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ALBANY, NEW YORK

July 12, 1996

12:31 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

1 P R O C E E D I N G S

2 SENATOR BRUNO: Mr. President, it
3 is now tomorrow.

4 ACTING PRESIDENT KUHL: The
5 Senate will come to order. Ask all the members
6 to please rise and join with me in saying the
7 Pledge of Allegiance to the Flag, including
8 those visitors in the gallery.

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

11 ACTING PRESIDENT KUHL: In the
12 absence of clergy, may we bow our heads in a
13 moment of silence.

14 (A moment of silence was
15 observed.)

16 Reading of the Journal.

17 THE SECRETARY: In Senate,
18 Thursday, July 11th. The Senate met pursuant to
19 adjournment, Senator Kuhl in the Chair upon
20 designation of the Temporary President. The
21 Journal of Wednesday, July 10th, was read and
22 approved. On motion, Senate adjourned.

23 ACTING PRESIDENT KUHL: Hearing

1 no objection, the Journal stands approved as
2 read.

3 Presentation of petitions.

4 Messages from the Assembly.

5 Messages from the Governor.

6 Reports of standing committees.

7 Reports of select committees.

8 Communications and reports from
9 state officers.

10 Motions and resolutions.

11 Senator Bruno.

12 SENATOR BRUNO: Mr. President, I
13 would move that we presently stand at ease until
14 10:00 a.m. this morning. Have a good night.

15 ACTING PRESIDENT KUHL: The
16 Senate stands at ease until 10:00 a.m. today,
17 10:00 a.m. today.

18 There also, at the request of the
19 Judiciary chairman, will be a Judiciary meeting
20 tomorrow morning at 10:00 a.m. Also a Judiciary
21 Committee meeting tomorrow at 10:00 a.m., in
22 Room 124 of the Capitol.

23 Senate stands at ease until 10:00

1 a.m.

2 (Whereupon at 12:33 a.m., the
3 Senate stood at ease.)

4 (The Senate reconvened at 10:05
5 a.m.)

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

9 SENATOR SKELOS: Mr. President.

10 ACTING PRESIDENT KUHL: Senator
11 Skelos.

12 SENATOR SKELOS: Just a reminder
13 that there's a Judiciary meeting, Judiciary
14 Committee meeting, that started at 10:00 a.m., I
15 believe it's in Room 123 of the Capitol, and at
16 this time, if we could take up Calendar Number
17 1352, Senate 5591-C.

18 ACTING PRESIDENT KUHL: There is
19 a meeting of the Senate Judiciary Committee that
20 is going on in the Capitol, Room 123.

21 SENATOR SKELOS: Mr. President.

22 ACTING PRESIDENT KUHL: The
23 Senate will come to order. Senator Skelos.

1 SENATOR SKELOS: Mr. President,
2 on Calendar Number 1352, we don't have the
3 message yet, so we'll lay that aside temporarily
4 and with the consent of the Minority at this
5 time, if we could take up Calendar Number 691 on
6 the regular calendar.

7 ACTING PRESIDENT KUHL: Secretary
8 will read.

9 THE SECRETARY: Calendar Number
10 691, by Senator Padavan, Senate Print Number
11 4216-B, Assembly Print 30017, an act to amend
12 the Penal Law, in relation to increasing the
13 penalties for auto stripping.

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

16 THE SECRETARY: Section 4. This
17 act shall take effect on the 1st day of
18 November.

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 56.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 Senator Skelos.

3 SENATOR SKELOS: Again, with the
4 consent of the Minority at this time, if we
5 could take up Calendar Number 1241.

6 ACTING PRESIDENT KUHL: Secretary
7 will read the title.

8 THE SECRETARY: Calendar Number
9 1241, by Senator Kuhl, Senate Print 906-A, an
10 act to amend the Tax Law.

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

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 56.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 Senator Skelos.

22 SENATOR SKELOS: Mr. President,
23 at this time, if -- Mr. President, at this time

1 if we could take up Calendar Number 1352, Senate
2 5591-C.

3 ACTING PRESIDENT KUHL: Secretary
4 will read the title.

5 THE SECRETARY: Calendar Number
6 1352, Budget Bill, Senate Print 5591-C, an act
7 making appropriation for the support of
8 government.

9 ACTING PRESIDENT KUHL: Senator
10 Skelos.

11 SENATOR SKELOS: Is there a
12 message of necessity and appropriation at the
13 desk?

14 ACTING PRESIDENT KUHL: The
15 message of appropriation or message of
16 necessity, it's a budget bill, is at the desk,
17 Senator Skelos.

18 SENATOR SKELOS: Move to accept.

19 ACTING PRESIDENT KUHL: Motion is
20 to accept the message of necessity on Calendar
21 Number 1352. All those in favor signify by
22 saying aye.

23 (Response of "Aye.")

1 Opposed nay.

2 (There was no response.)

3 The message is accepted.

4 Secretary will read the last section.

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

7 SENATOR PATERSON: Explanation.

8 ACTING PRESIDENT KUHL: Senator
9 Stafford, an explanation of 1352 has been asked
10 for by the Acting Minority Leader, Senator
11 Paterson.

12 SENATOR STAFFORD: Thank you, Mr.
13 President.

14 We are now about to take up the
15 budget bills. Fasten your seat belts. I think
16 everyone will find that a great deal of work has
17 been done. I think we'll have a good budget. I
18 think it will reflect concern, a compassion,
19 also a need for fiscal responsibility, while
20 still meeting the needs of the people of our
21 state.

22 I do want to say again, Mr.
23 President, that I don't think anyone should

1 apologize for the hard work, for the hours, for
2 the compromises that went into reaching the
3 conclusions that we're going to have today.

4 Is everyone satisfied? If they
5 were, we wouldn't have done our job. A good
6 compromise leaves everyone unhappy. I think we
7 must have a good compromise. As I look around
8 today -

9 ACTING PRESIDENT KUHL: Senator
10 Paterson.

11 SENATOR PATERSON: Mr. President,
12 if Senator Stafford would yield.

13 ACTING PRESIDENT KUHL: Senator
14 Stafford yield? Senator Stafford yields.

15 SENATOR PATERSON: With regard to
16 the community reinvestment and those original
17 plans to cut aid to mental health facilities in
18 communities and then the restorations, can you
19 give me an approximate amount as to what the
20 restorations are?

21 SENATOR STAFFORD: By all means.
22 I -- I don't want anyone to think that I planted
23 that question, but I'm going to give you a

1 response that I'm very pleased to give, and I
2 think that it will make people realize that we
3 have listened and that we're doing our best to
4 make sure that, again, the needs of our people
5 are met.

6 I would like to start by
7 mentioning there is a facility called Kingsboro
8 Psychiatric Center. The full amount has been
9 restored to that facility. I think that
10 probably is of interest to a number of
11 individuals in that -- within the sound of my
12 voice.

13 The community mental health
14 reinvestment has been fully restored to the tune
15 of \$11 million. I think that that is something
16 that will be obviously good for all concerned,
17 including all of the people of our state.

18 Also we are going over and making
19 sure we have exactly what you have asked for and
20 the OASAS, I think you will find also extremely
21 pleasing and also very encouraging.

22 Aid to localities has been
23 restored to the amount of \$21,650,000. That is

1 a summary; if you want me to go into any more
2 detail that you would like.

3 SENATOR PATERSON: Thank you, Mr.
4 President.

5 If Senator Stafford would
6 continue to yield.

7 SENATOR STAFFORD: Yes.

8 ACTING PRESIDENT KUHL: Senator
9 continues to yield.

10 SENATOR PATERSON: If the
11 original budget cuts were approximately 35
12 billion -- 35 million, excuse me, \$35 million
13 dollars, and we're restoring \$21,650,000, that
14 would leave approximately a shortfall of
15 \$13,350,000, but I would assume that you would
16 want to subtract some numbers when you consider
17 Kingsboro. How much would that be and, after
18 the subtraction, what would be the final
19 shortfall?

20 SENATOR STAFFORD: It's going to
21 be -- take a bit of time here for us to hone our
22 minds here to give us these numbers, but I'm
23 sure we'll get there. I'm -- I've been here

1 long enough, I'm not afraid to say when I lose
2 somebody, I lose them. I lost exactly what
3 you're asking, but I will say 42 million was
4 initially the -- the reduction to local
5 assistance, and now we are restoring really
6 half, which is what we're restoring. I -

7 SENATOR PATERSON: Well, if you
8 take the 21,650,000 that would be approximately
9 half, but I thought that you would probably
10 identify a numerical coefficient that would
11 reflect the restoration to Kingsboro.

12 SENATOR STAFFORD: Well,
13 Kingsboro is not a part of that. I should have
14 said that. That's my problem.

15 SENATOR PATERSON: It's not.
16 O.K. So then you're saying that the shortfall as
17 it would stand now would be about 21 million,
18 20,650,000.

19 SENATOR STAFFORD: It wouldn't be
20 that. Yeah, but -

21 SENATOR STACHOWSKI: Mr.
22 President.

23 ACTING PRESIDENT KUHL: Senator

1 Stachowski.

2 SENATOR STACHOWSKI: Would
3 Senator Stafford yield to a question?

4 ACTING PRESIDENT KUHL: Senator
5 yield to a question from Senator Stachowski?
6 Senator yields.

7 SENATOR STACHOWSKI: Senator, I
8 see where in alcohol and substance abuse, that
9 35.5 million is restored for alcohol and
10 community services. Would you tell me what that
11 does? Is that a total restoration; is it a
12 partial; what's the percentage of restoration?

13 SENATOR STAFFORD: Right. There
14 is a 20 percent reduction and that represents 10
15 percent restoration of that reduction.

16 SENATOR STACHOWSKI: If the
17 Senator would yield again.

18 SENATOR STAFFORD: Yes.

19 ACTING PRESIDENT KUHL: Senator
20 continues to yield.

21 SENATOR STACHOWSKI: In the same
22 vein, 5.3 million is restored to prevention and
23 program support, same question, what percentage,

1 same thing? 20 percent cut, 10 percent?

2 SENATOR STAFFORD: Right.

3 SENATOR STACHOWSKI: And no,
4 that's it for me. I'll get back.

5 ACTING PRESIDENT KUHL: Any other
6 Senator wishing to speak on the bill? Hearing
7 none, the Secretary will read the last section.

8 SENATOR PATERSON: Mr. President.

9 ACTING PRESIDENT KUHL: Senator
10 Paterson.

11 SENATOR PATERSON: If Senator
12 Stafford would yield for a question.

13 SENATOR STAFFORD: Yes.

14 ACTING PRESIDENT KUHL: Senator
15 yields.

16 SENATOR PATERSON: Senator, I
17 notice in the legislation there are a lot of
18 grants, and I'm sure it would be extremely
19 helpful to different communities and they're
20 placed in different areas around the state, and
21 some of them are not for a significant amount of
22 money, but I'm sure what they will do in
23 prevention will certainly justify it, but I'm

1 just a little curious as to how you determined
2 where these rewards are since this is a problem
3 that afflicts so many people around the state
4 and -- go ahead.

5 SENATOR STAFFORD: I think,
6 again, your question is very perceptive, and I
7 think I can go right to the heart of the
8 matter.

9 I, after being here for a few
10 years, it's quite popular to sometimes criticize
11 the input that various legislators have as far
12 as their interests are concerned, the areas
13 where they work such as mental health, Senator
14 Libous and others, in various fields, also what
15 they are concerned as far as their districts are
16 concerned.

17 When I first came here, a
18 legislator really had practically no input as
19 far as really the budget was concerned as to the
20 functioning of the various agencies and the
21 programs in their district. Today, that is much
22 different, and I might add I think sometimes we
23 don't say this enough, when a legislator works

1 for a program either statewide or in someone
2 else's district or in their own district, they
3 have to answer for that. They have to answer
4 for that, and the people obviously decide
5 whether that is worthwhile and it's -- whether
6 it is something that should be in the budget.

