ALBANY, NEW YORK

June 10, 1996

3:11 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

If everybody would rise and join with me in saying the Pledge of Allegiance to the Flag, and please remain standing for the invocation.

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

We're very pleased today to be joined today by the Reverend Jerry Arduini, who is the Pastor at Ossining Gospel Assembly in Ossining, New York.

Reverend Arduini.

REVEREND JERRY ARDUINI, Pastor, Ossining Gospel Assembly, Ossining, New York:

Thank you, sir.

Shall we pray. Heavenly Father, this is the day that the Lord hath made; help us to rejoice and be glad in it.

The scriptures admonish us, Lord,

that requests, prayers, intercessions and thanksgiving be made for those who are in leadership, that we may live peaceful and quiet lives in all Godliness and holiness. Today we do just that.

I pray that Your divine wisdom would come upon these honorable men and women who have been entrusted with the responsibility to help lead this great state.

Like Solomon of old who, when asked by God, "Ask for whatever you want me to give you," He responded, "Give me wisdom and knowledge, that I may lead this people, for who is able to govern this great people of Yours?"

I pray that the divine presence of Your spirit may fill this chamber. We acknowledge that there are times when human wisdom is not enough. There are those moments when our natural talents and abilities fail and we must step into another realm, those moments when only divine impartation gives balance and leads to justice and good judgment.

We thank You, Lord. The

scripture says, "Righteousness exalteth the nation." Let the spirit of righteousness rest upon each individual life here today. We pray, Your servants, and as such, we surrender ourselves to Your divine authority, understanding that You have the best interests of people always in mind.

We cannot help but think of the Lord's Prayer which says, "Our Father, which art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, in earth as it is in heaven. Give us this day our daily bread. Forgive us our debts, as we forgive our detors, and lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory forever."

May that be the desire of our heart, a desire to see Thy kingdom come, to have Thy will done in earth as it is in heaven. Give us today the provisions we need, and may our hearts be in right relationship with You and with our fellowmen.

To You be glory, honor and praise

forever more. Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 9th, the Senate met pursuant to adjournment. The Journal of Saturday, June 8, 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 Governor.

Messages from the Assembly.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Senator Skelos.

SENATOR SKELOS: Mr. President, 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, immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

Motions and resolutions.

Senator DiCarlo.

SENATOR DiCARLO: Thank you, Mr. President.

On behalf of Senator Hoblock, I wish to call up bill Print 6376, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Hoblock, Senate Print 6736, an act to amend the Transportation Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 35.

ACTING PRESIDENT KUHL: Senator DiCarlo.

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

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Hoblock, I wish to call up bill Print 6936, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Hoblock, Senate Print 6936, an act to amend the General Municipal Law.

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

ACTING PRESIDENT KUHL: Call the roll on reconsideration.

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT KUHL: Senator DiCarlo.

SENATOR DiCARLO: Mr. President, we would now like to star the bill on behalf of the sponsor.

ACTING PRESIDENT KUHL: The bill is starred at the request of the sponsor.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Libous, I wish to call up bill Print Number 6899, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Libous, Senate Print 6899, an act to amend the Mental Hygiene Law.

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

ACTING PRESIDENT KUHL: Secretary

will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT KUHL: Senator DiCarlo.

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

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Saland, I wish to call up bill Print Number 6028, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Saland, Senate Print 6028, an act to amend the Criminal Procedure Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 38.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR DiCARLO: Mr. President, on behalf of Senator Saland, I wish to call up bill Print Number 6534A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Saland, Senate Print 6534A, an act to amend the Criminal Procedure Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT KUHL: Senator DiCarlo.

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

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Libous, I wish to call up bill Print Number 7316A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Libous, Senate Print 7316A, an act to amend the Mental Hygiene Law.

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

ACTING PRESIDENT KUHL: Secretary

will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: Senator DiCarlo.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Seward.

SENATOR SEWARD: Yes, Mr. President, on behalf of Senator Stafford, I wish to call up Calendar Number 1277, Assembly Print Number 9757.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Stafford, Senate Print 3312A, an act to amend the Tax Law.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: I now move to

reconsider the vote by which the Assembly bill was substituted for Senator Stafford's bill, Senate Print Number 3312A, on June 5th.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: Yes. I now move that Assembly Bill Number 9757 be recommitted to the Committee on Rules and that Senator Stafford's Senate bill be restored on the order of Third Reading Calendar.

ACTING PRESIDENT KUHL: The Assembly bill will be recommitted. The Senate bill will be restored.

Senator Seward.

SENATOR SEWARD: Yes. On behalf of Senator LaValle, I wish to call up Calendar Number 329, Assembly Print Number 5796B.

ACTING PRESIDENT KUHL: Secretary

will read.

THE SECRETARY: By member of the Assembly Canestrari, Assembly Bill 5796B, an act to amend the Civil Rights Law and the Public Health Law.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: I now move to reconsider the vote by which this Assembly bill was substituted for Senator LaValle's bill, Senate Print Number 4293B, on April 29th.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: I now move that Assembly Bill Number 5796B be committed to the Committee on Rules and that the Senate bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT KUHL: The

Assembly bill will be committed to the Rules Committee and the Senate bill is restored.

Senator Seward.

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

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on page number 48, on behalf of Senator Volker, I offer the following amendments to Calendar Number 32, Senate Print Number 4262, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 32 are received and adopted. The bill will retain its place -

SENATOR MARCELLINO: Mr. President, would you also remove a star from that bill?

ACTING PRESIDENT KUHL: The bill will be amended and the bill will retain its place on the Third Reading Calendar and the star

is removed at the request of the sponsor.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, amendments are offered to the following Third Reading Calendar bills:

Sponsored by Senator Leibell, page 4, Calendar 131, 3871, Senate Print Number;

Senator Holland, page number 12, Calendar 529, Senate Print Number 5536B;

Senator Holland, page 15, Calendar Number 643, Senate Print Number 6313;

Senator Cook, page number 24, Calendar Number 926, Senate Print Number 6275;

Senator Rath, on page number 25, Calendar 939, Senate Print Number 7153;

On behalf of Senator Velella, on page number 26, Calendar Number 960, Print Number -- Senate Print Number 6688;

On behalf of Senator Nozzolio, page number 29, Calendar Number 1016, Senate Print Number 7439;

On behalf of Senator Velella, on page number 37, Calendar Number 1154, Senate

Print Number 6497;

On behalf of Senator Hoblock, on page number 37, Calendar Number 1161, Senate Print Number 7083A;

On behalf of Senator Larkin, page number 38, Calendar Number 1180, Senate Print Number 5786;

On behalf of Senator Rath, page Number 40, Calendar Number 1213, Senate Print Number 6536A;

On behalf of Senator Present, on page Number 42, Calendar 1303, Senate Print Number 7028;

On behalf of Senator Holland, page number 10, Calendar Number 452, Senate Print Number 218;

On behalf of Senator Velella, page number 26, Calendar Number 993, Senate Print Number 3371B;

On behalf of Senator Volker, page number 30 -- I'm sorry, page number 27, Calendar Number 1000, Senate Print Number 1262A;

On behalf of Senator Maltese,

page number 36, Calendar Number 1144, Senate Print Number 4348;

On behalf of Senator Kuhl, page number 45, Calendar Number 1332, Senate Print Number 6576A;

On behalf of Senator Hoblock, page number 38, Calendar Number 1175, Senate Print Number 6916;

And last but not least, on behalf of Senator LaValle, page Number 23, Calendar Number 920, Senate Print Number 7226;

And, Mr. President, I now move that these bills retain their place on the order of third reading.

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

Senator Spano.

SENATOR SPANO: Thank you. Mr. President, I understand we've got three privileged resolutions at the desk. I ask that the titles be read and passed.

ACTING PRESIDENT KUHL:

Secretary will read the titles to the three resolutions.

THE SECRETARY: By Senator Trunzo, Legislative Resolution paying tribute to the New York State and Local Retirement Systems and memorializing Governor George E. Pataki to declare the week of June 9th through the 15th, 1996, as New York State and Local Retirement Systems Week in the state of New York.

By Senator Levy, Legislative Resolution in recognition of the Nassau County American Legion 78th Annual Convention; and also by Senator Bruno, Legislative Resolution memorializing the Honorable George E. Pataki, Governor of the State of New York, to proclaim the week of June 10th through the 16th, 1996, as New York City Firefighters' Week in the State of New York.

ACTING PRESIDENT KUHL: Is there any Senator wishing to speak on any of the resolutions?

Senator Trunzo.

SENATOR TRUNZO: Mr. Chairman, on my resolution regarding the 75th anniversary of the Retirement System, I would like to open it up to all the members of the Senate that wish to do so.

ACTING PRESIDENT KUHL: If those members would -- Do you want to put everybody on the resolution, Senator Trunzo? Why don't we put everybody on the resolution being offered by Senator Trunzo, except those people who do not wish to be on the resolution, if they would indicate that to the desk.

The question is then on the resolutions as read.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolutions are adopted.

Senator Spano, we have four substitutions at the desk.

SENATOR SPANO: Yes, can we

please have the Secretary read.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: On page 42, Senator Johnson moves to discharge from the Committee on Water Resources, Assembly Bill Number 1465, and substitute it for the identical Senate Bill Number 1019.

On page 43, Senator LaValle moves to discharge from the Committee on Investiga tions, Assembly Bill Number 7839, and substitute it for the identical Senate Bill 4607.

On page 44, Senator Maltese moves to discharge from the Committee on Rules, Assembly Bill Number 9038 and substitute it for the identical Senate Bill 6476.

On page 45, Senator Stafford moves to discharge from the Committee on Rules Assembly Bill Number 9757 and substitute it for the identical Senate Bill, 6744.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Senator Spano, that brings us to

the calendar. What's your pleasure?

SENATOR SPANO: Can we please go to the non-controversial calendar.

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

THE SECRETARY: On page 9, Calendar Number 441, by Senator Volker, Senate Print 4633B, an act to amend the Civil Practice Law and Rules, in relation to personal service by mail.

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 49.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 618, by Senator Volker, Senate Print 3863B, an

act to amend the Civil Practice Law and Rules, in relation to summary judgments.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 638, by the Assembly Committee on Rules, Assembly Print 10463A, an act to amend the Public Service Law and the General Business Law, in relation to the protection of underground facilities.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 767, by Senator Maziarz, Senate Print 6388A, an act to amend the Vehicle and Traffic Law, in relation to violations involving passing a stopped school bus.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 850, by Senator Padavan, Senate Print 7379, an act to amend the Vehicle and Traffic Law, in

relation to distributions of penalties.

ACTING PRESIDENT DiCARLO: Read the last section.

THE SECRETARY: Section 7. This act shall take effect in 90 days.

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1055, by Senator Lack, Senate Print 4606A, an act to amend the Real Property Law, in relation to discontinuing the system of title registration.

ACTING PRESIDENT DiCARLO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first day of January.

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1060, by Senator Cook, Senate Print 6269C, an act to amend the General Obligations Law.

ACTING PRESIDENT DiCARLO: Lay the bill aside.

THE SECRETARY: Calendar Number 1117, by Senator Skelos, Senate Print 5732A, an act to amend the Family Court Act.

ACTING PRESIDENT DiCARLO: Lay the bill aside.

THE SECRETARY: Calendar Number 1149, by Senator Levy, Senate Print 5782, an act to amend the Transportation Law, in relation to the investigation of accidents.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1164, by Senator Leibell, Senate Print 7274, an act to amend the Vehicle and Traffic Law, in relation to the service charge for distinctive plates.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1170, by member of the Assembly Jacobs, Assembly Print 9823A, an act to amend the Social Services

Law.

ACTING PRESIDENT DiCARLO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect December 31st.

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1239, by Senator Levy, Senate Print 7577A, an act to amend the Real Property Tax Law, in relation to applications for exemption from real property taxes.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1312, by Senator Padavan, Senate Print 701, an act to amend the Social Services Law, in relation to benefits for social service benefits.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay the bill aside.

THE SECRETARY: Calendar Number 1313, substituted earlier today by member of the Assembly Weisenberg, Assembly Print 1465, an act to amend the Public Health Law.

ACTING PRESIDENT DiCARLO: Read the last section.

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay the bill aside.

THE SECRETARY: Calendar Number

1315, by Senator Bruno, Senate Print 3654C, an act to amend the Vehicle and Traffic Law, in relation to authorizing issuance of distinctive license plates.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1316, by Senator Volker, Senate Print 3949, an act to amend the Criminal Procedure Law, in relation to fingerprinting of persons.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1317, by Senator Nozzolio, Senate Print 4004, an act the amend the Correction Law and the Executive Law.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1318, by Senator DeFrancisco, Senate Print 4231, an act to amend the Public Health Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay that bill aside.

THE SECRETARY: Calendar 1319, by Senator Nozzolio, Senate Print 4518A, an act to amend the Executive Law, in relation to preliminary hearings.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1320, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 7839, an act to amend the Executive Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay

the bill aside.

THE SECRETARY: Calendar Number 1321, by Senator DeFrancisco, Senate Print 4800A, an act to amend the Navigation Law, in relation to jurisdiction over navigation.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1322, by Senator Marchi, Senate Print 5163A, an act to provide additional service credit in the New York City Teachers' Retirement System.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1323, by Senator Spano, Senate Print 5290A, an act to amend the Real Property Tax Law, in relation to cooperative real property tax.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1324, by Senator Hoblock, Senate Print 5299A, an act to amend the Vehicle and Traffic Law, in

relation to authorizing a residential parking permit system.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay the bill aside.

THE SECRETARY: Calendar Number 1325, by Senator Marchi, Senate Print 5807, an act authorizing the City of New York to reconvey its interest in certain real property.

ACTING PRESIDENT DiCARLO: There is a home rule message at the desk. 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 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1327, by Senator Skelos, Senate Print 5961B, an act to amend Chapter 273 of the Laws of 1939.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1328, by Senator Marcellino, Senate Print 6214A, an act to amend the Environmental Conservation Law, in relation to fish for free days.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The

bill is passed.

THE SECRETARY: Calendar Number 1329, by Senator Wright, Senate Print 6342, an act to amend the Tax Law, in relation to refunds for overpayment of highway use tax.

ACTING PRESIDENT DiCARLO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect September 1st.

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1330, by Senator Marcellino, Senate Print 6394A, an act to amend the Environmental Conservation Law, in relation to exemptions for hazardous packaging.

ACTING PRESIDENT DiCARLO: Read the last section.

THE SECRETARY: Section 7. This

act shall take effect on the 120th day.

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1331, substituted earlier today, by member of the Assembly Connelly, Assembly Print 9038, an act to amend the Education Law, in relation to student aid programs for Vietnam veterans.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar 1333,

by Senator Marchi, Senate Print 6638B, an act to amend the Vehicle and Traffic Law, in relation to distinctive license plates.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay the bill aside.

THE SECRETARY: Calendar Number 1334, by Senator Espada, Senate Print 6731, an act authorizing the City of New York to reconvey its interest in certain real property.

ACTING PRESIDENT DiCARLO: Home rule message is at the desk.

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 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1335, 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.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1336, by Senator Alesi, Senate Print 6852, an act to amend the Social Services Law, the Tax Law, in relation to misuse of food stamps.

ACTING PRESIDENT DiCARLO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of November.

ACTING PRESIDENT DiCARLO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1337, by Senator Alesi, Senate Print 6910, an act to amend the real property Tax Law, in relation to remitting tax levying bodies to determine the maximum amount of tax.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1338, by Senator Hoblock, Senate Print 6937, an act to amend the Transportation Law, in relation

to airport preservation.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1339, by Senator Skelos, Senate Print 7105, an act to amend the Penal Law and the Criminal Procedure Law, in relation to providing for life imprisonment.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1340, by Senator Holland, Senate Print 7120, an act to amend the Penal Law, in relation to fixing sentences for persons committing crimes while on parole.

ACTING PRESIDENT DiCARLO: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first day of November.

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1341, by Senator DiCarlo, Senate Print 7178, an act to amend the Penal Law, in relation to

increasing the criminal penalties for sexual performances by a child.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar 1342, by Senator Saland, Senate Print 7245, an act to amend the Penal Law, in relation to including hospital emergency department personnel.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1343, by Senator LaValle, Senate Print 7298A, an act to amend the Highway Law, in relation to creating a temporary task force.

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1344, by Senator Skelos, Senate Print 7306A, an act in relation to transfers of certain eligible members from improved career retirement plans.

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

Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1345, by Senator DiCarlo, Senate Print 7494, an act to amend the Public Authorities Law, in relation to providing reduced rate tokens.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay the bill aside.

THE SECRETARY: Calendar Number 1346, by Senator Nozzolio, Senate Print 7545, an act to amend the Real Property Law, in relation to definition of manufactured home.

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 51.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1347, by Senator Rath, Senate Print 7560, an act to amend the Real Property Tax Law, in relation to making technical and clarifying changes.

ACTING PRESIDENT DiCARLO: 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 51.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1348, by Senator DeFrancisco, Senate Print 7571, an act authorizing the extension of the Geddes Fire Protection District.

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

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 51.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1349, by Senator DiCarlo, Senate Print 7621, an act to amend Chapter 602 of the Laws of 1982.

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 51.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 1350, by Senator Kuhl, Senate Print 7639, an act to amend the Agriculture and Markets Law, in relation to establishing an advisory committee.

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 51.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Spano, that concludes the reading of the non-controversial calendar.

SENATOR SPANO: Mr. President, can we please proceed to the controversial

calendar.

ACTING PRESIDENT DiCARLO: Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 1060, by Senator Cook, Senate Print 6269C, an act to amend the General Obligations Law, in relation to the use of lands for recreational activities.

ACTING PRESIDENT DiCARLO: Senator Cook, Senator Paterson has asked for an explanation.

SENATOR COOK: Of what?

ACTING PRESIDENT DiCARLO: Calendar 1060.

SENATOR COOK: Yes. Thank you.

Mr. President, this bill really ties in with an effort to try to stabilize and improve the rural economy of the state by providing some additional income to landowners, specifically to farmers, by giving them some protection from lawsuits.

The problem that we have is that we're finding that -

ACTING PRESIDENT DiCARLO: Excuse me, Senator Cook. If I just might interrupt. If we could please have the attention of everyone in the chamber. Please take your conversations outside. Staff, please be seated. Take your conversations outside.

Senator Cook.

SENATOR COOK: Mr. President, the problem we're having is that because of the fear of legal liability, people are increas ingly not letting other individuals utilize their land. We find that there was an Appellate Division decision in the town of Webb, apparently, in 1992 that really was the basis for this legislation, that this legislation actually tracks that court decision, so we're not cutting a lot of new ground, except to clarify in statute that indeed people do have this protection from lawsuits, that hopefully this will encourage people to let the general public utilize their land for various recreational purposes, and that in the process, that the economy of the entire region will be

improved.

ACTING PRESIDENT DiCARLO: Senator Paterson.

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

If Senator Cook would be kind enough to yield for a few questions.

ACTING PRESIDENT DiCARLO: Senator Cook, would you yield for a few questions?

SENATOR COOK: Yes.

ACTING PRESIDENT DiCARLO: Senator yields.

SENATOR PATERSON: Thank you, Senator.

In protecting the landowners who allow for recreational activity on their proper ty, is there any protection in the legislation for those who have restricted activity on their property, such as to put a"no trespass" sign, because my fear, just looking at the legisla tion, just from a technical viewpoint, is that there are certain types of liability that even

if you had a sign restricting access, that you would still be held to a certain standard because it's not really spelled out in the legislation.

And yet, if you allow for recreational activity as opposed to the limited liability that already exists in law, Senator, you have now added to that to such an extent that almost -- I would imagine just about any activity would protect the landowner. But, my question is, have you protected the landowner who recognizes a higher standard and has tried to restrict access to their property through"no trespass" signs or any sort of barriers that would indicate to individuals that there's a desire not to have them move onto the property?

SENATOR COOK: Senator, the existing law, and I think you already said that, says that, "An owner, lessee, occupant of the premises, whether or not posted as provided, owes no duty to keep the premises safe for others for," and then it says, "hunting, fishing, organized gleaning," et cetera, et

cetera, and we're simply adding the following activities but not limited to, which means that if somehow we forgot to add some of these - some activity to the list, that people are not going to be subject to lawsuits for something - I don't see, for example, hiking in here, so that hiking, for example, would not be a protected activity which could be utilized - for which the land could be utilized

SENATOR PATERSON: Thank you, Senator. Would the Senator, Mr. President, yield for another question?

ACTING PRESIDENT DiCARLO: Senator Cook, do you continue to yield?

SENATOR COOK: Yes.

ACTING PRESIDENT DiCARLO: The Senator yields.

SENATOR PATERSON: Thank you, Senator.

So just to sum up briefly, the landowner who takes -- who goes beyond just allowing individuals on the property but recognizes, perhaps, that there's a danger and

tries to restrict it, would that landowner be covered, as well?

SENATOR COOK: I'm sorry, Senator, would you state that again?

SENATOR PATERSON: Certainly, Senator.

If the landowner who has gone beyond the duty that this legislation allows for, in other words, allowing individuals to engage in recreational activity on their property, but the landowner who takes responsi bility to restrict that activity on their property and someone disregards a "no trespass" sign and goes on the property anyway and is injured, are they covered by the legislation as well?

SENATOR COOK: They certainly are because it says "whether or not posted". That's the existing law, Senator.

SENATOR PATERSON: Thank you, Senator Cook.

Mr. President, if the Senator would continue to yield?

SENATOR COOK: Yes, sir.

SENATOR PATERSON: Senator Cook, how, after making new law in the fashion that you're proposing today, would we distinguish between the landowner who is acknowledging a duty to keep the premises safe and those that do not?

In other words, whatever expenditure a landowner would make to try to make sure that the property is safe and that there can be access and an inertia of movement by individuals from the outside coming across the property, whether they are invited or not invited, what is the difference -- what is the incentive to do that when we're passing a law that's basically saying, "You can hike, you can walk, you can fish, you can swim, you can do just about anything on the property and if there is any injury or damage --" you know, obviously, if a person goes in the water and slips on the rocks, there's a certain assumption of the risk that they took; but if a person walks across a foot bridge where the wood is atrophied and

falls in the river, you know, I would maintain that a perusal of the premises might indicate that the landowner should have taken some remedial action and that the hazard was known to everyone except a stranger that happened to be on the property.

SENATOR COOK: Well, Senator, I'm not an attorney and I do recognize that what you're saying is possibly true relative to the foot bridge because ironically it seems that even though somebody may be on your property and have no good reason to be there and they are injured, that possibly you're subject to lawsuit, which, of course, is one of the very things that we're talking about.

I think, though, in regard to your question, if I understood it correctly, it was if we're making it the same freedom from liability, whether the land is posted or not posted, the issue really in posting is that you, by posting the land, have -- you assert a right to potentially have the person arrested for trespassing.

Now, I don't know that anybody ever made that stick, but the point is, if you put a sign up saying, "No hunting, fishing or trespassing," and somebody insists on coming on your property, you at least can order them off or have someone, in an extreme case, have them removed.

Probably you also have that ability even if you don't have posted signs up because it is, after all, your property; but I don't think this changes the situation as it relates to posting. Posting is merely a notice, in a sense, saying, "You're not welcome here."

We're trying to get rid of those posted signs. We are trying to get it so that when folks come into the country and they want to enjoy a hike through somebody's pasture or over their land, that the landowner will not live in fear that that person is going to fall over a rock, break their leg and sue them.

SENATOR PATERSON: Mr. President, if Senator Cook would continue to

yield.

ACTING PRESIDENT DiCARLO: Senator Cook, do you continue to yield?

SENATOR COOK: Yes, I will.

ACTING PRESIDENT DiCARLO: The Senator yields.

SENATOR PATERSON: Yes, Senator. I think you've laid out very well the purpose for the bill and you probably understand a lot more than I do what the -

SENATOR COOK: Senator, let me indicate one other thing that this bill is really aimed at and that is to permit a nonprofit corporation, such as a soil and water conservation district, for example, to organize a group of landowners to develop, for example, a hiking trail across several lots, and so that there may be, you know, a few miles of hiking trail over private land, and that the -- it also protects that organization from liability, since they were the one who put up the posters and said, "This is a walking trail," that they will not be subject to lawsuit because -- simply

because they're the ones who marked the trail.

