. President, if we could move to the controversial calendar and start with Calendar Number 989.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 989.

THE SECRETARY: On page 30, Calendar Number 989, by Senator Spano, Senate Print 6209A, an act to amend the State Finance Law, in relation to payment of emergency financial aid.

SENATOR PATERSON: Explanation.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR SKELOS: Lay aside 1052 temporarily. The next bill would be Calendar Number 1228.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1228.

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.

SENATOR PATERSON: Explanation.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please take up Calendar Number 1246,

by Senator Nozzolio.

And there will be an immediate meeting of the Rules Committee in Room 332 of the Capitol.

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

Secretary will read the title to Calendar Number 1246.

THE SECRETARY: Calendar Number 1246, by Senator Nozzolio, Senate Print 3203, an act in relation to authorizing the town of East Bloomfield, Ontario County, to grant a business investment real property tax exemption.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Nozzolio, an explanation of Calendar Number 1246 has been asked for by the Acting Minority Leader, Senator Paterson.

SENATOR NOZZOLIO: Thank you, Mr.

President.

Mr. President, my colleagues: The measure before us allows a small town in Ontario County, a county that Senator Kuhl and I represent, to grant a business investment real property tax exemption in order to create some stimulus for economic development purposes. The law already provides for a real property tax exemption up to 50 percent on commercial and industrial properties for new construction. This measure extends that to grant the town ability to do that for full real property tax exemption.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: May I ask one question of the sponsor, please?

ACTING PRESIDENT KUHL: Senator Nozzolio, do you yield to Senator Dollinger for

one question?

SENATOR NOZZOLIO: Yes.

SENATOR DOLLINGER: Does this tax abatement that would be authorized in the bill -- is this greater than or less than or equivalent to the current tax abatements that are available to a comparable business in Monroe County next door?

SENATOR NOZZOLIO: I'm not sure.

SENATOR DOLLINGER: On the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger, on the bill.

SENATOR DOLLINGER: As a former member of the Monroe County Legislature who was engaged in a number of tax abatements and who felt that the issue of competition between the counties, although it may benefit one county over another, was nonetheless inconsistent with the idea of regional tax incentives and regional planning for businesses throughout this region, through the Finger Lakes region, I'm concerned, because I don't want to give Ontario County an

advantage in property tax exemptions over Monroe County, and I'm concerned that if this bill might do that it would disadvantage my county in competing for those very same jobs and opportunities; and so, under those circumstances since I'm not sure what the impact will be, I will be voting in the negative, Mr. President, to protect Monroe County.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

Announce the results when tabulated.

THE SECRETARY: Ayes 48, nays 1, senator DiCarlo recorded in the negative. Excuse me. Ayes 48, nays 1, Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, can we now call up Calendar 1052, please.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 1052.

THE SECRETARY: Calendar Number 1052, by Senator Holland, Senate Print 1250A, an act to amend the General Obligations Law, in relation to the liability of persons involved in equine activities.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Holland, an explanation of Calendar Number 1052 has been asked for by the Acting Minority Leader, Senator Paterson.

SENATOR HOLLAND: Mr. President, this provides an equine activity sponsor who is an equine professional or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risk of equine activities except under certain circumstances.

What we're trying to do with the bill is make the responsibility of the individual just like it presently is under skiing conditions in the State of New York today.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Holland will yield?

ACTING PRESIDENT KUHL: Senator Holland, do you yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator, this is the same bill that we had last year?

SENATOR HOLLAND: Yes, sir.

SENATOR PATERSON: Okay. Very good. I would just like the record to reflect that Senators Abate and Dollinger voted against it last year.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

Announce the results when tabulated.

THE SECRETARY: Ayes 48, nays 1, Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: Bill is passed.

Senator Lachman, why do you rise?

SENATOR LACHMAN: Mr. President, yesterday this chamber adopted 653A. My vote at that time was partially predicated on two memoranda in support of the legislation, one of which was in contradiction to the other one. Several hours later, Senator Skelos' office sent me another memorandum which corrected the first version, and now that the legislation has two memoranda that are the same in support of the legislation, if I had received this information

yesterday, I would have voted in favor of 653A rather than in opposition.

Thank you.

ACTING PRESIDENT KUHL: The record will reflect, Senator Lachman, that had you been aware of that information yesterday when the roll call was taken on Senate Bill 653A that you would have voted in the affirmative.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, may we now take up Calendar 1250, please.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1250.

THE SECRETARY: Calendar Number 1250, by Senator Maziarz, Senate Print 5321A, an act to amend the Criminal Procedure Law, in relation to period of limitation.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, on the bill. Last year, there were -

ACTING PRESIDENT KUHL: Senator Paterson, on the bill.

SENATOR PATERSON: -- there were 14 negatives to this bill, and Senator Maziarz very graciously agreed to look at it pursuant to some recommendations from Senator Abate and others, and we have looked it over now, and we think the bill is fine, and we thank Senator Maziarz for his assistance.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator DiCarlo.

SENATOR DiCARLO: Mr. President, can we please take up Calendar 1256.

ACTING PRESIDENT KUHL: The Secretary will read the title of Calendar Number 1256.

THE SECRETARY: Calendar Number 1256, by Senator Holland, Senate Print 6157, an act allowing the village of Piermont, Rockland County, to establish a homestead class.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Holland, an explanation of Calendar Number 1256 has been requested by Senator Paterson.

SENATOR HOLLAND: Yes, Mr. President. This bill will allow the Village of Piermont in Rockland County, to establish a homestead class without undertaking a revaluation or update of property assessment value since they just did it in 1992.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: Nice to have you in the chamber, sir. Would you like me to read the last section?

SENATOR PATERSON: Well, this is such a good bill, I think we should read all the

sections. But if it would expiate the process, let's just read the last section.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, can we now take up Calendar 989.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 989.

THE SECRETARY: Calendar Number 989, by Senator Spano, Senate Print 6209A, an act to amend the State Finance Law, in relation to payment of emergency financial aid.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator

Spano, an explanation of Calendar Number 989 has been asked for by Senator Paterson.

SENATOR SPANO: Thank you, Mr. President.

This bill is one that we pass every year for emergency financial aid to the big five cities in New York State. The only change this year from bills that we've passed previously was that we amended this to change the date of payment from June until March, and this was requested by Division of Budget. The purpose was so they would be able to get the financial aid payments out to the cities quicker. We have checked with the big five cities who are affected by this, and each of them are supportive of this amendment.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Sorry, Mr. President. I don't mind being a puppet, but they're letting the strings show.

This is obviously a good bill and it's obvious that cities such as Albany and

Buffalo and Rochester and Yonkers and other cities need this kind of assistance, but there are a number of other cities that have been making a public record of the issues and the economic plight that they are undergoing, cities such as Troy which is right around here, and we think if this extra aid is good for some cities it's got to be good for all. But we're not going to take it out on the hard work that Senator Spano has engaged in on this legislation. We just want to point out that this is a state. There are a number of cities in this state that need assistance, Troy among them, and we hope that at a later time we will address this issue.

ACTING PRESIDENT KUHL: Senator Spano.

SENATOR SPANO: Mr. President, I thank the Senator for raising that point. We know this is not an end-all to the problems of the cities of this state. But this is the municipal aid program, emergency financial aid to the big five that has been in existence back

to 1975. We do like to point out to issues like Distressed Cities Aid and issues that we're working on right now to help the financially troubled cities of this state, particularly the city of Troy, and we thank you for making sure that that issue maintains the front agenda.

ACTING PRESIDENT KUHL: The 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 49, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, can we now take up 1266.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 1266.

THE SECRETARY: Calendar Number

1266, by Senator Larkin, Senate Print 7513, an act to amend the Town Law, in relation to exemption for the Mechanicstown Fire District from provisions relating to the percentage of nonresident members.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Larkin, an explanation of Calendar Number 1266 has been requested by Senator Paterson.

SENATOR LARKIN: Senator Paterson, this is a special issue. The Mechanicstown Fire District is mainly a commercial district, so when you look at the Town Law which limits the number of nonresidents to 45 percent, the fire company can not attract the members because in its entirety the population there is all commercial establishments and very limited number of private property, so, therefore, they can't attract the number of fire personnel they need in order to make it a viable fire district.

So what they are asking for is that they be allowed the exemption from the 45 percent limit. Now, you have other fire

districts that have been granted this. You have Shelter Island Heights Fire District and Davis Park Fire District. One of the problems here is if they do exceed this there is a penalty, and it would appear from talking to the fire commissioner that if they do not receive the blessing of the Legislature to do this, the next course of action would be to disband it, and then we're subjecting the commercial properties in there to higher fire insurance rates because of nonavailability of fire protection.

SENATOR PATERSON: Mr. President, if Senator Larkin would yield for a question?

ACTING PRESIDENT WRIGHT: Senator Larkin, will you continue to yield to Senator Paterson?

SENATOR LARKIN: Yes, Mr. President.

SENATOR PATERSON: Senator Larkin, are you saying that this protection is afforded to citizens that live on Shelter Island or in the Davis Park Region and what you are trying to do is extend it to -

SENATOR LARKIN: Just this one fire district.

SENATOR PATERSON: Just that one district.

SENATOR LARKIN: That's it.

SENATOR PATERSON: Okay. That's fine, Mr. President.

ACTING PRESIDENT WRIGHT: Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT WRIGHT: The bill is passed.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, may we please return to reports of standing committees. I believe there is a report of the Rules Committee at the desk.

ACTING PRESIDENT WRIGHT:

Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bills directly for third reading:

Senate Print 7316A, by Senator Libous, an act to amend the Mental Hygiene Law and the Executive Law;

7609, by the Senate Committee on Rules, an act to amend Chapter 170 of the Laws of 1994;

Senate 12C, by Senator Wright and others, an act to amend the State Administrative Procedure Act;

Senate 186A, by Senator Tully, an act to amend the General Business Law;

Senate 751, by Senator Holland, an act to amend the Executive Law;

Senate Print 1384A, by Senator Kuhl, an act to amend the Environmental Conservation Law;

Senate Print 2305B, by Senator Farley, an act to amend Tax Law, in relation to the requirement to file a personal income tax

return;

Senate Print 2505A, by Senator Stafford, an act to amend the Labor Law, in relation to the license to possess and use explosives;

Senate Print 3210A, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

3263A, by Senator Tully, an act to amend the Alcoholic Beverage Control Law, in relation to prohibiting the issuance of license to sell liquor;

3312A, by Senator Stafford, an act to amend the Tax Law;

3868A, by Senator Kuhl, an act to require the New York State and Local Retirement System to accept retirement applications;

4145C, by Senator Hoffmann, an act authorizing the establishment of the Oneida Public Library District;

All bills directly for third reading.