7 I don't apologize for this way of
8 doing it. Frankly, I think it's better. It's a
9 bit more cumbersome. It isn't easy because you
10 have all of this information coming in and then
11 decisions have to be made, priorities have to be
12 set, as far as really what ends up in the
13 budget. But I guess the short answer, after my
14 long answer, is that it's input from the members
15 of the Senate and Assembly.

16 SENATOR GOLD: Mr. President.

17 ACTING PRESIDENT KUHL: Senator
18 Gold.

19 SENATOR GOLD: Mr. President,
20 since this is the beginning of, I guess, the
21 real budget, I would like to make some -- excuse
22 me, some general observations.

23 First of all, there ought to be a

1 perspective on this. Comments have been made
2 along the way with regard to different bills,
3 different issues that I think, as we crystallize
4 it into the real budget, some of it has to be
5 repeated and I guarantee you, my friends, I will
6 not be long.

7 The issue was raised a couple
8 days ago as to things like legislators receiving
9 pay packages while we were doing this budget, a
10 late budget, and as I pointed out then, the job,
11 as I see it, as to the public and this year
12 particularly, to protect the public against the
13 December 1995 George Pataki budget, and in doing
14 that, while I am proud as a Democrat to have
15 played my role, I think every member of this
16 house deserves some of the credit.

17 Last year, the Republicans in
18 this house presented their own budget for the
19 first year of Governor Pataki. You challenged
20 the Democrats in the Assembly to come out with a
21 budget. This year you didn't do that and the
22 reason you didn't do that, certainly early on,
23 was that the January -- the December 1995 George

1 Pataki budget was indefensible and, as I say
2 these things, you know, we are professionals,
3 this isn't personal.

4 Our former colleague in the
5 Senate is a very decent man who I think believes
6 in what he tries to do, but it is where you get,
7 not the road you take but where you get that is
8 important, and that December budget would have
9 been disastrous to people.

10 The amendment in January was a
11 little better, but this house, Republicans and
12 Democrats alike, could not have passed that
13 budget and been fair to the people of this
14 state. In March once again, the Governor
15 changed the budget. He said that some
16 re-evaluations had happened and now he could do
17 some better things and even then, this house,
18 Democrat, Republican alike, would not pass that
19 budget.

20 So the people should understand
21 that while the budget is late, we have been
22 there fighting for them to get a budget that
23 people could live with. As a matter of fact,

1 one of my pet peeves in the budget process is
2 the raid on the state done by the rating
3 institutions. This state pays its debts. We
4 may be late; we may be doing things which can be
5 criticized in the way we handle our processes
6 but we pay our debts, and in determining what we
7 should pay in the marketplace for interest, in
8 my opinion the only thing that's important is
9 the fact that we are stable and we pay our
10 debts.

11 This year, as a matter of fact,
12 while we didn't do other things with the budget,
13 we did pass on time our debt service bill
14 telling the financial community, we pay our
15 debts, so this whole concept of some genius
16 sitting in a back room and getting a headache
17 trying to figure out all of the books and
18 records of the state of New York so that they
19 can tack on extra interest to us is a sham, and
20 I would like very much at some point for this
21 Legislature to deal with that.

22 We actually pay these people
23 money in the bonding process to look at our

1 books and to -- I was going to use a dirty word
2 but do that to us in the marketplace, which is
3 ridiculous.

4 Having said that, I now blame the
5 Governor along the following lines: If that is
6 the game, if we have not yet changed that game,
7 then I think it's the responsibility of the
8 Governor to understand that game and bring a
9 budget in on time.

10 Now, one of the elements that has
11 kept this budget from coming in on time was the
12 linking into the budget non-budget issues.

13 Now, I understand the concept of
14 using strengths and looking at weaknesses and
15 having bargaining chips. I know all of those
16 cliches, but what is most important is that when
17 you get past the first week, two, three, four,
18 you have to say to yourself, maybe this is not
19 the way to do a budget.

20 Now, there has been criticisms of
21 whether or not the Assembly should have caved or
22 not caved on issues or whether the Senate should
23 have caved or not caved, but we weren't talking

1 budget issues.

2 Now, you can say if you want to
3 in the most general sense, that anything has
4 monetary implications so you can talk about it
5 in the budget. But there isn't one person in
6 this chamber that doesn't know that there were
7 traditional non-budget items that were on that
8 table which held up this budget and contributed
9 to it being late, and most of that was done by
10 the Governor.

11 Now, if you read the press, there
12 are some people in the press who have leanings
13 this way, some have leanings that way and some
14 have the nerve to say this one wins, that one
15 loses, and, of course, those people don't have
16 to work for a living so they can write anything
17 they want, but the point is that the losers were
18 the people and also the process because the
19 Governor made a terrible mistake this year, and
20 I hope next year and the year after he should
21 live and be well and in good health, that he
22 doesn't do it again and that we handle the
23 budget as a financial matter.

1 Today's budget increases by a
2 significant amount of money, I believe it's 1.5
3 billion, the amount of spending that was
4 suggested by the Governor and as I've said
5 before and I won't bore you with it, the
6 Majority in this house is -- has now opened up
7 the windows. The light of day is through and
8 people now know you are not tax cutters, you are
9 spenders, and that's fine because I will tell
10 you I agree with a lot of the spending that we
11 have added in.

12 It had to be done. At least you
13 are now acknowledging it had to be done. But
14 what I find fascinating is that the so-called
15 two-way agreement that was reached a month or so
16 ago, which excluded the Governor, had this 21.2
17 billion in additional spending over the
18 Governor.

19 The single one-house budget which
20 was passed by your side eventually had about
21 \$900 million in additional spending over the
22 Governor, but then when both sides sat down with
23 the Governor and worked out the final budget, we

1 had 1.5 billion over the original Governor's
2 budget, so I don't know, since this all took
3 place behind closed doors -- and my colleague,
4 Senator Leichter, has pointed this out very well
5 -- the process, instead of opening itself up,
6 gets more and more secret every day.

7 I don't want to put all of the
8 blame on Senator Bruno, because I think one of
9 the things Senator Bruno has done is to try to,
10 slow as it may be, open up this system and make
11 it more businesslike; but I don't know whether
12 there's ever been a budget that's been more
13 secret than the way the process was done this
14 year.

15 So I can't tell you as I stand
16 here whether it was George Pataki and his people
17 who added the extra 300 million or what the two
18 houses agreed to or whether or not, as I hold
19 the budget bills up, to me I hear "Oink, oink,
20 oink" because it's filled with so much pork that
21 you people finally threw in and, without my
22 getting specific -- without my getting specific,
23 I hope there's nobody on the other side of the

1 aisle that doesn't appreciate the fact that we
2 know what member items are, no matter how they
3 are covered up, and what is actually being done
4 with taxpayer dollars.

5 At any rate, as far as this
6 particular bill is concerned, getting more
7 specific, while there are some general
8 disappointments we have in the overall scheme,
9 the 1.3 billion in one-shots which is not great
10 financing, Governor Pataki and Senator Bruno,
11 and while there are -- we have been counting on
12 moving Medicaid spending off the state's back
13 and changing some other things which didn't
14 happen, I'm going to vote yes on this bill and
15 I'm going to vote yes on this bill because the
16 bottom line is that the Minority in this house
17 believes that you don't spend money for
18 nothing. You do not have the right to take one
19 penny from the public unless you're spending
20 that penny in a way that helps the public, and
21 our philosophy is, if we could close that door,
22 even when a Democrat is speaking, our philosophy
23 is that there must be a philosophy and that

1 means you take care of the needs of women and
2 children and the elderly, et cetera, et cetera,
3 you know all of the groups, the college
4 students, the pre-K students and, in our
5 philosophy of what is right morally in this
6 society, we believe that the restorations that
7 we have fought for and that the Assembly has
8 fought for have substantially been reflected in
9 what these final numbers are.

10 So that the fact that
11 institutions of higher education are going to be
12 able to avoid drastic increases in tuition and
13 that some of the most needy in our state are
14 going to find that we've been able to restore
15 some of those benefits, is a major plus in terms
16 of where Governor Pataki put us and where, after
17 six or seven months, the Legislature has been
18 able to conquer those draconian philosophies and
19 bring us to where we are today.

20 So, Mr. President, thank you for
21 the indulgence. I intend to support the bill.

22 ACTING PRESIDENT KUHL: Senator
23 Paterson. Senator Stafford?

1 SENATOR STAFFORD: Mr. President,
2 I wonder if Senator Paterson would let me make
3 just one statement.

4 SENATOR PATERSON: I'd be
5 delighted to. I hope that it's a long point.
6 Talking about points.

7 SENATOR STAFFORD: Thank you.
8 And I understand this. I can be criticized for
9 not saying enough at times, but I will continue
10 to try to be criticized for that.

11 I do want to say, however, my
12 esteemed colleague, the ranking member on
13 Finance who I have worked with for years, we
14 were counterparts a number of years ago at
15 another responsibility and have always worked
16 well together, respected one another, I do have
17 to emphasize that there isn't an issue in this
18 state that isn't non-budget and I think the
19 Governor, Senator Bruno and all those who
20 negotiated these past days are to be
21 complimented getting this state back on the
22 track.

23 Within the last eight to ten

1 years we lost 500,000 jobs in this state. I
2 watched the last six to eight years us have a
3 three, four, five billion dollar deficit year
4 after year. This year we had a \$500 million
5 surplus. We will also have a surplus this
6 year.

7 We have gained 100,000 jobs in
8 this state the past year. If we had not had
9 Governor Pataki, Senator Bruno and those
10 negotiating to get this state back on the track,
11 we were going down the drain or down the track,
12 whichever you would like to categorize it.
13 That's where we were going.

14 So I would say that it is good
15 and the people of the state of New York should
16 be thankful that we have wrestled with some of
17 the issues in this state that were putting us
18 under and making us non-competitive with other
19 states.

20 Finally, we see light at the end
21 of the tunnel. Again, thanks to Governor
22 Pataki, Senator Bruno and all of those -- all of
23 those who were part of this compromise and this

1 final work, our budget.

2 ACTING PRESIDENT KUHL: Senator
3 Paterson.

4 SENATOR GOLD: Mr. President.

5 SENATOR PATERSON: If I could -
6 Mr. President, if I could just -- if the Senator
7 would just yield for a question.

8 SENATOR STAFFORD: Yes.

9 ACTING PRESIDENT KUHL: The
10 Senator yields.

11 SENATOR PATERSON: I was sitting
12 here and I was listening to Senator Gold. I
13 usually never listen to Senator Gold, but I
14 didn't bring my glasses today so I was unable to
15 read, so I was listening to Senator Gold and I
16 thought he made an excellent point: The two-way
17 agreement, and it called for an increase over
18 the Governor's original proposal of \$900
19 million, that now here we are a month later, we
20 have a \$1.5 billion spending increase and, if
21 we're going to say that we're going down a new
22 path, I think what Senator Gold was -- was
23 demonstrating in his comments just a moment ago

1 is that a lot of that is quite justifiable.

2 We've made some -- some
3 restorations in areas that are extremely
4 critical. One that we just discussed, Senator,
5 was the issue of mental health facilities in
6 this state, but if we're going to do that, then
7 as responsible public servants, it would seem
8 that we would tell the public that, that that's
9 what we're actually doing, not to say that we're
10 not spending when we actually are.

11 This budget has about a billion
12 dollars in one-shots and what it's doing is it's
13 financing a tax cut and when these tax cuts run
14 out because maybe it's not too early to start
15 talking about next year's budget, we're going to
16 have to find a way to finance the -- the tax
17 cuts that would be proposed in the scale for
18 next year; and so all I'm asking is how is this
19 different than any other budget that we've ever
20 put forth here, and if it's not different that
21 doesn't necessarily mean that it's wrong. It
22 just means that regardless of who the leadership
23 has been that, on a bipartisan basis, there are

1 some issues that we have to address in terms of
2 the real public safety, not just public
3 protection, but the public safety when it comes
4 to issues such as poor housing and substance
5 abuse and crime fighting and employment
6 opportunities and education and health care
7 facilities, and so I guess my question is
8 simply, why would we be in any way, trying to
9 confuse the public when it's clear that we are
10 spending a great amount of money over what the
11 agreement was a month ago?