SENATOR PATERSON: I under stand. Thank you, Senator.

That actually brings me back to a question I asked earlier that perhaps I'd like to be a little more specific, if, Mr. President, the Senator will continue to yield.

SENATOR COOK: Yes.

ACTING PRESIDENT DiCARLO: Senator yields.

SENATOR PATERSON: Senator, in those types of situations where you have the not-for-profit corporation and you have specific authorization now because you're going to build a hiking trail that's going to span through a few lots, for those lots in the area that are not authorizing it, they don't want a hiking trail through their lot. Let me be sure that there is no distinction in the liability where the unauthorized lot would, in a sense, become liable to a lawsuit, and where there is an authorized allowance for the recreational activity, your bill has really eliminated the

possibility of redress in that area.

SENATOR COOK: No, Senator. This bill really doesn't address that point at all and, therefore, it doesn't change anything, anything at all.

SENATOR PATERSON: Thank you very much, Senator Cook.

Mr. President, on the bill.

ACTING PRESIDENT DiCARLO: Senator Paterson, on the bill.

SENATOR PATERSON: Mr. President, the problem that we see with the legislation, even though its intent is certainly one that would probably make life a little bit easier, not only for the individuals who are engaging in recreational activities, but even for the landowners themselves. The problem is that we feel that it, in some -- to some degree, impedes on pre-existing law in the sense that tort liability is kind of a specific standard and it relates to specific types of scenarios.

So, there are some where if a person, you know, falls over a rock, something

like that, there's kind of an assumption of the risk that when you're climbing on rocks, you might fall over one, and there's a test of a reasonable standard as to whether or not the landowner would be liable.

But in certain situations where the landowner has not kept up the property to such an extent, they have not, in a sense, caused a hazard or some kind of an encumbrance to the passerby, we feel there should still be some protection under the law for individuals who are met with the misfortune of suffering an injury in those situations caused by those obstacles.

And so what we're recommending is that -- Senator Cook is really on the right track, it's just in my opinion, the train has gone too far. We're protecting all landowners to such an extent that almost anything can be deemed a recreational activity and that's where we feel that the bill, in a sense, is going to work against an individual who is harmed who has a legitimate lawsuit for a legitimate purpose.

SENATOR COOK: Mr. President.

ACTING PRESIDENT DiCARLO: Senator Cook.

SENATOR COOK: Mr. President, the state of New York owns hundreds of thousands, perhaps even millions of acres, I'm not sure what it is, of public lands.

The state of New York assumes no responsibility if anyone enters those lands and is injured. And, yet, the same activity, if someone actually enters on private land, can subject the landowner to a lawsuit, and that's a reason why people have increasingly been putting up those posted signs which say,"You're not welcome here," and, in effect, reenforce, if you will, the very point that there is no liability because if the owner did not invite you there, the owner owes no obligation to you.

This bill goes one step further, however, and says that in the lifetime of many of us, we are used to a time when we used to walk for miles across various parcels of private land with no concern about an injury or suing

anyone because it was taken for granted that if you were injured while you were on that land, it was your problem.

ACTING PRESIDENT DiCARLO: Excuse me, Senator. Let me apologize for the interruption.

Senators, would you please show some respect to your colleague and listen while Senators are speaking, And those staff members or non-Senators, please take your conversations outside.

Senator Cook.

SENATOR COOK: What this bill is attempting to do, then, is to, if you will, revert back to the situation where if a person wishes to cooperate with the extension service or soil and water conservation district or whoever, maybe a quasi-public entity that will, in effect, set up a series of parcels of land where people can utilize it for recreational purposes, that you protect those landowners in the same way that the state of New York is protected if people are utilizing public land.

It simply puts private land into the same category, if you will, of liability as would public land be placed.

So, it doesn't really expand or contract, in my opinion, the present law, except to the degree that we do say that, Okay, you can't sue the landowner, but since the soil and water conservation district put up a sign that says that this is a hiking trail, that you can sue them because their name is on it.

ACTING PRESIDENT DiCARLO: Senator Dollinger.

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

ACTING PRESIDENT DiCARLO: Senator Cook, would you yield to a question?

SENATOR COOK: Yes.

SENATOR DOLLINGER: First, just two housekeeping questions. Do I understand this is the "C" print of the bill that we did last year?

SENATOR COOK: It's the "C" print.

SENATOR DOLLINGER: And this doesn't include the provision that would allow attorneys' fees to transfer, that has been deleted from the bill, is that -

SENATOR COOK: We've taken that out.

SENATOR DOLLINGER: A second cleanup question: What does the term "speleo logical" refer to?

SENATOR COOK: I believe that's caves.

SENATOR DOLLINGER: Exploration of caves?

SENATOR COOK: Exploration of caves. I hadn't seen the term before.

One final question, through you, Mr. President.

The example that's used in opposition to this bill says what happens if someone is walking across unposted land, which they are trying to take advantage of this section of the General Obligations Law, what happens if an individual, while having

permission to be on the land, walks across a small foot bridge which is rotted out and they fall through the foot bridge? Under this bill, would that person have a right of action against the landowner, assuming that the landowner knew that the bridge had been there, hadn't been repaired for the better part of a decade and might be in disrepair; or would that individual have no claim whatsoever?

SENATOR COOK: Senator, I believe when you're talking about improvements to property, you've created a different set of tort possibilities than would exist if it were not an improved piece of land. In other words, if I say, "You may walk across my property," that's one thing; but, as I understand it, as soon as I put a foot bridge in place that I've actually constructed, that becomes a liability issue that's different from simply hiking across open lands.

So, I don't think that -- I guess my real answer to your question is this would not change the law in regard to the foot bridge,

whatever that law might be at the present time.

SENATOR DOLLINGER: Okay. And again, through you, Mr. President, if I could just have a clarification, what is there in the bill that says that?

SENATOR COOK: Pardon?

SENATOR DOLLINGER: What is there in the bill, the language of the bill, that actually says that? I'm just trying to make sure it -

SENATOR COOK: There is nothing in the bill, Senator, and that's why I defer to your expertise as an attorney. If you were to be representing someone who is injured on a piece of private property, referring to the Appellate Division decision relative to section 99-103 of the General Obligations Law, you would expect to meet that as a defense against what I said about earlier, falling over a rock and breaking your leg; but that would be different than falling through a foot bridge and breaking your leg because I'm not sure that was addressed in that decision, the foot bridge having been

something that was constructed on the property as opposed to the rock that was put there by you decide who.

SENATOR DOLLINGER: Just on the bill briefly, Mr. President.

I appreciate Senator Cook's differentiation between those two types of liablity, one that flows from the naturally occurring part of the land, the other that would flow from the improved portion of the land.

I'm going to vote against this bill because I'm not clear in my own mind whether that differentiation is made here; and although I have been involved in lawsuits involving landowner liability, I'm not quite sure that the differentiation that Senator Cook described is actually present and currently a part of our law.

So, because of that lack of clarity on my part, I will be voting against this bill. I understand the measure. I think broadening and opening public lands has a benefit. I'm concerned about cutting off

people's access to redress in the event that something happens on a piece of land while they're walking there and the landowner has in some way created an assurance and in some way created a sense on the part of the person on the land that this is somehow going to be safe and it turns out not to be safe.

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

ACTING PRESIDENT DiCARLO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect in 30 days.

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1060: Senators Abate, Connor, Dollinger and Paterson.

Ayes 50, nays 4.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Spano -- Senator

Stafford.

SENATOR STAFFORD: Mr. President, could we please call an immediate meeting of the Finance Committee in Room 332, please.

ACTING PRESIDENT DiCARLO: There will be an immediate meeting of the Finance Committee in Room 332.

Senator Spano.

SENATOR SPANO: Can we return to reports of standing committees? I believe there is a report of the Rules Committee at the desk.

ACTING PRESIDENT DiCARLO: Yes, there is, Senator.

Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 5590A, Budget Bill, an act making appropriations for the support of government (Education, Labor and Social Services Budget);

5591A, Budget Bill, an act making

appropriations for the support of government (Public protection, health and mental hygiene budget);

5592A, Budget Bill, an act making appropriations for the support of government;

5593A, Budget Bill, an act making appropriations for the support of government (General government budget);

5595A, Budget Bill, an act making appropriations for the support of government (Legislature and Judiciary budget);

7714, by the Senate Committee on Rules, an act to amend the Public Authorities Law, in relation to the issuance of bonds;

7723, by the Senate Committee on Rules, an act in relation to certain provisions which impact upon the expenditure of certain appropriations;

7724, by the Senate Committee on Rules, an act in relation to certain provisions;

7725, by the Senate Committee on Rules, an act in relation to certain provisions which impact upon the expenditures of certain

appropriations;

7733, by the Senate Committee on Rules, an act in relation to certain provisions which impact upon the expenditure of certain appropriations;

Senate Print 2238A, by Senator Padavan, an act to amend the Vehicle and Traffic Law;

2278, by Senator Hoblock, an act to amend the Labor Law, in relation to excluding from an employer's experience rating charge, the voluntary separation;

2586, by Senator Velella, an act to amend Chapter 576 of the Laws of 1975;

2743A, by Senator Leibell, an act to amend the Penal Law, in relation to increasing the penalty for endangering the welfare of a child;

2835C, by Senator DiCarlo, an act to amend the Civil Service Law and the Civil Practice Law and Rules, in relation to notice of claim in Article 78;

3538A, by Senator Stafford, an

act to amend the Soil and Water Conservation Districts Law;

3891, by Senator Hoblock, an act to amend the Labor Law, in relation to providing for eligibility;

4160B, by Senator Marchi, an act authorizing the city of New York to release its interest in certain real property;

4672C, by Senator Tully, an act to amend the Environmental Conservation Law, in relation to the leasing of state-owned lands;

5749, by Senator Smith, an act authorizing the city of New York to reconvey its interest in certain real property.

5806, by Senator Marchi, an act authorizing the city of New York to reconvey its interest in certain real property;

5827, by Senator Maltese, an act authorizing the city of New York to reconvey its interest in certain real property;

5908, by Senator Present, an act to amend the Penal Law, in relation to antique slot machines;

6058, by Senator Babbush, an act authorizing the city of New York to reconvey its interest in certain real property;

6185A, by Senator DeFrancisco, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to the powers of the commissioner;

6483, by Senator Spano, an act to amend the Labor Law, in relation to the transfer of employee accounts;

6540, by Senator Volker, an act to amend the Executive Law, in relation to the entry of arrest warrants;

6575, by Senator Spano, an act to amend the Labor Law, the Tax Law and the Administrative Code of the city of New York;

6611A, by Senator DiCarlo, an act to amend the Executive Law, in relation to making the Elderly Pharmaceutical Insurance Coverage program permanent;

6618, by Senator Nozzolio, an act to amend the Corrections Law, in relation to the retaking of absconders;

6648, by Senator Farley, an act to amend the Retirement and Social Security Law, in relation to clarifying eligibility requirements;

6715, by Senator Wright, an act authorizing the Commissioner of Parks, Recreation and Historic Preservation to transfer and convey certain state owned lands;

7091, by Senator Larkin, an act to amend the General Municipal Law, in relation to environmental facilities;

7158, by Senator Maltese, an act authorizing the city of New York to reconvey its interest in certain real property;

7194A, by Senator Seward, an act to amend Chapter 366 of the Laws of 1994;

7242, by Senator Saland, an act to amend the Vehicle and Traffic Law, in relation to authorizing a permit parking system;

7248, by Senator Saland, an act to amend the Labor Law, in relation to disqualification from unemployment compensation benefits;

7303A, by Senator Skelos, an act to amend the General Municipal Law and the General Obligations Law, in relation to the scope of the cause;

7328A, by Senator Marcellino, an act to amend the Environmental Conservation Law, in relation to establishment and publication of guidance memoranda;

7355A, by Senator Marcellino, an act to amend the Environmental Conservation Law, in relation to requirements under the federal Clean Air Act;

7376B, by Senator Larkin, an act to amend the General Municipal Law, in relation to bell jar game regulation;

7423A, by Senator Volker, an act relating to permitting nonbargaining units, salaried employees;

7465, by Senator Marchi, an act authorizing the city of New York to reconvey its interests in certain real property;

7472A, by Senator Volker, an act to amend the Town Law, in relation to absentee

ballots;

7518, by Senator Spano, an act to amend the Vehicle and Traffic Law, in relation to establishing a residential parking system;

7535, by Senator Marchi, an act to amend the Real Property Tax Law, in relation to waivers of tax credits.

7623, by Senator Hoblock, an act authorizing the city of Albany to lease a portion of a city park to a non-for-profit corporation;

7631, by Senator Hoblock, an act to amend the Criminal Procedure Law, the Family Court Act, and the Penal Law;

And 7721, by the Senate Committee on Rules, an act to amend the Racing, Pari Mutuel Wagering and Breeding Law.

All bills ordered directly for third reading.

Senator Spano.

SENATOR SPANO: Mr. President, I move we accept the report of the Rules Committee.

ACTING PRESIDENT DiCARLO: 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 Bruno.

SENATOR BRUNO: Mr. President, thank you.

Mr. President, we adopted a resolution recognizing the New York City firefighters. Many of them are here with us in this chamber, and I was out of the chamber at the time, doing some other things that are preoccupying us during this lack-of-budget session.

But, I wanted to come into the chamber to just say a word to thank these fire fighters that are here representing all the others that can't be here. They protect people, their lives, their properties, put their own lives, their own health on the line. Many

of them have lost their lives, literally, as they do what they can do on behalf of the public.

So, we in this chamber recognize all the good things that you do for the people of the City and, consequently, for the people of this state; and we recognize that it takes courage and it takes endurance and it takes stamina, but most of all, it takes a heart that goes out to people as you respond to over 90,000 fires in a year.

Now, that's hard for us to comprehend; and when a firefighter goes in, they don't know what to expect and no matter how much you reherse and practice, when you're at a fire and those of us that get near a fire to watch the awesome power that is in a fire as it's raging out of control, it takes a special kind of person to be there on behalf of the people that they protect.

So, I want to say thank you to the firefighters that are here, thank all of your colleagues that can't be here, and we

salute you and thank you for all the good things that you do for the people of this state.

My colleagues, I would give an ovation and a standing ovation to our friends, the New York City firefighters.

(Standing ovation.)

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT DiCARLO: Senator Bruno.

SENATOR BRUNO: I believe there is a report from the Finance Committee at the desk. Can we have the report read. I'd move its adoption.

ACTING PRESIDENT DiCARLO: There is a report. The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers up the following bills:

Senate Bill 7737, by the Senate Committee on Rules, an act making appropriations for the support of government;

And 7743, by the Senate Committee on Rules, an act making an appropriation for the

support of government. Both bills directly for third reading.

ACTING PRESIDENT DiCARLO: Without objections, all bills are reported to third reading.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT DiCARLO: Senator Bruno.

SENATOR BRUNO: Can we at this time take up Calendar Number 1351.

ACTING PRESIDENT DiCARLO: That is on Supplemental 1, Calendar 1351.

The Secretary will read.

THE SECRETARY: Calendar Number 1351, Senate Print 5590-A, Budget Bill, an act making appropriations for the support of government, Education, Labor and Social Services Budget.

SENATOR PATERSON: Explanation.

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

Senator Bruno.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT DiCARLO: Excuse me, Senator Bruno. Could we please have some quiet in the chamber. Have the Sergeant-at-arms please close the doors to cut down on the sound.

Senator Bruno.

SENATOR BRUNO: Mr. President, approximately a year ago, a little shorter than a year ago, we passed a budget in this chamber, and that budget changed the direction for the people of this state from the declining years of the previous decade to moving this state forward, where we went in one year, from 50th in this country in job creation, leading the country in job losses, to 6th in the country in job creation, creating over 100,000 new jobs. What did we do? We cut spending less than the previous year, first time in 51 years. We cut taxes. We cut government regulations.

This, Mr. President, is the first of the Senate's budget package, and we will present this afternoon a complete package of

budget bills, and I emphasize that this will be a completed budget. Why do we do this? Because we now have a new record for a late budget.

We have been doing everything that we can to move the process forward, and we want to encourage others that are involved in the process, the Assembly and the Executive, to join with us in going forward in getting a budget in place for the people of this state, but this budget is not just a one-house budget. This is a budget that we are willing to see become the budget for this state. Why? Because it carries forward all of the good things that the Pataki administration, with we as partners -- and I emphasize "we" -- in this chamber, partnered with this governor in moving this state forward from the losing ways of the past to the winning ways that we now enjoy.

What does this budget do generally? It cuts spending, again, second year in 52 years over the previous year by about $357 million in the general fund, and we have significant tax cuts to help stimulate and help

move this economy forward.

Tax cuts first year are 90 million growing to about $1 billion in tax relief for the people of this state over the next four years, and these tax cuts start with repealing what has been referred to infamously as "the Cuomo tax", the Cuomo taxes on properties, over a million, a surcharge of ten percent.

Since that -- and I know that you want to know this -- that since that tax went into effect 12 years ago, we are the only state in the United States that has this tax in effect. You know why? Because when it went into effect, the revenue from the sale of real estate over a million to the people of this state was about $800 million.

Last year, the revenue had dropped to about $100 million. You don't have to be a rocket scientist to know that if your revenue is dropping from 800 million to 100 million over 11 years, you have done something wrong, and we have done a lot wrong. We've got

to fix it.

This budget takes the Cuomo tax off the books. And what will the result be? An independent study that was done shows -- and those of you from the City ought to recognize this -- $200 million in revenue to the City with a repeal of this tax. The mayor is screaming literally in anguish over a budget deficit. This moves approximately $215 million to the City directly. Why? Because about $7.7 billion of property will be transferred that people have been doing everything but transferring title to avoid the tax. 7,000 new jobs created. So you make your own judgments on how you relate to that, but what I share with you is that we have done a lot of damage to the people of this state with that tax staying on the books. It's time for that to go.

You know what the net impact is according to this independent study? You're going to ask me so I'm going to tell you. The net impact to the state is something in the neighborhood of $15 million, 25 to 15 million

going down to 11-. It's of no consequence in a $64 billion budget. When it drives 200 million into the City, that is money that we at the state won't have to put into the City, so it's a net gain to the state of about 175 million as relates to what we're doing.

We also phase out the gross receipts tax on utilities which I don't have to go into what the cost of utilities have been doing to businesses in this state. They have been leaving the state. They have been inhibited in their growth and we have to start phasing out the gross receipts tax.

We're reducing the estate taxes through this budget. Why? People move to other states to pass their estates because someone can be in Florida when they pass away, their heirs will inherit much more than they would if they stayed in New York. So we have to conform to the federal standards. We start moving in that direction.

We put a petroleum business tax on diesel and other fuels, and we have been

gouging the public. We have been gouging businesses. We have been putting them at a disadvantage. People have been buying in other states to avoid buying in New York. This puts us on an equal footing.

There are eight or ten other taxes that we affect in this budget: Sales taxes, sales taxes on municipal parking, bus rides, going to circuses, coin-operated car washes, the hot dog tax so-called and vending machines. This takes all of those taxes off the books. Why? Because they're inhibitors to business, and by getting them off the books will help businesses, will create jobs.

It also addresses the high property taxes in this state. We, through this program, freeze property taxes. We offer a program for school districts. Freeze property taxes. Total tax relief fully implemented about 885 million, and you hear like I hear that the biggest problem that people have in this state are the high property taxes. Seniors can't stay in their homes because they can't afford

escalating taxes. We do something about that in this budget.

We also -- recognizing that education is a priority, priority for you, priority for us, this restores about 385 million in cuts that were made to school districts. Why? Who asked me why? Why? Because if we don't, property taxes are going to go up again because there are mandates to school districts and they will have to increase property taxes to pay for the school aid.

It has $40 million in distress city aid. There are cities that are on the brink of bankruptcy, financial disasters. We help those cities. It restores about 105 million to SUNY and CUNY, restorations that we think are critically important.

Welfare in this state is something that's talked about a lot. We reform welfare in this budget. It saves the taxpayers of this state about $88 million, but it isn't the 88 million that's important for us. The programs that help people give them incentive to

get off welfare, that's what's important. What we did last year took over 170,000 people off of welfare in New York, 35- or 36,000 people into Workfare and off welfare, based on what we did last year.

We set through this budget a 60-day time limit on home relief benefits, 26 percent home relief grant reduction, and a five percent grant reduction in the AFDC benefits.

Now, you might wonder if we're cutting welfare income, how does that help? We have incentives to get people off welfare with the programs that started last year, and all of us in this chamber know that if a person earns what they bring to the family for themselves increases their pride, makes them feel good about themselves. I don't believe there are many people that want to stay in a welfare state where their children are learning the wrong lessons. So we think that this offers the property incentives and opportunities to get people off welfare and into real jobs because we stimulate the economy with this budget. We

create jobs with this budget. We put people to work with this budget. We continue the good things that started last year that we were all partners in, and it restores almost $9 million to law enforcement.

It has reforms for the criminal justice system, the sentencing reform having to do with violent felons. Crime -- violent crime is down in this state primarily with the work we did with this Governor last year. About two-thirds of all the violent felonies in this state happen with repeat offenders. It stands to reason if you let violent felons out of jail and two-thirds of them end up back in jail after they hurt somebody again, that if you keep them in jail longer, let them serve their sentences, those people while they're incarcerated can't be hurting people on the streets. So the program has been working. So we continue that, and we also restore money in mental health which we think is critical to keeping the programs that are necessary going on behalf of the people of this state.

Again, I'm going to conclude my remarks by reminding people in this chamber, this is not a partisan act. What I have reviewed with you is a complete and whole budget, and we invite our colleagues to join in this budget and stay focused on the bottom line.

This budget restores about 900 million -- 900-plus million to the Governor's budget in sensitive places. Does the Governor totally embrace this budget? No. Does the Speaker of the Assembly totally embrace this budget? No. But is this the kind of budget that will do the best that can be done on behalf of the people of this state? We think so, and that's why we advance this for your consideration, for your debate, and I would encourage you to be objective, stay with the program. Let's minimize the partisanship because this is not a partisan issue. This is an issue of putting something in place that we will be behind that represents a budget for the people of this state and we're long overdue in passing a budget on behalf of the people of this

state.

Thank you, Madam President.

ACTING PRESIDENT RATH: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

Madam President, I do believe Senator Bruno is sincere when he says this is the best possible budget for the people of the state of New York, although I have this feeling that in a week or two, he will stand up with hopefully a different budget and say, "No, this is the best budget for the people of the state of New York."

Early in this budget process, Madam President, the Senate Democrats put forth a set of values and urged that any budget that be adopted reflect those values. They're fundamental New York values, Madam President. They deal with providing for the future with our children and their opportunity for education, for higher education. They deal with today economic security for our work force. They deal

with things like training grants and retraining grants for workers.

Now, I know Senator Bruno has said we now have more people working than we did a year ago but, Madam President, part-time work with no benefits, two or three part-time jobs with no benefits, unfortunately, has appeared to be, to many people in the last year or two, to be the wave of the future.

We put forth a value that we ought to take funds and dedicate them to corporations by way of tax credits for the retraining of workers rather than layoffs.

In looking at the whole area of taxes -- and we had a debate on this a couple weeks ago where we put forth amendments -- while we agreed with many of Senator Bruno's proposals, we thought there were better taxes to focus on, both for creating jobs and protecting middle class homeowners. So we felt that protecting the property tax was very, very important. Indeed, if you look at the Governor's proposal, the whole series of block

grants would have had a devastating impact on localities and counties throughout this state and would have, in fact, continued the Pataki pattern of shifting responsibility to localities that has resulted in the kind of local property tax increases that are documented to have occurred in the last year and a half and, of course, we urge responsibility for protecting seniors, the disabled and protecting health care for all New Yorkers and responsible government, where in any program -- in any of government's programs, we weed out fraud and abuse. We eliminate partisan political patronage concerns, whether it's geographic patronage or just having wasteful entities as a place to bury partisan appointees and, of course, we call for budget reform and debt reform, and as we have this debate today, I'm sure a number of my colleagues will come forward and offer amendments to these budget bills that will demonstrate adherence to these values in a consistent way, in a way that serves best the interest of all New Yorkers.