ACTING PRESIDENT WRIGHT: Senator

DiCarlo.

SENATOR DiCARLO: Mr. President, I move to accept the report of the Rules Committee.

ACTING PRESIDENT WRIGHT: All in favor of accepting the report of the Rules Committee, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The report is accepted.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, can we now take up Calendar 1257, please.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: Calendar Number 1257, by Senator Nozzolio, Senate Print 6334, an act to amend the Navigation Law, in relation to the regulation of construction and location of boat houses, moorings and docks in the town of Ledyard, County of Cayuga.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT WRIGHT: Senator Nozzolio, an explanation has been requested by Senator Paterson.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, this measure amends the Navigation Law, allowing the town of Ledyard in Cayuga County to regulate the manner of construction and location of structures in any of the waters within the boundary of the town. This allows those towns -- this town, in particular, the ability to oversee, through zoning, buildings and structures that are placed from the shoreline into Cayuga Lake. A similar power is granted to the village that is totally contained within this town as well as accompanying or adjoining villages to the town. Now the town wants to have the same status as these villages.

SENATOR PATERSON: Last section.

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

The Secretary will read the last

section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT WRIGHT: The bill is passed.

Senator DiCarlo.

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

ACTING PRESIDENT WRIGHT: I'm sorry, Senator DiCarlo, there is no housekeeping at the present time.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, we will just stand at ease for a few minutes.

ACTING PRESIDENT WRIGHT: Thank you, Senator.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, there will be an immediate conference of the

Majority in Room 332, and we'll stand at ease.

ACTING PRESIDENT WRIGHT: The Senate will stand at ease, and there will be an immediate meeting of the Senate Majority in Room 332.

(Whereupon, at 11:00 a.m., the Senate stood at ease until 11:35 a.m.)

ACTING PRESIDENT WRIGHT: Senator Skelos.

SENATOR SKELOS: If we can return to reports of standing committees, I believe there's a report of the Judiciary Committee at the desk. I ask that it be read, and then you recognize Senator Lack.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, hands up the following nominations:

Erie County Family Court, Michael Battle of Buffalo.

ACTING PRESIDENT WRIGHT: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

It's my pleasure to rise to move the nomination of Michael Battle of Buffalo to be a Judge of the Erie County Family Court.

Thank you, Senator Gold.

Senator Gold will be asking questions about 1975 in Ithaca, as I remember.

Mr. Battle has been examined by the staff of the Judiciary Committee, has been found satisfactory in all regards. His name was put forth to the whole committee today who unanimously consented to move the nomination to the floor.

And with that, I will yield for seconding purposes to Senator Volker.

SENATOR VOLKER: Mr. President.

ACTING PRESIDENT WRIGHT: Senator Volker.

SENATOR VOLKER: I'm proud to second the nomination of Mike Battle, who is a resident of the city of Buffalo, former assistant -- well, right now is an Assistant

Attorney General, in fact, in charge of the office in Buffalo; former Assistant Public Defender in Federal Court for the federal office; former United States Attorney, Deputy United States Attorney. A class guy who I haven't any doubt will make an excellent Family Court judge.

A graduate of Ithaca College and, I guess, from what he told us, grew up in New York City, who -- when I say he graduated from Ithaca College, I just attended the commencement there for my youngest son who also graduated from Ithaca College -- and the University of Buffalo Law School, where I graduated from some years ago.

Mike is recognized in the Buffalo community as one of the leading attorneys in the Buffalo area, a fine gentlemen, family man. I don't think there is any doubt that he will add a great deal to the Family Court in Buffalo and I wish him the very best.

ACTING PRESIDENT WRIGHT: Is there any other member wishing to speak on the

nomination?

SENATOR GOLD: Yes, Mr. President.

ACTING PRESIDENT WRIGHT: Senator Gold.

SENATOR GOLD: Mr. President, just something that has been said in the committee and I think it bears repeating on the floor.

Many of us on this side have had questions with gubernatorial nominations. Those questions have not come into the Judiciary Committee because the Governor's nominees for the judiciary really have been outstanding, and it would be almost irresponsible if we were even to try to find some criticism. I think that Mr. Battle is a perfect example of this, as are the other nominees, and I'm not going to speak on each one, so I will make the comments generally.

The judiciary today is a tough place to be -- the press certainly sees to that -- and, unfortunately, while they used to be more friendly with one another, the district

attorneys have not made it any easier on the judges either today, and in this atmosphere, we are very, very fortunate that people of quality are willing to sit on the bench.

And it was very impressive, I know, to many of us on the Democratic side that the people who are being nominated and being confirmed today are people who really want to do this job. It is no secret that there have been people going to the bench who look at it as capping their career. It's a place to retire to. That is exactly what we did not hear today.

Starting with Mr. Battle and working all the way through the nominees, we heard from people who have dreamed of the opportunity to be judges, and I think that that is the kind of thing that we are responding to. When people run for public office, one of the things you look for is, "Can the candidate taste it?" Do they really want it? That was something that was very evident today from this group of new judges. These are people who want

to do the particular job they are being appointed to, and I think that is the first real step to a success on the bench.

So as someone who finds it very easy to stand up and criticize the Governor, I have to be as honest about it as I can be, and I congratulate the Governor on the recommendation of Mr. Battle and the other individuals who we will be confirming today.

ACTING PRESIDENT WRIGHT: Thank you, Senator Gold.

The question is on the confirmation of Michael Battle as judge of the Erie County Family Court.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Michael Battle is hereby confirmed as judge of the Erie County Family Court.

Judge Battle, if you will please

rise.

(Applause.)

On behalf of Senator Bruno, the Majority Leader of the Senate, and all of his colleagues who serve in the Senate, we extend our personal congratulations and best wishes to you as you serve the people of New York State and the people of Erie County.

We want to welcome you here today, extend our congratulations on your confirmation, extend our best wishes and greetings to your family members and guests who have also joined with you.

Thank you, Judge.

Secretary will read.

THE SECRETARY: Erie County Family Court -- excuse me. Fulton County Court, Richard C. Giardino, of Johnstown.

ACTING PRESIDENT WRIGHT: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

It is my privilege, once again,

to rise to move the nomination of Richard Giardino of Johnstown as a judge of the Fulton County Court.

As with all the nominees, he has been examined by the staff of the Judiciary Committee and was found eminently satisfactory in all respects.

The committee met this morning and unanimously has moved the nomination to the floor, and it is my privilege at this time to yield the floor to Senator Farley.

ACTING PRESIDENT WRIGHT: The Chair recognizes Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

It's with a great deal of pleasure that I rise to move the nomination of Richard Giardino, who I have known for many years, and his family. Richard is a graduate of Albany Law School and Siena College and has served a distinguished career as District Attorney for Fulton County. That's a very difficult office from which to be popular, but

the people of the county and the entire area respect him as a person who not only is firm but is fair. He has a judicial temperament which will make an outstanding judge because, as I said, he will be fair but more important, he will be firm, and it is with a great deal of pleasure that I put forth his name.

Richard is also accompanied in the gallery by his mother and father, Mary Hope Giardino, also Dr. Joseph Giardino, a respected pediatrician and obstetrician renowned throughout Fulton County. Also many of his friends are up there with him. Richard will make an outstanding County Judge. I realize he has to run this fall. I don't even think he has an opponent.

The point of it is I want to congratulate the Governor for this outstanding appointment.

I wish him well. I know he is going to be a remarkable member of the bench as he has throughout his career. As a young man who went to law school with my daughter, he has

had a remarkable, fantastic rise. He is not only going to be a great judge, but he is a great person.

Richard, we're very proud of you, and I'm pleased to move his nomination.

ACTING PRESIDENT WRIGHT: Thank you, Senator Farley.

Are there any other members who wish to speak on the confirmation?

The question is on the confirmation of Richard Giardino as judge of the Fulton County Court.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Richard Giardino is hereby confirmed as Judge of the Fulton County Court.

Judge Giardino, if you would please rise.

(Applause.)

Joining the Judge this morning

are his parents, Joseph and Mary Giardino, along with a number of other guests and friends.

Judge, on behalf of Senate Majority Leader Bruno and his colleagues in the Senate, we extend our personal congratulations and best wishes to you and your family and wish you the very best of luck in serving the people of New York State and Fulton County. Thank you for joining us here today.

The Secretary will read.

THE SECRETARY: Nassau County Family Court, John Pessala of Westbury.

ACTING PRESIDENT WRIGHT: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

Once again, I rise to move the nomination of Judge Pessala as a judge of the Nassau County Family Court.

Again, the staff of the Judiciary Committee has examined the nominee's background and found him eminently qualified.

This morning, he appeared before

the Judiciary Committee and was unanimously endorsed to be moved to the floor, and I would yield to Senator Hannon.

ACTING PRESIDENT WRIGHT: The Chair recognizes Senator Hannon.

SENATOR HANNON: Thank you, Mr. President.

It gives me a very distinct pleasure to be able to move this nomination. John Pessala is an individual I have known for probably over two, three decades, not only as a friend but professionally, as he has served the legal community and the people of Nassau County to an extraordinarily great extent -- in the town of Hempstead, the office of town attorney; the county attorney of the County of Nassau and as advisor and counselor to the county executive dealing with some of the thorniest problems that existed in the municipal affairs of our territory. Bringing that wisdom that he demonstrated on a day-to-day basis and the patience and the fortitude to the bench is something that's going to benefit and continue

to benefit all the people of the county.

I'm just delighted to be able to speak in his behalf and to welcome him to the chamber, along with his wife Beth and their children Anne and Alexander. I can't think of a finer individual to commend to the members of this chamber than John Pessala.