12 SENATOR STAFFORD: I -- first
13 again, my also esteemed colleague, Senator
14 Paterson, I'm always reminded, I served with his
15 father, always reminded that the river never
16 rises higher than its source, so we remember
17 that.

18 I would say now, whether you want
19 to call this a track or a path, that makes no
20 difference at least to me. On the other hand,
21 if we're confused, this is the way I want to be
22 confused and I'll just point this out. When we
23 have had a three, four, five billion dollar

1 deficit for the past six to eight years and we
2 have a \$500 million surplus this year, I would
3 say that's not confusion, that's -- I'll let you
4 draw that conclusion.

5 SENATOR GOLD: Mr. President.

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

8 SENATOR GOLD: I'd like to
9 speak.

10 ACTING PRESIDENT KUHL: The Chair
11 recognizes Senator Gold.

12 SENATOR GOLD: Mr. President, I
13 want to give public credit to Senator Stafford
14 who, over the years, has shown me something that
15 very few people can do with this skill and that
16 is to say the most incredible things, look you
17 right in the eye with a straight face. Senator,
18 you're the best at that.

19 How do you tell the people that
20 we have a surplus when you're throwing in one
21 shot spending on the other side that creates
22 that surplus? You know, we have people in this
23 room who can't keep a straight face when we say

1 that, and I love them for it, most of them on
2 your side. I love them for it. Gee!

3 Senator, you -- you've said
4 something a number of times now, and I -- and I
5 must object. I know you mean it in a very
6 loving way, but I must object. This -- this
7 comment of yours about rivers never rising
8 higher than the source. Thank God there are
9 rivers, but I don't know one father in the world
10 that, when he holds that son or daughter in his
11 arms, doesn't have great dreams and hope that
12 the world will provide better and stronger for
13 the child and, thankfully, as this world has
14 developed, we have seen that.

15 I think Basil Paterson was a
16 great Senator and a great public official and
17 the concept that David Paterson has now risen to
18 his position in the Legislature not only defies
19 your analogy but proves mine, that parents want
20 to kvell with what happens with their children.
21 I always have to throw in a Yiddish word, and I
22 see the stenographer's face and she says, Oh,
23 I've got to talk to him later.

1 But I don't know one parent who
2 doesn't get excited at the success of their
3 children, and the thought is I'm up here and I
4 never get close to that. I think there's a stop
5 gap. I don't think that ever happens.

6 Getting into some substance,
7 Senator, figures lie and liars figure. We've
8 all heard that. I don't think there's been one
9 year in my time in this Legislature when one
10 party didn't say that the economy was up and the
11 other party didn't say it was down and they each
12 had their numbers, et cetera, and this issue of
13 jobs, Senator, is one which takes a little bit
14 of fair, honest analysis.

15 I heard a discussion, Senator, on
16 public television this week on the Workfare
17 program, and the argument that was being made
18 was that all Workfare really is, is a program to
19 make sure that the poor never get a good job
20 because what you're basically doing is forcing
21 people to take jobs which give them no future.
22 If we lose jobs in the state, Senator, we lose
23 the jobs which people wanted and could support

1 their families and if you supplant that with
2 three jobs which are all half-day jobs or part
3 time jobs where people have to work more than
4 one job to get a living wage, in your numbers,
5 Senator Stafford, we are increasing jobs, but in
6 the reality of life, we have not made it better
7 for our people. We have not created a situation
8 where the average individual can bootstrap
9 themselves and hopefully get out from under.
10 All we've done is play a numbers game and the
11 people who are well-to-do in this state can read
12 the New York Times or the Daily News if you're
13 in New York City in the morning, and sit back
14 and say, Well, as my butler brings me coffee, I
15 don't have to feel badly this morning because
16 the job rate is up and the little people are
17 working.

18 That is just really the kind of
19 philosophy that I think my party has fought all
20 of these years because the concept here is to
21 give somebody the opportunity to better
22 themselves and better themselves, and that goes
23 back to your comments about the river.

1 Senator, at this point in time,
2 let's be perfectly clear that when we talk about
3 deficits we are no longer talking about Cuomo
4 deficits. We're talking about deficits now,
5 they are Pataki deficits and by using the one
6 shots this year, what you are assuring, Senator
7 Stafford, is that in the second and third year
8 we are going to be hit with real deficits as a
9 result of the tax cutting program and not
10 handling it in a proper fiscal manner.

11 When we had our hearings -- when
12 we held our hearings on the budget, Senator, it
13 was very interesting to hear the commissioners
14 talk about economic development in this state,
15 talking about programs to help create jobs, and
16 I think it was Senator Waldon -- I may be wrong
17 -- but it was one of my colleagues who pointed
18 out that there is great economic need in areas
19 of this state.

20 On the other hand, we are talking
21 about spending money for economic development
22 and jobs and the question is, are we spending it
23 in the areas that have the unemployment? So,

1 for example, when there was talk of moving jobs
2 out of Jamaica, Queens, out of the Queens area
3 where those jobs were very important to the
4 economic life of a whole community and we were
5 moving them to some place outside the city of
6 New York, I specifically asked, are the monies
7 that you are going to spend going to be spent in
8 Jamaica and in South Jamaica where you're now
9 creating unemployment?

10 I was assured, as we always are
11 assured at a hearing, that I would receive a
12 response with some specificity. I was assured
13 at the hearing as we always are assured at the
14 hearing, that as the plans developed we would
15 know those plans and certainly by budget time we
16 would know those plans; but I'll tell you, as I
17 stand here today, Senator Stafford, I'd like
18 some assurances along those lines because I
19 haven't seen any of those plans. I haven't seen
20 anything which assures Senator Waldon or Senator
21 Gold or Senator Onorato or any of us from the
22 Queens area that, while you are stealing -- and
23 it really is stealing -- jobs from people in our

1 area, are you giving us some of that economic
2 development money so that the innocent hard
3 working people whose jobs you're taking away
4 will have a future?

5 Whenever we get into this area,
6 unfortunately, there has to be a villain.
7 Politically, whether it's right or wrong, there
8 must be a villain, and the easiest target is
9 that non-working bum on welfare who cheats the
10 public and who does this and that and is un -
11 ungrateful and who is undeserving.

12 But if you want to talk about the
13 truth, that's not the villain. I just described
14 to you a situation in Queens, for example, where
15 we have working people -- working people, they
16 are not bums, they are working people, working
17 for the state and they are smiling people,
18 because they get up in the morning and they go
19 to work and they have their families and their
20 kids are going to school and their wife is
21 either working or home taking care of the kids
22 and they are living a normal life and enjoying
23 it, and as a result of the actions of this

1 Governor, they find out they're out of work.
2 Well, they're not out of work because they're
3 lazy; they're not out of work because they're
4 cheating the welfare system or want to cheat the
5 welfare system. They're out of work because
6 politically it is more advantageous for the
7 Republican Party to take these jobs and put them
8 some place in some Republican area and put these
9 people out of work.

10 Having said that, arguments about
11 welfare cheating, arguments about laziness,
12 arguments about ethnic laziness, all of that is
13 junk and I say, as I said at the hearing, as
14 Senator Waldon and Senator Smith and others said
15 at the hearing, O.K., if you have to move these
16 jobs, we have a cadre of people with a work
17 ethic. We have a cadre of people who are family
18 value ethicked, who want to go to work. Where
19 is the economic development factor that is going
20 to give them jobs of equal stature?

21 Now, I don't know the answer I'm
22 getting from the Republican Party. If the
23 answer I'm getting is that a job is a job, I

1 tell you a job is not a job and if somebody is
2 working right now in Queens County and earning,
3 I'll pick a number, \$30,000, and you tell them,
4 Don't worry, there are jobs in the paper and
5 tomorrow you'll have a job, it's \$12,000,
6 there's not one person in the Republican side of
7 this house who, if it was his family or her
8 family member involved, would say, What's the
9 difference? It's a job, that 18,000 in that one
10 case would make quite a difference.

11 So, Senator Stafford, unless you
12 want to come to the floor and give us an
13 analysis of the jobs, what the relative amounts
14 of money involved are, how people are not only
15 getting more jobs in this state but better jobs
16 and more opportunities, I'd be glad to hear that
17 story but I don't think that is the story and I
18 think that's one of the reasons we don't get
19 that detail.

20 ACTING PRESIDENT KUHL: Senator
21 Waldon.

22 SENATOR WALDON: Thank you very
23 much, Mr. President.

1 Would Senator Stafford clear
2 something up for me?

3 ACTING PRESIDENT KUHL: Senator
4 Stafford, do you yield to Senator Waldon?

5 SENATOR STAFFORD: By all means.

6 ACTING PRESIDENT KUHL: Senator
7 yields.

8 SENATOR WALDON: Thank you,
9 Senator. I'm just trying to find out when we
10 dropped the State Investigation Commission here,
11 did we, in fact, maintain the six commissioners
12 and which page does it appear on?

13 SENATOR STAFFORD: Yes, we did,
14 Senator, page -- do we have this? Page of the
15 bill, I'll have to -- I'll have to get back to
16 you. I'll get you the page of the bill,
17 Senator.

18 SENATOR WALDON: Thank you.

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

21 Senator Paterson.

22 SENATOR PATERSON: Mr. President,
23 if Senator Stafford would just yield for a few

1 questions.

2 SENATOR STAFFORD: Yes.

3 ACTING PRESIDENT KUHL: Senator
4 yields.

5 SENATOR PATERSON: Senator, the
6 reimbursement to, I guess, hospitals -- we
7 covered the mental health facilities -- how
8 would you assess the restorations of the budget
9 with respect to just health care and paybacks to
10 hospitals?

11 SENATOR STAFFORD: Once again, I
12 don't want -- Senator, I don't want anyone to
13 think that again you and I are planning these
14 questions because again I'm very pleased to
15 respond to your very good and fair, perceptive
16 general question.

17 Many of us work very, very hard,
18 including yourself, including Senator Hannon -
19 now both you and Senator Libous owe me a dollar;
20 those are the two names I've mentioned so far
21 but there will be many others, but exactly,
22 everyone raise their hand, and I'll make sure
23 that they're mentioned.

1 (Senator Hannon hands Senator
2 Stafford a dollar.)

3 SENATOR STAFFORD: Oh, no. Oh,
4 no, no. Oh, no, no way. On a serious note, we
5 -- it was suggested that this challenge has
6 been myth. There's still a great deal of work
7 to do, but we feel the restorations that were
8 needed are there and we think that we have a
9 responsive budget in this very, very complex and
10 probably the most important field that we deal
11 with.

12 The restorations are
13 approximately 230 -- \$239 million.

14 ACTING PRESIDENT KUHL: Senator
15 Oppenheimer.

16 SENATOR STAFFORD: Excuse me.
17 The page number. Sorry, Mr. President. The
18 page number concerning the SIC is page 234.

19 SENATOR WALDON: Thank you.

20 ACTING PRESIDENT KUHL: Senator
21 Oppenheimer.

22 SENATOR OPPENHEIMER: I -- I
23 would have offered a -- I was thinking of

1 offering a -- a hostile amendment on an issue
2 that's very important and serious to me and to
3 the residents of my district and all of West
4 chester and indeed probably all of the state,
5 but let me just discuss it now, and that is I
6 had hoped to see more money added to the amount
7 for Tick-borne Disease Institute.