Now, Madam President, a year ago,

we heard a song sung on the other side of the aisle, everybody seemed to want to drink of the Pataki cup in terms of budget. Today we have a proposal to put forth -- you know, it's - remember when Coke was countered by 7-up, I guess it was, "the Un-Cola"? Now I think we have 900 million up on Pataki. It's the "un-Pataki" budget.

There's an admission here. There's an admission on the part of the Republicans in the New York State Senate that the Pataki budget certainly as proposed in December and amended in January was woefully inadequate to meet the needs of New Yorkers and to reflect the values that New Yorkers care about, be it education, health care or safety in the fight against crime, and the Governor upped the ante $1 billion in March. Did this Senate act by April 1st to do a one-house budget? No. A dilemma -- a dilemma because even that budget, $1 billion more than the Governor first proposed, it seems the Senate Republicans, the party who have cast aspersions for many years at

others as wanting to spend more and more, felt they needed more spending, and I don't know whether it's the difference between an odd numbered year or an even numbered year, or if they've seen the light about the misguided policies put forth by the Governor, the kind of cuts that do transfer real costs to local government that pressure middle class families because they lose -- they lose things like an opportunity for their children to have a higher education in a public system that they can afford and their property taxes go sky high and jeopardize the very homes they live in.

Whatever it be, we hear a different song now. We see the Senate Republicans saying, in effect -- and that's the real story. Isn't the real story here today that the Senate Republicans want to spend $900 million more than the Governor put forth in March? Who's the big spenders? I don't know. Senator Bruno, in all candor, said the Governor doesn't accept this budget. The Speaker doesn't accept this budget. It's a one-house budget.

Frankly, as I look through these bills -- and there are a number of budget bills here and they stack quite high -- I can find something in every one of these bills, sometimes more than one thing, that I like. I like some of the things that Senator Bruno outlined, and there's something good in every one of these bills but, you know, there's some things in these bills, Madam President, that I don't like, some things that don't meet the needs of New Yorkers because they don't reflect our fundamental values about preserving jobs for the middle class, about rewarding work, about creating jobs, about providing a future for our children.

Now, in the ordinary course, were this an agreed-upon budget, I would view it through a different pair of glasses. I would focus on the half of the cup that's full, and we do that every year in all candor. Oh, an agreed-upon budget? It's the best we can do. Look at all the good things in it. Look at the half filled cup, but this is a one-house

exercise, a one-house, not even partisan, not if the Governor and the Majority in this house all belong to the same party -- although looking around this house, reading the papers in the last few weeks, maybe there are two Republican parties out there. I see a lot of charges flying back and forth involving some of the highest elected officials in this state and in this country. Be that as it may, if they repealed the Eleventh Commandment of the Republican Party, this budget certainly indicates there may be two Republican parties in this very Capitol, but it's a one-house budget, and I can't help looking at the half of the cup that's empty, and when it's a one-house budget and I look at all the things that aren't in this budget or all the things that are in this budget that I don't like, I say why not vote against it? Why not vote against it? It's not a final product. Why give a stamp of approval to a half finished work that does leave much to be desired?

Therefore, I intend to vote

against these bills, but I intend to support amendments that reflect the values that I have articulated that my Senate Democratic colleagues have put forth during this budget process, because until we get away from the partisan bickering that has made this budget a record late budget -- indeed, the record has been broken and here we are today in the last week of session dealing with a one-house budget that's going nowhere, that the Republican Governor doesn't support, that the Democratic Speaker doesn't support, here we are getting ready to go home for the summer without a real budget, a real budget.

So we have to put aside that kind of partisan bickering, the kind of accounting that says, Oh, we're spending a little less and we're spending more. He wants to spend more. I want to spend less. This year it's very confusing. The Governor wants to spend less. The Republicans in the Senate want to spend more, far more than the Governor, their governor, and they're even putting it out here

for a vote on a one-house basis.

Unless we get away from that and look at New Yorkers' needs, look at the kind of values that New Yorkers always upheld, unless we look to the future, unless we look to job security for middle class working people and unless we figure out how to provide jobs for those who want to work and can't find work, we have failed to live up to the kind of values we ought to espouse.

Therefore, Madam President, I would urge all of my colleagues to support the amendments that will be put forth here and should they fail -- should they fail because the Senate wing of the Republican Party, the "un-Pataki" wing, votes down these amendments, then I would urge that we vote against this at best half-finished product.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: Yeah. Madam President, would Senator Bruno yield to a question or two?

ACTING PRESIDENT RATH: Senator Bruno, would you yield to Senator Gold for a question?

SENATOR BRUNO: Yes, Mr. President -- Madam President.

SENATOR GOLD: Senator Bruno, you indicated that you thought that the elimination of the luxury sales tax -- which on a partisan basis, of course, you like to call "the Cuomo tax" -- would mean about $200 million for the city of New York.

Senator, is there anything in your proposal that has any kind of hold harmless to the City on that? I mean, you're asking us to vote for this and say that we're going to give our Republican -- I'm sorry -- we're going to give our mayor a $200 million hit to help him fill a budget and you've also said that eliminating this tax means a huge number of jobs. Well, if we're wrong, Senator -- I know we've done this with other taxes before where we have been wrong -- wouldn't it be nice to at least give him that cushion? You said it very

confidently -- and you're a man who I know means what he says. Is there anything in the bill that gives the City that cushion if we turn out to be wrong?

SENATOR BRUNO: No, there is no guarantee, but we did the best that we could to make sure that what we're talking about is accurate. We used the Wharton School of Finance -- or that's the institution that was used, and they objectively had compiled the information that I'm sharing with you. It stands to reason to me and common sense would dictate that if people are not transferring property because of that tax that they would have to pay -- and we all know that that's the case because you can look at the records in the transfers of title - that if you lift that inhibition, that there's going to be activity and that activity will create taxes for the City. That, to me, is common sense.

SENATOR GOLD: Will the Senator yield to another question?

ACTING PRESIDENT RATH: Senator

Bruno, will you yield?

SENATOR BRUNO: Yes, Madam President.

SENATOR GOLD: Senator, of course, everybody also knows that over the last 11 years, real estate values have not skyrocketed the way they did in prior years and maybe that's the reason why people haven't sold, but on another issue, you said that your -- this first budget bill restores -- I think that was your word -- $385 million for education. By restoring, you're actually saying that we are going to spend, if we pass your budget, 385 million more dollars, more spending for education than the Governor's proposal, is that correct?

SENATOR BRUNO: Those are approximate numbers, yes, Senator Gold.

SENATOR GOLD: And having said that, Senator, I think you said that if we don't do that, property taxes would go up.

SENATOR BRUNO: Well, that's the history. When we deny school aid, municipali

ties are locked in and they have one place to raise their budgets and that's with property taxes in their school districts. So that's usually the consequence.

SENATOR GOLD: So if I understand it, Senator Bruno, the budget as proposed by Governor Pataki, if not addressed in this area, would have unquestionably meant increases in local property taxes, is that correct?

SENATOR BRUNO: Well, that is a district-by-district judgment to be made, but that we feel that it would have that kind of an effect.

SENATOR GOLD: And, Senator, in terms of the -- I think you said $106 million - again -- restoration to CUNY and SUNY -

SENATOR BRUNO: Yes.

SENATOR GOLD: -- is it your statement that if we did not make that restoration and we passed the budget as proposed by the Governor, it would be a disaster for those two university systems?

SENATOR BRUNO: No. We don't

think it would be a disaster. We think that it might necessitate some adjustments and some of them would be very difficult adjustments, and I believe the original cuts were in the neighbor hood of 270 million, give or take 10 million, and we think that some cuts are warranted, but we don't think it would be a disaster, but we think that we're trying to transition the system into where they ought to be.

SENATOR GOLD: Thank you.

Madam President, on the bill, and just for the -

ACTING PRESIDENT RATH: On the bill.

SENATOR GOLD: My understanding, we are now -- while Senator Bruno and Senator Connor made general comments, I believe we're on 5590-A, is that correct?

ACTING PRESIDENT RATH: That's correct.

SENATOR GOLD: All right. Madam President, I -- I think first of all that the remarks of Senator Bruno are a complete

vindication for everybody in this chamber and everybody in the Assembly for not passing the Governor's budget. So if we do nothing else, at least let's congratulate ourselves that we saved the people of the state from the disasters of the budget. The Governor submitted a budget in December. He amended it in January, and this budget offered today, if nothing else, indicates that if we had passed that budget in January, we would have wreaked disaster upon the people of this state.

The Governor, who is a good person, apparently got some religion in March and he added another billion dollars into this budget. Today's offering by the Republican Majority in this house is a vindication of everyone in this house for not passing the new budget of the Governor in March because the bill offered by the Republicans today with its additional -- almost $1 billion in additional spending shows what a disaster upon the people of this state the Governor's budget would have been.

Now, I am not suggesting at any point that the Governor is evil -- he is not - that the Governor is mean because he's not, but let's call it the way it is. If the budget had been passed and we walked downstairs and said, "Governor, here it is", we would have caused disaster throughout this state, and most of you from upstate New York would have been faced with huge outcries because of increases in local property taxes as Senator Bruno acknowledges, and in the city of New York and in some of the other cities throughout the state, we would have been faced with total disaster.

I shouldn't tell this to Senator Bruno in public, but the way he uses logic and language, you really are one of my idols. Senator, you say that this is the second year in a row that we have cut spending. The truth is it's about the 22nd year in a row that the Republican Majority in this house has urged a budget that's greater in spending than the Governor. Now, that's the reality. Whether that governor was Carey, whether that governor

was Cuomo or whether that governor is Pataki, whatever the governor says, you spend more.

Now, Senator, I don't mind that you do it. I mind that you do it and then some of your colleagues, not as honorable and as open as you are, Senator, run away from it. I know one of my colleagues who has a big grin -- but I won't mention our law professor by name -- gets very excited when I say, "Senator, you're spending more than the Governor" and he says, "No, no, no. We've cut it by this. We've cut it -- it's less than last" -- it's more than the Governor. That's all. Let's put it where it's at.

Last year, you were 1.6 billion more than the Governor. Now this year it's only 1.2 or 900 million, but it's more, and I don't know how you get around that in any practical way.

This particular bill, just so we understand it, does a lot of things, and as Senator Connor pointed out, some of it is good. I don't think that you can spend $400 million

more than the Governor and not be something good, but that's what this particular bill does do, as I understand it, and while I am not happy with what this bill, even in its amended state, would do to CUNY and SUNY, the fact is that we do give them, as the Senator pointed out, more money.

I would hope -- and this is my last comment on this -- I would just hope that in addition to passing a one-house budget today, that perhaps for the first time in a long, long time, maybe the press will get it right and at least report on what happens here, and what is happening here is that the Majority is coming out, the Majority is looking the public in the face and saying, Okay. Let's forget the tax cut thought. We have to put money into certain places and, therefore, we are going to tell you that we have to spend $900 million more.

Senator, I would respect that, and if you want my cooperation, Senator Bruno, in fixing the Governor's budget, I'll be glad to do it. There are some areas where you have done

a good job. Unfortunately, Senator Bruno, there are some areas that you haven't dealt with very, very well. Whether the luxury tax is the best one to deal with or some other one is something that ought to be discussed, but I am delighted that once and for all -- once and for all, maybe we can stop with some of the masquerading that goes on around here and each one of you can stand up when you vote for this budget and say, Yes, the Governor is a good man; the Governor is an honorable man, but he doesn't know how to spend as well as I do because you certainly are bigger spenders than the Governor of this state.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Madam President, I have an amendment at the desk to Calendar 1351, Senate Bill 5590.

ACTING PRESIDENT RATH: The

amendment is at the desk.

SENATOR MONTGOMERY: I would like to waive its reading.

ACTING PRESIDENT RATH: Waive the reading. Would you like to speak on the amendment?

SENATOR MONTGOMERY: Yes, I would like to speak on the amendment.

ACTING PRESIDENT RATH: Senator Montgomery, on the amendment.

SENATOR MONTGOMERY: Thank you.

I hear the illustrious leader of the Senate talking about all of the aspects of this bill that he thinks are an improvement in the fiscal state of our state and while I can certainly agree on some of the areas, there are some glaring omissions that I would just like to raise in this amendment, and part of what I'm going to raise deals with the one thing that I think we all agree in this room that is pivotal to opportunity and to the future economy and the future development of the potential of people in this state, and that is higher education.

I -- Madam President, my -- my amendment just simply enhances what is being proposed here in some very important ways. For instance, I note that the CSTEP in this bill has been eliminated. I would like to see that important program which introduces young people to science at an early age, STEP, CSTEP, I would like to see those funded at the level at least that they were last year. I'm proposing that CSTEP be funded at the level of three and a half million.

The other important area that is very, very small -- it's minuscule when you look at this total budget, yet it is extremely important in developing teachers who are able to go in and work effectively with young people in their classrooms no matter where they are and where they come from and what their background, and that's the Teacher Opportunity Corps. I would like to see that funded. That has been eliminated. I think that is a mistake.

Let's fund TAP to at least 90 percent of the tuition. That would cost 45

million. However, that's, again, a minuscule amount of money for an extremely important program that provides opportunity for people who otherwise would not be able to attend a - higher ed' institutions.

We have already lost some 20,000 young people who are no longer able to afford to access higher education. That is shameful, and let's not continue that -- that mistake.

So, Madam President, my -- my amendment would restore funding so that we could continue to at least fund TAP to -- up to 90 percent of the costs of tuition.

In addition, my amendment addresses the children and family block grant. That needs to be at least restored up to '94-95 levels. The cost is $10 million, but we're saving lives. This is not -- this is not a program that -- where -- that people are enter tained. We are not paying for entertainment of people. We're paying to save lives of young people, young children and their families.

We talk about removing people

from the welfare rolls, and I am probably, out of everybody in here, despite what you may think -- you think, I probably would like to see people removed from welfare more than anybody else in here because it's demeaning and it's disgusting and it takes away your basic sense of personhood and esteem. It's an awful way to have to live to be essentially on the dole, and it's embarrassing. So we should certainly be supporting that. How do you do it? You have to provide day care, child care. It is a pivotal part and you have to provide jobs for people and opportunity.

So, Madam President, my amendment simply says, let's live up to what we talk about we want. We say that we want to get people off of welfare. Fine. Let's make it possible for them to access higher education. We say we want people to be able to go to work. Fine. Let's -- let's present a budget that has those oppor tunities, especially by way of jobs, new job opportunities, and we say that we want women to go to work. We don't want them to sit home. We

don't want them to be mothers that just sit home and take care of their children. We really want them to go to work. Fine. I agree with that, as long as we have day care for them, for their children so the children can be safe while parents work and/or while they are able to access higher education.

So, Madam President, I think that my amendment makes so much sense. This is probably a historical moment in this house. We're going to vote for it because you want the same things that I do. I know that Senator Bruno wants that. He talks about it all the time how he doesn't want people begging and he doesn't want people on welfare and he doesn't want people to be on the dole.

So, Senator Bruno, live up to your words. Let's do the right thing for once, make sure we have day care, add the $10 million that I propose or the $18 million that I propose. Restore $10 million to the children and family block grant, and let's raise the tuition so that people can, in fact -- are able

to access higher education.

Thank you, Madam President.

ACTING PRESIDENT RATH: Thank you, Senator Montgomery.

Senator Padavan.

SENATOR PADAVAN: Would Senator Montgomery yield to a question?

ACTING PRESIDENT RATH: Senator Montgomery yields to Senator Padavan.

SENATOR PADAVAN: First off, I heard your initiatives and the things that you spoke to, and I just have one simple question. Reflecting on the dialogue we listened to earlier between the chairman, the Minority member of Finance and the Majority Leader -- can you give us an idea roughly what the total increase would be beyond the budget bill before us by virtue of all these amendments?

SENATOR MONTGOMERY: You want to know what my budget bill would be? I believe my budget would cost somewhere around 51 million - 51 million, very small amount. I'm not asking for a lot.

SENATOR PADAVAN: 51 million?

SENATOR MONTGOMERY: This is not a big restoration, Senator. 51 million.

SENATOR PADAVAN: 51 million. That would be the addition beyond that which is currently before us.

SENATOR MONTGOMERY: This is just -- this would bring it up to how we funded these programs last year.

SENATOR PADAVAN: Thank you very much.

ACTING PRESIDENT RATH: The question is on the amendment.

Senator Leichter.

SENATOR LEICHTER: Madam President, yes. I just wanted to elaborate a little bit on Senator Montgomery's answer to Senator Padavan's question. Senator, you take it as a given that we accept all of your spending initiatives. We would make a lot of changes if we had a budget that really served the interests of the people of the state of New York. So some of the -

SENATOR PADAVAN: Would you yield, Senator?

SENATOR LEICHTER: Sure.

SENATOR PADAVAN: You did not hear me correctly. I said what was the net - now, I didn't hear any amendments, at least in Senator Montgomery's presentation, that deleted anything in this budget. Now, if there are some to come, I will be very attentive. This was in addition. It was not a deletion of any other part of the budget.

Now, if you're saying that you're going to propose removing certain items from the budget that have dollar signs associated with them, I will be very attentive to what you have to say.

I implied no such conclusion. I simply added -- asked what was the net result of this amendment.

SENATOR LEICHTER: Madam President.

ACTING PRESIDENT RATH: Senator Leichter.

SENATOR LEICHTER: I'm happy to respond to my good friend, but the very premise of your question was that taking your budget as a baseline, it would add so much. We don't take your budget as a baseline. I don't think that when you have an amendment to the budget that deals with one specific area that you're required to take a one-house budget bill and make adjustments in it and point out to you how it works out.

So the fact of the matter is that this is not a $51 million addition to what your budget is because we happen to disagree with the budget. We can do it by amendments. Some of us are going to do it by voting against your amendment showing in that sense how we feel that that budget, in many respects, has misplaced priorities.

SENATOR PADAVAN: Madam President.

ACTING PRESIDENT RATH: Senator Leichter.

SENATOR PADAVAN: Senator, I

think in the last sentence you just made, you clarified the issue. I think it's an obligation we all have, that if we're going to say we're spending too much -- and certainly that was the clear implication and the comments of Senator Gold and Senator Connor -- I have no quarrel with some of the initiatives outlined by Senator Montgomery, but I think we have an obligation if we're going to say this budget is unsatisfactory because it doesn't do this but it should not do that, to not give us half the story. If you want to add 51 million, fine. Show us within the parameters that you already stated here where that will come from in some other portion of the budget. Are you going to reduce aid to education 51 million? Are you going to reduce mental health 51 million, or whatever the number turns out to be when we hear all the amendments. I think that's an obligation we have.

Now, you say you're going to demonstrate that by voting against the budget. Well, fine. That's your prerogative. No

quarrel with that either, but don't start off the debate by lecturing us that this budget is more than the Governor presented to us when you and your amendments are going to do even more so.

SENATOR LEICHTER: Senator - Senator Padavan.

ACTING PRESIDENT RATH: Senator Padavan.

SENATOR LEICHTER: Just to answer you, I think that Senator Connor and Senator Gold -- and I was in the Conference Committee and didn't hear everything they said, but I heard enough and I know the viewpoints -- I think they wanted everybody to understand what you were doing. They felt that it is wrong for the Senate Republicans to hide under a smoke screen that "we are cutting spending" when, in fact, you're not. That doesn't mean -- and I heard Senator Gold say it -- that he doesn't agree with some of your initiatives, but let's be honest. He wanted you to be honest as a Majority, not you individually, Senator, because

you are, but as a Majority to be honest and to tell the people, We are increasing spending. That doesn't mean -- that doesn't mean that here and there that we don't agree with you, here and there we disagree with you. I was just concerned, Senator, that you were getting the wrong impression on Senator Montgomery's amendment and that you were thinking that we were accepting your budget.

SENATOR PADAVAN: I don't think there's -

SENATOR LEICHTER: Your budget doesn't seem to be accepted by your own governor, so why should we accept it?

ACTING PRESIDENT RATH: Senator Padavan to respond to Senator Leichter.

SENATOR PADAVAN: Senator, you read the papers just the way I do. The Majority has been stating time and time again on, I might add, some occasions very similar to the Assembly, that we wish to add to the Governor's budget based on estimates of revenue and other considerations. There's never been any secret

about that. That's been going on for weeks, if not months. Your suggestion that we are not being honest -- well, you just haven't been paying attention. That's been stated time and time again.

The only comment made here today, if I heard the Majority Leader correctly -- and I did -- was that this budget is less than last year by 357 million. Nowhere, at no time has anybody said that this budget -- these budget bills are not greater than that proposed by the Governor. We have been perfectly honest in that regard.

However, I think your rhetoric was somewhat oblique when you bring up the point that we are spending more than the Governor and then you go on to present amendments that do even more so. I think, you know, if we want to be honest, I think we have that obligation but let's not play games while we're doing it.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: Would Senator Padavan yield?

ACTING PRESIDENT RATH: Senator Padavan, will you yield to Senator Gold?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT RATH: The Senator yields.

SENATOR GOLD: First of all, Senator, I want to clarify the record. I didn't say we were spending too much. I think Senator Leichter hit it right on the head, and I'm glad you're finally acknowledging it, just for the clarity of the record of who's doing what but, Senator, I've heard this spending less than last year $357 million.

Senator, the fact of the matter is, is it not, that last year you and your Majority increased the Governor's budget by 1.6 billion and this year your agreement with the Assembly was only 1.2 billion. So it's not that you're spending less money than last year. What you're doing is maybe adding to the Governor's budget a little less than last year, but you're

certainly, as you did last year and the year before and the year before, spending more money every year than the governors have asked for.

SENATOR PADAVAN: The Governor's budget request has been cut -- are you going to listen to the phone -- is something that we have all been made aware of since the middle of December, and this Majority, and I might add the Majority in the Assembly, has labored with that budget in a variety of ways. You participated in public hearings chaired by Senator Stafford and others over an extended period of time where we've listened to the people of this state. We've listened to representatives from our city, from the mayor, from the speaker of the City Council and many, many others have come here for months now pointing out areas where they feel adjustments in the Governor's budget were appropriate and desirable. We have heard the people, and Senator Bruno presents to you a budget that reflects what the people have said.

Now, you can categorize that any way you wish. We have not hid from the simple

fact that this budget exceeds the Governor's proposal, and you -- I don't even know why you feel it necessary to bring that up. It's a known fact.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Padavan, will you yield to Senator Gold?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT RATH: The Senator yields.

SENATOR GOLD: Senator, I'll tell you why I bring it up, and one of my colleagues -- one of my dear friends was concerned last week because somebody was making reference to a memo and whether the bill or the memo -- and from my point of view, I'm concerned about what we say to the public. Forget whether it's a bill or a memo. What we say to the public.

Senator Bruno's press release today in his fourth or fifth paragraph doesn't say, And we are proud once again to spend more money than suggested by the Governor because we held hearings and we're concerned about the

needs of the people. It says, quote, "The Senate budget spends 357 million less than the general fund than last year", and that's where you're focusing people.

I want people to focus on the truth. The truth is that you last year spent 1.6 billion more than the Governor wanted and so this year you're a little less, but at least let's let them know what's going on and then we'll be able to argue from there about it, and just so we have it clear, according to the press reports and according to the shaking of hands that I heard about, the Majority in this house agreed with the Majority in the other house to spend 1.2 billion. So that if you take the amendment of Senator Montgomery, we're still way within what you on the other side agreed we could spend, way within it, and if we do some things which some of us believe must be done for Medicaid and put in another 140 million in that to take care of people who really need it, we're still within the bounds because the fact is that if the Governor went along with you and the

Majority in the other house, we would have before us an additional $300 million in spending than this bill puts forth.

ACTING PRESIDENT RATH: Senator Waldon.

SENATOR WALDON: Thank you very much, Madam President.

Would Senator Montgomery yield to a question or two?

ACTING PRESIDENT RATH: Senator Montgomery, will you yield to Senator Waldon?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT RATH: The Senator yields.

SENATOR WALDON: Senator Montgomery, I was very intrigued by your presentation regarding your amendment. One, it was eloquently stated. Two, you went point by point for us telling us the needs as you saw them regarding certain issues contained in the proposal that we are considering, and I was wondering, is this something that just dropped out of the air to you, or did your constituents

actually call you, or did your research motivate you to put this amendment together, or who did you hear which caused you to submit this for our consideration as an amendment? Would you please edify us?

SENATOR MONTGOMERY: Well, Madam President -

ACTING PRESIDENT RATH: Senator Montgomery.