ACTING PRESIDENT WRIGHT: The Chair recognizes Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

I'm pleased to put forward the name of John Pessala for the position of Family Court Judge in the County of Nassau. I have known him for many, many years, and during that time I have come to know that he loves the law; that he embodies, in my opinion, the judicial temperament someone should have who serves on the bench. He embodies that right now in his position as a Judge of the District Court in Nassau County, and he's someone who has the ability to share things with people, as he did today at the meeting of the Judiciary Committee

when he revealed a personal background that I was unaware of, and I indicated at that particular meeting, I think in all the years that I have known Judge Pessala, he spoke more at that meeting than in the totality of all the years I had communications with him.

He is a very reserved individual but he listens, and listening is very important.

I am certain, Mr. President, that he will make all of us proud, and I'm pleased to move his nomination.

ACTING PRESIDENT WRIGHT: The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. I rise with pride to follow my two colleagues in recommending John Pessala -- Judge Pessala to the Nassau County Family Court.

I have known John for many years. We've worked together on many issues in Nassau County. He has served the people of Nassau County with great distinction. John is a problem solver, and as Senator Tully just said,

and correctly so, he listens. That is a key. It's key to a judge and key to a person who really wants to get something done and wants to do it in the right way and take into consideration all sides and all points of view.

John personally will vertically raise the height of the Family Court to new levels. I am proud to nominate him, and I congratulate John, Beth, Anne, and Alexander, who are in the chamber today, and John will serve the people of Nassau County and serve the people of the State of New York with distinction.

ACTING PRESIDENT WRIGHT: Chair recognizes Senator Levy.

SENATOR LEVY: Thank you very much, Mr. President. I'm delighted to have the opportunity to rise with my colleagues from Nassau County to recommend to the members of this body and endorse the qualifications of John Pessala.

Like the other Nassau Senators, he's been a long-time friend. I worked with him

closely in his capacity as counsel to the county executive, and I can attest to the fact that he has extraordinary ability, great balance, a perfect temperament on the bench, and the hallmark and the tradition of John Pessala has been bringing people together and bringing about achievements and accomplishments.

John, when you were nominated and elected to the District Court in Nassau County, I remember telling you privately that that was merely an interim stop in what will be a brilliant judicial career, and this is just another interim stop. We will be looking forward to having you sit up there in the future as you move forward and progress in the judiciary, and as Senator Marcellino said, the stature of John Pessala exceeds even his height.

So I congratulate the Governor on an excellent, extraordinary nomination, and it's a privilege to join with the other Senators from Nassau County in moving the confirmation of Judge Pessala.

ACTING PRESIDENT WRIGHT: The Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, I am delighted to join with my colleagues in Nassau in seconding the nomination of John Pessala.

I had the pleasure of working under John when he was in the town attorney's office in the town of Hempstead, and certainly during that opportunity, I learned a lot from him. I learned that he had a judicial temperament at that time, but even more important, he had the patience to deal with people such as myself.

So, I think that's going to bode well as he serves as a judge of the Family Court. As we know, that's a very, very sensitive court that needs people on the court that listen and that have compassion, and certainly John fits the bill and I know that he is going to be an excellent, excellent judge of the Family Court in Nassau County, and I salute Governor Pataki on his nomination.

ACTING PRESIDENT WRIGHT: Are there any further members wishing to speak on the confirmation?

(There was no response.)

The question is on the confirmation of John Pessala as Judge of the Nassau County Family Court.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

John Pessala is hereby confirmed as a judge of Nassau County Family Court.

Judge Pessala.

(Applause.)

Judge, we now recognize the stature that my colleagues referred to. We extend our congratulations and best wishes to you and also to your wife, Elizabeth, and your children, Anne and Alexander, who have joined with you today.

On behalf of Senator Bruno and

all the members of the Senate, we extend our best wishes to you and good luck in serving the people of New York State and Nassau County.

Thank you.

The Secretary will read.

THE SECRETARY: Westchester County Family Court, Linda Jamieson of Bedford.

ACTING PRESIDENT WRIGHT: The Chair recognizes Senator Lack.

SENATOR LACK: Thank you, Mr. President.

Once again, I rise to move the nomination of Linda Jamieson as judge of the Westchester County Family Court.

Ms. Jamieson's qualifications have been gone over by the staff of the Judiciary Committee, who found her superbly qualified for the post.

This morning she appeared, as did the others, of course, before the Judiciary Committee, who unanimously endorsed her nomination and have moved it to the floor of the Senate, and it is my pleasure to yield to my

colleague sitting next to me, the Westchester County leader and Senator, Nicholas Spano.

ACTING PRESIDENT WRIGHT: The Chair recognizes Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

It is my pleasure to second the nomination of Linda Jamieson today.

Linda Jamieson was admitted to practice back in 1980. During the time that she has been practicing law, she has been involved primarily in Family Law and has been involved in many different local activities, including being arbitrator in Westchester County Supreme Court, and has been involved in a number of advisory boards of groups representing children in Westchester County.

As has been said by my colleagues previously about the other nominees today, the Governor should be congratulated on his selection of Linda Jamieson. She's a person who will bring some enormous benefit to the Family Court and to the people of Westchester County,

and I want to just thank the Governor.

I'm glad that Linda's husband, Laurence Keiser, is here, and her children Heather and Jamie and Ross are also with her, and also her mom is with her today. This has to be a proud day for her, as well as her sister who is also joining her.

So, it is my pleasure to second the nomination of Linda Jamieson.

ACTING PRESIDENT WRIGHT: The Chair recognizes Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

I'd like to join in the comments of Senator Lack and Senator Spano and commend the Governor for once again sending us the name of someone who will be filling a most important position in a county which I represent. Linda Jamieson's resume is such that we can all feel great confidence that she will bring to bear on this most important position her talents, her energy and her integrity.

I join with my colleagues in

supporting this nomination.

ACTING PRESIDENT WRIGHT: Are there any other members who wish to speak on the confirmation?

(There was no response.)

The question is on the confirmation of Linda Jamieson as judge of the Westchester County Family Court. All those in favor -- all in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Linda Jamieson is hereby confirmed as judge of the Westchester County Family Court.

Judge Jamieson.

(Applause.)

The Judge is joined by her husband Laurence, children Heather, Jamie and Roseanne. We welcome all of you family members and guests to the Capitol today. On behalf of Senator Bruno and all the members of the Senate, Judge Jamieson, we extend our congratulations

and best wishes to you as you serve the people of New York State and Westchester County.

Thank you very much.

The Secretary will read.

THE SECRETARY: Sullivan County Court, Burton Ledina of Monticello.

ACTING PRESIDENT WRIGHT: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

It's my pleasure to rise to move the nomination of Burton Ledina as a judge of the Sullivan County Court. Mr. Ledina's qualifications have been examined by the staff of the Judiciary Committee and found to be eminently satisfactory.

He appeared before the committee this morning and was unanimously confirmed and the nomination was moved to the floor, and it's my pleasure to yield to Senator Cook.

ACTING PRESIDENT WRIGHT: Chair recognizes Senator Cook.

SENATOR COOK: Mr. President,

it's a great honor and distinct personal privilege to be able to second Burt Ledina's nomination for Sullivan County Court. I have known Burt perhaps ten years, but he has the kind of personality that you feel that you have known him for a lifetime, and it's in that context that I take such great personal pleasure in this nomination.

Sometimes I think these resumes are in reverse of importance, because even though we admire Burt's background as an attorney and his service on local courts, the thing that impresses me most is the way that he served his community.

He brings values that are re flected in his activities as part of the Jewish community center at Temple Shalom at Landfeld Avenue Synagogue. He has had a record of community service to a variety of organizations, Shriners, the Lions, Elks, the JCs, Monticello Youth Group. In other words, he's been someone who shared his talents in a variety of ways for the good of the community, and I think that's

really important when we consider the qualifications of someone who is going to be sitting on the bench.

But as I indicated, Burt's qualifications as a judge are certainly eminent as well. He served as a town justice for the town of Thompson, village justice for the village of Monticello, but he's also been on the Sullivan County Alternatives to Incarceration Advisory Board which is important. He's been also a member of the House of Delegates of the State Bar Association, and every officer I guess of the Sullivan County Bar Association is an arbiter, I guess, on the American Arbitration Association panel.

He is someone who brings a wealth of knowledge and background in exactly the kinds of things that a County Judge will be dealing with, and I think that everyone in Sullivan County, Burt, takes particular pride today in the fact that you are being nominated and confirmed for this position.

I know that your wife, Harriet,

is here with you. I know your children, Michele Andrea and David John, are also filled with pride on this occasion, as certainly am I, and I am, very, very honored, Mr. President, to second Burt Ledina's nomination as Sullivan County Judge.

ACTING PRESIDENT WRIGHT: Are there any other members wishing to speak on the confirmation?

(There was no response.)

The question is on the confirmation of Burton Ledina as judge of the Sullivan County Court.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Burton Ledina is hereby confirmed as judge of the Sullivan County Court.

Judge Ledina.

(Applause.)

The judge is joined by his wife,

Harriet, and children, Andrea and David. We welcome you and your family and friends to the Capitol and, on behalf of Senator Bruno and the members of the state Senate, we extend our best wishes and congratulations to you on your confirmation and we wish you the best in serving the people of the New York State.

Thank you very much.

The Secretary will read.

THE SECRETARY: Supreme Court 8th Judicial District, Glenn Morton of Batavia.

ACTING PRESIDENT WRIGHT: Chair recognizes Senator Lack.

SENATOR LACK: Thank you, Mr. President. Once again, I rise to move the nomination of Glenn Morton of Batavia as a Justice of the Supreme Court in the 8th Judicial District.

It is a pleasure, Mr. President, to move this last nominee who is the senior serving County Court judge in the State of New York; and for his elevation to Justice of the Supreme Court, the staff of the Judiciary

Committee has found him eminently qualified.

He was unanimously confirmed in the Judiciary Committee meeting this morning and moved to the floor, and it's my privilege to yield to Senator Rath.

ACTING PRESIDENT WRIGHT: Chair recognizes Senator Rath.

SENATOR RATH: Thank you, Senator Lack.

Mr. President, my colleagues. I rise with a great deal of pleasure to second the nomination of Judge Glenn Morton to the New York State Supreme Court, 8th Judicial District. Judge Morton has been on the Genesee County Court, has been a Genesee County Court judge since March 1, 1967, when he was appointed by then Governor Nelson Rockefeller.