8 In the last three years we have
9 been putting \$150,000 into the budget for the
10 Tick-borne Institute -- Tick-borne Disease
11 Institute, and we also have had in the past half
12 year going into the current year, 30 -
13 \$300,000 from the fed's. However, there is a -
14 a major epidemic going on in -- in Westchester,
15 and it involves not just the well discussed Lyme
16 Disease, but two new diseases that have come
17 onto the scene in the last year, year and a
18 half, and that's something called ehrliciosis,
19 and babesiosis, and these diseases are even more
20 serious than Lyme Disease, and we know Lyme
21 Disease to be a terribly debilitating disease.

22 Some people are very fortunate.
23 Some people, when they get bitten by the deer

1 tick, then get a rash and if they get a rash
2 they then know to get the antibiotic. However
3 -- or the antidote. However, at least half the
4 people do not get a rash once they are bitten
5 and in time this can lead to very serious
6 debilitating signs and illnesses, and we need to
7 put a lot more money into this, and I would be
8 seeking 150,000 additional dollars to be put
9 into the budget.

10 We have to do a great deal more
11 in the area of prevention and detection and
12 treatment because we have to find a cure for
13 these tick-borne diseases. We have new
14 knowledge that is developing all the time with
15 the research that's going on, and we have very
16 special epidemiologic studies going on, and
17 we're learning how to control the particular
18 vector which the main character is the white
19 footed, mouse as well as the deer.

20 We have to control the reservoir
21 host and we have to find an answer because too
22 many people are seriously debilitated that they
23 are forced into wheel chairs and they simply

1 cannot function neurologically.

2 So I would have chosen to see
3 another \$150,000 put into this problem, and I
4 hope certainly in the future that we will
5 recognize the seriousness of this and the
6 enormous rapid growth of these tick-borne
7 diseases and that we will handle it in a more
8 liberal financial manner to try and get an
9 answer and to deal with prevention because it is
10 becoming a very serious issue.

11 It is already very serious in
12 Westchester, but I can assure you it will be
13 throughout the state just as serious within a
14 couple of years because these deer and these
15 mice move about. They don't just stay in the
16 Westchester boundaries.

17 I believe the amendment that I
18 was going to offer has arrived and so, if it is
19 at the desk, I certainly would waive its reading
20 since I have already explained it and it seeks
21 another \$150,000 in funding, and I would move
22 its adoption.

23 ACTING PRESIDENT KUHL: The

1 question is on the amendment to amend -

2 SENATOR HANNON: Mr. President.

3 ACTING PRESIDENT KUHL: Senator
4 Hannon, on the amendment.

5 SENATOR HANNON: Let me make an
6 inquiry. Is it not the rule that the amendment
7 must be presented before the consideration of
8 the bill is taken up?

9 ACTING PRESIDENT KUHL: No, it is
10 not, Senator Hannon. Talking with the Journal
11 Clerk the amendments have come up after they've
12 started processing the bills in the past.
13 There's precedents that's been set, so the
14 amendment the Chair is dealing with as being
15 appropriate at this time.

16 The question is on the amendment
17 to amend the bill, the amendment being offered
18 by Senator Oppenheimer. All those in favor of
19 the amendment.

20 SENATOR STAFFORD: Mr. President,
21 I would just put in the record that all of us, I
22 believe, certainly myself, understand the
23 concern with this disease. I believe Senator

1 Lack was very involved in this matter during the
2 past few years. I have a staff member who,
3 interestingly enough, was taken -- just happened
4 to be with me and he passed out and they
5 couldn't figure out what was wrong and, lo and
6 behold, he has this disease. He likes to take
7 part in a certain activity in the fall that I
8 guess he still is doing but he's more careful.
9 It's very serious.

10 I would also point out, I believe
11 I'm correct here, that our present Governor has
12 been very involved in this matter and I think
13 possibly this would be because of where possibly
14 people live in this state. So I would only say
15 that we understand the concern. We assure you
16 that overall this budget will meet this issue
17 and many, many others and under the
18 circumstances, I certainly would suggest that we
19 continue with the budget and not have this
20 amendment prevail.

21 ACTING PRESIDENT KUHL: The
22 question is on -- Senator Lack.

23 SENATOR LACK: Mr. President,

1 Senator Stafford certainly is correct and if
2 Senator Oppenheimer would like to look in the
3 budget submissions we have, you'll find, as
4 there has been for the last eight years, there
5 is between 4- and \$500,000 in the budget for the
6 premier Lyme clinic in the United States at the
7 State University of New York at Stony Brook,
8 which is, in our parlance, a lift that's been
9 carried by this Senate Majority without any
10 fanfare, without any press releases, without any
11 amendments, but very quietly. It does its job
12 very well.

13 We've never had any indication of
14 any interest as a financial consideration from
15 the Senate Minority on behalf of myself, Senator
16 LaValle, Senator Johnson, Marcellino, Senator
17 Trunzo, from Suffolk County which has the
18 highest incidence of Lyme Disease -- Senator
19 Levy, I'm sorry -- in the country. If the
20 Senate Minority would like to join in as part of
21 a financial contribution to help support that in
22 the budget, please file a letter or give any
23 indication to us and we'd be glad to make you

1 part of what has been an ongoing multi-year
2 effort by the Senate, the Senate Majority
3 specifically, to handle any problems with Lyme
4 Disease, and I've got to tell you, Senator
5 Oppenheimer, since you personally sit on the
6 floor and talked about personal problems, et
7 cetera, I don't appreciate political
8 grandstanding of any kind with respect to Lyme
9 Disease, but hard dollars is always much
10 better.

11 ACTING PRESIDENT KUHL: Senator
12 Oppenheimer, on the amendment.

13 SENATOR OPPENHEIMER: Yes, on the
14 amendment. I -- I was hoping that it would be
15 heard by the other side of the aisle that we now
16 have something beyond Lyme -

17 ACTING PRESIDENT KUHL: Senator
18 Oppenheimer, excuse me just a minute. Have a
19 little order in the house. There's a colleague
20 who is trying to address the chamber. Can't
21 hear her, and I'm not that hard of hearing.

22 Thank you.

23 Senator Oppenheimer.

1 SENATOR OPPENHEIMER: Thank you,
2 Mr. President.

3 I certainly don't mean to
4 denigrate the efforts that have gone on on Long
5 Island, though I would point out that the lab in
6 Armonk has been doing a spectacular job on Lyme
7 Disease as well.

8 What I was hoping you would hear
9 on the other side of the aisle that this is
10 beyond Lyme Disease. Ehrli...ehrliciosis -
11 it's hard to say -- and babesiosis are new
12 diseases that we have found in the past year and
13 they are more serious than Lyme Disease, and
14 that is why I am asking for the additional
15 funding.

16 SENATOR LACK: Mr. President, let
17 the record be straight that the Lyme Disease
18 clinic at Stony Brook is involved in ehrliciosis
19 and every other Lyme Disease-related affliction
20 that we know about. It's nothing to do with
21 Armonk and anything else, because the state many
22 years ago chose to channel its main diagnostic
23 efforts with respect to all such diseases out of

1 the state-owned university hospital and medical
2 school, the State University of New York at
3 Stony Brook.

4 If Senator Oppenheimer would be
5 ever interested in coming out to Stony Brook and
6 looking at the ongoing effort in the clinic,
7 we'd be happy to arrange it.

8 SENATOR OPPENHEIMER: I would be
9 delighted to go, Mr. President, to see that
10 effort. I would not denigrate the effort of
11 Durland Fish who is recognized as one of the
12 experts in the field who, true, left
13 Westchester, went up to New Haven to Yale, and
14 now the monies have come back to Westchester and
15 the lab is operating out of Armonk.

16 ACTING PRESIDENT KUHL: Question
17 is on the amendment. All those in favor of the
18 amendment signify by saying aye.

19 (Response of "Aye.")

20 Opposed nay.

21 (Response of "Nay.")

22 The amendment is lost.

23 SENATOR GOLD: Aah!

1 ACTING PRESIDENT KUHL: Any other
2 Senator wishing to speak on the bill? Senator
3 Marcellino.

4 SENATOR MARCELLINO: Explain my
5 vote.

6 ACTING PRESIDENT KUHL: Explain
7 your vote.

8 SENATOR MARCELLINO: Yeah, I'll
9 do that.

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

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

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT KUHL: Senator
18 Marcellino to explain his vote.

19 SENATOR MARCELLINO: Mr.
20 President, we've heard a lot of discussions
21 about restorations in this bill, this budget,
22 and there are some and they're necessary and we
23 agree with them and it's a great budget over

1 all, but there are also some things that have
2 been lost in the discussion, and I rise with our
3 local Long Island newspaper which can hardly be
4 considered a bastion of Republican favoritism,
5 nice story on the -- on page 7, A7, which talks
6 about budget deal tax cuts, and it says the
7 nearly \$66 billion state budget that Governor
8 Pataki and the leadership of the Assembly and
9 Senate put together includes tax cuts worth \$83
10 million dollars over the current fiscal year and
11 expands to more than \$200 million through the
12 year 1999.

13 That doesn't even talk about the
14 income tax cuts that have been already done,
15 other tax cuts that have been done. We have had
16 a real estate tax gains tax, the so-called Cuomo
17 tax, has been repealed; clothing sales tax
18 experiment coming up, child care credit, sales
19 tax reductions, petroleum business tax
20 reductions, our taxes for trucking and rail
21 companies reduced.

22 This budget is replete with what
23 we call tax reduction or business incentives to

1 create jobs, to bring businesses back to New
2 York State, which was not part of the previous
3 budgets under Cuomo administration. All they
4 did were raise taxes and drive businesses and
5 jobs out of the state.

6 The Pataki history and the Pataki
7 budgets have cut taxes and brought businesses
8 and jobs back to the state. There can be no
9 argument with that fact.

10 I vote aye.

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

13 Announce the results.

14 THE SECRETARY: Ayes 56.

15 ACTING PRESIDENT KUHL: Senator
16 Dollinger, do you wish to be recorded in the
17 negative? Senator Hoffmann also.

18 SENATOR DOLLINGER: Mr.
19 President.

20 ACTING PRESIDENT KUHL: Senator
21 Dollinger in the negative.

22 O.K. Any other Senators wishing
23 to be recorded in the negative raise their

1 hands. Announce the results.

2 THE SECRETARY: Ayes 54, nays 2,
3 Senators Dollinger and Hoffmann recorded in the
4 negative.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 SENATOR SKELOS: Mr. President.
8 Mr. President.

9 ACTING PRESIDENT MAZIARZ:
10 Senator Skelos.

11 SENATOR SKELOS: If we could
12 return to motions and resolutions, I believe
13 there's some housekeeping at the desk.

14 ACTING PRESIDENT MAZIARZ:
15 Senator Tully.

16 SENATOR TULLY: Yes, Mr.
17 President.

18 On behalf of Senator Stafford, I
19 offer the following amendments to Calendar
20 Number 1354, Senate Print 5593-B and ask that
21 said bill retain its place on the Third Reading
22 Calendar.

23 ACTING PRESIDENT MAZIARZ:

1 Amendments received and adopted.

2 Senator Tully.

3 SENATOR TULLY: Yes, Mr.

4 President.

5 On behalf of Senator Stafford
6 again, who's so gracious, I offer the following
7 amendments to Calendar Number 1353, Senate Print
8 Number 5592-B, and ask that said bill retain its
9 place on the Third Reading Calendar.

10 ACTING PRESIDENT MAZIARZ:

11 Amendments received and adopted.

12 Senator Skelos.

13 SENATOR SKELOS: Is there any
14 housekeeping at the desk?

15 ACTING PRESIDENT MAZIARZ: We
16 need to return to messages from the Assembly.
17 Secretary will read.

18 THE SECRETARY: Assembly sends
19 for concurrence Senate Print 5595-A, Budget
20 Bill, with a 30,014-A reprint.

21 ACTING PRESIDENT MAZIARZ:

22 Senator Tully.

23 SENATOR TULLY: Yes, Mr.

1 President.

2 Again, on behalf of Senator
3 Stafford, I move that the Senate not concur in
4 said amendments and move to reconsider the vote
5 by which this bill was passed.