SENATOR MONTGOMERY: -- in answer to Senator Waldon, Senator Waldon -

SENATOR WALDON: I can't hear, Madam President.

ACTING PRESIDENT RATH: A little quiet in the chamber, please.

Thank you.

SENATOR MONTGOMERY: -- I have for some years been very much involved in the whole issue of what are the things that we do in the state of New York that really, in fact, work to support families moving from welfare to independence; and one of the things that we have found based on studies that have been done

funded by state education, done by City University Graduate Center, looking at what happens to people who are able to go through college, receive a degree at different levels, come out; where does that put them in relationship to the welfare system? That study has been replicated around the nation, and the answer is simple, that if a person -- if it's a young person or if it's a parent who goes back to school, if that person is able to go through college successfully, if they receive a two-year degree, they do very well. If they receive a four-year degree, they do even better. They are 95 to 99 percent likely never to have to require the use of publicly funded services.

So that this is an investment. Higher education in the state of New York is an investment, and it is an investment in reducing, in fact, the cost to the state of people who need services on an -- on a limitless basis.

So what my proposal does, Senator Waldon, is speak to what we know works in the state because we've done it and we've seen how

it works. I've also had hundreds and hundreds of letters from young people who are in school, many people who've said they've had to drop out of school because they can no longer afford to go to college. This is very heartbreaking, some people who are in their last semester in college. So this has really been a very, very -- a very, very disappointing problem that we have created based on last year's cuts.

So what I'm trying to do is at least bring us to restore what we were able to do at least last year so that we don't continue to lose young people from the system.

Day care is important. On a daily basis, I get phone calls from some parent needing day care. "I'm eligible. I'm within the income eligibility but there is no child care for me. I want to go to school. I don't have child care. Where can I get it?" These are -- these are very troublesome times, and what I'm saying is that the state cannot afford to just back away from people. This is an investment that we make and, Madam President, to

Senator Waldon, it just didn't come off the top of my head. I'm not just begging for some more money so that people can enjoy themselves. I'm asking this -- this house to look at my amendment as a statement of investment in our future. It is the future of the state that is at stake, not just the individual young person who's dropped out of school. For every little person that we lose out of school, for every parent who doesn't have child care who can't go to work, for every person who can't go to college because TAP isn't there, the state loses. It is our loss. So let's not -- let's not be foolish about this.

Maybe we cannot afford the taxes that Senator Bruno has outlined that he wants to cut. Yes, I want to cut taxes because I want businesses to be able to flourish in this state. I'm not anti-business, but there is a point where you have to say, We have to establish some priorities and investment to any business person is a priority. Investment in your business' growth is a priority. That has

to be a priority. Investment in the people in our state has to be a priority for the state.

So, Senator Waldon, it didn't just come off the top of my head. This is a sincere request of my colleagues to make some sense today with this budget by adopting this amendment.

ACTING PRESIDENT RATH: Senator Waldon.

SENATOR WALDON: Madam President, would the gentle lady from Kings County yield to just one more question?

ACTING PRESIDENT RATH: Senator Montgomery, would you yield?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT RATH: The Senator yields.

SENATOR WALDON: Senator, I'm touched by what you said. I thought you were really on point. Your sensitivity to people who are least able to take care of themselves is legend in this house.

What I think I heard you say sub

rosa, underneath all of your words, was that government should be in the business of people, and impliedly in those statements, I believe you said -- and I wish you to correct me if I was in error -- that our highest priority should be the people of the state of New York, ensuring that they could have the very best and highest quality of life and that your amendment would go a long way towards ensuring that mandate. Is that what I heard, Senator?

SENATOR MONTGOMERY: Absolutely. Absolutely, Madam President. That is exactly what I would like to do.

SENATOR WALDON: Madam President, my colleague, I thank you very much.

ACTING PRESIDENT RATH: Senator Oppenheimer, on the amendment.

SENATOR OPPENHEIMER: I would like to ask a question, if I may, of the sponsor.

ACTING PRESIDENT RATH: Senator Montgomery, do you yield to Senator Oppenheimer?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT RATH: The Senator yields.

SENATOR OPPENHEIMER: I would like you to answer the question, how would we proceed with moving low income women off -- of families off of welfare if we did not have this low income child care subsidy; because these families very likely have small children and since we cannot leave them out on the street, we have to find some low income subsidies so that the child of the welfare family will have a place to go while the mother either takes job training or education. Is there an alternative to not moving ahead with low income child care subsidy? Is there any choice?

ACTING PRESIDENT RATH: Senator Montgomery.

SENATOR MONTGOMERY: There is no alternative that I'm aware of to provide for the children of parents who are young children, in particular, and children in general. We have - we serve about five percent of the need for -

for day care in this state, quality day care services. This doesn't begin to even address the real need, but it at least provides for the localities resources where they can begin to provide more, hopefully, day care which begins to meet the needs of these particular families.

Let me just say that what has happened in New York City, in particular, is that we have, in fact, lost day care for working families. The day care that we have now targets those parents that we want to get off of welfare but at the same time, we are throwing out the children of parents who are marginal, though they're working. So it's very likely that we're going to create a situation where they're going to come back onto welfare and then once again they will be eligible for whatever small amount of day care services that we have.

So this -- we cannot -- we cannot expect our welfare reform movement to be successful ever if we are not willing to provide child care services which allow people to go to work. That is what happened in World War II

when we needed women working. That's what happened in New York City. That's when we came into the welfare -- the day care business. It was set up so that women could go to work. That's when the government needed them to go to work because the men were gone to war.

So I say if we're at war with this -- with welfare reform and we want to really -- we want to get rid of it, we want to make it so that people are not bound to be on welfare, then we have to understand what will make that possible and child care is important, and I don't know any other way of doing it without child care services.

SENATOR OPPENHEIMER: And - would you yield for another question?

ACTING PRESIDENT RATH: Senator Montgomery continues to yield.

SENATOR OPPENHEIMER: Thank you, Ms. President.

Would you say that in most other countries in the industrialized world, that this understanding of providing assistance to

families that are working but low income, working their at least 40 hours a week, probably more, but still do not have the money necessary to provide for the children to go to child care because it's costly? Would you say that this country would -- and this state would rightly - would be moving in the correct direction to try to remediate what is a major problem now and also if you would comment on the need for the quality child care that these low income families need.

SENATOR MONTGOMERY: Let me just say, Madam President, that some of the other countries that we are aware of place their children as a priority. So even though some of them are not as well placed as the U.S. but - they make sure that there is child care available for at least 75 or more percent of their children. France is one of them that has for years, for decades, been a leader in the world in terms of the way that it provides for its young children. Britain is another place where there are modeled -- there's a model

approach to young children, that young children are important and they provide for them. China even provides for children to have -- to be cared for at the workplace. They've done that for -- for many years. Israel is another place where children are -- are cared for, and these are model nations where the child is viewed as an asset and, therefore, it is a requirement that we invest so that our assets grow and are productive and our economy expands and our literacy rate is addressed, and so on.

So there are many, many examples around the world.

ACTING PRESIDENT RATH: Senator DiCarlo, why do you rise?

SENATOR MONTGOMERY: And so we are very far behind in this country, in fact, and let me just say that New York State has been in the past a leader at least in the nation.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT RATH: Senator, would you excuse the interruption? Senator DiCarlo has risen.

Senator, why do you rise?

SENATOR DiCARLO: Thank you, Madam President.

Would Senator Montgomery yield for a question?

ACTING PRESIDENT RATH: Senator, would you yield for a question?

SENATOR SKELOS: If I could interrupt for one minute, if we could. Just for the order of -- maintaining order in the house, if we could direct -- rather than having a conversation between two members, if we could direct the question and the answer through the Chair, I think it would make the conversation a lot more productive.

ACTING PRESIDENT RATH: Senator, would you allow an interruption? Senator DiCarlo has risen.

SENATOR MONTGOMERY: Yes, Madam President, I will.

ACTING PRESIDENT RATH: Thank you, Senator Montgomery.

Senator DiCarlo, why do you

rise?

SENATOR DiCARLO: Thank you, Madam President.

Senator Montgomery, I don't know whether I was listening attentively enough, but did you just a few moments ago hold the People's Republic of China up as some example of child care?

SENATOR MONTGOMERY: Yes, I did. Yes, I did.

ACTING PRESIDENT RATH: Senator DiCarlo.

SENATOR DiCARLO: Senator Montgomery, isn't it -- it's my understanding that in the People's Republic of China, don't they have a problem with the government sanctioning and allowing the murder of female children and it's widespread throughout the People's Republic of China? That's the nation you're holding up as saying they are superior to us in terms of child care; is that correct?

ACTING PRESIDENT RATH: Senator Montgomery.

SENATOR MONTGOMERY: Madam President, the China that I am referring to is where they have developed a system whereby the children are allowed to -- the child care is attached to the workplace. So parents come to the workplace, bring their children, breast feed their children, if necessary, while they're at work, have lunch with the children so there is a -- there is an involvement with their children at all times during the day while they are at work.

I am not prepared to address the issue that Senator -- Senator DiCarlo raises. While I am extremely concerned about the whole notion of limiting children by killing them as they're born as has been reported that may be happening in China, there is, in fact, Madam President, a history in China related to this kind of child care, and that's simply the model that I was talking about.

ACTING PRESIDENT RATH: Thank you, Senator.

Senator DiCarlo.

SENATOR DiCARLO: Senator, am I to understand that you continue to believe that the People's Republic of China does a better job with children and caring for its children, whether it be the workplace or not the workplace, than the United States of America; that's what you're really telling us?

ACTING PRESIDENT RATH: Senator Montgomery.

SENATOR MONTGOMERY: Madam President, I'm simply saying that the model of having child care available for people who were working -- working people at the work site was a model that China developed many, many decades ago prior to the time that we in this country were looking at the work site as an appropriate place to provide child care. That is all that I am saying.

ACTING PRESIDENT RATH: Thank you, Senator Montgomery.

If you want to proceed with Senator Oppenheimer, if you would direct your questions through the Chair, Senator

Oppenheimer, so that Senator Montgomery can yield in the traditional fashion.

SENATOR OPPENHEIMER: I guess my -- my -- my question was we have been proceeding in this state fairly well with middle income child care at the work sites at least in my area, but I was questioning, was there any alternative to placing this $18 million back into low income child care because I see no other way of helping the people we want to keep employed and we want to get employed, and that's where we started this polemic.

ACTING PRESIDENT RATH: Senator Oppenheimer's question, would you repeat just the question, please?

SENATOR OPPENHEIMER: The question was, is there any other way to keep people -- families working and to get people into the work force?

ACTING PRESIDENT RATH: Senator Montgomery.

SENATOR OPPENHEIMER: And I think you answered that already.

SENATOR MONTGOMERY: The answer is no.

ACTING PRESIDENT RATH: The answer is no. The question is on the amendment. Those in favor say aye.

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT RATH: Opposed? In the affirmative. Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 19, nays 37.

ACTING PRESIDENT RATH: Record the party vote. The amendment is defeated.

The Secretary will read the last section.

THE SECRETARY: This act shall take effect immediately.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- those recorded in the negative on Calendar Number 1351 are Senators Abate, Connor, Gold, Hoffmann,

Kruger, Lachman, Leichter, Markowitz, Mendez, Montgomery, Onorato, Paterson, Smith, Stachowski and Waldon. Ayes 41, nays 15.

ACTING PRESIDENT RATH: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, at this time, could you call up Calendar Number 1401 that was previously reported from the Rules Committee.

ACTING PRESIDENT RATH: Secretary shall read.

THE SECRETARY: Calendar Number 1401, by the Senate Committee on Rules, Senate Print 7737, an act making appropriations for the support of government.

ACTING PRESIDENT RATH: Calendar Number 1401, Senate Bill Number 7737.

SENATOR SKELOS: Is there a message of necessity at the desk?

ACTING PRESIDENT RATH: Yes, there is a message of necessity and message of appropriation at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT RATH: All those in favor of accepting the messages, say aye.

(Response of "Aye.")

Opposed.

(There was no response.)

The messages are accepted.

Secretary will read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1401 are Senators DiCarlo, Libous and Wright. Ayes 53, nays 3.

ACTING PRESIDENT RATH: The bill is passed.

SENATOR SKELOS: Madam President, if you would recognize Senator Nanula, please.

ACTING PRESIDENT RATH: Senator

Nanula.

SENATOR NANULA: Thank you, Madam President. I would like to request unanimous consent to be recorded in the negative on Calendar Number 1351.

ACTING PRESIDENT RATH: Unanimous consent, without objection, on Calendar 1351, Senator Nanula.

SENATOR NANULA: Thank you.

ACTING PRESIDENT RATH: Senator Skelos.

SENATOR SKELOS: Madam President, at this time, if you could call up -

ACTING PRESIDENT RATH: Senator Nozzolio, why do you rise?

SENATOR NOZZOLIO: Madam President, I would like to be recorded in the negative on Calendar 1401.

ACTING PRESIDENT RATH: Without objection, Calendar 1401, Senator Nozzolio in the negative.

Senator Skelos.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Madam President. I would like to ask unanimous consent to be recorded in the negative on Calendar Number 1401, please.

ACTING PRESIDENT RATH: Unanimous consent on 1401 for Senator Maziarz.

Senator Skelos.

SENATOR SKELOS: If you could call up Calendar Number 1402 which was reported from the Rules Committee.

ACTING PRESIDENT RATH: Secretary shall read.

THE SECRETARY: Calendar Number 1402, by the Senate Committee on Rules, Senate Print 7743, an act making appropriations for the support of government.

SENATOR SKELOS: Madam President, is there a message of appropriation and necessity at the desk?

ACTING PRESIDENT RATH: There are messages of appropriation and necessity at the desk.

SENATOR SKELOS: Move to accept

the messages.

ACTING PRESIDENT RATH: All those in favor of accepting the messages, aye.

(Response of "Aye.")

Opposed.

(There was no response.)

The messages are accepted.

Secretary will read the last section.

THE SECRETARY: Section 52. This act shall take effect immediately.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays 1, Senator Hoffmann recorded in the negative.

ACTING PRESIDENT RATH: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to Supplemental Calendar Number 1 and take up Calendar Number 1352.

ACTING PRESIDENT RATH: Secretary

shall read Calendar 1352.

THE SECRETARY: Calendar Number 1352, Budget Bill, Senate Print 5591A, an act making appropriations for the support of government on public protection, health and mental hygiene.

SENATOR GOLD: Explanation.

ACTING PRESIDENT RATH: Explanation has been asked for.

Senator Nanula, why did you rise?

SENATOR NANULA: I wanted express unanimous consent to be recorded in the negative. I'll wait until after.

ACTING PRESIDENT RATH: We'll wait until later. Thank you.

Senator Stafford, an explanation has been requested.

SENATOR STAFFORD: Thank you, Mr. President.

I would point out that this year -- I would point out that the State Operations Budget, I think, is much better drafted this

year. I think it's much clearer, and I think those who have been involved in this, especially the staff people, are indeed to be commended.

This bill, S.5591, we have entitled the, "Public Protection, Health and Mental Hygiene" bill.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: Would the Senator yield to a question?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT RATH: Senator Stafford yields.

SENATOR GOLD: Senator, my understanding is that this bill adds another $350 million to the Governor's budget, and that one very small item in there is 2.5 million for -- it says, "partial restoration" of Queensboro -- Kingsboro, rather, Psychiatric Center. Am I correct on that?

SENATOR STAFFORD: Yes.

SENATOR GOLD: Well, Senator,

what my concern is, is that there was talk earlier this year of closing Kingsboro Psychiatric Center, and there was much talk about it at the budget hearings conducted by you and I and Assemblyman Farrell and Assemblyman Faso. What I'm concerned about is the words "partial restoration." How much money would be needed, Senator, to keep Kingsboro Psychiatric Center operating as it is operating today in its full capacity?

SENATOR STAFFORD: $7 million.

SENATOR GOLD: Senator, if you yield to one more question?

ACTING PRESIDENT RATH: Senator, will you yield to one more question?

Thank you.

SENATOR GOLD: Senator, this is my concern. Those people who are affected by Kingsboro Psychiatric Center and who want it so desperately to remain open are very, very suspicious of a partial restoration of $2.5 million, which is maybe a little more than a third of the money because what we anticipate -

and this is what I would like you to comment on -- is that the downsizing, which was the word used in the committee meeting, is only one step towards the closing of the facility.

In other words, if you have about one-third the budget and you are going to have to fire employees, if you are going to have to cut services, you are going to have to cut out rooms that are being used, then next year we have the argument presented to us, How can you keep this big building open when you got so many vacant rooms and we don't have the employees, and that is one step away, as I say, from the closing?

So isn't it a fact, Senator, that this 2.5 million is just one, perhaps, year from avoiding the inevitable which is this great desire to close this facility?

SENATOR STAFFORD: Mr. President, I understand Senator Gold's question and I would point this out. This phenomena concerning our facilities in this field started way before this administration. Up in our area in northern New

York, we have exactly the same situation. We have a facility that at one time -- don't hold me to this, but I think it was up around 3,000 -- 2,000, excuse me. Two thousand is a lot of people for our area to get together at one time, and it now has, I am told, less than 300. That's a very serious situation for those in the community. There is no question about it.

I relate to that, because I have friends. I have people that I know well, and I was going to say relatives -- and I think it's no doubt accurate -- who are affected.

Now, I think this. I think that those who are very, very concerned about Kingsboro -- and I say this with all the concern and sensitivity that I can bring together here, I think they are very fortunate that this funding is here, and I think that we just move on from there. I assure you there are many other facilities that have the same feeling because -- and, again, I don't mean to get into this in too much detail, but I have always remembered this. I had a friend that I went to

school with, and all through school for 12 years his mother was in the facility that I'm talking about in northern New York, and treatment changed, and medicine changed, and the mother has been home now 20 years, and what I'm saying is there has been many good things that have happened here, but, again, we've had some very serious problems in communities where these facilities are. There is no question about it.

SENATOR GOLD: Madam President, will the gentleman yield to a question?

ACTING PRESIDENT RATH: Senator, will you yield?

The Senator yields.

SENATOR GOLD: Senator Stafford, your ability not to answer questions is legendary, and we understand that, but I really believe that your side of the aisle either is ashamed or they're proud of what they do, and I know you're proud, so let's just deal with the question.

There's this terrible expression, "self-fulling prophecy," and it seems to me

that if we, in fact, fund Kingsboro Psychiatric Center at only 2.5 million we are going to have a self-fulling prophecy because we will cut staff. You cut staff and even though there are patients who should be assigned to that facility they can't be assigned. So they will be assigned to Creedmoor. They will be assigned to Staten Island, and then as it works its way down, somebody next year says, "Why do we have to have this facility open? After all, look how many vacancies there are."

That's what I want you to address, Senator. There are people in Kings County, and there are people who find it convenient to have their family there. There is a need for that facility; and downsizing, as we hear, to the extent of elimination of almost two-thirds of its budget is really the death knell; and isn't it a fact that this is the death knell?

Is it the fact that your party wants to close the facility and by cutting down by two-thirds this year is laying the foundation

for its closure next year?

SENATOR STAFFORD: Well, you mentioned -- Mr. President. Senator Gold mentioned to me that we were very proud. I think he was being rather light, so I will answer lightly in the beginning here.

You said "self-fulling prophecy." I thought that meant if you keep saying it that it will happen. But what you are saying is that it isn't exactly that you are just saying it.

Now, as far as the money available for Kingsboro, you know this -- this great state is a great locomotive, and it has many, many engines. We like to keep these engines going, and if we continually just draw resources from these engines, continually draw it, the first thing you know the locomotive isn't going to run, and then we're not going to have a state for anything, for social services, for infrastructure, for the protection, police powers, education. It's priorities.

Again, that's what a budget is

all about. It's raising the issues and balancing the equities, and this is what has to be done and you have to decide. Will the money be spent here? Will it be spent there? Where can it best be spent? We won't spend quite as much probably as we want to here. But, as I say, if a facility is remaining open and is being funded, in this day and age, I wouldn't complain. I would be encouraged.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: Will the gentleman yield to a question?

ACTING PRESIDENT RATH: Senator, will you yield?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT RATH: Senator yields.

SENATOR GOLD: Thank you, Senator. Let's try it again. I understand about all of the engines, Senator, but isn't it a fact that what this appropriation is doing is

informing this community that it is the intention of your party if you have your budgetary druthers, together with the Governor, who was going to cut it out altogether, to terminate the facility in Brooklyn, and that this year the so-called downsizing will take the guts out of the program, and next year the next step will be to look at it and say, "We now have a mostly empty facility; let's close it," and if we do that, Senator, just understand, it means crowds of people from Brooklyn coming through Senator Padavan's district, coming to Creedmoor, having to travel two, three hours by mass transit to see their relatives. It means huge gaps in support because where the facility is now there are people in there who get support from their family who live in the community, and that kind of transportation is very hard particularly if you have people of limited means, people who work for a living. They can not make that trip without losing their job.

Isn't it a fact that by this funding, we are telling the people at Kingsboro,

"Watch out, because next year there is no program"? Isn't that a fact?

SENATOR STAFFORD: Well, Senator -- or Madam President.

ACTING PRESIDENT RATH: Senator Stafford.

SENATOR STAFFORD: Now, I explained last year. You know, sending a message, you're telling the people -- I mentioned to you last year, you know, one man's ceiling is another man's floor. I mean it's how people interpret things.

Please let me emphasize that there was no funding for Kingsboro. The funding has been restored to save the facility. Next year is next year. We can't what -- we can't tell what will happen next year. As they say in legal circles, tempus fugit.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: Yes, will the gentleman yield to a question?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT RATH: Senator Stafford, would you yield?

He yields.

SENATOR GOLD: As I was saying, Senator, right now there is a facility that operates, and it's called Kingsboro Psychiatric Center; and if the Governor's budget were to have its way, this facility would be closed down. It would be emptied out, and people would be sent to Creedmoor or other places traveling through the community.

There was an outcry over this, and the point was made at budget hearings that this would be a terrible inequity, particularly since the facility is operating and servicing its community.

Isn't it a fact, Senator, by this so-called downsizing, by putting in budget requests which may take care of one-third of the institution, that this is part of a plan to create a self-fulling prophecy? So then, next year we come out and say, "Well, you don't have

the same outcry as last year because, look, two-thirds of the place is empty; two-thirds of the place doesn't work. We don't have the same staffing levels, and we can't take the crowds of people."

So that now, next year, if you try to close it down, you hope that you will have squashed some of the opposition because you would have sent some of those families already to other facilities; or, in assigning new people to a facility, you will now assign them other places because you don't have the staff at Kingsboro because we haven't funded it.

So, Senator, I'm willing to stick it out as long as you are. Isn't it a fact that this particular downsizing is only to create the opportunity next year to terminate the use of the facility?

SENATOR STAFFORD: Senator - Madam President.

ACTING PRESIDENT RATH: Senator Stafford.

SENATOR STAFFORD: I would only

-- I would only attempt to answer the Senator -- distinguished Senator from Queens this way.

The entire situation in these facilities has been a very difficult situation. All you have to do is come up to northern New York, and there's a facility that borders my district. The Senator is sitting on my right who represents the area, and I live in the -- is the "catchment" area the right word?

Right. I live in that area where that facility provides a very, very fine service. As I mentioned to you, at one time, there were 2,000 people in that facility. That's bigger than our cities up our way.

Now, this day and age, that facility now has less than 300 people. Now, interestingly enough, I've had people in the mental health field come in and sit there and be rather direct with me and point to me and say, "You can't keep these facilities open. This is ridiculous what you're doing."

Now, fortunately -- as I mentioned before, there was not funding for

Kingsboro -- the Senate has been able to restore and save the facility. Next year is next year. We can't tell what will happen next year.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: Will the gentleman yield to a question?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT RATH: Senator, will you yield to one more question?

SENATOR GOLD: Senator Stafford, can you tell me how many people are in the Kingsboro facility now?

SENATOR STAFFORD: No.

SENATOR GOLD: Can you tell me how many employees they have?

SENATOR STAFFORD: No. Wait a minute. Wait a minute. I will, though. A thousand employees and 400 patients.

SENATOR GOLD: Now, Senator, can you tell me the result of this downsizing? If we are going to now appropriate $2.5 million to this facility out of the 7 million it needs, can

you tell me what that means in terms of how many employee slots they would lose and, therefore, how many patients they would be able to take care of?