Judge Morton's resume looks like many of those that we've spoken about here this morning. The organizations, the civic activities that Judge Morton participated in before he went on the bench those years ago, look like many of our resumes. The judge even

served a stint as a supervisor of the town of Batavia and served in the County Legislature.

I didn't say it at the Judiciary hearing this morning, but I am sure, Judge Morton, in those days you would have been considered one of "rising star young turks" in Genesee County and moved to your position as the County Court Judge because of your knowledge of the county that you served, as a participant in community and civic activities, as well the municipal activities.

Judge Morton's resume, as you look further into it through his judicial experience, the words that jumped out to me were the words "training, training consultant, technical advisor, guest lecturer." It read as a who's who as a judge who is consulted because of his background, because of his knowledge, because of his experience.

In the Judiciary hearing this morning, several of my colleagues indicated that they had been watching Judge Morton's career and had recognized him as a leader and a forward

thinker, and I came to know Judge Morton in Genesee County best in my early days in the county legislature as I worked very hard to pull together from the experience Genesee County had in Alternatives to Incarceration Programs.

So it is with a great deal of pleasure that I second his nomination.

I want to congratulate also Judge Battle, Judge Giardino, Judge Jamieson, Judge Ledina, and Judge Pessala. I think it's always very nice to hear it from a second or a third or a fourth voice as someone says "Judge" and it really is official now. Congratulations to all of you.

In a moment, Judge Morton, as you move to Supreme Court, I want to be the first to congratulate you and your wife, Joyce, and how happy we are to have that honor come to Genesee County, one of my counties.

ACTING PRESIDENT WRIGHT: Chair recognizes Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President.

In the last six or eight months, I have had the distinct pleasure of meeting Judge Morton out on the circuit in my district. You know, as all of us who live in judicial districts where you may have one rather large county and then several smaller rural areas know, that all too often the leaders that be generally choose Supreme Court Justices from the one large county; and such is the case in the 8th Judicial District, and I'm very pleased Governor Pataki, in his wisdom, went out and sought a judge who represents one of the rural counties outside of the major county in the 8th Judicial District.

I don't think he could have picked a finer person than Judge Morton. I don't take my votes on confirming judicial nominees lightly. And in my former role as a County Clerk in Niagara County, I dealt with many attorneys, and I usually go back to some of the attorneys that I had a great deal of respect for and run the qualifications of the nominees by them, and I can tell you that attorneys from

all political parties had nothing but the highest regard for Glenn Morton and his duties as County Court Judge, and all of them unhesitatingly recommended that I vote to confirm Glenn Morton.

So, Judge, I join in my congratulations and I know you will have a great career in the Supreme Court.

ACTING PRESIDENT WRIGHT: Are there any other members wishing to speak on the confirmation?

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I said at the Judiciary Committee that Judge Morton's reputation had worked its way through that seeming impenetrable line between the 8th Judicial District and the 7th Judicial District into my home county of Monroe County. It's a fine reputation. He's an eminently qualified jurist, and I'm going to certainly vote in favor of his nomination.

As someone who has stood here

before sometimes as the ranking mischief maker on this side of the aisle, I want to congratulate the Governor on these appointments. These are six high quality individuals to sit on the bench of this state.

I congratulate the Senate Judiciary Committee chair for bringing these nominations forward and doing, I thought, again, a good opportunity for committee members to meet with them and discuss these issues.

I have only one caution for all of us. I think today as we send these new jurists onto the bench or to different benches, we should recognize them for exactly what they are, highly qualified people who will do probably the most difficult job we can give them. I asked new Judge Jamieson, I believe, a question about the Family Court. She said, "It all depends on the individual. It all depends on the circumstance," and it seems to me that we who may too often have the temptation to snipe at judges who can't respond in kind and tell them that they have done something wrong or

criticize them, that what we should recognize is that they are doing the enormously difficult task of taking the direction that we give them by law and that the people give them by Constitution to interpret those documents in individual cases to achieve justice and, although they may make mistakes or in our judgment may mistakes, before we criticize them we should remember these are good people trying to do the right thing for the people of this state.

To all of them, I congratulate them. I send them my best.

To Judge Morton, who comes with the blessing of the Monroe County Bar, I congratulate him and wish him well in his new position.

Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: The question is on the confirmation of the Honorable Glenn Morton as Justice of the Supreme Court, 8th Judicial District.

All in favor, signify by saying

aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The Honorable Glenn Morton is hereby confirmed as Justice of the Supreme Court 8th Judicial District.

Judge Morton.

(Applause.)

The Judge is joined today by his wife, Joyce. We welcome you to the Capitol. On behalf of Senator Bruno and all of my colleagues in the Senate, we extend our best wishes and congratulations to you, Judge, and every best wish as you serve the people of New York State.

Thank you again.

Chair would also like to take a moment to return to Judge Battle. I failed to recognize, and I wish to correct the error of recognizing Judge Battle's mother who has joined with us and his family members, Willie and Cheryl Horne.

Thank you for coming to the

Capitol and joining with the Judge in his recognition.

(Applause.)

Again, to all of the judges today that we have confirmed, our best wishes. You've heard our colleagues speak to the abilities that you bring to the bench and we look forward to your service that you bring to the people of the state of New York.

Thank you very much for joining us today.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we can return to motions and resolutions, I believe there is a resolution at the desk by Senator Libous. I ask that the title be read and the resolution be adopted.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: By Senator Libous, Legislative Resolution, commemorating Wednesday, June 5, 1996 as Legislative Disability Awareness Day in the State of New

York.

ACTING PRESIDENT WRIGHT: Chair recognizes Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President. Thank you, Senator Skelos and my colleagues.

Today is Disability Awareness Day in the Capitol, and it's a day that we have celebrated once a year usually the first week in June. The reason for this day is very simple, to recognize our commitment as a legislative body to those individuals in New York State with disabilities.

Those of us who come to work every day, take for granted some of the comforts we have. We often do not recognize that there are other individuals who have disabilities and may not have life quite as easy as we do. Legislative Disability Awareness Day is our opportunity to recognize those people with disabilities in New York State and to try to do something to integrate their lives, make sure as mentioned this morning by Senator Paterson that

people with disabilities have the same opportunities everyone else does, whether they be in the workplace, whether it be for health care, whether it be in the community, and that's really what our goal is here today.

Part of our ceremony today involves a display over in the Legislative Office Building, and I would invite all of you to visit the LOB on the third floor. We have displays from a number of psychiatric centers, developmental centers. We have displays from the independent living centers and a number of different organizations in groups that deal and help people with disabilities on a regular basis.

We also have the pleasure and opportunity today to have a special guest with us who I will be introducing and honoring in just a moment after we pass this particular resolution.

ACTING PRESIDENT WRIGHT: Thank you, Senator Libous.

The Chair will note that the

resolution was previously adopted unanimously by the Senate on May 21st, 1996.

The Chair returns to Senator Libous.

SENATOR LIBOUS: Mr. President, I want to offer up Senate Resolution 3424 and ask that its title be read.

ACTING PRESIDENT WRIGHT: Clerk will read.

THE SECRETARY: By Senator Libous, Legislative Resolution honoring Jonathan Swick of Potential Unlimited upon the occasion of his appearance as guest of honor at ceremonies marking New York State Legislative Disability Awareness Day, Wednesday, June 5, 1996.

SENATOR LIBOUS: Could I please have the resolution read in its entirety.

ACTING PRESIDENT WRIGHT: The Secretary will read the entire resolution, please.

THE SECRETARY: Whereas, community awareness and acceptance of persons

who are disabled serves to lift barriers and expand choices for persons of all abilities.

It is the intent of this Legislative Body to recognize individuals with disabilities who have put aside their conditions which might otherwise hinder a purposeful life of achievement and fulfillment, demonstrating that the barriers to success for the disabled come more commonly from prevailing attitudes and opportunities than the physical limitations of a disability.

Jonathan Swick, pianist, made his concert debut in 1986 at a conference for parents of children with Down's syndrome; the overwhelming success of that performance became the genesis for Potential Unlimited.

Jonathan Swick began studying classical piano at age 10 and has performed at the Michael Landon celebrity gala and Chautauqua Institution; he was a 1989 Itzak Perlman Piano Award Finalist, one of nine throughout the country.

Jonathan Swick graduated from

Bethlehem Central School, lives with his parents in Delmar, is employed by the New York State Department of Licensing; he serves on the Board of Potential Unlimited.

The Bardavon concert is a yearly show case for creativity and growth of seasoned performers and an exciting debut for new ones. In addition, each year more than 1200 students attend Potential Unlimited school concerts at the Bardavon.

Potential Unlimited Productions, Incorporated in 1995, is a nonprofit organiza tion dedicated to celebrating the artistic tri umphs of people with developmental disabilities by cultivating performance opportunities at the highest professional level; Potential Unlimited brings to audiences music, dance, and words that touch the heart and renew the spirit beyond the concert stage.

Potential Unlimited performers engage students and community members in educational outreach programs, teaching that with courage and hope anything is possible.

Potential Unlimited is a unique collaboration between dedicated music therapists, members of the Hudson Valley Philharmonic, independent professional musicians and photographers, and featured performers with disabilities.

Jonathan Swick so clearly personifies the goals and aspirations of potential Unlimited; Jonathan's perseverance and commitment enhance a personal talent of consummate excellence.

Whereas, upon the occasion of Legislative Disability Awareness Day, Wednesday, June 5, 1996, this Legislative Body is greatly moved to commend a musical artist of renown and of such talent; now, therefore, be it

Resolved, that this Legislative Body pause in its deliberations to honor and commend Jonathan Swick of Potential Unlimited, recognizing his courageous endeavors, outstanding achievements, and unparalleled contributions on behalf of the disabled and their cause for increased awareness and

opportunity upon the occasion of his appearance as guest of honor at the New York State Legislature on Disability Awareness Day, Wednesday, June 5, 1996; and be it further

Resolved, that a copy of this resolution, suitably engrossed, be transmitted to Jonathan Swick.

ACTING PRESIDENT WRIGHT: Chair recognizes Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

As you heard from the reading of this resolution, we have a remarkable young man who is with us today. Jonathan played earlier in the Legislative Office Building in the well, and I can tell you there were 200 people there, and they were completely spellbound in listening to his performance.