6 ACTING PRESIDENT MAZIARZ: Call
7 the roll on reconsideration.

8 (The Secretary called the roll on
9 reconsideration.)

10 THE SECRETARY: Ayes 56.

11 ACTING PRESIDENT MAZIARZ:
12 Senator Tully.

13 SENATOR TULLY: Mr. President, I
14 now offer the following amendments.

15 ACTING PRESIDENT MAZIARZ:
16 Amendments received.

17 Senator Skelos.

18 SENATOR SKELOS: Mr. President,
19 if we could return to reports of standing
20 committees, I believe there's a report of the
21 Judiciary Committee at the desk. I ask that it
22 be read and that you recognize Senator Lack.

23 ACTING PRESIDENT MAZIARZ:

1 Reports of standing committees. The Secretary
2 will read.

3 THE SECRETARY: Senator Lack,
4 from the Committee on Judiciary, offers up the
5 following nomination: New York State Court of
6 Claims, Philip J. Patti, of Hornell.

7 ACTING PRESIDENT MAZIARZ:
8 Senator Lack.

9 SENATOR LACK: Thank you, Mr.
10 President.

11 It's my pleasure once again to
12 rise and move for the confirmation of an
13 excellent nominee sent to us by Governor Pataki
14 for a vacancy in the New York State Court of
15 Claims, for Philip J. Patti, of Hornell.

16 Mr. Patti has been examined by
17 the staff of the Committee and has been found to
18 have excellent credentials. He appeared before
19 the committee this morning, was unanimously
20 endorsed and sent to the floor, and it is my
21 pleasure at this time, Mr. President, to yield
22 to my colleague, John Randolph Kuhl, with
23 respect to a second.

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ACTING PRESIDENT MAZIARZ:

Senator Kuhl.

SENATOR KUHL: Thank you, Mr.
President. Thank you, Senator Lack.

It's indeed my privilege and a
great pleasure to be able to stand here and
second the nomination of Philip J. Patti to a
position on the Court of Claims.

It's not often that an area like
the Southern Tier gets the opportunity to have
an individual serve on the Court of Claims.
It's been some time since we've had a
representative who has been serving on the Court
of Claims. I can't think of any other
individual in my experience in my area who would
better represent the area than Phil Patti, who
is with us today.

Phil is truly a lawyer's lawyer.
When we go to law school, you always hear about
the "jealous mistress", and the "jealous
mistress" meaning that there's such a tension,
such a demand, such a draw of the legal
profession on an individual that it kind of has

1 a tendency to over-consume you and take up all
2 of your time.

3 Phil has really totally involved
4 himself in the practice of law. I had the great
5 privilege when I first started practicing law
6 years ago to be on the other side of the aisle
7 so to speak. He was working for the assistant
8 -- or for the district attorney's office, and I
9 was doing some defense work and oftentimes we
10 did the trip throughout the district and hit
11 three or four or five or six or seven courts in
12 one day and were -- where we would gather at the
13 end of the day and count up our wins and our
14 losses, and it was a great experience, a great
15 experience for him and certainly a great
16 experience for us together.

17 I also had the great pleasure of
18 working with Phil in the assistant county
19 attorney's position. So, Phil, what I'm trying
20 to point out is Phil has had a multitude of
21 experience both in criminal law, both in civil
22 law. He's worked for municipalities and he's
23 done everything that I can see that would

1 properly prepare him for this position.

2 I know of no other individual who
3 has the credentials that he has, that has the
4 experience that he does, but his participation
5 in the world is not limited to the profession of
6 law. He's been very active in the community,
7 done coaching. He has an older family now, a
8 boy, a daughter, and he was at one time a coach
9 on a Vince Lombardi football team, spent some
10 time there. Very active in his church; served
11 on the board of trustees of the community
12 college; and so his experience is broad based.
13 I think it gives him the perspective that we
14 want in somebody who serves on the judiciary to
15 actually be able to look at a case, to hear a
16 case, understand from all perspectives what is
17 being presented to him.

18 So it's my great pleasure to
19 present to you one of the jewels of the Southern
20 Tier, my friend and my colleague, Phil Patti,
21 and I would move his nomination.

22 ACTING PRESIDENT MAZIARZ: Thank
23 you, Senator Kuhl.

1 Question is on the confirmation
2 of Philip J. Patti as judge of the New York
3 State Court of Claims. All in favor signify by
4 saying aye.

5 (Response of "Aye.")

6 Opposed nay.

7 (There was no response.)

8 Philip J. Patti is hereby
9 confirmed as a judge of the New York State Court
10 of Claims.

11 Judge, on behalf of Senator Bruno
12 and all of my colleagues in the New York State
13 Senate, want to welcome you and your wife
14 Pauline and your children, Stephen and Colleen,
15 here to the Senate chamber and to congratulate
16 you and wish you well. Best of luck in your new
17 endeavors. Congratulations, Judge.

18 (Applause)

19 Senator Skelos.

20 SENATOR SKELOS: Mr. President,
21 there will be an immediate conference of the
22 Majority in the Majority Conference Room.

23 Senator Paterson.

1 ACTING PRESIDENT MAZIARZ:

2 Senator Paterson.

3 SENATOR PATERSON: Mr. President,
4 there will be an immediate conference of the
5 Minority, and we're going to hold that in the
6 Majority Conference Room as well but, if they
7 don't let us, we'll have it in Room 314, the
8 Minority Conference Room is better.

9 ACTING PRESIDENT MAZIARZ:
10 Senator Skelos.

11 SENATOR SKELOS: Also we will, at
12 the direction of Senator Bruno, we will
13 reconvene at 11:55, because I think certain
14 things happen at 12:00 noon that we have to deal
15 with prior to that, so we will reconvene at
16 11:55 a.m.

17 ACTING PRESIDENT MAZIARZ: There
18 will be an immediate meeting of the Majority
19 Conference in Room 330 -- 332, I'm sorry, an
20 immediate meeting of the Minority Conference in
21 Room 313, and the Senate will reconvene at 11:55
22 a.m.

23 (Whereupon at 11:20 a.m., the

1 Senate stood at ease.)

2 SENATOR SKELOS: Mr. President.

3 ACTING PRESIDENT STACHOWSKI:

4 Senator Skelos.

5 SENATOR SKELOS: There will be an
6 immediate meeting of the Rules Committee in 328
7 of the Capitol.

8 ACTING PRESIDENT STACHOWSKI:

9 Immediate meeting of the Rules Committee in Room
10 328 of the Capitol.

11 SENATOR SKELOS: Thank you.

12 ACTING PRESIDENT STACHOWSKI:

13 Senator Skelos.

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

19 ACTING PRESIDENT STACHOWSKI: The
20 Secretary will read.

21 THE SECRETARY: Senator Bruno,
22 from the Committee on Rules, offers up the
23 following bill directly for third reading:

1 Senate Print 7944, from the
2 Committee on Rules, an act to amend Chapter 905
3 of the Laws of 1986.

4 SENATOR SKELOS: Mr. President, I
5 move to accept the report of the Rules
6 Committee.

7 ACTING PRESIDENT STACHOWSKI: All
8 in favor.

9 (Response of "Aye".)

10 Opposed?

11 (There was no response.)

12 The Rules report is accepted.

13 SENATOR SKELOS: Mr. President,
14 is there a message of necessity at the desk -
15 would you call the bill up, please.

16 ACTING PRESIDENT STACHOWSKI: The
17 Secretary will read the title. The Secretary
18 will read.

19 THE SECRETARY: Calendar Number
20 1738, by the Committee on Rules, Senate Print
21 7944, an act to amend Chapter 905 of the Laws of
22 1986.

23 SENATOR SKELOS: Mr. President,

1 is there a message of necessity at the desk?

2 ACTING PRESIDENT STACHOWSKI:

3 Yes, there is a message.

4 SENATOR SKELOS: Move to accept.

5 ACTING PRESIDENT STACHOWSKI: All
6 in favor of accepting the message, aye.

7 (Response of "Aye".)

8 Opposed?

9 (There was no response.)

10 The message is accepted.

11 Read the last section.

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

14 ACTING PRESIDENT STACHOWSKI: All
15 in favor -- call the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT STACHOWSKI: All
18 in favor -

19 THE SECRETARY: Ayes 56.

20 ACTING PRESIDENT STACHOWSKI:
21 Opposed -- the bill is passed.

22 SENATOR SKELOS: Thank you, Mr.
23 President.

1 And at this time we'll continue
2 to stand at ease.

3 (Whereupon, at 12:50 p.m., the
4 Senate reconvened.)

5 ACTING PRESIDENT KUHL: The
6 Senate will come to order. Ask the members to
7 find their places, the staff to find theirs.

8 Senator Skelos.

9 SENATOR SKELOS: Mr. President,
10 if at this time we could take up Calendar Number
11 13... first of all, I believe there's some
12 housekeeping at the desk. So if we could return
13 to motions and resolutions.

14 ACTING PRESIDENT KUHL: Return to
15 the order of motions and resolutions.

16 The Chair recognizes Senator
17 Libous.

18 SENATOR LIBOUS: Thank you, Mr.
19 President.

20 On behalf of Senator Goodman, I
21 wish to call up his bill, Print Number 4688-D,
22 recalled from the Assembly which is now at the
23 desk.

1 ACTING PRESIDENT KUHL: The
2 Secretary will read.

3 THE SECRETARY: By Senator
4 Goodman, Senate Print 4688-D, an act to amend
5 the Vehicle and Traffic Law.

6 ACTING PRESIDENT KUHL: Senator
7 Libous.

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

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

13 (The Secretary called the roll on
14 reconsideration.)

15 THE SECRETARY: Ayes 56.

16 ACTING PRESIDENT KUHL: Senator
17 Libous.

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

20 Mr. President, I have one more.

21 ACTING PRESIDENT KUHL: The
22 amendments are received and adopted.

23 Senator Libous.

1 SENATOR LIBOUS: On behalf of
2 Senator Saland, I'd like to call up his bill,
3 Print Number 7688, recalled from the Assembly
4 which is now at the desk.

5 ACTING PRESIDENT KUHL: The
6 Secretary will read the title.

7 THE SECRETARY: By Senator
8 Saland, Senate Print 7668, an act to amend the
9 Social Services Law.

10 ACTING PRESIDENT KUHL: Senator
11 Libous.

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

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

18 The Secretary will call the roll
19 on reconsideration.

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

22 THE SECRETARY: Ayes 56.

23 ACTING PRESIDENT KUHL: Senator

1 Libous.

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

4 I offer up the following
5 amendments.

6 ACTING PRESIDENT KUHL: The
7 amendments are received and adopted.

8 Senator Skelos.

9 SENATOR SKELOS: Mr. President,
10 at this time if you'd call up Calendar Number
11 1355, Senate 5595-B.

12 ACTING PRESIDENT KUHL: The
13 Secretary will read Calendar Number 1355.

14 THE SECRETARY: Calendar Number
15 1355, Budget Bill, an act making appropriations
16 for the support of government.

17 SENATOR SKELOS: Mr. President,
18 is there a message at the desk?

19 ACTING PRESIDENT KUHL: There is
20 a message at the desk, Senator Skelos.

21 SENATOR SKELOS: Move to accept.

22 ACTING PRESIDENT KUHL: The
23 motion is to accept the message of necessity on

1 Calendar Number 1355. All those in favor
2 signify by saying aye.

3 (Response of "Aye".)

4 Opposed, nay.

5 (There was no response.)

6 The message is accepted.

7 The Secretary will read the last
8 section.

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

11 SENATOR LEICHTER: Mr. President.

12 ACTING PRESIDENT KUHL: Senator
13 Leichter.

14 SENATOR LEICHTER: Yes, on the
15 bill.

16 Mr. President, since it is
17 somewhat confusing with bills coming somewhat
18 rapidly and delays and then suddenly moving, I
19 think it would be helpful if we made sure that
20 all the members understood what bills were
21 before us, and I'm sure that you will carry out
22 that duty.