SENATOR STAFFORD: Well, I think this. I think that I have pointed out that there is a very serious situation here, and I don't think it takes a -- well, it might. I don't know whether it would or not. But I don't think it's very difficult to understand, as I have said, that this is a very, very difficult situation and that at the present time Kingsboro is being considered, that it is being saved at this time.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: If the Senator will yield? But, Senator -

ACTING PRESIDENT RATH: Senator, will you yield?

SENATOR GOLD: I'm just trying to find out. Right now, I'm told there's a thousand employees. I'm told there's about 400

patients.

And what I'm trying to find out, Senator, is if we cut some $4500 out of that budget and if we only allow them the 2.5 million, how many employees will that leave to remain and how many patients can they take care of?

SENATOR STAFFORD: Well, I think the answer is that this appropriation will take care of the facility, and the number of patients they can take care of is what the facility will handle. They had 3,000 patients at one time.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: Will the Senator yield to another question?

ACTING PRESIDENT RATH: Senator, will you yield for another question?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT RATH: Senator yields.

SENATOR GOLD: Senator, I know

that there's about $15.5 million added. It says, "to undo the OASAS block grant program which had been bundled," and now this does some unbundling. Can you explain to me exactly what that means?

SENATOR STAFFORD: "Unbundling," that usually means separating, and that's what's being done.

SENATOR GOLD: Now, Senator, in doing the separations, I understand that one thing that may be an advantage from it is that some of the community-based programs will now be able to get their funding in the normal way. Is that correct?

SENATOR STAFFORD: Yes.

SENATOR GOLD: Well, Senator, if that is the case -- and the aim is something which I might very well support. My understanding is it requires about $45 million statewide to take care of these programs. How do we make up the other $30 million?

SENATOR STAFFORD: It is not 45 million that it will take. It will take 42

million.

SENATOR GOLD: Fine. How do we make it up?

SENATOR STAFFORD: We're just putting 15 of the 42 back.

SENATOR GOLD: Senator, I understand that, so it's the same question be it 42 or 45. If the idea of unbundling is to get the community projects back online so that they can make their normal applications and provide the services, we are still something like $27 million short, Senator. How do those community programs get funded?

SENATOR STAFFORD: Well, we will just have to consider as we progress and have to meet those challenges as we go down the road. This is the whole story of our budget.

You know, I can remember -- I can remember when really programs like this, communities were told they were going to take a program, and they'd say, "Well, we don't really need it," and they'd say, "No, you're going to have a program. Things have changed.

And there is a situation here where funding is a problem. There is no question about it. If this state is going to be competitive, if we're going to have a state where we have 100,000 more jobs this year than we had last year -- which we do have -- rather than being almost last in job creation, and if we're going to stop having a situation -- and I don't mean to embarrass the lady on my right. But just completely, completely not connected with what we're debating here today, we were talking about a mutual friend who worked for a company, and one time there was an electronic company in Western New York and there was a company that was connected with them working on airplanes, and there was another company that - engineering -

SENATOR GOLD: Senator, are they the ones putting up the 27 million?

SENATOR STAFFORD: -- and they were doing research, and now they are all gone. They left. They left in the late '70s, and that happened year after year after year, and that is

why we're having to look at funding to make some very, very hard choices and people are going to have to work smarter, harder and friendlier.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Gold.

SENATOR GOLD: I wanted to continue, but can I yield for one question to Senator Onorato, please?

ACTING PRESIDENT RATH: Senator Onorato.

SENATOR ONORATO: Madam President, will Senator Stafford yield to a question?

ACTING PRESIDENT RATH: Senator Stafford will yield to a question.

SENATOR ONORATO: I'm getting a little mixed up with the questioning that's going on here. I'm a little concerned about the fact -- are you aware that Kings County is the largest county in the State of New York with almost 3 million people?

SENATOR STAFFORD: Yes, and if

Kings County was by itself, it would be the eighth largest city in the nation.

SENATOR ONORATO: Now, can you explain to me how a county with almost 3 million people in it can operate with a budget of $2.5 million? Will that not contribute, again, to the increasing homeless population that we have in the city of New York, putting this type of person back onto the street without having a facility to take care of them?

And can any other facility in the state -- have they also received this type of a downsizing, or are we picking on downstate New York's mental hospitals for cutbacks to again increase the problems that we are already overwhelmed with?

SENATOR STAFFORD: Senator.

ACTING PRESIDENT RATH: Senator Stafford.

SENATOR STAFFORD: Madam President.

Senator, you asked that question with gusto.

SENATOR ONORATO: That's right.

SENATOR STAFFORD: I will answer it with gusto. I hope you were listening when I explained we have a hospital in Upstate New York that used to have 2,000 people. It now has - patients. It now has less than 300, and there's a real, real problem on exactly how you handle this. Kingsboro used to have 3,000 patients and 1,000 employees. It now has 1,000 employees and 430 inpatients.

Now, we can ask all sorts of questions, and we can be just as boisterous as we want to, but we got to look at this and see exactly what we're going to do and make some hard choices here and decide where we're going to spend our money and how the treatment is going to be provided, and it's happening all over the state, not just upstate, not just the metropolitan area, but all over the state of New York.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Senator Gold, Senator Montgomery -

SENATOR GOLD: I have one last question of the Senator.

ACTING PRESIDENT RATH: One last question.

SENATOR GOLD: Senator, you are from Plattsburgh, New York; correct?

SENATOR STAFFORD: Yes.

SENATOR GOLD: Yes. Thank you. No further questions.

ACTING PRESIDENT RATH: Thank you, Senator Gold.

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: One more question.

SENATOR GOLD: Yes.

ACTING PRESIDENT RATH: On the question, Senator Gold.

SENATOR GOLD: I think the point that I just made is really a very easy one; and that is, that my distinguished colleague who is so much younger than I am has no problem in the world answering questions. You guys are fooled. When he wants to answer it, he can

answer it. He can take a question with a lot of words, "Senator, is it a fact that you come from Plattsburgh?" and answer in one word, "Yes." It's easy. He knows how to do it.

The fact is that he doesn't want to answer the other questions because they won't deal with an embarrassment, and I don't blame him. He is a gentleman. Senator, we're all ready to make hard choices. But when we make the hard choice, what in the heck is wrong with looking people in the eye and saying, "Yes, that's my choice. It's a hard choice. We're closing Kingsboro, but we're going to do it a year from now because it may be a little easier. We may cut it down, make it so it can't breathe and then tell you it's dying so we'll close it."

At least you'd say, "Well, look at that man. That is my friend Ron Stafford. By God, hard choices. He stands up like a man and he'll tell it to you."

Senator, when it comes to the local drug programs, many of us are very

concerned about it. We're concerned about it because we feel that on a day-to-day basis they do good work. Well, the Governor's program, I think, would have hurt them terribly. You throw a couple of bones in there and maybe it will do a little better. But, Senator, they are going to be short $27 million, which is a lot of money to these programs.

And if you are doing that, Senator, because you are making a hard choice then stand up and say, "Manny, look, it's a hard choice. You're right, and I will take the knock that there is 27 million missing, but I will get the credit, Senator Gold, because I'm adding in 15 million and we're trying to do the right thing."

The biggest problem we always have with the Majority Party in this house - and I know Senator Bruno always says we shouldn't be partisan, and, of course, he never is. But the biggest problem we have is just pulling teeth to get you to admit what you are doing, and that's what I don't understand.

There are principles we all run on. There are principles we all say we stand for, and if that's what is behind the budget and if that's what you believe in, then say it and vote for it and walk out of here, and everybody's blood pressure will be down nice and low because everybody is doing what they say is in the best interests of the people.

The mystery is you don't do that. You don't. The discussion that went on earlier today between our distinguished colleague Senator Padavan and our distinguished colleague Senator Leichter is amazing. It's amazing. On the one hand, you are spending money which some of us agree should be spent and, obviously, you agree it should be spent because you are the ones spending it, and yet you seem to wish that all of these lights were turned out so you could do it in the dark, because you are going to run home and tell people that for the second year in a row you spent less money, whatever.

Now, that isn't true. What's

true is you are spending it. What's true is that you are closing Kingsboro, unfortunately, within a year. What's true is that you are going along with a process which may very well damage local community drug programs; and if that's a hard choice and you've got to do it, then you propose it. We will either agree or not agree, but let's at least answer the questions with the same pride, Senator Stafford, as you say, "Yes, I'm from Plattsburgh."

ACTING PRESIDENT RATH: Senator Gold.

Senator Montgomery.

Senator Gold, have you completed? Are you finished?

SENATOR GOLD: Senator. Senator Stafford, with the same sense of humor that you have I remember somebody who asked the judge - while he was questioning a witness on the stand, the judge was making faces at the jury and nodding his head one way or the other; and, finally, the lawyer couldn't stand it any more. He said, "Ladies and gentlemen of the jury, I

want to assure you that when the judge nods his head, there's nothing in it."

Now, what he meant was a little something different; and, Senator, it's okay. If you nodded your head, I still accept it.

ACTING PRESIDENT RATH: Thank you, Senator Gold. Senator Montgomery is next.

Senator Montgomery is next.

SENATOR MONTGOMERY: Yes, Madam President. I wonder if Senator Stafford would clarify something for me?

Senator Stafford, you said that one man's ceiling is another man's floor, and I was just wondering do you mean that you are walking on my grave? That's sort of a feeling that I got. My ceiling is your floor.

SENATOR STAFFORD: No, Madam President. First, as we talk here it's always good to keep your sense of humor, but I take very seriously this issue for you and for Senator Gold and everyone, just like I do with the problems we're having upstate.

SENATOR MONTGOMERY: Thank you.

Thank you, Senator.

SENATOR STAFFORD: That just goes to show that it's how we interpret things.

SENATOR MONTGOMERY: That's right.

SENATOR STAFFORD: Senator Gold said what he heard in court. I was in Vermont in Federal Court the other day, and they were questioning this Vermonter, and they said to him, "Sir, have you lived all your life here in Vermont?" He said, "Not yet." So he actually -- he knew more than some of us. But the point is, it's how we interpret it. We can't exactly know what's going to happen, Senator. I would say this. Having facilities in my own area, and I do -- just like you do -- and take it very seriously just like you do. If there is funding to keep it going, then that's encouraging.

SENATOR MONTGOMERY: Thank you. Madam President, just if I can ask -

ACTING PRESIDENT RATH: Senator Montgomery.

SENATOR MONTGOMERY: Senator

Stafford, I believe Kings County is the largest county in the state. Is your proposal based on an assessment of the need in the county of Kings for a psychiatric facility? Have you come to the conclusion based on your needs assessment and analysis of Kings County and the people in Kings County that we don't need a facility in the largest county in the state?

SENATOR STAFFORD: I mentioned I understand being the largest county. Also I mentioned earlier if Brooklyn was by itself, not part of the great city of New York, it would be the eighth largest city in the nation.

SENATOR MONTGOMERY: Exactly.

SENATOR STAFFORD: Now, I also would point out -

SENATOR MONTGOMERY: Our borough president says it would be the fifth. So I take his word -

SENATOR STAFFORD: I think the figures have been revised, because I looked it up just before I came here because I thought that might come up. But I could be wrong. I

could be wrong. I might have gotten some misinformation, but as I pointed earlier - again, not making light of this, but I mention it. I mention it, and I say this again because it drives the point home about people not being in the facility. But my friend from first grade to high school -- getting out of high school, his mother was in a facility. Different treatment, different medicine, she came home when we were in college and she's been home for a long time. She's alive. She's very elderly now, and she was very normal.

My point is, there she was in the facility, came home, and lived as the husband - excuse me, as the wife and, of course, most of her children by then had left home -- or they all had. My point is she wasn't at the facility any more that was making it possible for them to have 2,000 people. Again, it is serious.

A thousand employees anywhere in this state is important and, yes, the treatment is important; but when you have 430 patients where you used to have 3,000, it's a tough,

tough issue and -

ACTING PRESIDENT RATH: Senator Montgomery.

SENATOR MONTGOMERY: If the Senator would continue to yield.

ACTING PRESIDENT RATH: Senator, will you continue to yield?

Senator continues to yield.

SENATOR MONTGOMERY: Madam President, I would like for Senator Stafford to give me what your proposal does. Have you not proposed that we also eliminate five community based mental health programs, and will you tell me whether or not you have fully restored the community reinvestment funding which will allow us to develop some community facilities?

What do you do about the community reinvestment funding and what do you do about the five other facilities related to Kings County that are also slated to be closed?

SENATOR STAFFORD: Very fair question?

Once again, the community

reinvestment, many of us have been involved in the community reinvestment program. As a matter of fact, there are colleagues on both sides of the aisle that have had a great deal to do, yourself included. There was no funding and we now have provided funding for one half, 2.5 million -- here's a gentleman who is been working on it.

And I would only say once again -- once again, it's the availability of funds, and these decisions are difficult. Where do you place the funding? I hesitate to say this but yet providing funding is better than not providing it, and 12.5 million is better than zero. So we're addressing the situation under difficult circumstances and, again, not having the funding that we would need to do more.

Now, with the five programs you mentioned, we understand that the five programs will remain online, but there may be a change as far as one of the hospitals is concerned, Kingsboro Hospital.

SENATOR MONTGOMERY: Madam

President, I hear Senator Stafford saying that the funding for the five community-based mental health centers that are connected to Kingsboro Psychiatric Center are going to be funded at their full level as '94-95.

SENATOR STAFFORD: Once again, you are getting right to the point and you certainly should. Whether they will be fully funded, I certainly wouldn't stand here and give you any misinformation. We'll just have to see what funds are available as we proceed throughout the fiscal year.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT RATH: Senator Montgomery.

SENATOR MONTGOMERY: Madam President. Senator Stafford, again, I just want to be clear about the answers that I'm receiving here.

I understand him to say that the Community Reinvestment Act is funded at about 50 percent of what our commitment was in that program as of last year's memorandum of

understanding, which is about 12 million for the entire state. Is that what I hear?

ACTING PRESIDENT RATH: You are asking Senator Stafford?

SENATOR MONTGOMERY: I'm asking if that is the answer that Senator Stafford has given?

SENATOR STAFFORD: Right. Yes.

SENATOR GOLD: Now, Senator Stafford, with the Community Reinvestment Act cut in half, a reduced funding for the five community-based centers, the funding that you propose is about one-third of what would be required to fully operate Kingsboro Psychiatric Center. Have you made an assessment as to the impact of all of these cuts on our ability in the borough of Brooklyn to provide mental health services to seriously mentally ill people?

SENATOR STAFFORD: Once again -

SENATOR MONTGOMERY: In the borough of Brooklyn?

SENATOR STAFFORD: In the borough of Kings.

SENATOR MONTGOMERY: If we were able to provide services within the borough of Brooklyn?

SENATOR STAFFORD: In the borough of Kings.

SENATOR MONTGOMERY: The borough of Brooklyn in the County of Kings.

SENATOR STAFFORD: The borough of Brooklyn in the county of Kings.

SENATOR MONTGOMERY: Yes, sir.

SENATOR STAFFORD: Right. I think we're going to have a situation where we're going to be relying on professionals that are going to have to make, again, hard choices, and I say this -- we've said it about all of us who are in government and frankly -- frankly, this has happened in the private sector also. People are going to have to work harder. They are going to have to work smarter and they are going to have to work friendlier, all of us, and I think we're going to have to do our best to provide as much as we can as far as services are concerned. I think this is very serious, but I

would only -

But I would point out once again that it would be -- again, it would be just ridiculous. For instance, it would be good if we could have a teacher for every student. We can't. We can't afford it. We have done a lot in this state that we couldn't afford, and we've had many programs that we couldn't afford.

Now, we are doing our best to make sure that these programs remain online, and we will have to rely on the professionals to provide the services.

SENATOR MONTGOMERY: Thank you.

Madam President, just briefly.

ACTING PRESIDENT RATH: Senator Montgomery briefly.

SENATOR MONTGOMERY: I want to make a couple of comments if I may to Senator Stafford. I certainly understand that the genesis of this proposal to close that significant facility in the borough of Brooklyn comes from the Governor. So I'm not confused, Senator Stafford.

I know you put back a little bit, not enough, but it didn't come from you. You didn't suggest it in the first place, so I want you to know that I understand that.

The second thing that I want to say to you is that we're talking about equal access to services, so we want equal access to mental health services in the borough of Brooklyn just like you have in Watertown and in your district and in the districts throughout the state.

And the third thing that I want to say is that your budget proposal is based on certainly not enough information, no intelligence, no analysis of the impact this will have on, one, the ability to deliver services in the borough, how many, what is the need right now, whether or not we're even able to serve the need that we have now and not to mention the fact that we're looking at an area of Brooklyn that under optimal circumstances might be considered a medical center. We have the SUNY Downstate Medical School and Hospital,

Kingsboro Hospital, Kings County Hospital and the Kingsboro Psychiatric Center, all within a six blocks radius of each other. Extremely important area, and we need to be talking about ways in which we can bring that whole center into the next century in terms of delivering health care from mental health services to services to the elderly, services to health care in general.

So rather than just saying, "We're going to decide arbitrarily to cut two-thirds of the budget of this major institution without any planning, without any analysis, and be damned what happens to the borough of Brooklyn, we don't really care if you can deliver those services because they can just transport themselves to hither and yon, wherever, and that's just fine with us because we have to save a dollar" -- and that is really the problem I have with this proposal.

It is not based on sound analysis, and we should not be making decisions of this magnitude to have that kind of impact on

the largest county in the state without more information.

So I would have to oppose this because it says to me that we don't care about people, and we can not afford to take that position and have that attitude, and we're not AT&T. We're the state of New York and we're bound by a Constitution that says we must have some level of safety net for people in this state.

And so that's my comment on this, and I will vote later on it.

ACTING PRESIDENT RATH: Thank you, Senator Montgomery.

Senator Stafford.

SENATOR STAFFORD: I would just very briefly want to point out and I do this with all of the camaraderie that I can muster here. You know, I have lived in upstate. We have this problem in Poughkeepsie. We have this problem in Binghamton. We have this problem in Ogdensburg. I could go on and on.

How do I know that I can name

them off like that. In upstate, if it was ever said that you were going to Ogdensburg, if you were going to Binghamton, if you were going to Poughkeepsie, do you know what it meant? It meant something very, very sad, but we all knew where those facilities are and we all knew what it meant.

All of those facilities are having the same problem. What is the one on Long Island? What is the one on Long Island? The same in that, in other areas of the state.

Now, what I'm attempting to say here, just exactly the problem that you are bringing out and bringing out very well is the same in every one of the facilities that I just mentioned. It's very difficult but, again, treatment has changed, medicine has changed, and community residence treatment, and we are having to make difficulty decisions in all the areas of the state, not just in the county of Kings and the borough of Brooklyn.

ACTING PRESIDENT RATH: Senator Abate.

SENATOR ABATE: Madam President. Would Senator Stafford yield to a question?

ACTING PRESIDENT RATH: Senator Stafford, will you yield for a question?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT RATH: Yes.

SENATOR ABATE: Senator Stafford, you talked about the goals of your budget proposal were to be -- to use your words - "smarter," "more intelligent," "more friendly"?

SENATOR STAFFORD: I never use intelligent.

SENATOR ABATE: No, never intelligent?

SENATOR STAFFORD: I don't use that word.

SENATOR ABATE: Would smart be a good -

SENATOR STAFFORD: Yes.

SENATOR ABATE: That we should do things that are smarter. To that end, I would like to ask a couple of questions to see if, in fact, this proposal is really smarter.

How many psychiatric beds are there throughout the state, beds, residential beds for the mentally ill?

SENATOR STAFFORD: People that are in the beds or beds available if you wanted to fill every bed.

SENATOR ABATE: Operating beds. Operating beds.

SENATOR STAFFORD: Seven or eight thousand statewide.

SENATOR ABATE: Seven or eight thousand statewide. How many of those seven or eight thousand statewide are in New York City?

SENATOR STAFFORD: About a third.

I have counsel on both sides here, both of them experts.

SENATOR ABATE: Where are the third located in New York City?

SENATOR STAFFORD: In the five psychiatric centers. In the five psychiatric centers in the City.

SENATOR ABATE: That's broader

than New York City, though. That's dealing with Long Island and other places. That's not just New York City.

SENATOR STAFFORD: Kingsboro has its own psychiatric center. That's five. How many boroughs do you have?

SENATOR ABATE: Five boroughs.

SENATOR STAFFORD: How many would that be if you had one in each borough?

SENATOR ABATE: You would have five psychiatric.

SENATOR STAFFORD: Right. So you got it.

SENATOR ABATE: What is the total population of those five psychiatric centers? I want to arrive at the fact that it's one-third.

SENATOR STAFFORD: 2500, 500 a piece average.

SENATOR ABATE: 2500. And to follow up with what Senator Montgomery had raised, there is a huge population of people throughout New York City.

SENATOR STAFFORD: Throughout the

whole state, as a matter of fact.

SENATOR ABATE: And throughout the whole state.

SENATOR STAFFORD: In fact, there's only eight million in New York City; there's 18 -- there's 10 million outside of New York City.

SENATOR ABATE: Would the Senator continue to yield?

ACTING PRESIDENT RATH: Senator, will you continue to yield?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT RATH: Senator yields.

SENATOR ABATE: My understanding, that more than one-third of the severely mentally impaired residents of New York State lie in New York City, that in fact there aren't enough right now, psychiatric beds, and there are clearly not enough community-based mental health organizations to support those individuals now in New York City.

SENATOR STAFFORD: Madam

President.

ACTING PRESIDENT RATH: Yes, Senator Stafford.

SENATOR STAFFORD: I would point out in answering -- once again, I do this realizing that you also take this very seriously. It's how we understand it. It's how we're treating people. You got people in the field that don't think people should be going to these hospitals.

SENATOR ABATE: But, Senator, would you yield to a question?

SENATOR STAFFORD: Yes.

SENATOR ABATE: The issue and my understanding is 60 percent of the severely mentally ill lie in New York City, 60 percent, and you are saying to me that one-third of all the psychiatric beds lie in New York City, so there's some deficiency, and I don't even know what the analysis is for Brooklyn. What I'm suggesting, if someone is in need of mental health support that may either be in a couple places they can get it, either through in

residence psychiatric help, hospitalization, in the community or in the home. Is there any other place that's really acceptable?

SENATOR STAFFORD: What about Article 28 hospitals?

SENATOR ABATE: Article 28. But that's hospitalization. Beyond that. And so my question, Senator -

SENATOR STAFFORD: Going to one of these facilities is hospitalization.

SENATOR ABATE: Right. But then, Senator, there's such a need -

SENATOR STAFFORD: Outpatient services, also.

SENATOR ABATE: That's what I meant in the community, those community supports or the hospitalization.

So my concern is, there is a tremendous need within New York City, far greater than the current existence of beds and community-based programs. My question is, if we are cutting -- and your proposal not only cuts further psychiatric beds in New York City and

reduces community reinvestment -- where do these individuals end up?

SENATOR STAFFORD: Senator, your point is well taken and that is being asked in every area of the state. And believe you me, I understand the New York City is the greatest city in the world, but an ill person there is no different than an ill person in any other part of this state, and we have the same problems that you are talking about in all of the areas of state. There is a ferocious debate going on in the field. They can't agree when they come in to see me, the care givers and the professionals.

SENATOR ABATE: Senator, I agree that there is a need, and I would like to see more money throughout the state through the Community Reinvestment Act restored because there is a need not just in New York City but throughout the state to support people in their homes and in their communities?

SENATOR STAFFORD: I won't argue that, and that's why we took it from zero to

12.5 million.

SENATOR ABATE: And we agree, but my concern -

SENATOR STAFFORD: Excuse me.

ACTING PRESIDENT RATH: Senator.

SENATOR STAFFORD: Pardon me.

ACTING PRESIDENT RATH: If you would direct your question through the chair to the Senator.

SENATOR ABATE: But are you aware, Senator, that there are -- 60 percent of the severely diagnosed mentally ill are in New York City, but there is nowhere near -- I mean, traditionally, New York City has been under served in terms of mental health facilities and supports.

So by cutting, further, these programs, aren't we really handicapping New York City that much further to a further extent than anywhere else in New York State?

SENATOR STAFFORD: Will the Senator yield to me asking a question in my answering?