Earlier this morning we were talking, and Jonathan said that he first learned the piano at 10 and, basically, he said his sister was playing the piano and he began to play the piano with her and actually he

continued to play; and I don't believe your sister is still playing at this time.

Is that correct?

(The response was "That's correct.")

That's correct. So Jonathan represents something today, my colleagues, that I think is the whole essence of why we do Disability Awareness Day, why we will soon pass several pieces of legislation to promote and to help people with disabilities. Jonathan needed an opportunity and a chance. Once he had that opportunity and a chance, he has proved throughout his entire life that he is no different than any one of us in this room. As a matter of fact, he is more special than most of us if not all of us in this room, because if you had the opportunity to listen to Jonathan play the piano, he has remarkable talent. He is one who shows that an individual who wants to sit down and work and practice can excel.

Jonathan, we have had a number of different guests over the years when we

celebrate this day, but, indeed, it is an honor for me to say that I had the opportunity to not only meet you, to honor you today, but to listen to your professional works and it was a pleasure for me.

ACTING PRESIDENT DiCARLO: Senator Hoblock.

SENATOR HOBLOCK: Thank you, Mr. President.

It certainly gives me great pleasure to rise and join with Senator Libous and my colleagues in this chamber in sponsoring this resolution and specifically to recognize and honor Jonathan Swick.

Jonathan is a resident constituent of mine in the 42nd Senatorial District, and we're extremely pleased to have him here today as our guest.

As has been said, he's a very talented individual, having played the piano since the age of 10 and has performed in a number of particular functions, concerts, galas and conventions and, as he did this morning, he

has dazzled his audience at each and every one of these functions.

Jonathan, this morning and throughout his career, has been an inspiration to all of us, and we're delighted that he joined us here and participated in these activities. Jonathan represents the recognition and appreciation that we have of the disability community; that we recognize the abilities of the individual rather than their disabilities and that we concentrate on the positive and have people like Jonathan show us what they can accomplish to enhance their lives.

Jonathan is a very motivated individual, and as a result of his hard work and efforts and particularly his determination, he has brought about a fulfillment in his own life.

So we're extremely proud, Jonathan.

We wish him well. We wish him success in the continuation of his artistic abilities, and we're going to be looking forward to listening to his works for many years to

come.

Again, congratulations, Jonathan.

ACTING PRESIDENT DiCARLO: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

I rise not only to commend Senator Libous for his advocacy for those with disabilities but particularly to commend Jonathan for this special award that he has received, this recognition that he has received today.

But I would be remiss if I didn't acknowledge the presence and importance of Potential Unlimited, a group that is very closely associated with my district, and I spoke a bit earlier with Helen Meserve, who I see sitting in the gallery.

Suffice it to say that Potential Unlimited has presented opportunities not just for Jonathan but for a host of others. They are doing a marvelous job, deserve our kudos, our attention and our support wherever and whenever

so that young folks and older folks have the opportunity to take advantage of the God-given talent that they have been presented and, if not for their efforts and their commitment, we might never have these jewels to share with our respective communities.

Thank you, Mr. President.

ACTING PRESIDENT DiCARLO: Senator Gold.

SENATOR GOLD: Yes. Thank you, Mr. President.

Mr. President, first of all, my congratulations to Senator Libous and the Majority and for everybody who participates in this day.

But it's interesting. "Disabilities Awareness Day," I guess that means the focus should be on, in my case, the fact that I can't speak foreign languages and I was a lousy student in that regard.

The focus, I think, really should be on what we can do, and I think that when we get away from calling it Disabilities Awareness

Day, that's exactly what Senator Libous was doing. We try to focus and make everybody in society understand that every one of us can't do things, and what we ought to be doing is looking at our neighbors and friends and saying, "This is someone who contributes in a certain way."

There was -- there is a famous story about Governor Al Smith leaving the building with some very, very important people, quotes/unquotes, and he asked them to wait a minute, and he went over to talk to the elevator operator, and he spent about five minutes, ten minutes with him and these very important people were getting a little out of joint, and when Governor Smith came back, he said, "I'm sorry." He said, "But that man votes in my district."

The answer is everybody is important, and what is important about people is what they are, not what they aren't; so while we can argue about the name of this day, I think it is a wonderful thing that Senator Libous and others brought on the resolution and that we show some respect today for our fellow human

beings for what they are, understanding that we all have some disabilities.

ACTING PRESIDENT DiCARLO: The question is on the resolution.

All in favor, signify by saying aye.

(Response of "Aye.")

Opposed.

(There was no response.)

The resolution is adopted, and on behalf of the New York State Senate, we would like to congratulate Jonathan Swick and also his father, Joseph, who is here with us in the chamber.

Congratulations, and we're all proud of you.

(Whereupon, there was a standing ovation.")

Senator Skelos.

SENATOR SKELOS: Mr. President, if we can return to the controversial calendar regular order, starting with Calendar Number 191, by Senator Libous.

ACTING PRESIDENT DiCARLO: Secretary will read.

THE SECRETARY: Calendar Number 191, by Member of the Assembly Bragman, Assembly Print 8454C, an act to amend the Vehicle and Traffic Law, in relation to parking permits for handicapped persons.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 336, by Senator Libous, Senate Print 4443A, an act to amend the Mental Hygiene Law and the Vehicle and Traffic Law, in relation to parking spaces for handicapped persons.

ACTING PRESIDENT DiCARLO: Read

the last section, please.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 348, by Senator Libous, Senate Print 4442, an act to amend the Public Health Law, in relation to requiring consent for visual observation.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The

bill is passed.

THE SECRETARY: Calendar Number 364, by Senator Libous, Senate Print 4440B, an act to amend the Labor Law and the Education Law and the General Business Law, in relation to employment training.

ACTING PRESIDENT DiCARLO: Read the last section, please.

THE SECRETARY: Section 28. This act shall take effect on April 1, 1997.

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays 2, Senators DeFrancisco and DiCarlo recorded in the negative.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 714, by Member of the Assembly Towns, Assembly Bill 9824, an act to amend Chapter 744 of the Laws of 1992, amending the Mental Hygiene Law.

ACTING PRESIDENT DiCARLO: Read

the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 757, by the Assembly Committee on Rules, Assembly Print 7827A, an act to amend the General Business Law, in relation to the wheelchair lemon law bill of rights.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The

bill is passed.

THE SECRETARY: Calendar Number 833, by Senator Maziarz, Senate Print 6440A, an act to amend the Vehicle and Traffic Law, in relation to parking permits for state and local government entities.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1124, by Senator Levy, Senate Print 325, an act to amend the Vehicle and Traffic Law, in relation to requiring certain information on disabled children.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1141, by Senator Levy, Senate Print 3996, an act to amend the Vehicle and Traffic Law, in relation to the transportation of persons in wheelchairs.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1244, by Senator Johnson, Senate Print 2402, an act to amend the Real Property Tax Law, in relation to granting partial exemption from taxation.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1267, by Senator Libous, Senate Print 7316A, an act to amend the Mental Hygiene Law and the Executive Law.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1228, by Senator Stafford, Senate Print 612, an act to amend the Environmental Conservation Law.

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT DiCARLO: The bill is laid aside for the day.

Senator Skelos.

SENATOR SKELOS: Mr. President, will you call up Calendar Number 1268, Senate 7609.

ACTING PRESIDENT DiCARLO: The Secretary will read.

THE SECRETARY: Calendar Number 1268. Senator Bruno moves to discharge from the Committee on Rules Assembly Bill 10761 and substitute it for the identical Senate Bill

7609.

ACTING PRESIDENT DiCARLO: Substitution ordered.

THE SECRETARY: Calendar Number 1268, by the Assembly Committee on Rules, Assembly Print 10761, an act to amend Chapter 170 of the Laws of 1994, amending the Tax Law.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

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

SENATOR DOLLINGER: Okay, sorry. I apologize. Out of order.

ACTING PRESIDENT DiCARLO: Continue.

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: Bill is passed.

Senator Skelos.

Senator Skelos, we have some housekeeping if you would like to take that up.

SENATOR SKELOS: If we can do the housekeeping, Mr. President.

ACTING PRESIDENT DiCARLO: We will return to motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. On page number 27, on behalf of Senator Skelos, I offer the following amendments to Calendar Number 918, Senate Print Number 6724, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT DiCARLO: Amendments received and adopted.

SENATOR MARCELLINO: Mr. President, on behalf of Senator LaValle, on page number 32, I offer the following amendments to Calendar Number 1019, Senate Print Number 7227, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT DiCARLO:

Amendments received and adopted.

SENATOR MARCELLINO: Mr. President, on behalf of my colleague, Senator Maziarz, on page number 31, I offer following amendments to Calendar Number 1009, Senate Print Number 7312, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT DiCARLO: Amendments received and adopted.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Lack, on page number 35, I offer the following amendments to Calendar Number 1067, Senate Print Number 7484, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT DiCARLO: Amendments received and adopted.

Senator Volker.

SENATOR VOLKER: Mr. President, on page 4, Calendar Number 32, Senate Print 4262, will you please star that bill, please.

ACTING PRESIDENT DiCARLO: Calendar 32, Senate 4262, is starred at the

request of the sponsor.

Senator Hoffmann.

SENATOR HOFFMANN: Mr. President, i believe I have a privileged resolution at the desk.

ACTING PRESIDENT DiCARLO: Yes, we do. Secretary will read.

THE SECRETARY: By Senator Hoffmann, Legislative Resolution, commending Nancy and David A.A. Ridings upon the occasion of their designation as recipients of the 1996 Interreligious Leadership Award.

ACTING PRESIDENT DiCARLO: Senator Hoffmann.

SENATOR HOFFMANN: I would ask that the resolution be adopted.

ACTING PRESIDENT DiCARLO: All those in favor of the resolution, signify by saying aye.

(Response of "Aye.")

Opposed.

(There was no response.)

Resolution is adopted.

SENATOR HOFFMANN: Thank you, Mr. President.

ACTING PRESIDENT DiCARLO: Senator Skelos.

SENATOR SKELOS: Mr. President, if there is no objection, we would like to take up Calendar Number 1263 and Calendar Number 1264 which were laid aside earlier today. I believe Senator Sears is ready to debate those bills.

ACTING PRESIDENT DiCARLO: Without objection, Secretary will read.