23 Mr. President and my colleagues,

1 on the Legislative and Judiciary Budget, we've
2 debated that at some length earlier this year.
3 I presented some amendments. I'm not going to
4 do the same thing again, but that should not be
5 taken to mean that we have lost any of our
6 intent or purpose in pointing out how this
7 legislative budget continues really to be a
8 fraud on the people of the state of New York.
9 It's a phony budget because it's a non-budget,
10 because it's not a detailed budget, but what is
11 particularly galling this year is that last year
12 we were specifically promised by the Majority
13 Leader that we would get a detailed budget, and
14 he and I had some discussion on that, and he
15 stated to me at that time -- excuse me just a
16 second -- and during our discussion last year
17 when I asked him, "Are we going to have a
18 detailed budget", he said -- Senator Bruno said
19 to me, "I think you will be very happy, very
20 satisfied as will my colleagues here to see
21 every cent that we spent itemized so that
22 everyone's salaries are itemized" -

23 ACTING PRESIDENT KUHL: Senator

1 Leichter, excuse me just a moment.

2 Senator Stafford, why do you
3 rise?

4 SENATOR STAFFORD: I wonder if
5 Senator Leichter would yield to a question. I
6 think maybe it would be good to join -

7 ACTING PRESIDENT KUHL: Senator
8 Leichter, do you yield to a question from
9 Senator Stafford?

10 SENATOR LEICHTER: Sure. Could
11 you just let me finish reading because I don't
12 think that the words of our Majority Leader
13 should be left sort of hanging there. They
14 deserve to be presented uninterrupted and then
15 I'll take your question.

16 SENATOR STAFFORD: Well, you're
17 not doing what I'm trying to do, but go ahead.

18 SENATOR LEICHTER: Okay. Well, I
19 usually end up not doing what you'd like me to
20 do. Okay. Let me again -- because these are
21 the words of our Majority Leader. He said to me
22 when I asked him if we were going to have an
23 itemized budget, and I quote. "I think you will

1 be very happy, very satisfied as will my
2 colleagues here to see every cent that we spent
3 itemized so that everyone's salaries are
4 itemized, all the expenditures for travel, for
5 office expenses, for your district office,
6 itemized and don't know how much more fully we
7 can disclose than that", unquote, and then I
8 went on and said, Well, Senator Bruno, is that
9 going to be in the budget? He said, Yes. He
10 said, We're going to itemize to the same extent
11 that the Executive Budget itemizes.

12 Now, I've had a lot of
13 disagreements with Senator Bruno on substantive
14 issues, but I consider him a person of his word,
15 of his integrity, and so on, and we've certainly
16 seen how he has said we're going to start
17 sessions on time. They start on time. That's
18 wonderful, but he did say we're going to have an
19 itemized budget, and the budget that we have is
20 precisely the same one that we've had for
21 decades which is vague, imprecise, general,
22 which hides from the public and hides from the
23 members actual information that anybody who

1 votes on the budget has to know but above all,
2 the public has a right to know how their money
3 is being spent by the Executive, by the
4 Judiciary and, yes, even by the Legislature.

5 I will be happy to yield to
6 Senator Stafford.

7 ACTING PRESIDENT KUHL: Senator
8 Stafford, Senator Leichter yields.

9 SENATOR GOLD: Mr. President.

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

12 SENATOR GOLD: Senator Stafford
13 said I could ask one quick question first. May
14 I do that, sir?

15 ACTING PRESIDENT KUHL: Senator
16 Leichter, do you yield to a question from
17 Senator Gold?

18 SENATOR LEICHTER: Yes.

19 ACTING PRESIDENT KUHL: The
20 Senator yields.

21 SENATOR GOLD: Senator Leichter,
22 are you saying that the budget is as bad today
23 as it was when Senator Israel Ruiz was a Senator

1 here also?

2 SENATOR LEICHTER: Senator Ruiz
3 is paying as much attention to you now as he did
4 then.

5 ACTING PRESIDENT KUHL: Senator
6 Leichter.

7 SENATOR LEICHTER: I'll yield to
8 Senator Stafford.

9 SENATOR STAFFORD: Well, I would
10 -- this is going to be sort of a -- well, it's
11 a question. It's a question. You do know,
12 don't you, Senator, that we are going to have
13 expenditure reporting, and I believe you no
14 doubt have looked at your expenditure report and
15 I might add, you're to be complimented, I'm
16 sure. I haven't seen it, but I'm sure your
17 expenses are like mine, low. Every single penny
18 spent here in the Legislature will be accounted
19 for and will be in this expenditure reporting.

20 Now, I want to compliment anyone
21 who has been involved in pushing this, obviously
22 Senator Bruno and many others and, frankly,
23 Senator, you don't go unmentioned for what is

1 being done. It will be there. It will be in
2 the open, and I just wondered if you had -- I
3 appreciate your comments.

4 SENATOR LEICHTER: Senator
5 Stafford, I think it's fair for you to point
6 that out because unquestionably that is
7 something that should have been done a long time
8 ago and at least credit ought to go to Senator
9 Bruno who, after all, makes that decision, for
10 finally revealing that.

11 Now, we can go through the
12 history and say, Yeah, but it took all of those
13 times when people had to get up on the floor and
14 complain. It took a lawsuit, and so on. Forget
15 it. It's being done, and for that we can be
16 thankful and grateful but, Senator, I wondered
17 whether, really partly in response to you and to
18 clarify the issue, you would be good enough to
19 yield.

20 SENATOR STAFFORD: Yes. I'm
21 sorry. Yes.

22 SENATOR LEICHTER: Senator, would
23 you agree with me it's not the same thing to

1 appropriate money in, if you will, a lump sum
2 and then down the line say, Well, we'll account
3 how we spend it and in the first instance when
4 that money is appropriated, when you and I cast
5 a very important vote, when we exercise our
6 responsibility and are accountable to our
7 constituents in deciding how public monies are
8 going to be spent, in knowing as you cast that
9 vote, not 30 days from now or three months from
10 now or six months from now or a year from now,
11 but as you cast a vote, how is the money to be
12 spent? How are you appropriating this money,
13 and will you agree with me that there's a big
14 difference in itemizing in the budget and
15 itemizing one year from now as to how the money,
16 in fact, was spent?

17 SENATOR STAFFORD: I -- I'm going
18 to be very careful. I'm going to have to say
19 right in the beginning, probably you and I won't
20 agree very much in this debate, but there's
21 nothing necessarily wrong with that. I found
22 here that in debates -- I was going to mention
23 to Senator Gold when he was mentioning, Well,

1 you have numbers here. It's how they're
2 interpreted and how you do it and what's the end
3 product.

4 I would suggest, Senator, that I
5 don't think you and I are Machiavellian. On the
6 other hand, I guess all of us are to a degree or
7 we wouldn't be here, and we're interested in the
8 end. The end product of Senator Bruno's efforts
9 and all those who have been involved, the end
10 product will result in every penny of the
11 Legislature being accounted for publicly and it
12 will be attached or directed to or part of -
13 what I'm saying is it will be indicated publicly
14 what Senator is responsible for that
15 expenditure.

16 SENATOR LEICHTER: Right.
17 Senator, you made that point. I agree with
18 you. It's something that needs to be done, but
19 you've got to start that process at the very
20 beginning, and as you and I cast our votes as
21 we're about to do in a few minutes on the
22 legislative budget, we should know precisely.
23 You shouldn't have to wait a year from now to

1 find out how much Leichter spends on mailing and
2 other things. You ought to know. You ought to
3 know what my staff allotment is and, frankly, I
4 would be interested in knowing your staff
5 allotment, and that ought to be in the budget
6 and people ought to -

7 SENATOR STAFFORD: Let me mention
8 this -- excuse me. Would the Senator yield?

9 ACTING PRESIDENT KUHL: Senator
10 Leichter, do you yield?

11 SENATOR LEICHTER: Yes.

12 ACTING PRESIDENT KUHL: The
13 Senator yields.

14 SENATOR STAFFORD: Do you know -
15 and I'm really pleased -- again, it's going to
16 be like Senator Paterson. It sounds like I
17 planted this but, you know, you're going to find
18 your staff allotment not that much different
19 than mine.

20 SENATOR LEICHTER: Well, I'll be
21 interested in that, and if that's the case -
22 and let me say, certainly you hold one of the
23 most important positions in this body, and I

1 could well understand that you would have
2 greater staff than I would, but I just think
3 that we ought to know.

4 Now, actually there is a
5 breakdown here for the Senate Finance. There
6 always has been, but it isn't itemized. It
7 isn't detailed, and it's not that I'm
8 particularly interested in what you have,
9 Senator Stafford. I just think that the public
10 ought to know what all of us have. The public
11 ought to know what the -- how the Legislature
12 spends its money for it spends it.

13 And let me just say that in the
14 amendment that we presented which, unfortunately
15 the Majority voted against en masse, we showed
16 that if you begin to itemize, you can get some
17 savings, and the fact is that we in the
18 Legislature, while we have been very critical of
19 the Executive and somewhat critical of the
20 Judiciary about their expenditure -- we make a
21 lot of changes in the Executive Budget -- but
22 the Legislature has been like a sacred cow, and
23 our budget has not seen the sort of decrease or

1 limitation on growth that we've had for the
2 Executive Budget.

3 You begin to itemize, and you can
4 see how you can make savings, and I say to my
5 friends on the other side of the aisle -
6 because I don't think you have a greater concern
7 about efficiency in government and getting 100
8 cents value for every dollar spent than we do.
9 I think you like to talk about it a little
10 more. So, therefore, maybe you've got a
11 responsibility, and I would say to you that I
12 don't see that your words on cutting out waste
13 in government match your action when it comes to
14 the Legislative Budget.

15 I'm not going to say this is a
16 bloated budget. I don't think it is. We've
17 shown you how you can save money on the
18 Legislative Budget and our amendment, in fact,
19 had significant savings on the Legislative
20 Budget, both the Senate and the Assembly.
21 There's no difference in our criticism here
22 between the Senate and the Assembly. This is -
23 as far as we're concerned, if you will, it's not

1 a partisan issue. It becomes pretty much an
2 institutional issue. Maybe it's the Minority
3 against the Majority. Maybe I get more
4 Republican Assembly members agreeing with me
5 than I would get Democratic Assembly members,
6 but here too, I think that if you look, not at
7 who's making the criticism, Well, it's just
8 Minority members. They always want more, but if
9 you look at the basic fairness, if you look at
10 what other states do, if you look at what
11 experts on budgeting do and what they tell you
12 in regard to a budget, they would say this is
13 laughable. This is a joke.

14 So I say to all of us, but I say
15 particularly to Senator Bruno and to Speaker
16 Silver, it's time we cleaned up our act. It's
17 time that we as legislators acted responsibly.
18 It's time that we met our Democratic
19 responsibility of letting the public know when
20 we vote for it, not a year down the road, how
21 public monies are being spent.

22 This Legislative Budget doesn't
23 do it. It didn't do it last year. It didn't do

1 it the year before. I was hoping that this year
2 we would do it because Senator Bruno said,
3 Leichter, you're going to be very happy. You're
4 going to be satisfied, and here I stand and I'm
5 very unsatisfied and very unhappy and all of you
6 should be because it's not a fair, honest
7 budget, and for that reason as I think every
8 year that I have been in the Legislature, more
9 years than I care to think about or anybody can
10 count almost, I voted against the Legislative
11 Budget and I will vote against this Legislative
12 Budget.

13 SENATOR STAFFORD: Mr. President,
14 I will be very, very brief.

15 ACTING PRESIDENT KUHL: Senator
16 Stafford.

17 SENATOR STAFFORD: I'm speaking
18 of words. Senator Leichter mentioned a sacred
19 cow. Well, we also -- we don't want a gored ox
20 either. I would suggest that we have -- in the
21 media here, we have again and I think it has to
22 be emphasized that Senator Bruno has done what
23 he was -- what he said he was going to do.