ACTING PRESIDENT RATH: Senator, will you yield?

SENATOR ABATE: Yes.

ACTING PRESIDENT RATH: The Senator yields.

SENATOR STAFFORD: I'm a layman compared to this gentleman on my right and a layman compared to the people who work in this field. But are you sharing with me that when we have a psychiatric hospital in each borough of New York City and that would be Richmond - that's Staten Island, right -- and then Kings which is the borough of Brooklyn, Queens, Bronx.

SENATOR ABATE: I would love to answer that question.

SENATOR STAFFORD: No, wait a minute.

SENATOR ABATE: Not yet? Okay.

SENATOR STAFFORD: Manhattan. Where are the Yankees?

(Response of "Bronx.")

And the Bronx. Right, the Bronx. Now, are you sharing with me here this

evening at 6:32 and a half, June 10, if there is a facility in each one of those boroughs compared to other parts of this state, New York City is underserved?

SENATOR ABATE: I would love to respond to that, Senator. That's a question?

Okay. Yes, and I do appreciate the question.

Yes, and let me tell you from what perspective I speak. I remember at Rikers Island doing some statistics on the 120,000 people that walked in and out those doors. Would believe that 25 percent of the people that were admitted to Rikers Island were in need of mental health services?

And there's another statistic. The people with mental health needs -

SENATOR STAFFORD: Can I ask one more question?

SENATOR ABATE: -- these are people in jail that we spend $60,000 a year -

SENATOR STAFFORD: Would you yield for a question?

SENATOR ABATE: -- because there's no community programs.

SENATOR STAFFORD: Will the Senator yield for a question?

ACTING PRESIDENT RATH: Senator Abate, will you yield for a question?

SENATOR ABATE: Can I first respond to the question?

SENATOR STAFFORD: By all means. Excuse me.

ACTING PRESIDENT RATH: Thank you.

SENATOR ABATE: It was such a good question I'm going to try to respond to it appropriately. So of the 100,000-some people that came through Rikers Island -- I'm sure you know what Rikers Island is. It's the jail system. One of the parts of the jail system in New York City. It's near the airport, LaGuardia Airport.

Anyway, it's a very large correction facility. And so we're talking about 25 percent of the people that pass through

Rikers Island are in need of mental health treatment, and some of them suffer from very chronic mental illnesses.

The judges -- and because there is a great deal of concern. What do you do with people who are incarcerated long periods of time, being charged with misdemeanors? Going back to the judges and also faced with the statistics that the people were serving 6.5 times longer than someone else without a mental health history because -- do you understand why? Because the judges said there was nothing they could do with them. There were no hospital beds. There were no community-based programs. So the only thing the judges would say if they had a mental health problem let them stay in Rikers Island because we had no other solution.

So my suggestion is, is that smart, Senator Stafford? Is that cost effective? Instead of putting money in community-based programs and limited psychiatric hospital units, we're willing to spend $60,000 a year to house someone at Rikers Island because

there is no other option in the community to deal with these individuals.

So it seems to me -- we use this phrase over and over again. Isn't this penny wise and pound foolish?

How can we not afford -- this is my question if the Senator could yield to one last question.

ACTING PRESIDENT RATH: Yes, Senator yields to one last question.

SENATOR ABATE: How can we not afford in human terms and in dollar terms not to keep the facilities and the community-based programs available in the City of New York? Because we're either going to pay for it in the front end, which is a lot fewer dollars than in the back end when we're talking $60,000 per person per year. That buys a lot of treatment.

SENATOR STAFFORD: I would answer the distinguished Senator from Manhattan this way by making -

SENATOR ABATE: Not from Brooklyn but from Manhattan.

SENATOR STAFFORD: I said Manhattan.

SENATOR ABATE: You're right. Absolutely right, and I'm not from Plattsburgh.

SENATOR STAFFORD: Pardon me?

SENATOR ABATE: I'm not from Plattsburgh.

SENATOR STAFFORD: Well, that's unfortunate. Now, I had a friend of mine who was in Corrections, and he was in Correction 52 years. He retired when he was about -- he started before he was 21, but he was a warden for 22 years, and he said this was a hard figure, seventy -- and that is your field, and this is how you can debate this. You know, medicine isn't an exact science. I found that out. You know, when you have doctors working and things work out, and you have doctors right in front of you argue, and you start realizing that, you know, it's -- it isn't exact. This field isn't exact. He said 75 percent of the people that are incarcerated didn't -- he said this now -- didn't needs bars; they needed

mental health -

SENATOR ABATE: Amen.

SENATOR STAFFORD: -- services. That was a fellow who was considered one of the hard wardens of the state.

Now, to answer your question. It's a very good question, because I, of course, am familiar with correction facilities myself, and I know that there are people professionally in the field that feel very strongly the need for these services that you are referring to in these facilities. Once again -- and, you know, it's very difficult to stand here and to -- not difficult, but it's unfortunate that we have to stand and say, you know, we can only do what we can afford and we can only provide the services that we can afford and they are hard decisions that have to be made, where we provide the services, and you are very well versed in the field, and the professionals can debate this and not agree.

SENATOR ABATE: Thank you, Senator.

Just a moment on the bill.

ACTING PRESIDENT RATH: On the bill, Senator Abate.

SENATOR ABATE: Where we depart -- and I think sincerely, Senator Stafford, you are absolutely committed. You understand the concerns of communities throughout the state and the need to supply critical services for people who suffer from mental illness.

But where we depart and why I can not support the Senate budget proposal is that we can not afford today to take money away from community reinvestment and to close needed psychiatric beds.

The pennies we save today, we will spend threefold, maybe fourfold, tomorrow; and where will we spend those dollars?

The mentally ill who can not stay in homes because their families can not take care of them will end up on the street. They will end up, in the best possible circumstances, in homeless shelters and that will cost enormous amount of dollars to municipalities throughout

this state.

It will affect -- if more mentally ill are on the street, it will affect the quality of life of neighborhoods throughout the state.

And then the worst scenario that there will be some mentally ill persons who do not receive the care and support they need will end up in jail systems throughout the state at an enormous cost to the localities.

So for the couple dollars that we need to invest in today, we will save not only neighborhoods, we will save lives. We will reduce the havoc that will be created throughout communities in this state.

So I, like you -- it's not just a New York City issue. The issue of investing in mental illness is a statewide issue. We can not turn our backs. It's one of the critical goals of government, and we have to find that first dollar. If we don't, all of us will suffer in the long run.

ACTING PRESIDENT RATH: Senator

Dollinger.

SENATOR DOLLINGER: Madam President, there is an amendment at the desk.

ACTING PRESIDENT RATH: Amendment at the desk.

SENATOR DOLLINGER: I'd waive its reading and ask to be heard on the amendment.

ACTING PRESIDENT RATH: Waive its reading. Would you like to explain the amendment?

SENATOR DOLLINGER: Yes. This amendment has four parts to it and gives the Majority an opportunity to follow through on what I heard were its promises today.

Senator Bruno talked about the effect of this budget on mental health and said that this budget improved the status of mental health in this state.

Senator Padavan said that this budget as presented by the Majority was a reflection of what you had heard from the people.

Well, let me tell you what we

have heard from the people because this amendment addresses the difference between hard choices and no choice at all. This amendment would do the following.

It will put $4 million into the South Beach program in Staten Island, which will continue the commitment to South Beach and also allow the clinics that are open throughout the city of New York to remain open -- $4 million.

It will commit $4.3 million to the Kingsboro Psychiatric Center. In addition to the 2.5 million that's been restored by the majority, this will fully fund the operation of Kingsboro. It will save the jobs of the employees there, but, more importantly, it will continue financing Kingsboro so they can continue to serve the approximately 400 or so inpatients that they currently have and continue their outpatient program, as well.

Three, this will fully commit us to the Community Reinvestment Act. The Majority has proposed that we restore 12.5 million. That is not enough. That is what the people of this

state have told us. It's not enough money to make community reinvestment a reality in this state.

I can remember one of the best speeches I heard, one of the most effective polemics I heard on this floor, came from Senator Spano two and a half years ago when the Hudson Valley Psychiatric Center was at issue, and he made an impassioned case for community reinvestment to keep the dollars in the communities.

Well, if you pass this budget without this amendment, you are not going to keep those savings in the communities. You will make community reinvestment a mere farce. Make it a reality. Put the 22.5 million back to work. Make community reinvestment fulfill the promise that this body made two and a half years ago when we committed ourselves to community reinvestment. Keep that commitment.

ADAP is the third piece. This program will provide $10 million more for the prescription drug portion of the ADAP program.

This will allow people who do not qualify for Medicaid to get $10 million to help them in obtaining prescription drugs to deal with the opportunistic infections that often plague people with HIV. This is a step to make the formula work, to give those who are fighting for their lives the opportunity for help so that they don't have to impoverish themselves to get the prescription drugs they need. It's $10 million.

The last piece is very simple. If there is a flaw in this budget as it is proposed by the Governor and as it's proposed by the Majority, it's that it transfers responsibilities from the state to the counties and doesn't give them the money to fulfill that promise.

What am I talking about? Local public health, primary care clinics, immunizations, the TB program. You have proposed putting 3 million of the 10 million that was cut by the Governor. Let's put 90 percent of it back. Give $6 million more to

local public health. Increase the total appropriation to 9 million, and we will be able to fulfill our responsibilities as a state for the people of this state for simple issues of public health, immunizing our children and providing primary care.

NYSAC favors this. The city of New York favors this restoration, because they know if you don't do it communities are going to have to raise local property taxes. All we're doing is passing another one of the things we're famous for, the things this Majority is famous for, another form of unfunded mandates to our local communities.

I'll also address the issue that Senator Padavan brought out. How do you pay for it? It's very simple. The total cost is about $50 million.

ACTING PRESIDENT RATH: Background noise, please. Please keep the background noise down.

Senator.

SENATOR DOLLINGER: Thank you,

Madam President.

How do you do it? We can find the $50 million. We have been revising the revenue projections since the dawn of this year. We can find $50 million more. Come up with a tax amnesty program that works. New Jersey has found it successful. It will be successful here. It will generate additional revenue that can easily pay this 50 million. Simply readdress the revenue estimates in this budget. We can find the 50 million.

But the critical piece that you should all recognize is that this may be a hard choice for us, but look at the people who will be affected by this amendment. They have no choice at all. What may be a hard choice for us is no choice for them.

Give the people who need immunizations a choice. Give the people who need primary care a choice. Give the people who are afflicted with HIV who need prescription drugs, give them a choice. Give community investment to the people who need those

resources, mental health people in our cities and our communities. Give them a choice. Give the people at Kingsboro and the people who depend on South Beach a choice, as well.

If you listen to the people, you have no alternative but to give the people of this state this choice. At $50 million, we can find the money, and it's well worth it.

ACTING PRESIDENT RATH: The question is on the amendment.

Senator Abate.

SENATOR ABATE: Yes. On the amendment. I support the amendment, and I just would like to address one part of the amendment which is the ADAP program, which is the AIDS Drug Assistance Program.

On December 31, 1995, our government failed 10,000 people, and these are 10,000 people who were enrolled in ADAP; and because ADAP up to that point and up to this point is a federally-funded program that serves people with AIDS who want to work and are not Medicaid eligible -- they are taxpayers, but

they do not make enough money to buy the prescription drugs, the psychotropic drugs, the vitamin supplements and mineral supplements necessary to keep them alive. So what happened at the end of last year?

Because the program was so successful, there was no money left. So 70 percent of the vitamins and minerals and drugs available to the 10,000 people who want to work and want to be taxpayers and don't want to be become Medicaid eligible were told, "Seventy percent of these drugs are no longer available to you."

Now, we can turn our backs and say this is a federal program, even though, year after year, through Ryan White dollars more money comes into the program, even this year, a whole cadre of us went to Washington with Commissioner DeBuono and asked for more money to come to this state. And I believe seven or eight million dollars more is coming to this State to support this program, but it's not enough. There is a gap of 25 million.

So what this amendment would do would be, for the first time the state would recognize this is such a critical program and we're going to devote tax -- state tax levy dollars to support this program, and that's what the $10 million would be all about. Up to this point, the state has only spent $400,000 in administrative costs.

So if we think it's worthy of people who are disabled, people with AIDS, and they want to work, they want to have dignity, but we also want to make sure they have available to them new drugs that are approved by the FDA like the new proteose inhibitor -- this is a drug that actually may save someone's life. It may mean the difference between life and death. If we give the money to ADAP through this amendment, we are saying to 10,000 people with AIDS who also want to work, who do not want to become Medicaid eligible, we respect them. We care about their health care needs, and we will assure these drugs remain available.

This to me is a bipartisan

issue. It's not a partisan issue. It's about health. It's about prolonging people's life, and I hope everyone in this chamber will support this amendment.

ACTING PRESIDENT RATH: Senator Abate.

Senator Markowitz.

SENATOR MARKOWITZ: Thank you very much.

On the amendment. I really want to congratulate my colleague for offering the amendment, recognizing, of course, the chances of passage like most of the things that we offer which make perfect common sense will go nowhere, into that circular file.

But, Senator Stafford, I had the opportunity because of your generosity to visit beautiful Plattsburgh on more than one occasion. Very quiet, very picturesque community. Really a part of small town New York State.

Certainly, many of us that live in and represent neighborhoods, communities,

somewhat larger and are faced with some of the urban challenges look to Plattsburgh as in some ways an ideal of people that seem to have found for themselves a very quiet, relaxing way of life; and Plattsburgh, at least on the occasions that I have been there, certainly seems to have significantly less problems than communities that are as large as the county of Kings.

Having said that, Kingsboro Psychiatric is the only institution that we have in a borough of 2.3 million. I can't accept, nor will I ever accept, that we can't do -- we can do. We can do. Your position and your colleagues' probably is, "Well, we just don't have the funds." We can have the funds.

We have to decide. What type of society do we want? What is the proper role of government in New York and across the nation? And that's pretty much the arguments that are occurring today in Washington and here in New York State.

I believe that we have a responsibility to provide; and once we make that

decision, then we know how to go about getting the funds, obtaining the funds, to provide those services. I certainly don't ever want a member of your family or a member of yours, Senator, next to you ever to be in a position to have relatives in Brooklyn that have to be turned away because we don't have the funds to provide for those greatest in need.

I don't accept it, Senator Stafford, and I only hope that my colleagues in the Republican Party recognize that you have an obligation way beyond party affiliation, way beyond a governor, this governor or any governors that have come before him and that will surely come after him; and that is, that we have an obligation, Senator Stafford, to come up with the necessary funding, make the provision and provide it and get it done and provide the services in this state and not cut back, certainly, on those most vulnerable in our society.

So I support Senator Dollinger on a tremendous amendment; and as I look to Senator

Marchi and some of his wonderful colleagues, I know, Senator Marchi, that since you are impacted like we are in our county that you are going to do the right thing and support Senator Dollinger's amendment, and I thank you.

SENATOR STAFFORD: Madam President.

ACTING PRESIDENT RATH: Senator Stafford.

SENATOR STAFFORD: I told everyone we weren't going to talk on the amendments, but Senator Markowitz has the ability to get people on their feet.

Now, he says it's calm in Plattsburgh, and he said it's just very placid. Well, it was a beautiful summer evening, and a local business was having a dinner, so I announced Senator Markowitz, and he gave them the same speech that he just gave; and if you ever saw a riot in the place, you should have been there. But I got to say he didn't back down. They didn't either, by the way. So there was one time in Plattsburgh when things weren't

very calm.

Now, let me talk just exactly the way you were talking, Senator. We have to make some tough, solid decisions, and we just can't continue to spend, spend, spend on any field, whether it's education, social services, mental health, any field. We've got to look and decide where the funds are going to go. We don't have them any more. If we kept spending, the way we spent the last 20 years, the state was going to go down the drain. No one would get services. There would be no education, no social services, no infrastructure, no state.

I vote no.

ACTING PRESIDENT RATH: Senator Leichter.

SENATOR LEICHTER: Madam President, Senator Stafford had the ability to get me on my feet on this. But, you know, the one thing that has not been discussed and said -- and I will try to make it brief. But I think that the whole debate so far and I think all of us realize -- you know, this is a

charade. It's an exercise in futility; nevertheless, I think it does give expressions to interests, concerns, policies, that particular legislators have and certainly that the two sides of the aisles have.

But all of what has not been discussed is the deficit and why we have a deficit. Senator Stafford says we can't keep on spending this way and so on. The fact is that over the last few years, we have reduced state spending, and the fact also is that some of the spending that did occur was driven by the Majority in this house.

But the point is the reason that we have a deficit is because you enacted a three-year phased-in income tax that you didn't have the money for. You promised that this was going to generate so many jobs and it was going to increase economic activity.

Well, it hasn't done that, and we knew it wouldn't do it because it was more of that same supply-side nonsense that we saw in the Ronald Reagan years that didn't work, that

this state tried in 1987 with Cuomo legislative four-year phased-in tax cuts that didn't work. In fact, the job growth last year in New York State was slower than in the last year of the Cuomo administration.

So we've got a deficit; and, furthermore, that deficit is driven by this tax cut which was a tax cut that essentially benefited affluent people. Forty percent of the tax cut goes to affluent people. Doesn't go to people in Essex County or Clinton County because there are very few people that could really benefit from that tax cut, but they're paying the price for it.

They are paying it in higher real estate taxes. We're paying it down in New York City in higher transportation costs, and you're asking the most vulnerable, fragile part of our population, those people who need mental services to pay for it, because they will not be able to get those services.

So you are breaking your promises. You are breaking the promise that

this Legislature made, that George Pataki made as a Senator when he voted for the Community Reinvestment Act. That was a promise that I think was a solemn sacred promise that we would take care of those people in need, and we're breaking that promise, and we're doing it to give tax cuts to people who certainly don't need it to the extent that the mentally ill need these services.

So I'm going to very happily support this amendment because it says that we keep our word, and we made a commitment to the mentally ill population and we ought to keep it.

SENATOR STAFFORD: Madam President.

ACTING PRESIDENT RATH: Senator Stafford.

SENATOR STAFFORD: I would only point out to my distinguished colleague -- who I would say summers in our area but he does more than that; he also winters in our area, in Wadhams; that's a suburb of Elizabethtown -- and

I would emphasize this point. Governor Pataki and with the legislation we passed last year, we had $440 million surplus this year. We're using that for the restoration that we're talking about. We have 100,000 more jobs than we had last year.

Between 1989 and 1992, Madam President, we lost 500,000 jobs in this state. I would suggest that it's not a failure but Governor Pataki and with the tax cuts last year we're on the right track.

Once again, we can debate. We can have differences of opinion. I think we all have concerns of those who we're considering this evening, the programs, the services that are provided to these individuals, but once again, it's what this state can realistically - realistically provide, and I have mentioned this a number of times.

It doesn't make any difference what the program is. If we have a social program in this state but we spent year before last $10 million -- we have 18 million people -

California that year has 31 million people, and they spent $7 billion -- excuse me, billion. The next state that has 18 million people, Texas, they spent $2 billion on the program.

Now, once again, I know that there is certain apples and oranges and, you know, it's not an exact comparison, but it tells us something. It tells us that we were in real trouble in all the areas of our budget, and we have to make some very difficult choices.

And, once again, Madam President -- excuse me. I would emphasize that we're here this evening talking about restoration.

ACTING PRESIDENT RATH: The question is on the amendment.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR MARCELLINO: Party vote in the negative.

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 19, nays 37,

party vote.

ACTING PRESIDENT RATH: Record the party vote. The amendment is defeated.

Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Madam President.

ACTING PRESIDENT RATH: Why do you rise, Senator Gold?

SENATOR GOLD: I was getting tired. I would like to explain my vote.

ACTING PRESIDENT RATH: To explain your vote.

SENATOR GOLD: Madam President, I am very, very appreciative of remarks such as are made by Senator Stafford when he says that, you know, we do what we can do. But the thought that comes to my mind are two -- thoughts are two.

Number one, there is the child

who falls into a well. The television cameras are there; and when the television cameras are there, we will spend a million, two, four, it doesn't matter what, to save that one beautiful life, and we pray that we can save that life. But without the television cameras being there and without the drama when we do a budget, we can't seem to personalize the items and the need.

And the second thought that comes to my mind is an attitude which is very prevalent in a society, and I'm not criticizing any society but it's the truth and we know it happens, and that's the attitude of very decent, loving, kind, good people who want to write out a check for charity A or charity B, charity C, and then who get offended if they are approached in the street by a homeless person. They are offended if they see somebody sleeping in the street or -

I know we had a bill one year that wanted to bring down the force of government if somebody urinated behind a tree.

These people take the attitude, and these are good people, "Why do I have to see it?"

ACTING PRESIDENT RATH: Background noise, please.

Thank you, Senator.

SENATOR GOLD: Why do I have to see it if I gave to charity? The charities are supposed to be dealing with this. Why do I have to look it in the eye?

And, Senator Stafford, I guess that really draws the distinction between some of us. There are some people who have spoken today who say that society has an obligation and you got to meet that obligation, and there are some people, well-meaning people, who say this is as much of the obligation society can meet and people have to live with it.

Senator, I understand how difficult it is for the Majority in this house to say to Governor Pataki, "Your proposal for this state is insufficient. It is a disaster and, in this particular bill, we must add $350 million." I know that's hard for you.

On the other hand, Senator, it's very hard for people on this side of the aisle to look at a place like Brooklyn, New York - many of us still haven't gotten over the loss of the Dodgers -- and say that they are not entitled to their own psychiatric center and that that is a real need. It's not a luxury.

I vote no.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1352 are Senators Abate, Connor, Dollinger, Gold, Hoffmann, Kruger, Leichter, Markowitz, Mendez, Montgomery, Nanula, Onorato, Paterson, Stachowski and Waldon. Ayes 41, nays 15.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Will you recognize Senator Nanula, please.

ACTING PRESIDENT KUHL: Senator

Nanula.

SENATOR NANULA: Thank you, Mr. President. I'd like to request unanimous consent to be recorded in the negative on Calendar Number 1401.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Nanula will be recorded in the negative on Calendar Number 1401.

Senator Hoffmann, why do you rise?

SENATOR HOFFMANN: I rise for a point of clarification on Calendar Number 1401 and 1402. I believe several of my colleagues and I may have been inadvertently recorded incorrectly, and we would just like to make sure for the record. Calendar Number 1401, do you show negative votes recorded for Senators Oppenheimer, Senator Dollinger, Senator Nanula and myself? And Calendar 1402, I believe those same names should all be recorded in the affirmative.

SENATOR GOLD: Point of order,

Mr. President.

SENATOR HOFFMANN: One second.

SENATOR GOLD: Point of order, Mr. President.

SENATOR HOFFMANN: That's where we had the confusion. One second, Mr. President.

ACTING PRESIDENT KUHL: Senator Hoffmann, after reviewing the roll calls, were you inquiring of the chair or the Senate Minority Counsel, Senator Hoffmann?

SENATOR GOLD: Point of order, Mr. President.

SENATOR HOFFMANN: Mr. President, would you read back those negatives for Counsel?

ACTING PRESIDENT KUHL: Senator Hoffmann, the desk, after reviewing the roll call at the desk, you were voted in the affirmative on Calendar Number 1401 and in the negative on Calendar Number 1402.

You know, as an experienced member of this Senate body, that you have the ability to change those votes as long as we're

in session if you'd like to, so the Chair would certainly entertain an application at this time if you had one, to shift your vote.

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

Due to the confusion in the way the numbers were called at the time without having the advantage of a fresh calendar in front of us -

ACTING PRESIDENT KUHL: I apologize for that, Senator Hoffmann. I was not here, so I -

SENATOR HOFFMANN: I believe I was in error at the time I was recording my own vote and I believe several of my colleagues were similarly in error. I would request unanimous consent to be recorded in the negative on Calendar Number 1401. I would like to be recorded in the affirmative on Calendar Number 1402.

ACTING PRESIDENT KUHL: Without objection. Senator Marcellino, any objection?

SENATOR MARCELLINO: As long as

we understand that the confusion was not gener ated from this side of the aisle.

ACTING PRESIDENT KUHL: Without objection, Senator Hoffmann will be recorded in the negative on Calendar Number 1401, and Senator Hoffmann will be recorded in the affirmative on Calendar Number 1402.

SENATOR HOFFMANN: I greatly appreciate that courtesy, Mr. President.