THE SECRETARY: Calendar Number 1263, by Senator Sears, Senate Print 7301, an act to authorize the county of Lewis to sell, transfer, convey and otherwise dispose of the Lewis County General Hospital.

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

SENATOR PATERSON: Explanation.

ACTING PRESIDENT DiCARLO: Explanation has been asked for.

Senator Sears.

SENATOR SEARS: This bill 1263,

it just authorizes the county of Lewis to sell, transfer, convey and otherwise dispose of the Lewis County General Hospital to a not-for profit hospital corporation. The county can no longer afford to maintain that hospital so they want to get rid of it and let it be taken over by a not-for-profit organization, and the bill that follows it is the same thing. They want to authorize them to issue serial bonds to liquidate the project's debt, a companion bill.

ACTING PRESIDENT DiCARLO: Read the last section on 1263.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1264, by Senator Sears, Senate Print 7302, an act authorizing the county of Lewis to issue serial bonds.

ACTING PRESIDENT DiCARLO: There

is a home rule message at the desk.

Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Yes, we do, Senator Skelos.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Maltese, please place a sponsor's star on Calendar Number 854.

ACTING PRESIDENT DiCARLO: So ordered.

Senator Skelos.

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

ACTING PRESIDENT DiCARLO: Senate will stand at ease.

(Whereupon, at 12:34 p.m., the Senate stood at ease.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT DiCARLO: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Rules Committee in Room 332 of the Capitol, and Senate will stand at ease.

ACTING PRESIDENT DiCARLO: Immediate meeting of the Rules Committee in Room 332 of the capital. Senate will stand at ease.

(Whereupon, at 1:03 p.m., the Senate reconvened.)

ACTING PRESIDENT KUHL: Senate will come to order. Ask the members to find their places.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe -- if we could return to reports of standing committees, I believe there is a report

of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT KUHL: We will return to reports of standing committees.

Secretary will read the Rules Report which is at the desk.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bills directly for third reading:

Senate Print 3356, by Senator Kuhl, an act to amend the Vehicle and Traffic Law;

Senate Print 3519, by Senator DeFrancisco and others, an act to amend the Penal Law;

4358A, by Senator DiCarlo, an act to amend the Vehicle and Traffic Law;

4804A, by Senator Maziarz, an act to amend the Town Law;

4907A, by Senator Tully, an act to amend the Penal Law;

5418A, by Senator Holland, an act to amend the Public Health Law;

5899, by Senator DiCarlo, an act authorizing the city of New York to reconvey;

6049, by Senator Rath, an act to amend the State Administrative Procedure Act;

6109, by Senator Hoblock, an act to amend the Public Officers Law;

6189A, by Senator Larkin, an act to amend the General Municipal Law;

6252, by Senator Tully and others, an act to amend Chapter 294 of the Laws of 1994;

6373, by Senator Skelos, an act to amend the Public Health Law;

6514, by Senator Maltese, an act to amend the Penal Law;

6584A, by Senator Skelos, an act to amend the Environmental Conservation Law;

6673, by Senator Johnson, an act to provide retirement credit;

6675B, by Senator LaValle, an act authorizing the Town of Brookhaven;

6745, by Senator Stafford, an act to amend Chapter 583 of the Laws of 1995;

6776, by Senator Larkin, an act to amend Chapter 463 of the Laws of 1995;

6791A, by Senator Present, an act to reopen a special retirement plan;

6794, by Senator Saland, an act to amend the Penal Law;

6838, by Senator Tully, an act to amend the Social Services Law;

6848, by Senator Alesi, an act to amend the Penal Law and the Criminal Procedure Law;

6909A, by Senator Alesi, an act to amend the Criminal Procedure Law;

7028, by Senator Present, an act to amend the Environmental Conservation Law;

7104A, by Senator Johnson, an act in relation to authorizing the county of Suffolk;

7203, by Senator Cook, an act to amend the Agriculture and Markets Law;

7300A, by Senator Present and others, an act to amend the Executive Law;

7433, by Senator Nanula, an act

to amend the Local Finance Law;

Senate 7487A, by Senator Holland, an act to authorize or sell real property;

7508, by Senator Seward, an act to legalize, ratify, and confirm;

7685, by Senator Trunzo and others, an act authorizing the payment of supplemental retirement allowances.

All bills directly for third reading.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Move that we adopt the report of the Rules Committee.

ACTING PRESIDENT KUHL: Motion is to adopt the report of the Rules Committee.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The Rules Report is adopted. The bills are ordered directly to third reading.

We have a couple of substitutions.

SENATOR SKELOS: Before we make those, there will be an immediate meeting of the Finance Committee in Room 332 of the Capitol.

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

Immediate meeting of the Finance Committee in the Majority Conference Room, Room 332.

SENATOR SKELOS: Mr. President, if we could make the substitutions.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: Senator Wright moves to discharge from the Committee on Rules Assembly Bill 9838 and substitute it for the identical Senate Bill 12C.

Senator Tully moves to discharge from the Committee on Investigations, Taxation and Government Operations Assembly Bill Number 5829A and substitute it for the identical Senate

Bill 3263A.

Senator Stafford moves to discharge from the Committee on Rules Assembly Bill 9757 and substitute it for the identical Senate Bill 3312A.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time, if we can take up Senate Supplemental Calendar Number 1.

ACTING PRESIDENT KUHL: Secretary will read the noncontroversial calendar on Senate Supplement Calendar Number 1.

THE SECRETARY: Calendar Number 1269, by Member of the Assembly Christensen, an act to amend the State Administrative Procedure Act and the Executive Law, in relation to job impact statements.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

1270, by Senator Tully, Senate Print 186A, an act to amend the General Business Law, in relation to requiring the disclosure of credit terms.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 60 day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

Announce the results when tabulated.

THE SECRETARY: Ayes 59. On Calendar Number 1270, ayes 58, nays 1, Senator Padavan recorded in the negative.

ACTING PRESIDENT KUHL: Bill is passed.

SENATOR PADAVAN: Excuse me, Mr. President.

ACTING PRESIDENT KUHL: That was Calendar Number 1270, Senator Padavan. That is on Supplemental Calendar Number 1.

SENATOR PADAVAN: I'm in the affirmative on that bill.

ACTING PRESIDENT KUHL: Record the change. Announce the results.

THE SECRETARY: Calendar Number 1271, by Senator Holland, Senate Print 751, an act to amend the Executive Law, in relation to the powers of the Office of the Welfare Inspector General.

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 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1272, Senate Print 1384A, an act to amend the Environmental Conservation Law, in relation to granting municipalities an exemption from waste

transportation fees.

ACTING PRESIDENT KUHL: There is a local fiscal impact note 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 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1273, by Senator Farley, Senate Print 2305B, an act to amend the Tax Law, in relation to requirement to file a personal income tax return.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1274, by Senator Stafford, Senate Print 2505A, an act to amend the Labor Law, in relation to license to possess and use explosives.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1275, by Senator Trunzo, Senate Print 3210A, an act to amend the Retirement and Social Security Law, in relation to the membership of park

rangers in Suffolk County.

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

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1276, substituted earlier today, by Member of the Assembly DiNapoli, Assembly Print 5829A, an act to amend the Alcohol Beverage Control Law, in relation to prohibiting the issuance of license to sell liquor.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

1277, substituted earlier today, by Member of the Assembly D'Andrea, Assembly Print 9757, an act to amend the Tax Law, in relation to authorizing the county of Washington to allocate certain proceeds.

SENATOR SKELOS: Lay it aside for the day at the request of the sponsor.

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

THE SECRETARY: Calendar Number 1278, by Senator Kuhl, Senate Print 3868A, an act to require the New York State and Local Employees' Retirement System to accept retirement applications.

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 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1279, by Senator Hoffmann, Senate Print 4145C.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside for the amendments.

Senator Present, that completes the reading of the noncontroversial calendar of Supplemental Calendar Number 1.

SENATOR PRESENT: Mr. President, will you recognize Senator Onorato for a motion.

ACTING PRESIDENT KUHL: Chair recognizes Senator Onorato.

SENATOR ONORATO: Mr. President, on behalf of Senator Hoffmann, I offer the following amendments to Calendar Number 1279, Senate Print Number 4145C, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 1279 are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Trunzo, on page number 29, I offer the following amendments to Calendar Number 974, Senate Print Number 7259A, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 974 are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up the controversial issues on Senate Supplemental Calendar Number 1.

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar, Supplemental Calendar Number 1.

THE SECRETARY: Calendar Number 1269, by Member of the Assembly Christensen, Assembly Print 9838, an act to amend the State Administrative Procedure Act and the Executive Law, in relation to job impact statements.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Wright, Senator Paterson has requested an explanation.

SENATOR WRIGHT: Thank you, Mr. President.

The bill before the Senate modifies the Administrative Procedures Act to include the provision of a job impact statement and, by doing that, establishes as state policy the intent of this state to preserve jobs, create employment opportunities, and to make sure that when we're establishing regulations that we consider the impact on employment.

This is a direct result of the history that New York State has been through over the last six or eight years with a significant job loss that we've encountered. Many times that has been directly attributed to the decision making of our agencies in the rule making processes and the regulatory implementation.

Consequently, we have recommended

statutory language on two previous occasions with agreement between both houses in '93 and '94 that unfortunately was vetoed by then Governor Cuomo. We have made the necessary amendments. We have worked with our colleagues in the other house to incorporate this in statute to ensure that we have a clear delineation of impacts as it relates to job creation.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if the sponsor will yield for a question.

ACTING PRESIDENT KUHL: Senator Wright, do you yield to a question?

SENATOR WRIGHT: I will.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator Wright, what I am having trouble understanding is, how will this benefit New York State residents? I guess presumably the answer would be that it would save jobs if the agency was

prescribing a regulation that would hurt the market more by causing people to lose jobs than whatever was the administrative duty that was being corrected.

SENATOR WRIGHT: That is correct, Senator. The intent is to ensure that there is a very specific acknowledgment of the impact on jobs, that there is a very specific discussion of the effect that that proposed regulation will have and, more importantly, that there is a conscious public awareness through the rule making process so that can be evaluated as part of the rule-making process.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Senator, if you will continue to yield.