1 Every single penny will be
2 accounted for publicly, and the Senator that is
3 responsible for that expenditure will be so
4 assigned or it will indicate that that Senator
5 is the Senator responsible.

6 Thank you, Mr. President.

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

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

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT KUHL:
15 Announce the results when
16 tabulated.

17 THE SECRETARY: Those recorded in
18 the negative on Calendar Number 1355, Senators
19 Abate, Dollinger, Hoffmann, Leichter, Nanula,
20 Oppenheimer and Stavis... excuse me.
21 Oppenheimer. Ayes 52, nays 6.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 Senator Leichter, why do you
2 rise?

3 SENATOR LEICHTER: Mr. President,
4 while I'm on a roll, would you please, with
5 unanimous consent, record me in the negative on
6 Calendar Number 1352.

7 SENATOR SKELOS: No objection.

8 ACTING PRESIDENT KUHL: Without
9 objection, Senator Leichter will be recorded in
10 the negative on Calendar Number 1352.

11 Senator Skelos.

12 SENATOR SKELOS: Mr. President,
13 would you call up Calendar Number 1353, Senate
14 5592-B.

15 ACTING PRESIDENT KUHL: Going to
16 the regular calendar, page 4, Calendar Number
17 1353, it's the Transportation, Economic
18 Development and Environmental Conservation
19 budget bill.

20 I'll ask the Secretary to read
21 the title.

22 THE SECRETARY: Senator Stafford
23 moves to discharge from the Committee on Finance

1 Assembly Bill Number 8402-D and substitute it
2 for the identical Senate Bill 5592-C.

3 ACTING PRESIDENT KUHL: The
4 substitution is ordered.

5 The Secretary will read the
6 title.

7 SENATOR SKELOS: Mr. President,
8 is there a message?

9 ACTING PRESIDENT KUHL: The
10 Secretary will read the title.

11 THE SECRETARY: Calendar Number
12 1353, Budget Bill, Assembly Print 8402-D, an act
13 making appropriations for the support of
14 government.

15 ACTING PRESIDENT KUHL: Senator
16 Skelos.

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

19 ACTING PRESIDENT KUHL: There is
20 a message of necessity at the desk, Senator
21 Skelos.

22 SENATOR SKELOS: Move to accept.

23 ACTING PRESIDENT KUHL: The

1 motion is to accept the message of necessity on
2 Calendar Number 1353. All those in favor
3 signify by saying aye.

4 (Response of "Aye".)

5 Opposed, nay.

6 (There was no response.)

7 The message is accepted.

8 The Secretary will read the last
9 section.

10 THE SECRETARY: This act -

11 SENATOR LEICHTER: Explanation.

12 ACTING PRESIDENT KUHL: Senator
13 Stafford, an explanation has been asked for by
14 Senator Leichter of Calendar Number 1353.

15 SENATOR STAFFORD: Mr. President,
16 moving along here in our budget process, this
17 budget as has been mentioned contains
18 transportation -

19 ACTING PRESIDENT KUHL: Senator
20 Stafford, excuse the interruption just a
21 moment. We have too many conversations going
22 on.

23 Thank you, Senator Stafford.

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

3 I just can't believe that people
4 aren't hanging on every word. On the other
5 hand, I can.

6 Transportation, Economic
7 Development and Environmental Conservation are
8 considered and are provided for in this portion
9 of our budget -- or in this budget bill.

10 As I mentioned, Transportation,
11 Economic Development, Environmental Conservation
12 are increased in the general fund by \$20 million
13 and the overall appropriation for these
14 provisions are 100... or is \$160 million.

15 Additional spending is provided
16 for agricultural programs, economic development
17 zones, housing programs and for the Ontario
18 Watershed Protection Alliance program, to name a
19 few.

20 In addition, funding is restored
21 for zoos, botanical gardens, aquariums and the
22 like, as well as redirection of funding within
23 the Environmental Protection Fund which is a

1 serious subject, obviously.

2 Mr. President, I could go on. I
3 could go into detail, be glad to. I'd be glad
4 to answer any questions. Again, a great deal of
5 work went into this here in the Senate, in the
6 Assembly and obviously the Executive branch. I
7 think this budget responds and is responsive to
8 the requirements.

9 ACTING PRESIDENT KUHL: Senator
10 Leichter, do you wish to follow up?

11 The Chair recognizes Senator
12 Abate.

13 SENATOR ABATE: Yes. Would
14 Senator Stafford yield to a number of
15 questions?

16 SENATOR STAFFORD: Yes.

17 SENATOR ABATE: As you know,
18 Senator Stafford, I come from a region called
19 New York City and -

20 SENATOR STAFFORD: The capital of
21 the world.

22 SENATOR ABATE: Thank you.

23 We're the economic engine of the

1 world, I'm told. My concern comes from a
2 historical concern. Two years ago just about
3 every mass transit system in the state received
4 an increase and New York City received a
5 decrease. That historical pattern has been
6 continued year after year. My concern is that
7 80 percent of the riders of all the mass transit
8 systems lie in New York City but we get a
9 fraction of the money coming back to New York
10 City. I believe last year it was 64 percent of
11 the total dollar.

12 How do we do this year in terms
13 of the appropriation to local aid for mass
14 transit? Are we receiving an increase in
15 dollars, and what is the proportion of that
16 increase compared to other local mass transit
17 systems?

18 SENATOR STAFFORD: I am
19 relatively well prepared for this subject
20 because some of you people asked some very tough
21 questions when Mr. Kalikow was up for
22 reconfirmation, and I said, I will get you some
23 answers, and I did.

1 Now I'll get the answers.

2 SENATOR ABATE: Okay. Great.

3 SENATOR STAFFORD: It is just
4 about even, but I want to be very accurate and
5 be very careful. Overall, there is a 17 million
6 increase -- or decrease, excuse me, for the MTA
7 this year.

8 SENATOR ABATE: A 17 million
9 decrease.

10 SENATOR STAFFORD: Yes.

11 SENATOR ABATE: And how many
12 other jurisdictions, other local mass transit
13 systems also received a decrease?

14 SENATOR STAFFORD: Well, of
15 course, we're talking about -

16 SENATOR ABATE: I mean Buffalo,
17 Syracuse, throughout the state.

18 SENATOR STAFFORD: I was going to
19 answer that.

20 SENATOR ABATE: Okay. Thank you.

21 SENATOR STAFFORD: I'm answering
22 it -- attempting to. If there were any
23 decreases, they were de minimus, but on the

1 other hand for the overall budget, I would
2 suggest that 17 million -- it's a lot of money
3 upstate. It's a lot of money anywhere, but on
4 the other hand, percentagewise, it's not really
5 too much of a decrease.

6 Now, there also -- it was
7 explained to me by Mr. Kalikow and others that
8 the 17 million is going to be more than made up
9 as far as being able to provide services and it
10 is not going to be a problem as far as
11 providing, if not better services for this
12 coming year.

13 SENATOR ABATE: Would Senator
14 Stafford continue to yield?

15 SENATOR STAFFORD: Yes.

16 ACTING PRESIDENT KUHL: The
17 Senator continues to yield.

18 SENATOR ABATE: Senator, I'm not
19 sure if I understand. Let me rephrase the
20 question again. In terms of local aid to mass
21 transit, was there an overall increase in
22 dollars to those systems in New York State?

23 SENATOR STAFFORD: No.

1 SENATOR ABATE: Okay. What was
2 the total decrease in dollars to mass transit?

3 SENATOR STAFFORD: I'll get
4 that. I don't have the actual decrease, but it
5 was de minimus, that's small.

6 SENATOR ABATE: But if 17 million
7 went to New York City as a decrease -

8 SENATOR STAFFORD: Overall, it
9 will be 20 million.

10 SENATOR ABATE: So totally in New
11 York State, the total decrease in funding for
12 mass transit was 20 million of which a 17
13 million decrease came out of mass transit in New
14 York City. So virtually all the cuts -

15 SENATOR STAFFORD: No, that isn't
16 right.

17 SENATOR ABATE: Okay. Then I
18 didn't understand.

19 SENATOR STAFFORD: First -- let
20 me try to put this into perspective. \$1 billion
21 is spent on mass transit. 900 million is spent
22 in the MTA. 100 million is spent in other areas
23 of the state. The 17 million comes out of the

1 900 million. The de minimus also comes out of
2 the 100 million.

3 SENATOR ABATE: So whatever was
4 cut from the mass transit basically came out of
5 New York City's budget, whether it was de
6 minimus or not. The cuts came out of -

7 SENATOR STAFFORD: Proportion
8 wise when you're comparing 900 million with 100
9 million, yes, more came from New York.

10 SENATOR ABATE: But I'm sure
11 you're aware, Senator, that most of the
12 ridership comes from New York City and yet those
13 dollars -

14 SENATOR STAFFORD: Let me answer
15 that. Let me spend a minute on that. I think
16 we all -- we all are doing our best to have
17 every citizen of the state treated equally and
18 have equal opportunity.

19 Now, I've got to agree that my
20 cart -- that's c-a-r-t. It's not one you pull,
21 but they call my buses up there -- their vans
22 carts. I got to admit, sometimes they drive 30
23 miles and pick up two people, but yet those two

1 people live in New York and they, of course,
2 need transportation as much as a person who
3 lives in the metropolitan area, in the capital
4 of the world and for the record, I slipped the
5 other day and I said Plattsburgh. I want to
6 make sure the record -- it is the great city of
7 the world.

8 ACTING PRESIDENT KUHL: Senator
9 Stafford, could you excuse an interruption,
10 please?

11 Senator Holland, why do you
12 rise?

13 SENATOR HOLLAND: Mr. President,
14 there will be a meeting of the Higher Ed'
15 Committee in Room 124 at 1:30.

16 ACTING PRESIDENT KUHL: There
17 will be a meeting of the Higher Education
18 Committee, a meeting of the Higher Education
19 Committee in ten minutes at 1:30 in Room 124 of
20 the Capitol.

21 Thank you, Senator Stafford, for
22 the interruption.

23 Senator Abate, you have the

1 floor.

2 SENATOR ABATE: Yes. A totally
3 different topic. There's a -- there's something
4 called the Triborough Bridge and Tunnel surplus
5 tolls, and it was a formula that was instituted
6 many years ago where the first, I believe 24
7 million -- again, this is my recollection -- the
8 first 24 million of surplus tolls go to New York
9 City and then anything beyond that is divided
10 three ways between New York City mass transit,
11 between Long Island Rail Road and Metro North.

12 When the formula was developed,
13 there was only a small amount of surplus
14 collected. Now there are hundreds of millions
15 of dollars collected. So the surplus generally
16 is divided three ways even though the majority,
17 I think 70-some percent of the tolls are
18 collected in New York City. Everyone -- not
19 virtually everyone but many of the experts
20 recognize there's an inequity now. Which was
21 once an equitable formula is now an inequitable
22 formula and actually hurts New York City. Is
23 there anything in this budget that attempts to

1 remedy that inequity?

2 SENATOR STAFFORD: Well, when Mr.
3 Moses and his genius came up with the formula, I
4 think again people were talking and also
5 thinking of and being concerned about all the
6 areas of the state, and just as one area at
7 times does assist, help, support one area, I
8 would suggest that in this situation, we're
9 looking at mass transportation as a whole and we
10 are providing, hopefully an equal opportunity
11 for everyone in the state.

12 SENATOR ABATE: Just quickly on
13 the budget bill.

14 ACTING PRESIDENT KUHL: Senator
15 Abate, on the bill.

16 SENATOR ABATE: Once again, I
17 cannot support particularly this transportation
18 part. Everyone recognizes that there are needs
19 throughout the state that have to be met and
20 that's from one corner of the state to the
21 other, but when there are disproportionate needs
22 in one area, even though that means a high
23 percentage of those dollars have to go to that

1 area because there are more riders that use mass
2 transit, more capital problems, et cetera, those
3 dollars should flow to those areas that need -
4 need those dollars.