Senator Alesi, why do you rise?

SENATOR ALESI: Thank you, Mr. President. For entirely dissimilar reasons, I ask for unanimous consent to cast my vote in the negative on 1401.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Alesi will be recorded in the negative on Calendar Number 1401.

Senator Marcellino, why do you rise?

SENATOR MARCELLINO: Can we take up Calendar Number 1353.

ACTING PRESIDENT KUHL: Just

before that, could we -- Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, I would ask also by unanimous consent to be recorded in the negative on Calendar Number 1401.

ACTING PRESIDENT KUHL: Without objection.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Hearing no objection, Senator Dollinger will be recorded in the negative on Calendar Number 1401.

Secretary will read the title of Calendar Number 1353.

THE SECRETARY: Calendar Number 1353, Senate Print 5592-A, Budget Bill, an act making appropriations for the support of government (Transportation, Economic Development and Environmental Conservation budget).

ACTING PRESIDENT KUHL: Any Senator wishing to speak on Calendar Number 1353?

SENATOR LEICHTER: Oh, Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter, you wish to speak on Calendar Number 1353?

SENATOR LEICHTER: I have an amendment at the desk on Calendar 1353, but if Senator Gold wishes to address the bill.

SENATOR GOLD: No, no, just want to make sure you had the right amendment.

SENATOR LEICHTER: Yeah. Then would you be so kind, Mr. President, to call up my amendment at this time?

ACTING PRESIDENT KUHL: Senator Leichter, are you asking that the amendment be offered up at this time?

SENATOR LEICHTER: Yes, please.

ACTING PRESIDENT KUHL: Amendment is offered up. Do you waive the reading of it? Reading of it is waived. You are now afforded the opportunity to explain the amendment.

Senator Leichter.

SENATOR LEICHTER: Thank you, Mr.

President. My colleagues, this is an amendment that addresses the environmental section of this budget bill and provides essentially for the restoration of $4 million to the Department of Economic Conservation, so as to avoid cuts that were contained in the Executive Budget and that, unfortunately, are carried over into the budget of the Senate Majority, cuts that significantly impair the ability of the Department to preserve the air and the water and the environment for all New Yorkers.

Senator Stafford in our debate on the previous bill, and you said we were spending too much, we have to cut. I think the people of New York State certainly want us to have a lean government, but I think one thing is clear, that this haphazard cutting, and particularly cutting the environmental protection is one that I think New Yorkers did not vote for, do not support, do not want and, when we talk about restorations, I think one of the restorations that is absolutely necessary is to give DEC the personnel, the power, the tools to protect our environment.

So my bill, or my amendment, is very simple, not a big amount of money, but I think, as you go throughout New York State and you see problems, whether it's with Great Kills in Staten Island or in a county where I'm extremely fortunate to have a -- a vacation home, Essex County, there is terrific concern about landfills. There's terrific concern about the pollution of streams and lakes, oceans. There's terrific concern about the air that people breathe and people want DEC to have the necessary and the needed enforcement personnel.

So, Mr. President, I move the amendment.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the amendment? Hearing none, the question is on the amendment. All those in favor signify - Secretary will call the roll.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR MARCELLINO: Party vote in the negative.

(The Secretary called the roll.).

ACTING PRESIDENT KUHL: Record the party line votes.

THE SECRETARY: Ayes 19, nays 37.

ACTING PRESIDENT KUHL: The amendment is lost.

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: Record the negatives. Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 1353 are Senators Abate, Connor, Dollinger, Kruger, Lachman, Leichter, Markowitz, Mendez, Montgomery, Nanula, Onorato, Smith, Stachowski and Waldon. Ayes 42, nays 14. Also Senator

Oppenheimer.

SENATOR GOLD: You got Paterson no?

THE SECRETARY: We withdraw Senator Oppenheimer as a negative and record Senator Paterson in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Now, Senator Smith, why do you rise?

SENATOR SMITH: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 1352.

ACTING PRESIDENT KUHL: Without objection.

SENATOR SMITH: Thank you.

ACTING PRESIDENT KUHL: Hearing no objection, Senator Smith will be recorded in the negative on Calendar Number 1352.

Senator Oppenheimer.

SENATOR OPPENHEIMER: I request unanimous support to be in the negative on Calendar 1401.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Oppenheimer will be recorded in the negative on Calendar Number 1401.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we take up Calendar Number 1355. 1355.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 1355. 1355.

THE SECRETARY: Calendar Number 1355, Budget Bill, Senate Print 5595-A, an act making an appropriation for the support of government on Legislature and Judiciary Budget.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr. President, I believe I have an amendment at the desk. Let me see if I find it.

ACTING PRESIDENT KUHL: Would you like to offer the amendment up at this time,

Senator Leichter, waive its reading and ask for an opportunity to explain it? Senator Leichter? Senator Leichter?

SENATOR LEICHTER: Yes.

ACTING PRESIDENT KUHL: Are you asking to offer the amendment up at this time, waive the reading and ask an opportunity to explain it?

SENATOR LEICHTER: You've guessed my mind, Mr. President.

ACTING PRESIDENT KUHL: Thank you. The reading of the amendment is waived. It is offered up, and you are afforded the opportunity to explain it.

SENATOR LEICHTER: O.K. Mr. President, some people have accused me of living solely to be able to debate the legislative budget. It is not true, and I must say that I was hoping before my time here expires, which it will I guess some time, that I would see a legislative budget that I would get up and that I would praise and I would say, We have finally recognized our accountability and responsibility

to the people of New York. We have an honest legislative budget, and I was really certain last year that 1996 would be that year, that all of us would look and, my God, those of us who've been here for some time would say, Hey, it's a new budget. They really have come up with an honest budget.

Now, did I base this on some false hope? Did I have an illusion? No. I relied on Joe Bruno. I relied on the Majority Leader, because last year -- and I'm going to read you from the debate that we had last year. Last year, we had a budget that was in the precisely same form as the budget that we have now. Now it's in precisely the same form as every legislative budget that I've seen. There may be some changes in the numbers, but essen tially what we have in the legislative budget are large raw categories, no itemization. It's a non-budget. It's an exercise in obfuscation and over the years I debated against the legis lative budget. I used to be the only one voting against it. Then Senator Howard Nolan joined

me. Now, most of the members of the Minority over the years, Senator Pataki has voted against the legislative budget, but last year I had this debate with Senator Bruno, and I read, and I asked him: "Just so that I'm" -- these are all quotes. "Just so that I'm clear, Senator Bruno, as I understand it, that itemization and that information, that openness that you have committed yourself to, will also be reflected in the legislative budget so that we will see in the legislative budget a degree of itemization that we require from the executive."

Senator Bruno answers, quote: "We will provide you, Senator, as much itemization as there is in the Executive Budget. Does that satisfy your requirement that it be as the Executive Budget? Very clear, very direct." However, one year later just another promise of reform, promise of openness, promise of fairness that unfortunately has not been kept.

Then I went on, and I -- so that there has been no question, I want to be, if you will, somewhat persistent on this, but I then,

in the debate with Senator Bruno, I said and I'm quoting: "But just so that we're clear as to what we mean by an itemized budget, will you agree with me, Senator Bruno, that this budget bill that is before us is not an itemized budget?"

Senator Bruno answered: "Well, Senator, I wish I could answer you differently but the agencies of this state report in about the same fashion that we're reporting in this legislative budget." Then he goes on and he says, "but I, with the Governor and the Speaker, are going to try to get more detailed with the agencies, and we are -- and we have direct control over our budget so we are going to have fuller, better disclosure." Then Senator Bruno goes on and he says, when I asked him whether there's going to be back-up material so that we have for the legislative budget what is provided to us for the Executive Budget, he said, and I'm quoting him: "I'm doing some research on this at this very second, Senator Leichter, and my research shows me that we will be very specific

and the public expenditure review that we have already indicated that we will support and implement will contain, we believe to your satisfaction, parts of what you are now recommending and discussing."

Then he goes on and he says, "I think you will be very happy, very satisfied as will my colleagues here, to see every cent that we spend itemized, so that everyone's salary is itemized, all the expenditures for travel, for office expense, for your district office itemized, and I don't know how much more fully we can disclose than that and, if you have any suggestions, we're going to welcome it and we will be very anxious to see what your amendment contains."

Last year, I proposed an amendment very similar to the amendment I'm going to do now. I didn't think that I would have to propose it this year, because as I've just shown you, Senator Bruno was very clear, very precise in stating that we would have an itemized budget.

Now, I know this has become, you know, something of a joke. Here goes Leichter again about the itemized budget, but the fact is that it's really a test of how serious we take our responsibility, and it's really a test of whether we consider that this body -- and it's also the Assembly, by the way, so it's the Legislature as such, and I blame the Majority in the Assembly to the same extent that I blame the Majority in this house, but it's how honest we're going to be with the public.

Are we going to tell them how we spend our money, show to them that degree of itemization that Senator Bruno committed himself to, or are we going to say, you know, We're the Legislature, we're different? We're above the law. We're not accountable. We're not responsible. We can do what we want to do and, unfortunately, Senator Bruno has answered that question by saying: "All right, I may have made some promises last year, but who's going to hold me to it? Who's going to hold the Legislature to it?"

I guess one of the reasons he can get away with it is because the media seems to pay very little attention to this issue and it really goes to the heart of how we function and it -- it really tests our integrity as a legislative body.

So, Mr. President, my amendment, as the amendment did last year, and as I'm doing today, sets forth -- it's an itemized budget. It sets forth salaries for the members, it provides what the Majority Leader has, and it gives you, when you look at it, you know what the Legislature is spending its money on.

By the way, it's no different than the Congress does. Congress has an extreme -- extremely precise itemization. It's no different than many of our sister states do, and it is an honest budget. By the way, it happens to be less than the budget that -- the legislative budget that is proposed and that is now before us, and I think when you itemize, then you can see what sort of expenditures are really necessary and you can get rid of some of

the fat, some of the waste, some of the political patronage that exists and is hidden in the budget.

So I just want to say, you know, that those of you like Senator Stafford and you've talked about, you know, we can't continue the spending and so on, well, here's a chance to put your vote where your mouth is, where your commitment is, and it's also your chance to vote for honest government, responsible, accountable and to -- so that if Senator Bruno, for whatever reason, has not carried out the promise that he made on this floor last year, we have the power to do it. Accept this amendment and we will have an itemized budget.

Mr. President, I move the bill. I move the amendment.

ACTING PRESIDENT KUHL: Senator Dollinger, on the amendment.

SENATOR DOLLINGER: Just briefly, Mr. President. I've supported Senator Leichter in the past. This comes down to a very simple issue for me. I've heard lectures on the floor

of this Senate from lots of people who say we ought to run government like a business. We ought to run it like the private sector.

Name me one -- one small corporation, private business, in this state that doesn't itemize its annual expenditures. When you can name one, I will vote against this amendment. Every business does it this way except government, it seems to me, follow that vaunted private sector model that I'm always talked to and people always tell me you run the state government like a business.

We don't run our house like a private business. We do it with this decades old, perhaps centuries old budgeting method. Senator Leichter, who probably is not one of what I would call the free market people in this Senate, but nonetheless, he's saying we ought to run our business like every other business in the state.

Here's your chance. Vote yes on the amendment.

SENATOR VOLKER: Mr. President.

ACTING PRESIDENT KUHL: Senator Volker, on the amendment.

SENATOR VOLKER: Senator, very quickly.

Senator Dollinger, have you ever really looked at some of the corporate accountings and some of the corporate dossiers prior to these meetings? I think you ought to take a look at them. If you think they're any more detailed than the legislative budget, I've got some news for you. I know a lot of businesses, and I've seen some of the major corporations when they send out some of their prospectuses, because most of the prospectuses they send out that are detailed, are not for public viewing on a lot of occasions, and I think we both know why.

Senator Leichter, all I can say to you is, Who says we're not going to get any more detailed budget?

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

Senator Gold on the amendment.

SENATOR GOLD: Mr. President, I heard the last question that was asked by Senator Volker, and he said to Senator Leichter "And by the way, who said we're not going to get a more detailed budget?"

Senator, I guess you're saying it, and your side is saying it. Senator Bruno earlier today said that the budget that he's offering today in all its pieces is the complete budget. Now, if you're telling me that Senator Bruno has another budget bill to explain this budget bill, I would like to know that. I would feel comforted by it.

I think, Senator Leichter, the issue this year is different than in other years. In other years, you said to us that you believe that the Legislature owed it to the people to itemize and tell them how we're spending their money. This year I heard something completely different.

What I heard you say, Senator Leichter, is that that's not the fight any

more. What you said, you said that Senator Bruno conceded to that fight. So the issue before us today is even more significant in that you're telling us, Senator Leichter, that there is the credibility of a legislative leader involved in this vote and that disturbs me, Senator Leichter, because I have argued with Senator Bruno man to man, person to person, many times, and he and I disagree on issues and where they come out, and that's O.K., and I shake his hand and he shakes mine, I hope and we smile at each other and that's fine.

This vote is one, I believe, of integrity, and I've always thought Senator Bruno was a person of integrity and I'm hoping, Senator, that before we vote, he will come busting through that door and say, "Franz, I'm sorry, you're right, I said it and we'll change it," and I'm hoping that before we vote he's going to come busting through that door and say, "Please, please, for those of you on my side of the aisle, let's go for this because I said I'd do it, and maybe I shouldn't have said I would

do it, but I said it, and as sure as I have a horse that I rode over the week end and got on television with, I'm going to keep my word because people who ride horses keep their word."

So, Senator Leichter, I look at the issue as unquestionably being different this year, and I'm certainly going to support your amendment.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the amendment? Hearing none -

SENATOR GOLD: Can we open the door, so Senator Bruno can be on the way in?

ACTING PRESIDENT KUHL: Hearing none, the question is on the amendment. All those in favor signify by saying aye.

SENATOR MARCELLINO: Party vote in the negative.

ACTING PRESIDENT KUHL: Senator Paterson, did you want to request a party vote?

SENATOR PATERSON: No, I did not. I just want to do it over.

ACTING PRESIDENT KUHL: All those in favor of the amendment signify by saying aye.

(Response of "Aye.")

Opposed nay.

(Response of "Nay.")

The amendment is defeated.

Anybody wishing to speak on the bill?

Senator Dollinger, on the bill.

SENATOR DOLLINGER: Just briefly, on the bill.

I'll give every person one reason to vote against this bill. This bill cuts by $27 million dollars in the judiciary department including $14 million worth of funding for vacant positions, and those vacant positions in this state, the best we can estimate, 80 of them are vacant positions in Family Courts throughout this state.

I've heard a discussion throughout this session and prior sessions that the Family Courts of this state need help, that

they need people to work and that they need people to process our criminal justice system for those in Family Court so that we create an effective deterrent for our young people.

It seems to me that, if we don't fund those 80 positions, we're in essence saying we'll let the Family Courts continue to function as they've functioned to this point. We'll let delay be the order of business in our juvenile courts. We'll allow too many kids to slip through the cracks, and we don't dispense the kind of justice we all believe should exist in Family Court in an efficient and cost-effective way.

If you believe in the Family Court, and I've heard so many people during the course of this session say how important our Family Courts is -- are. Here's your chance, put your money where your mouth is. Don't cut those positions in Family Courts throughout this state. Of all the places where we need to spend money, we need to put our money into our juvenile justice system. By cutting those 80

positions throughout this state, we're taking Family Court backwards instead of forwards. Vote against this bill.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the bill? Hearing none, the Secretary will read the last section.

THE SECRETARY: Section 35. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 1355 are Senators Abate, Dollinger, Hoffmann, Lachman, Leichter, Montgomery, Oppenheimer, Paterson and Smith. Excuse me, Senator Lachman recorded in the negative. Ayes 48. Lachman affirmative.

ACTING PRESIDENT KUHL: In the affirmative.

SENATOR LACHMAN: Affirmative.

ACTING PRESIDENT KUHL: Senator

Paterson, why do you rise?

SENATOR PATERSON: Mr. President, I'd like to be recorded in the affirmative.

ACTING PRESIDENT KUHL: Senator Paterson in the affirmative on this bill also.

Senator Smith, how are you voting?

SENATOR SMITH: In the affirm ative.

ACTING PRESIDENT KUHL: Senator Smith in the affirmative. Senator Montgomery.

SENATOR MONTGOMERY: In the affirmative.

ACTING PRESIDENT KUHL: In the affirmative.

The Chair would make just the observation that certainly we have a lot of budget bills that we're taking up. There are a lot of amendments, but it's very difficult for the people up here at the desk and you're really trying them intensely. You run in and out, run in and out, up and down and around we go. You're not voting from your seats. It's very

difficult, very time-consuming and certainly we're all busy people, and so I would certainly ask the people -- ask all people on both sides of the aisle, all people on both sides of the aisle, and if you're going to register a vote, and you want to take part in the debate, please be in your seats. Please make it easy for the people up here who are trying very hard to record your votes.

Announce the negatives.

THE SECRETARY: Those recorded in the negative on Calendar Number 1355 are Senators Abate, Dollinger, Hoffmann, Leichter and Oppenheimer. Ayes 51, nays 5.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, we concur with your previous remarks and we urge our members to do just what you suggest.

Can we now take up Calendar Number 1356, please.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1356, Calendar Number 1356.

THE SECRETARY: Calendar Number 1356, by the Senate Committee on Rules, Senate Print Number 7714, an act to amend the Public Authorities Law.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yes, Mr. President. This bill, Calendar Number 1356, which is basically an omnibus Article 7 bill, and which I think different from prior years, lumps many, many areas together. I have an amendment at the desk. I would offer that amendment, waive its reading and ask the opportunity to explain it before adoption.

ACTING PRESIDENT KUHL: There is an amendment at the desk, Senator Gold. The reading of the amendment is waived and you are now afforded the opportunity to explain it.

SENATOR GOLD: Mr. President, as

I said, this bill, contrary to its predecessors, has many different facets to it, and for that reason, there are a number of areas which require being addressed, and rather than offer separate amendments as the Majority has chosen to lump them together, I have an amendment which deals with eight areas, and I think it will make it easier because it gives the Majority the opportunity to cast one affirmative vote instead of having to cast eight affirmative votes.

The first part of the amendment deals with the Tuition Assistance Program which under the Majority bill has restored some of the money. Under my amendment, we would restore it all the way to current levels so that we would continue for Senator Farley's benefit the current law.

The second part of the amendment deals with the transfer language which is contained in the bill which takes some powers from SED and changes it to HESC and basically what my amendment does is to undo that language and leave the powers exactly where they are.

The third part of the bill deals with local public health. The language would, in effect, add $6 million. The language that you have now would deny reimbursement in the formula and make cuts to local public health departments in the area of vaccines, TB detection, primary care services and things of a very significant nature.

If my amendment is not passed, either those services will be denied or the locality will have to increase property taxes to raise the money for the services.

The fourth part of my amendment deals in the area of revenue sharing and this would add $52 million for the '97-98 budget and basically help cities in that amount and again give property tax relief. It would also help some towns and villages to the extent of 5 million, and you say, Well, Senator, that's '97-98. The importance of this is it gives some planning room to those municipalities.

The fifth part is a language for relocation of workers. This is rather

significant because, as we all know, the Governor has suggested decimating the Albany area, just to give you one, and there are people in Albany and in the surrounding area who are going to lose their jobs. There is going to be an overwhelming economic effect on the Albany area, and my amendment would say that before you can do that and decimate an area and move a hundred state workers or private sector employees, that there must be an analysis and approval by the Comptroller, the Attorney General and by the Legislature.

The sixth part deals with distressed cities and, while there is some reference in your bills to some of our cities, my amendment would help Buffalo to the tune of a million six; it would help Rochester to the tune of 850,000, and it would help Utica to the extent of 300,000, putting them where they belong and helping them, along with other areas.

The seventh part of my amendment would restore powers to the hazardous abatement

-- hazard abatement board and basically what it does is restore those powers that are being taken away and require annual reports to the Legislature.

The eighth part of the amendment and a part which everyone in this chamber should want to be a part of, deals with Medicaid and this cost factor is $138.5 million and basically would put the reimbursement level, restoration level rather, back to where the Majority in this house and the Majority in the other house agreed it should be.

Now, I can't speak for everyone in this house, but I know everybody has their pet charities, their pet peeves, their pet this and their pet that, and I was very, very proud of Senator Libous, for example, last week when we had some physically disadvantaged people here and we talked about what was unfortunately called Disabilities Awareness Week, and when you see these people you understand the need, and I think that that is to our credit to pay attention to them.

The Medicaid program is not charity. The Medicaid program is not a gift of excess money to undeserving people to curry favor. The Medicaid program is, by definition, as we all know, a major life line. The Medicaid program is an essential life line to millions of people.

The restoration that you as a Majority were ready to agree to and the Majority in the Assembly were ready to agree to is a restoration level which is not a luxury. It is not a restoration level where Senator Stafford or anybody else or I can glibly say, we do what we can afford to do and no more. This is an area where we are not speaking luxury.

So I would urge everyone in this chamber to adopt these amendments to the Article 7 bill. They do not, in any one of the eight instances, create luxury. There is not one of these eight instances where we are not, by definition, doing the right thing for people who look to us for that help and who need that help from us and if indeed the Senate today is

offering to the people of this state a complete budget, I urge upon you that these eight items must be included if that budget is to be fair for all of our people.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the amendment? Hearing none -

SENATOR NANULA: On the amendment.

ACTING PRESIDENT KUHL: Senator Nanula, on the amendment.

SENATOR NANULA: Thank you, Mr. President.

I'd like to speak specifically in regards to the aid to distressed cities portion of the amendment and, for the record, I wish this -- this aspect of the amendment actually had gone a little bit further. I represent a good portion of the city of Buffalo and pretty much the entire city of Niagara Falls. In past budgets, Governor Pataki and former Governor Cuomo had allocated dollars to the city of Niagara Falls relative to our tragic Love Canal

debacle there and the settlement between the state and Occidental Chemical. That money has not been put into the budget this year that I'm aware of, or at least the budget that's been presented today and, in addition to that, there is no aid for the city of Niagara Falls.

That's a disappointment. I am encouraged, though, that there is a restoration of some dollars here in this amendment to the city of Buffalo, and I want to take a second to remind everybody about the current status of many of our upstate cities, from Yonkers to the city of Niagara Falls and just about every city in between.

Our upstate economies are reeling. We're losing and we've lost a substantial amount of our commercial tax base. Our populations are aging and growing poorer. Our neighborhoods are becoming distressed. Our residential tax base, which in many of these cities is our only remaining significant source of tax revenue, is for a variety of reasons becoming destabilized and to many local

governments' credit, including our new mayor in the city of Niagara Falls working with the County Legislature in Niagara County, our mayor of the city of Buffalo working with our County Executive and their respective legislative bodies, there are substantive processes, substantive programs being put into motion to stabilize this crisis situation in our urban centers.

And, by the way, and this has become -- this has been a real problem for us in western New York. Many of our suburban counter parts feel the strength of our cities, the stability of our cities as urban centers really isn't all that important given their suburban status. Let the cities decay. Let the cities' economic status dwindle.

Our upstate cities are the hubs of our upstate metropolitan communities and, if you look at the leading economic indicators from western New York all the way down to this com munity here in Albany and Troy and Schenectady, they're reeling. They are reeling. We need to

put together a responsible program at the legislative level. The Governor has not been proactive in regards to coming up with programs to address the root causes of what's killing our upstate cities.

Again, I give credit to our local elected officials in areas that I represent for trying to be proactive in regards to real consolidation measures, but during this process while we as a legislative body are deliberating over changing the state and how to responsibly reform New York, we need these dollars to keep these cities afloat.

The world I come from, the private sector I often make the analogy if you're in Chapter 11 you can't focus on expanding into new markets. You can't focus on adding product lines. We're not going to be able to focus on the root causes of these urban situations and revitalizing our cities, revitalizing our neighborhoods, revitalizing and bringing back businesses to our cities which, in turn, will stabilize our upstate metropolitan

economies unless we can keep our upstate urban environments, our cities, solvent.

The mayor of the city of Buffalo who is a former Senator, served in this body, has been imploring us historically since he took office, to help in this short-term way. I'm encouraging this body to support this amendment in its entirety. This is a short-term solution to keeping a situation away from insolvency, keeping cities like Buffalo away from bankruptcy so that we can work together to create the long term solutions to bring back these urban centers and, hopefully, with that bring back the metropolitan communities of upstate New York.