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

SENATOR WRIGHT: I will, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: Isn't it likely that the type of data that would be used for an analysis to determine that the jobs impact would -- how severe that would be might in many respects be somewhat biased, not because of an actual bias but because of the skewed nature of the report, being that many of the statistics are going to come from those who would benefit more by the maintenance of certain jobs? So that, theoretically, if there was a very serious regulation that was coming down and -- let's give an example of something that wouldn't have anything to do with the state.

Let's say that there was a regulation about tobacco, but you are getting your statistics from the industry. Theoretically, you are losing jobs, but we're also losing lives. That's one of the reasons the agency would establish the regulation.

So I guess my question is, aren't we adding another layer to government? In other words, if there is a problem with the agencies, then why don't we make the correction right

within the agency itself? But to add this additional encumbrance on the agency I just think is top heavy and is going to create an inexorable delay in regulations that are being promulgated for the good of our state and our citizens.

And so my question to you is, don't you think it's possible that this law if passed could create that circumstance?

SENATOR WRIGHT: No, I don't, Senator. In terms of the theoretical situation that you articulate, first of all, this does not prohibit implementation of a regulation but requires that the information be made available and that everyone is aware of the job impact so that there is a conscious decision-making, but it doesn't preclude that there may well be a regulation that has inherent or significant health and safety implications that override the job implication. But what it does assure is that there is a conscious assessment of the cost versus the benefit, in this case jobs, before we make that decision.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President, and thank you, Senator Wright, for your responses.

Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Paterson, on the bill.

SENATOR PATERSON: I kind of had the feeling that Senator Wright was not going to agree with me that there would be in a sense a chilling effect on the adoption of regulations.

I understand his desire to add protections to our work force in the state, and so it's really just a -- I think a fair-minded disagreement. It's just a feeling that I want to aver here that the establishment of regulations is something that does not need to be impeded nor do we want to add time to the process and in any way obfuscate the merit of regulations that need to be changed.

I think perhaps there is a sentiment in this chamber that, at times, we

have overregulated, but I would hope that we would not allow the pendulum to move too far in the other direction, as I think we would in this case, where the regulators for fear of moving through hoops would just really not find the value in establishing needed regulations that citizens of this state certainly would require.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr. President, I think Senator Paterson, as always, got to the heart of the issue. I just want, if I may, to try to elaborate a little bit on it and try to point out what I think is an imbalance in this bill.

As I read this bill, Senator Wright, the Commissioner of Labor and the Commissioner of Economic Development can, in effect, send a rule or proposed rule after they review the job impact statement back for further review. I think it's 90 days that they can hold up this rule.

And while, Senator, we all agree with you, jobs are terribly important, economic development is terribly important, but equally important is the health of New Yorkers. It's equally important that we have clean air, that we have clean water, that rules that are made by the Health Department, by the Department of Environmental Conservation, deserve equal respect.

I mean I think it's interesting that, for instance, you don't provide that there ought to be a health impact statement on every rule that's made. Maybe we ought to have a health impact statement and you want to give the Commissioner of Health the power to hold up for 90 days rules that are made by the Department of Labor or the Department of Economic Development; or are you going to say to us, "Wait a second, health is unimportant"? But that's really what you are saying.

We know what's driving this bill. It's that many of you chafe under the regulations, mainly environmental regulations.

Let me just tell you, Senator Wright, the American people and I think the people of New York don't agree with you. They want clean air. They want clean water. They don't want to live near toxic dumps. They don't want to have pesticides creating cancer risks.

And I think the issue is very clearly drawn when you look at this bill between the Democratic approach of trying to preserve the environment, balancing jobs and the environment -- and we can have both -- and those who want to undo the environmental protections that have been built up over the years, just as in Congress, your party, Senator Wright, has tried to dismantle the Clean Air Act, the Clean Water Act, and so on; and what you are trying to do is just put up a lot of road blocks, speed bumps, in the way of regulations that are necessary for the health and the welfare of New Yorkers.

I think it's an unfortunate bill.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Yes, Senator Paterson.

SENATOR PATERSON: We would like a slow roll call on this.

ACTING PRESIDENT KUHL: Are there five members in the chamber who would stand up indicating they want a slow roll call?

There are.

I direct the Secretary to ring the bells.

The Secretary will read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 1st day of October.

ACTING PRESIDENT KUHL: Call the roll slowly.

THE SECRETARY: Senator Abate.

SENATOR ABATE: No.

THE SECRETARY: Senator Alesi.

(There was no response.)

Senator Babbush.

(There was no response.)

Senator Bruno.

(Affirmative indication)

Senator Connor.

(Negative indication)

Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator DiCarlo.

SENATOR DiCARLO: Aye.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Espada.

(There was no response.)

Senator Farley.

(There was no response.)

Senator Gold.

SENATOR GOLD: No.

THE SECRETARY: Senator Gonzalez.

(There was no response.)

Senator Goodman.
SENATOR GOODMAN: No.
THE SECRETARY: Senator Hannon.
SENATOR HANNON: Yes.
THE SECRETARY: Senator Hoblock.
(There was no response.)
Senator Hoffmann.
SENATOR HOFFMANN: Yes.
THE SECRETARY: Senator Holland.
SENATOR HOLLAND: Yes.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Aye.
THE SECRETARY: Senator Kruger.
(There was no response.)
THE SECRETARY: Senator Kuhl.
SENATOR KUHL: Aye.
THE SECRETARY: Senator Lachman.
(There was no response.)
THE SECRETARY: Senator Lack.
(There was no response.)
Senator Larkin.
(There was no response.)
Senator LaValle.

SENATOR LAVALLE: No.
THE SECRETARY: Senator Leibell.
(There was no response.)
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: No.
THE SECRETARY: Senator Levy.
(There was no response.)
Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maltese.
(There was no response.)
Senator Marcellino.
SENATOR MARCELLINO: Aye.
THE SECRETARY: Senator Marchi.
SENATOR MARCHI: Aye.
THE SECRETARY: Senator Markowitz.
SENATOR MARKOWITZ: No.
THE SECRETARY: Senator Maziarz.
(There was no response.)
Senator Mendez.
(There was no response.)
Senator Montgomery.

SENATOR MONTGOMERY: No.
THE SECRETARY: Senator Nanula.
SENATOR NANULA: No.
THE SECRETARY: Senator Nozzolio.
SENATOR NOZZOLIO: Aye.
THE SECRETARY: Senator Onorato.
SENATOR ONORATO: No.
THE SECRETARY: Senator Oppenheimer.
SENATOR OPPENHEIMER: No.
THE SECRETARY: Senator Padavan.
SENATOR PADAVAN: Aye.
THE SECRETARY: Senator Paterson.
SENATOR PATERSON: No.
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.

SENATOR SEABROOK: No.
THE SECRETARY: Senator Sears.
(There was no response.)
Senator Seward.
SENATOR SEWARD: Yes.
THE SECRETARY: Senator Skelos.
(There was no response.)
Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Spano.
(There was no response.)
Senator Stachowski.
SENATOR STACHOWSKI: No.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator Stavisky, excused.
Senator Trunzo.
SENATOR TRUNZO: Aye.
THE SECRETARY: Senator Tully.
(There was no response.)
Senator Velella.
(Affirmative indication)

Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

(There was no response.)

Senator Wright.

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

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

SENATOR WRIGHT: Thank you, Mr. President.

I'd like to clarify a couple of points because in the debate great length was taken to try to portray this as an anti-health, anti-environment. In fact, I think it was portrayed as anti-almost everything in the description of what this bill does and, in fact, nothing could be further from the truth.

First of all, the bill does not prohibit anything from happening. Secondly, the bill does not prohibit the adoption of health, safety and other appropriate considerations in regulation and authority. Thirdly, what the

bill specifically does is simply says pay attention to what you're doing to jobs, and if, in fact, a regulation is going to have a significant impact -- and by that, that's defined as 100 jobs where a $1 million impact -

ACTING PRESIDENT KUHL: Senator Wright, excuse me just a minute.

SENATOR WRIGHT: Thank you, Mr. President.

ACTING PRESIDENT KUHL: I don't know how anybody could hear you, even yourself hear yourself think with all the noise that's in here.

Thank you for the interruption, Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

The point being it is a question of having significant job impact and ensuring that the bureaucrats in the agency are conscious of that impact because I believe that, yes, people want clean air and, yes, people want clean water, but they also don't want to

sacrifice their jobs, and they would hope that within the public decision-making that goes on, that at least the importance of their jobs are given equal and dual consideration. That's what this bill does.

This bill also has a very specific emergency provision that delays and defers the job impact. So if, in fact, there is a significant environmental impact; if, in fact, there is a significant health impact then, in fact, you can proceed with the rule-making process. This bill does not affect it.

I guess the most gross overstatement that I would portray utilized in the debate was trying to draw partisan distinctions on the intent of this bill.

I would point out to my colleagues this bill, in fact, has passed in various forms in this house on three separate occasions. It has done likewise in the, quote, "Democrat" Assembly, and the bill that we have before us has been adopted by the Majority in the Assembly. So I don't believe we have a

partisan issue before us. We all share a concern about jobs. We all can share a concern that jobs will be reflected.

I think it's important that we recognize, in fact, what this bill does, not what its opponents try to spin it as doing.

Thank you, Mr. President. I vote in the affirmative.

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

Call the absentees.

THE SECRETARY: Senator Babbush.

(There was no response.)

Senator Espada.

(There was no response.)

Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Gonzalez.

(There was no response.)

Senator Hoblock.

SENATOR HOBLOCK: Yes.

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: No.

THE SECRETARY: Senator Lachman.
SENATOR LACHMAN: No.
THE SECRETARY: Senator Lack.
SENATOR LACK: Aye.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: Aye.
THE SECRETARY: Senator Levy.
SENATOR LEVY: Aye.
THE SECRETARY: Senator Maltese.
(There was no response.)
Senator Maziarz.
SENATOR MAZIARZ: Yes.
THE SECRETARY: Senator Mendez.
(There was no response.)
Senator Sears.
SENATOR SEARS: Aye.
THE SECRETARY: Senator Skelos.
(There was no response.)
Senator Spano.
SENATOR SPANO: Aye.
THE SECRETARY: Senator Tully.
SENATOR TULLY: No.
THE SECRETARY: Senator Waldon.