I urge my fellow colleagues here to support this amendment.

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

(Response of "Aye.")

Opposed nay.

(Response of "Nay.")

SENATOR PATERSON: Party vote in

the negative.

SENATOR MARCELLINO: Party vote in the negative.

ACTING PRESIDENT KUHL: Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the party line votes and announce the results.

THE SECRETARY: Ayes 19, nays 37.

ACTING PRESIDENT KUHL: The amendment is lost.

Secretary will read the last section.

Senator Oppenheimer, you wish to speak on the bill?

(Senator Oppenheimer nods head.)

ACTING PRESIDENT KUHL: Chair recognizes Senator Oppenheimer on Calendar Number 1356.

SENATOR OPPENHEIMER: In reading the bill, there appears to be, and I guess I'm addressing this to -- to Senator Rules -- Rules.

ACTING PRESIDENT KUHL: Senator

Stafford, do you yield to a question from Senator Oppenheimer? Senator yields.

SENATOR OPPENHEIMER: Thank you, Senator.

Does this bill include budget votes for small city school -

SENATOR STAFFORD: Excuse me, Mr. President. I'm sure it's me, but I can't hear.

SENATOR OPPENHEIMER: Does this bill -

ACTING PRESIDENT KUHL: Senator Oppenheimer. Senator Oppenheimer. I think Senator Stafford was remarking that it's a little noisy, and there were conversations going on in the chamber that would best be taken out of the chamber. So could we please quiet down, members take their seats, staff take their seats. If you have to have a conversation, take it out of the chamber.

SENATOR OPPENHEIMER: Senator Stafford, my question is, does this bill have in it the budget vote for small city school districts? It doesn't. I'm reading something

incorrectly then. That was the question.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 6. This act shall take effect July 1st.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

Senator Abate, do you want to explain your vote?

SENATOR ABATE: Yes.

ACTING PRESIDENT KUHL: Senator Abate, to explain her vote, I'm sorry.

SENATOR ABATE: Yes. The last section was read so quickly, I would like to have spoken on the bill, but -

ACTING PRESIDENT KUHL: You have two minutes to explain your vote.

SENATOR ABATE: I have two minutes.

But let me in a very fast

fashion, I thought that Senator Bruno and Assembly member Speaker Silver were brilliant a couple of weeks ago when they recognized how complex criminal justice issues are and they made a decision that we should not be developing criminal justice policy in a budget context in Article 7 bills because there is, and I believe a consensus that we have to do everything possible for public protection, to make our streets safer, that there's not a member in either house of the Legislature that does not support strong and vigorous law enforcement, that don't want laws on the books that support crime victims, and also that we need money for treatment and prevention.

But the issues at hand are so complex because what combination of treatment/ prevention do we need as opposed to law enforcement and prosecution? What, in fact, when we do legislate new proposals, will make our streets safer? What will be the impact of the laws we pass on correction? Do we need to build more prisons? What will the impact be on

the courts? What will the impact be on parole and probation, on the D.A.'s offices? I can go on and on, the issues are so complex.

I cannot support this legislation because, again, we're doing what we did last year. We passed the most dramatic changes in criminal justice overnight. What do we do? We eliminated parole. We reduced good time from one-third to one-seventh. We elongated sentences. I think it was a decade, 20 years, before we did anything as dramatic as last year. But we were told it was a wash. We didn't need to build more prisons, that the D.A.s would go along with it, et cetera.

So I think we do a disservice to people throughout the state. We believe in public safety. We're for victims. We're for justice, and I, if I had more than two minutes, which I know I do not, I could have a lengthy debate on all the issues that have been raised, why we need to discuss these issues around criminal justice much further.

So again, I shouldn't, as a State

Senator, be doing a report called Dollars and Cells, analyzing the impact of the laws last year. Let's do it as a body. Let's be methodical and scrutinize and make sure we do the best thing we can for the people of the state. Let's not do criminal justice policy in the middle of the budget. Let's get all these criminal justice issues out of the budget and let's produce effective crime-fighting policy.

For this bill, I must oppose the bill, and I thank the President for his generosity in giving me another minute or so.

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

Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1356 are Senators Abate, Connor, Hoffmann, Kruger, Lachman, Mendez, Montgomery, Nanula, Paterson, Smith and Stachowski.

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

SENATOR MARKOWITZ: Negative.

ACTING PRESIDENT KUHL: Senator Markowitz, I know you've been here a long time, as Senator Gold has and Senator Leichter. I might remind you of Rule IX, section 1, of the rules of this house, which says and I quote: "No vote of a Senator shall be recorded on a bill on a controversial calendar unless the Senator shall vote from his or her seat."

So I just bring that to your attention once again to reiterate the fact that it's extremely difficult for people up here, the Secretary and the members who are trying to assist him, to record votes when people come in and snap their fingers. We don't know whether you're trying to signal something to a member of yours or whether you're actually trying to vote, so if you are going to vote, the Chair would request that you vote from your seat.

SENATOR MARKOWITZ: I appreciate your very kind comments. However, my negative vote was acknowledged prior to my second negative vote at this moment, and that is the reason why I was standing over there because it

was acknowledged and then it was not read off by the clerk.

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

SENATOR MARKOWITZ: No.

ACTING PRESIDENT KUHL: Senator Markowitz voting in the negative. Senator Gold will be recorded in the negative.

SENATOR GOLD: Be recorded in the negative.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: No, Mr. President, I just wanted to -- to compliment the personnel in recording the vote and to understand, when Senator Marcellino spoke with me, we were trying to address that problem; so I'm sure you'll get calm and relaxed. You sound tense, Mr. President. I just wanted to assure you that we understand.

ACTING PRESIDENT KUHL: Senator Paterson, my stomach is sending me signals that I'm not used to.

Senator Leichter, how do you vote?

SENATOR LEICHTER: Mr. President, I think you're absolutely correct, and I was one of those guilty of snapping my fingers madly. I'm not sure that the clerk got my vote. I'm now at my chair and vote in the negative, please.

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

Senator Montgomery, did you wish to be recorded in the negative also.

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: Senator Waldon from his chair, in the negative.

ACTING PRESIDENT KUHL: In the negative. Please announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 1356: Senators Abate, Connor, Gold, Hoffmann, Kruger, Lachman,

Leichter, Markowitz, Mendez, Montgomery, Nanula, Paterson, Smith, Stachowski and Waldon. Ayes 41, nays 15.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we take up Calendar Number 1357.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1357.

THE SECRETARY: Calendar Number 1357, by the Senate Committee on Rules, Senate Print 7723, an act in relation to certain provisions.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 13 -

SENATOR CONNOR: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation of Calendar Number 1357 has been requested by Senator Connor.

SENATOR STAFFORD: Mr. President, we now pull things together here. This bill

enacts technical provisions necessary to implement the amended appropriation bill and comply with the provisions of the New York State Constitution regarding the content of appropriation bills and the ability of the Legislature to alter such appropriation.

As one who has served here with a number of individuals who have served here for a number of years, we all recollect when the Legislature passed the budget that at times it had language so that we could clarify what our intent was and we could, in that way, do our job, do it accurately and do it well.

The courts, in their wisdom, said that -- well, let -- scratch the last statement. A decision was made that, when it came to an appropriation bill -- what case was this called? -- the Bankers decision, but the court said that we could not add words to the appropriations bill. Nonetheless, Mr. President, we now pass this law which refers to the budget, and we now do indirectly what we did directly previously.

When we did it previously, it was clear; it was very sensible. Now, we must do it indirectly through legislation but we do it in one bill. So what we are doing here is simply making it crystal clear what our intention is when we pass the appropriation measure.

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

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1357 are Senators Abate, Connor, Dollinger, Gold, Hoffmann, Kruger, Lachman, Leichter, Markowitz, Mendez, Montgomery, Nanula, Onorato, Paterson, Smith, Stachowski and Waldon. Ayes 39, nays 17, also Senator Oppenheimer. Ayes 38, nays 19.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we take up Calendar Number 1358, please.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1358.

THE SECRETARY: Calendar Number 1358, by the Senate Committee on Rules, Senate Print Number 7724, an act in relation to certain provisions which impact upon the expenditure of certain appropriations.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation of 1358 has been asked for by Senator Connor.

SENATOR STAFFORD: Mr. President, what I would suggest here is what I just said for the general government budget bill we are incorporating now in the Transportation, Economic Development and the Environmental Conservation budgets.

ACTING PRESIDENT KUHL: Senator

Stachowski.

SENATOR STACHOWSKI: Mr. President, I believe I have an amendment up at the desk.

ACTING PRESIDENT KUHL: There is an amendment here, Senator Stachowski.

SENATOR STACHOWSKI: Could we waive the reading, and I'd like to move the amendment and explain it.

ACTING PRESIDENT KUHL: The reading of the amendment is waived. You're now offered an opportunity to explain the amendment, Senator Stachowski.

SENATOR STACHOWSKI: In the amendment, what it does is, first of all, it removes the UDC block grant authority and makes the expenditure of such funds subject to a chapter to be enacted by the Legislature. In the second piece of this amendment, what it does is it keeps intact the Governor's JOBS NOW program, but instead of -- instead, it limits its application to corporations with employees of 300 or more and instead sets forth the

criteria that I want to highlight, basically a six-point criteria.

Those points are, first, it would offer corporate tax incentives for retraining rather than down-sizing. Companies would have to match the incentives and could get a tax credit of up to $500 per employee that they did not let go.

Secondly, it would recruit failed job creation tax credits, loans or grants in the companies that give public money and then do not create the jobs they have promised. That money would come back to the state.

Third, it would provide training vouchers for laid-off employees. Workers caught in economic layoffs would be eligible for up to $5,000 in approved retraining programs.

Fourth, it would expand New York's unique Child Health Plus insurance plan to cover children from 15 to 18 who are living in near poor and working poor families.

Fifth, it would require better notice of major layoffs and plant shutdowns,

extend state law to cover plant closings involving at least 50 workers in layoffs affecting 20 percent of the work force or 150 individuals, and it would require a 60-day notice and, lastly, would increase the minimum wage from 4.25 to 5.05. The minimum wage has not risen since 1991, and a study in New Jersey shows that when they raised their minimum wage, it had no significant job loss.

I think it's important to note that when we talk about the retraining piece, somebody might say, as I know Senator Padavan asked earlier, Senator Montgomery, like how would this cost more money? Are you adding to the budget?

Well, in this particular case we're not. We're using the same $30 million. We're just changing the JOBS NOW, what programs we do. With that, Mr. President, I move the amendment.

ACTING PRESIDENT KUHL: The question is on the amendment. All those in favor, signify by saying aye.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR MARCELLINO: Party vote in the negative.

ACTING PRESIDENT KUHL: Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the party line votes and announce the results.

THE SECRETARY: Ayes 19, nays 37.

ACTING PRESIDENT KUHL: The amendment has failed.

Secretary will read the last section.

THE SECRETARY: Section 51. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 1358: Senators

Abate, Connor, Gold, Hoffmann, Kruger, Lachman, Leichter, Mendez, Montgomery, Nanula, Paterson, Smith and Waldon. Ayes 43, nays 13.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we take up Calendar Number 1359.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1359.

THE SECRETARY: Calendar Number 1359, by the Senate Committee on Rules, Senate Print 7725, an act in relation to certain provisions which impact upon the expenditure of certain appropriations.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation of Calendar Number 1359 has been requested.

SENATOR STAFFORD: Mr. President, once again I would incorporate the explanation that I gave for the general government budget bill and then referred that it was the same for

the Transportation, Economic Development, Environmental Conservation bill. It is now for the Education, Labor and Social Services budget bill.

ACTING PRESIDENT KUHL: Senator Paterson.

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

ACTING PRESIDENT KUHL: Senator Stafford, do you yield? Senator yields.

SENATOR PATERSON: Was it Education, Labor or Social Services that this explanation would suffice for?

SENATOR STAFFORD: For all three.

SENATOR PATERSON: All three, plus the two previous pieces of legislation.

SENATOR STAFFORD: Yes.

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

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR PATERSON: This would inevitably create a savings to the public of what in -- applied to this particular bill?

SENATOR STAFFORD: Well, of course, we're now going back to the appropriation bill. That would have the savings. This legislation is just a language bill which makes a clear, concise and really tells a complete story on what we intend when we pass the appropriation. Because of the Bankers decision, they said we couldn't put any wording in the appropriation bill. Now we have to do indirectly what we used to do directly.

SENATOR PATERSON: I understand. Mr. President, if Senator Stafford would yield for another question.

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Then, in the actual appropriations bill, if it would be germane to this subject and regarded that way, proportionally speaking, and I guess I'm

interested in the education area specifically, what the savings would be.

SENATOR STAFFORD: We restored 385 million in that portion of the budget.

SENATOR PATERSON: 385 million. Thank you very much.

ACTING PRESIDENT KUHL: Senator Paterson, on the bill?

SENATOR PATERSON: That answers my question.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 62. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 1359: Senators Abate, Connor, Gold, Hoffmann, Kruger, Leichter, Markowitz, Mendez, Nanula, Onorato, Paterson,

Smith, Stachowski and Waldon. Also Senator Lachman. Ayes 41, nays 15.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we take up Calendar Number 1360, six-zero.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1360.

THE SECRETARY: Calendar Number 1360, by the Senate Committee on Rules, Senate Print 7733, an act in relation to certain provisions which impact upon the expenditure of certain appropriations.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation of Calendar Number 1360 has been requested by Senator Gold.

SENATOR STAFFORD: Mr. President, as I have mentioned, this legislation provides language which explains, points out, makes clear what exactly it is our intent when we pass the

appropriation, how that appropriation should be interpreted. This bill is for the public protection, health and mental hygiene portion of the budget.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the bill? Hearing none, the Secretary will read the last section.

THE SECRETARY: Section 80. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 1360: Senators Abate, Connor, Gold, Hoffmann, Kruger, Lachman, Leichter, Markowitz, Mendez, Montgomery, Nanula, Onorato, Paterson, Smith and Waldon. Ayes 41, nays 15.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Montgomery, why do you

rise?

SENATOR MONTGOMERY: Mr. President, apparently you did not see my hand. It was raised. I would like to be recorded in the negative on Calendar 1359.

ACTING PRESIDENT KUHL: 1359, Senator? Without objection, hearing no objection, Senator Montgomery will be recorded in the negative on Calendar Number 1359, Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, apparently with all the people moving back and forth, my vote wasn't recorded in the negative on 1358. I'd like to be reported in the negative on 1358.

ACTING PRESIDENT KUHL: Without objection, hearing no -- without objection, hearing no objection, Senator Stachowski will be recorded in the negative on Calendar Number 1358.

Senator Onorato.

SENATOR ONORATO: Mr. President, I'd like unanimous consent to be recorded in the

negative on Calendar Number 1358.

ACTING PRESIDENT KUHL: You have a job now as Senator Gold's counsel?

SENATOR ONORATO: Yes, I am.

ACTING PRESIDENT KUHL: You have a seat there.

Without objection, Senator Onorato will be recorded in the negative on Calendar 1358.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we take up Calendar Number 1400.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1400.

THE SECRETARY: Calendar Number 1400, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to extending provisions relating to in-home simulcasting.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, can we take up Calendar Number 1354, please.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 1354.

THE SECRETARY: Calendar Number 1354, Senate Print 5593-A, Budget Bill, an act making appropriations for the support of government on general government budget.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Hoblock.

SENATOR HOBLOCK: Mr. President, we want to offer the following amendment to Calendar Number 1354, Senate Bill 5593-A. I ask the reading of the amendment be waived, and I'll give a brief explanation.

ACTING PRESIDENT KUHL: Senator Hoblock, the reading of the amendment is waived and you're afforded an opportunity to explain the amendment at this time.

SENATOR HOBLOCK: Mr. President, this amendment simply addresses state Tax and Finance and it has to do with their contracting or amendment for contracting in connection with the income tax processing function. This amendment provides that no monies will be utilized directly or indirectly for any contract or amendment to contract if, in fact, it has to do with relocation of that process.

The amendment further goes on to describe that monies can be used directly or indirectly for tax processing contracts for Tax and Finance if, in fact, it has to do with expansion or enhancement of existing facilities, and I move the amendment.

ACTING PRESIDENT KUHL: Question is on the amendment.

Senator Paterson, why do you rise?

SENATOR PATERSON: Mr. President, on the amendment.

ACTING PRESIDENT KUHL: Senator Paterson, on the amendment.

SENATOR PATERSON: I'm very happy that Senator Hoblock has offered the amendment. It will certainly help to hopefully save jobs. Curious that Senator Hoblock did not vote for the measure that would have saved jobs, the amendment offered earlier here by Senator Stachowski, and the issue is what we've got to stop is the geographic patronage that exists in this state, the moving of jobs in large numbers and what is really the gentrification of the economy in small areas, and what we're going to have to have is consistency on that particular issue, and so the amendment on its face is quite meritorious, and we support it.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, on the amendment.

SENATOR GOLD: Yeah, Mr. President.

I understand the problem that Senator Hoblock is trying to address. I know that there are areas of Queens County where we are being threatened with losses of jobs and we take it very seriously. I know that also earlier today the mayor of this great city was in the chamber and around, and he's very concerned about this region.

Senator Hoblock, I've spoken to Senator Paterson, and we're ready to give you a party vote. I think that's 19 votes today and if some of the members on your side will show some respect for you the way we're going to give you respect today, you may be able to do this one. So why don't you talk it up on your side, Senator?

I know it's a very important matter for you. I hope that Senator Bruno and your colleagues don't slap you in the face today when you've shown so much concern for your constituents, but we're going to help you, Senator. We'll give you our side. Let's see a rally on your side.

ACTING PRESIDENT KUHL: Senator Hoblock, on the amendment.

SENATOR HOBLOCK: Senator Gold, thank you very much for that offer, and I appreciate your support. Perhaps we can utilize that in some other things that we may tend to agree on, because so far in my brief tenure there's been very little that we've agreed on, but I appreciate that offer.

Senator Gold, I represent this Senate District. I got separately elected. I will fight for the constituents and voters in my district, and I respect that of every other legislator in doing the same. This is not a business of trading favors. Perhaps with your tenure you've been used to that. I am not, and I support my -- my constituents, and that's why I offered this amendment.

ACTING PRESIDENT KUHL: Senator Dollinger? Senator Gold.

SENATOR GOLD: Yeah, Mr. President.

I'm interested to hear Senator

Hoblock talk about trading favors, and I'm reminded of some of the negotiations that we've had, Senator, where there were Democratic bills that were needed for localities and we held up some bills on that side because members here were fighting for their localities and I guess, Senator, I wouldn't sit in judgment of anybody. That's the Lord's work, not mine, but everybody does what they have to do for their district, but it will be interesting, Senator, if this session ended and the only Republican bill to be offered on this floor that was rejected would be yours. I'd feel bad about that.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Senator Hoblock yield to a question?

ACTING PRESIDENT KUHL: Senator Hoblock, do you yield?

SENATOR HOBLOCK: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: Senator, has

there been a similar amendment offered in any or all of the interim pay bills that we've been passing since April 1st?

SENATOR HOBLOCK: Not familiar.

SENATOR DOLLINGER: So there's been no restriction -- again through you, Mr. President -- so there's been no restriction on the ability of the executive to transfer these jobs or spend funds for these jobs since April 1st.

SENATOR HOBLOCK: This amendment is different from that.

SENATOR DOLLINGER: Mr. President, I missed the end of the answer. I apologize.

ACTING PRESIDENT KUHL: Senator Hoblock, would you repeat the answer?

SENATOR HOBLOCK: I said this amendment is different from what you may be referring to, and I'm not sure what you're referring to.

SENATOR DOLLINGER: Again through you, Mr. President.

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

SENATOR HOBLOCK: Sure.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: My question is, at least as best as I've followed this controversy, the Governor has been making this movement to transfer jobs out of Albany to some other location during the course of time since April 1st when the budget -- last budget cycle ended. I guess my question is, I'm trying to find out what's the status of the Governor's attempt to move these jobs?

SENATOR HOBLOCK: I apologize, Senator Dollinger. My understanding is that yes, the proposal has been made and perhaps the administration is making its plans, but there's no funds yet appropriated to implement it.

SENATOR DOLLINGER: Again through you, Mr. President, just so -

ACTING PRESIDENT KUHL: Senator Hoblock, you continue to yield?

SENATOR HOBLOCK: Sure.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: There are no funds. What does the Governor use to fund his exploration of this potential shift in the jobs; what funds does he use?

SENATOR HOBLOCK: I'm not sure. It might have been the general funds out of the Office of General Services. I'm not sure.

SENATOR DOLLINGER: O.K. Just through you, Mr. President, I agree with Senator Gold, I think this was a good amendment when Senator Stachowski proposed it. I continue to believe it's a good amendment. I share Senator Paterson's view that this kind of geographic patronage is not what this state should be all about. I hope this sends a message to the second floor that this institution, this part of the Legislature, will not tolerate it.

My suggestion is that I guess both houses of the Legislature could have sent this message a long time ago if Senator

Stachowski's amendment had become law. Al though perhaps it's a little bit late, I still think it's better late than never, and I'm going to vote in favor.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Yes, Mr. President. Actually, upon -- upon further perusal, we've gone through a lot of bills today. It was actually Calendar Number 1356 and it was Senator Gold's amendment that, from my reading -- had them both here -- seemed to actually do the same thing, and so -- but I just wanted to mention his name one more time.

ACTING PRESIDENT KUHL: The question is on the amendment to Calendar Number 1354. Secretary will call the roll.

SENATOR MARCELLINO: Party vote in the negative.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the party line vote with exceptions.

THE SECRETARY: Ayes 20, nays 36,

party vote with exception.

ACTING PRESIDENT KUHL: The amendment is defeated.

Secretary will read the last section.

THE SECRETARY: This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 1354 are Senators Abate, Connor, Dollinger, Gold, Hoblock, Kruger, Lachman, Leichter, Markowitz, Mendez, Montgomery, Nanula, Onorato, Paterson, Smith, Stachowski and Waldon. Ayes 39, nays 17.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, I'd ask unanimous consent to be recorded in the negative on Calendars Number 1358, 1359 and 1360. I was not in the room at the time, although I'm usually in my desk. I was not here at that time, and I'd ask unanimous consent to be recorded in the negative.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Dollinger will be recorded in the negative on Calendars Number 1358, 1359 and 1360.

Senator Marcellino.

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

ACTING PRESIDENT KUHL: Yes, we have several items up here, Senator Marcellino.

SENATOR MARCELLINO: May we do the housekeeping.

ACTING PRESIDENT KUHL: We'll return to motions and resolutions.

Chair would recognize Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

I wish to call up Print Number 7010 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Kuhl, Senate Print 7010, an act to amend the General City Law.

ACTING PRESIDENT KUHL: Senator Maziarz.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: Senator Maziarz.

SENATOR MAZIARZ: Mr. President,

I now offer the following amendments.

ACTING PRESIDENT KUHL:

Amendments are received and adopted.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on page number 31, I offer the following amendments to Calendar Number 1062, Assembly Print Number -- I'm sorry, Senate Print Number 6561, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT KUHL:

Amendments are received and adopted.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

On behalf of Senator Nozzolio, on page number 8, I offer the following amendments to Calendar Number 401, Senate Print Number 6175, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT KUHL:

Amendments to Calendar 401 are received and adopted. Bill will retain its place on the

Third Reading Calendar.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on behalf of Senator Cook, on page number 29, I offer the following amendments to Calendar Number 1020, Senate Print Number 7353, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President.

ACTING PRESIDENT KUHL: I'm sorry. Senator Maziarz.

SENATOR MAZIARZ: One more.

ACTING PRESIDENT KUHL: Got one more.

SENATOR MAZIARZ: On behalf of Senator Lack, on page number 31, I offer the following amendments to Calendar Number 1067, Senate Print Number 7484-A, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT KUHL:

Amendments to Calendar 1067 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, for the benefit of the members, session for the rest of the week has been moved to 10:00 a.m.

There being no further business, I move we adjourn until Tuesday, June 11th at 10:00 a.m.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, Tuesday, June 11th, at 10:00 a.m. Note the time change, 10:00 a.m.

(Whereupon at 8:35 p.m., the Senate adjourned.)