(Negative indication)

ACTING PRESIDENT KUHL: Senator Maltese, how do you vote?

SENATOR MALTESE: Aye.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 33, nays 22.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to call the controversial calendar on Senate Supplemental Calendar Number 1.

THE SECRETARY: Calendar Number 1276, by Member of the Assembly DiNapoli, Assembly Print 5829-A, an act to amend the Alcoholic Beverage Control Law, in relation to prohibiting the issuance of licenses to sell liquor.

ACTING PRESIDENT KUHL: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

I want to thank -

ACTING PRESIDENT KUHL: Senator Padavan, excuse me just a minute. Could we have the members please take their seats, the staff take their places. Let's quiet it down.

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: Yeah. With all due respect to Senator Padavan, I believe with the bill we just finished, as the roll call was being closed, Senator Mendez walked in the chamber and was seeking attention and we announced the result, and if there was no objection -- we're just there -- to the roll call being open just to let Senator Mendez cast her vote.

ACTING PRESIDENT KUHL: Senator Mendez, how were you going to vote?

SENATOR MENDEZ: No.

ACTING PRESIDENT KUHL: Senator Mendez will be put on the roll call as voting in the negative with the consent of the Majority.

SENATOR GOLD: Thank you so much.

ACTING PRESIDENT KUHL: You're entirely welcome. Walk a little faster next time, Olga.

Senator Padavan, you now have the floor.

SENATOR PADAVAN: Thank you, Mr. President.

We're dealing with Senator Tully's bill, and I want to thank him and his counsel for explaining certain provisions of it to me and for the dialogue that we've entered into.

A number of years ago we passed a bill that is law that's worked out fairly well with certain exceptions. It was discussed earlier in this session involving the siting of on-premises consumption of alcohol in bars. The statute we have in effect says that if you have three bars within 500 feet of each other and an applicant comes along and wants to add a fourth, that the SLA -- no, is this 1276? Yes, it is.

ACTING PRESIDENT KUHL: Senator Padavan, we are on Calendar Number 1276.

SENATOR PADAVAN: I'm just advising the sponsor.

I thank you, Senator Tully, for the explanation that you were kind enough to give me and your counsel earlier.

So currently if you're within that 500-foot radius and you're the fourth applicant, the fourth person to want to open up a bar, the SLA must consider that density issue and must consult local government, which in the city of New York would be a community planning board or outside the city, a town, village, small city. If that local government says for the public interest and for some valid reasons, we have no objections, the SLA can and has been issuing that license. So it's not an ironclad prohibition by any means.

As a matter of fact, in some cases the SLA has issued licenses over the objections of local government when they felt in their judgment it was in the public interest.

Now, what about the bill before us? The bill before us does not affect the city

of New York. What it effectively does -- and that's why I had to understand it more clearly with Senator Tully's help -- what it effectively does, it says if you are a village or town of under 20,000 people, there is no restriction.

Now, I'm saying that loudly so all of you in this chamber who have towns and villages in your district that have a population of under 20,000 will have to understand clearly that if this became law, there would be no restriction based on density in those villages and small cities throughout the state.

Now, I think there's a better way to do this, and I would urge Senator Tully to consider it. Already in effect, to re-emphasize the point I made earlier, any jurisdiction can propose that the 500 rule not be applied, and that is already in effect, and I understand the particular area that Senator Tully is concerned about, and they have that opportunity.

Now, the fact that they may not want to be bothered with that opportunity in that particular instance really shouldn't place

a burden on every other town, village throughout the state of New York where there might be a problem, and they do exist, and so I'm simply rising to express my view on the bill with due deference to the sponsor and his motivation - which I think is of the highest in terms of responding to a community need -- that we do have a problem here that we must acknowledge in dealing with this bill.

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

Senator Abate.

SENATOR ABATE: Yes. I would - on the bill -- would like to join Senator Padavan. My understanding of the 500-foot rule, it's a discretionary rule. It's an opportunity for communities, no matter what size they are, to have a voice before the SLA when they feel there's been over-saturation, there are too many bars or discos and restaurants within 500 feet of each other. It's still within the discretion of the State Liquor Authority to determine what is in the public interests of that community,

but it's a vital opportunity for the community to be heard, their concerns to be addressed, and I believe we would be doing a disservice to communities throughout the state if we took away this opportunity for review. Again, it's discretionary.

The SLA, in many instances -- I know in New York City where communities have voiced over-saturation, have talked about too much vehicular/pedestrian traffic, too much noise, et cetera, the SLA has still ruled because it's within their wisdom and discretion to say it's still within the public interests because the bar/restaurant creates jobs, to overlook the 500-foot rule.

So I think it's an important vehicle for community input and review, and I think we should move very cautiously before we take the 500-foot mechanism away from any community, regardless of what their size is.

ACTING PRESIDENT KUHL: The Secretary will read the last -- excuse me.

Senator Tully.

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

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR TULLY: In the interest of clarity, Mr. President, this bill is an agreed-upon bill. Assemblyman DiNapoli sponsored it in the other house. It's already passed that house. It passed the Senate last year but it had 50,000 as a limit. Now it's down to 20,000. The communities who requested this, a part of the Great Neck Peninsula - there are nine villages in that area -- they're extremely intelligent people. They're very well versed in the planning mechanism, and this is a home rule bill.

As a former local legislator myself, I know how important it is for local planning boards to have the first input. This bill gives them the power to decide whether or not they do want some development of commercial space in the limited area that they have. It gives them the power that they desire, and I ask all of the members to join me in supporting it.

ACTING PRESIDENT KUHL: Senator Hoffmann to explain her vote.

Senator Hoffmann waives.

Senator Dollinger to explain his vote.

SENATOR DOLLINGER: Mr. President, I'll be brief. I agree with Senator Padavan and Senator Abate. I'm concerned about the over-concentration of these establishments any place in New York, and I think that's something that before we take away the SLA's power to restrict those, we ought to look at it very carefully, and although it may be an agreed-upon bill, at least from my point of view, it doesn't seem to make -- to be a good

idea for the people of this entire state.

So I'll be voting in the negative, Mr. President.

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

Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 1276: Senators Abate, Cook, Dollinger, Holland, LaValle, Montgomery, Onorato, Padavan, Smith and Stachowski. Also, Senator Kruger, Senator Lachman, Senator Paterson. Also, Senator Saland. Ayes 45, nays 14.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, could we return to reports of standing committees. I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT KUHL: We will return to the reports of standing committees.

There is a Senate Finance Committee report at the desk.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers up the following bill directly for third reading:

Senate Print 7686, by the Committee on Rules, an act making appropriations for the support of government.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: I move we accept the report of the Finance Committee.

ACTING PRESIDENT KUHL: The motion is to accept the report of the Finance Committee. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Finance Committee report is accepted. The bill is ordered directly to third reading.

Senator Present.

SENATOR PRESENT: Mr. President, could we take up that bill.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: Calendar Number 1311, by the Committee on Rules, Senate Print 7686, an act to make appropriations for the support of government.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: There is a message of necessity and appropriation at the desk, Senator Present.

SENATOR PRESENT: I move that we accept both messages.

ACTING PRESIDENT KUHL: The motion is to accept both messages of necessity and appropriation which are at the desk. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The messages are accepted.

The Secretary will read the last section.

ACTING PRESIDENT KUHL: Section 8. This act shall take effect April 1st.

SENATOR DOLLINGER: May I ask a question?

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

SENATOR DOLLINGER: Just for an explanation of one portion of this bill. The provider assessment, I don't know who's -

ACTING PRESIDENT KUHL: Hold on, Senator Dollinger.

Senator -- Senator Stafford, an explanation -- or I question, I should say, has been asked -- or wants to be asked by Senator Dollinger of Calendar Number 1311. Do you yield to Senator Dollinger for a question? The Senator yields.

SENATOR STAFFORD: By all means.

SENATOR DOLLINGER: Mr. President, through you. This includes the Medicaid provider assessment. Is this the first time that this has appeared in a continuing appropriation bill?

SENATOR STAFFORD: Well, I -- I would go back and check and make absolutely sure, but from my recollection, yes.

SENATOR DOLLINGER: Through you, Mr. President. Is it retroactive to April 1st?

SENATOR STAFFORD: Yes.

SENATOR DOLLINGER: Okay. Nothing further, Mr. President.

SENATOR STAFFORD: Thank you.

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

THE SECRETARY: Section 8. This act shall take effect April 1st, 1995.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up Calendar 1310, please.

ACTING PRESIDENT KUHL: The Secretary will read the title to Calendar Number 1310.

THE SECRETARY: Calendar Number 1310, by Senator Trunzo, Senate Print 7685, an act authorizing the payment of supplemental retirement allowances provided by Chapter 119 of the Laws of 1995.

ACTING PRESIDENT KUHL: Senator Present.

SENATOR PRESENT: Mr. President, is there a message of necessity, a message of appropriation at the desk?

ACTING PRESIDENT KUHL: There is a message of necessity at the desk, Senator Present.

SENATOR PRESENT: No need for appropriation.

ACTING PRESIDENT KUHL: That's

correct.

SENATOR PRESENT: I move we adopt the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity which is at the desk on Calendar Number 1310. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Present.

SENATOR PRESENT: Is there any

housekeeping at the desk?

ACTING PRESIDENT KUHL: There is nothing at the desk that needs to be done right now, Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move we adjourn until tomorrow at 10:00 a.m.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, June 6th, at 10:00. I repeat, 10:00 a.m.

SENATOR BRUNO: Can we just check, Mr. President, some time by 4:00 or 5:00 o'clock with the switchboard as to how we proceed, and the potential is that we may not be in session tomorrow. That depends on what is happening with the calendar and the bills that are presently prepared, but our schedule calls for a 10:00 a.m. session tomorrow, according to the schedule that we adopted in January, but check in, if you will, some time by around 4:00 o'clock, check in with the switchboard, and they will know whether we will be in at 10:00 a.m.

tomorrow or 3:00 p.m. on Monday.

ACTING PRESIDENT KUHL: Would it be fair to say that session tomorrow may be adjourned at your call, Senator Bruno, and all the members are to check with the operators by around 4:00 this afternoon?

SENATOR BRUNO: Around 4:00 o'clock.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned.

(Whereupon, at 1:55 p.m., the Senate adjourned.)