5 In some instances, those dollars
6 should not go to New York City, but the instance
7 of mass transit, there are -- very few people
8 can argue the issue that there are enormous
9 needs in developing and maintaining a quality
10 mass transit system in New York City.

11 Year after year, New York City is
12 shortchanged. It does not get the dollars it
13 needs proportionally to maintain that system.
14 Other systems either get an increase or the
15 status quo and year after year, New York City
16 mass transit feels the ax of budget cuts.

17 My recollection, if it serves me
18 right, is that we serve 80 percent of the riders
19 in New York City but only receive 64 percent of
20 the dollars. From my -- the indication today,
21 that inequity is just worsened. We, again have
22 to bear the brunt of these cuts, and I will not
23 be able to support this budget bill because it

1 maintains this inequity. We're now moving in
2 the right direction. The dollars should go
3 where the need lies and this budget bill is not
4 correcting that problem.

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

7 Senator Mendez.

8 SENATOR MENDEZ: Thank you, Mr.
9 President.

10 I wonder if the good Senator
11 would yield for a question.

12 SENATOR STAFFORD: By all means.

13 ACTING PRESIDENT KUHL: The
14 Senator yields.

15 SENATOR MENDEZ: Thank you.

16 In the -- in the -- again, the
17 transportation issue, you mentioned that in one
18 part of your district, there are only two people
19 who need to use -- to use the cart or the van to
20 get somewhere. The state of New York should, in
21 fact, feel as committed to resolve that
22 transportation problem in your district as any
23 transportation problem in the city of New York.

1 Now, in my district, I have a
2 beautiful place, a planned community that is
3 called Roosevelt Island. Interestingly enough
4 -- yes, yes. Even in Europe, they know about
5 Roosevelt Island, but the interesting thing
6 about Roosevelt Island is its history. It was
7 an experiment implemented by a Republican
8 governor, Governor Rockefeller -- may he rest in
9 peace -- for planned communities; one in
10 Rochester, one in New York City and two in two
11 other parts of the state. I don't remember.
12 Two of those four initial projects, Senator,
13 already are non-existent. I'm told that the one
14 in Rochester has become a slum.

15 Now, the Roosevelt Island-New
16 York City has succeeded because it has a group
17 of citizens that are very actively involved and
18 have been able to create a lot of activities
19 through the voluntary services to improve the
20 quality of life.

21 In terms of transportation, you
22 do know that there are subsidies -- every
23 village, county and city of the state of New

1 York receives transportation subsidies like in
2 your district and many others, and my question
3 to you is at the present time, that beautiful
4 tram and the buses that take seniors in short
5 rides in the Island, they have a deficit of \$1.5
6 million.

7 The suggestion of accommodation
8 that has been made is for the MTA to take over
9 that operation, and everybody gets very frus
10 trated because it's a big No, No, No, No. My
11 question is the citizens of Roosevelt Island,
12 shouldn't they be treated in the same fashion
13 that other residents in the city of New York,
14 like all the residents in your district and
15 villages and towns in the state are receiving
16 subsidies because of their transportation
17 needs?

18 SENATOR STAFFORD: Yes, and let
19 me share this with you, and I'm sure that you
20 will share this with your people when you get
21 home because I happen to know that one has a
22 better network in their district that you do.
23 There's \$600,000 in this budget for Roosevelt

1 Island.

2 SENATOR MENDEZ: I know.

3 SENATOR STAFFORD: New money.

4 SENATOR MENDEZ: That's operation
5 -- operation and money, but originally there
6 was a request for 1.1 million. \$600,000 is
7 better than nothing, not that I don't appreciate
8 it, but it's better than nothing. From 600,000,
9 my dear Senator, to 1.1 million, there's a
10 little difference, even though -- and I
11 recognize that even though I had a horrible
12 mathematics teacher in third grade.

13 So, anyhow, what about the
14 capital budget reappropriations? What about -
15 could you tell me any figures in the budget?

16 SENATOR STAFFORD: I didn't
17 understand. What -

18 SENATOR MENDEZ: Reappropriations
19 in the capital budget.

20 SENATOR STAFFORD: For -

21 SENATOR MENDEZ: Roosevelt

22 Island.

23 SENATOR STAFFORD: By all means.

1 SENATOR MENDEZ: It's there.

2 SENATOR STAFFORD: As a matter of
3 fact, there was some negotiations and we had to
4 push to have that concluded.

5 SENATOR MENDEZ: Okay. And
6 thirdly then, in the transportation -- in this
7 bill here, \$11 million that will address
8 deficits of the MTA, why in the world can -- the
9 deficit of Roosevelt Island will be taken over
10 by the MTA and placed with the \$11 million.

11 SENATOR STAFFORD: I certainly am
12 not going to argue at all that your argument is
13 correct and it follows exactly what I said, that
14 every single person on Roosevelt Island is as
15 important as any person anywhere in this state.

16 Now, I'm sure you'll agree with
17 me, this Roosevelt Island situation has had
18 quite a history, and those of us who have been
19 here have watched it, and I can see -- and I'm
20 not -- again, I'm not making light of this. I
21 can see how frustrating it's been for anyone who
22 has represented -

23 SENATOR MENDEZ: You know,

1 Senator, the fact is that once the plan is -
2 the original plan is put into effect, in around
3 three years or so, the Island will be economic
4 ally independent of any state subsidies, but
5 this situation of the -- of the transportation
6 problem there doesn't allow the Island residents
7 to be economically independent.

8 SENATOR STAFFORD: Thank you.

9 SENATOR MENDEZ: Thank you.

10 SENATOR MARCHI: Mr. President.

11 ACTING PRESIDENT KUHL: Senator
12 Marchi.

13 SENATOR MARCHI: Would Senator
14 Mendez yield?

15 SENATOR MENDEZ: Yes.

16 ACTING PRESIDENT KUHL: Senator
17 Mendez, do you yield to a question from Senator
18 Marchi?

19 Yes.

20 SENATOR MARCHI: I know how you
21 feel in New York because I feel exactly the way
22 you do, but does this mean that all the upstate
23 colleagues that you have are now going to vote

1 for this because they're -- they're having a
2 huge advantage over the disadvantaged New
3 Yorkers? Does this mean that they're going to
4 vote for this?

5 SENATOR MENDEZ: For this bill?

6 SENATOR MARCHI: Yeah.

7 SENATOR MENDEZ: I don't know. I
8 haven't conducted a survey.

9 SENATOR MARCHI: Pardon?

10 SENATOR MENDEZ: I haven't
11 conducted a survey, you know, to find out which
12 way they're going to vote, but are you saying -

13 SENATOR MARCHI: No. I applaud
14 the passion and the vigor that you bring to the
15 argument because I'm out in Staten Island. It's
16 even worse. So I -- I have great empathy, but I
17 was just wondering whether your upstate
18 colleagues on the other side of the aisle are
19 now going to be very anxious to vote for this
20 because they're getting money at our expense.

21 SENATOR MENDEZ: Oh, oh. I see
22 your point now. What a devilish point,
23 Senator.

1 SENATOR MARCHI: But I applaud
2 what you're saying.

3 SENATOR MENDEZ: Thank you.

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

6 SENATOR LEICHTER: Mr. President.

7 ACTING PRESIDENT KUHL: Senator
8 Leichter.

9 SENATOR LEICHTER: If Senator
10 Stafford would yield, please.

11 ACTING PRESIDENT KUHL: Senator
12 Stafford, do you yield to Senator Leichter?

13 (Senator Stafford nods head.)

14 The Senator yields.

15 SENATOR LEICHTER: Yes. Senator
16 Stafford, on economic development, there's an
17 appropriation in here for the Urban Development
18 Corporation, for its varied activities
19 supposedly assisting economic development in New
20 York State. What is that amount?

21 SENATOR STAFFORD: I believe it's
22 approximately 88 million.

23 SENATOR LEICHTER: Now, Senator,

1 do we set forth what projects the Urban
2 Development -- I still call it Urban
3 Development. It's actually called Empire State
4 Development Corporation -- what projects it's
5 going to expend that money for?

6 SENATOR STAFFORD: Yes. I
7 believe there are programs as well as projects.

8 SENATOR LEICHTER: Senator, my
9 understanding is that, indeed, there are
10 programs -- certain programs of minority and
11 women in business, certain programs such as Jobs
12 Now which have now been cut, but I believe
13 there's also a lump sum appropriation, if my
14 memory serves me -- and obviously we've had very
15 little time to review this. I think it's
16 somewhere in the range of some \$20 million
17 which, as I understand it, is a lump sum
18 appropriation.

19 SENATOR STAFFORD: I think I can
20 -- I can respond, I think even though the
21 Senator hasn't completed his actual thought, but
22 I think I can respond. I think I see where
23 you're coming from. I believe 20 years -- 1974

1 to 1994, we had a chief executive which was not
2 of the party of the Majority in the Senate. I
3 think that's a fair -- a fair statement.

4 Now, I have to admit that during
5 that 20 years, I would see economic development
6 and often I would have the same frustrations
7 that now is being evidenced because economic
8 development is very competitive, and we want it
9 all, and we all want it for our own area -- we
10 all want it for our own area and we all say that
11 I'm falling into this trap, believe it or not,
12 that if I didn't get what I wanted the last 20
13 years and someone did, I said, Oh, it's because
14 -- and that wasn't necessarily true. It isn't
15 true today. We're trying to get this state, as
16 I've said earlier, back on the track.

17 Senator Paterson used the word
18 "pact". That's fine also, but I don't think -
19 on one serious note very quickly and then I'll
20 respond to any others. Sure, we can argue that
21 if we're not of the same persuasion and we're
22 not being treated exactly the way we want to be
23 treated, we can say, Well, wait a minute. It's

1 because of this or that. I don't think it was
2 the case in 20 years from 1974 to '94 and,
3 frankly, I don't think that's the case now. I'm
4 trying to be very sincere.

5 SENATOR LEICHTER: Mr. President,
6 if Senator Stafford will continue to yield.

7 Senator, I -- I want to thank you
8 for what I would call an interesting and an
9 accurate philosophical view and presented in a
10 good homespun manner and I agree, and I think
11 you made your point, but let me see if I can
12 sharpen my question.

13 We have -- and I'm looking now at
14 the actual bill. I'm not going from memory as
15 before. We have 20 million for Jobs Now and
16 then we have \$38,750,000 which is, in fact, that
17 lump sum appropriation that I referred to for
18 the various programs of the economic -- the
19 Empire State Development Corporation.

20 My question to you is -- now,
21 that's a lump sum appropriation. We don't know
22 what they're going to spend for, and I
23 understand again the philosophical point you

1 make. You know, I may want more. You may want
2 more for but we're one state, and so on, but is
3 there a memorandum of understanding that exists
4 somewhere in regard to how that \$38,750,000 is
5 going to be spent?

6 SENATOR STAFFORD: Yes.

7 SENATOR LEICHTER: It is?

8 SENATOR STAFFORD: Yes.

9 SENATOR LEICHTER: Have you seen
10 it?

11 SENATOR STAFFORD: Yes.

12 SENATOR LEICHTER: You've seen
13 it.

14 SENATOR STAFFORD: Yes.

15 SENATOR LEICHTER: Will you -
16 may -- will you share it with us?

17 SENATOR STAFFORD: Yes.

18 SENATOR LEICHTER: Good. I thank
19 you.

20 I'm not used to getting such
21 emphatic answers on this floor, least of all
22 from you, Senator Stafford. So I've got to sort
23 of collect my thoughts for a moment, but I

1 appreciate that. Do you have that memorandum of
2 understanding with you at this time?

3 SENATOR STAFFORD: Not this
4 second, but I will go over it with you -- oh,
5 oh, wait a minute.

6 SENATOR LEICHTER: Okay.

7 SENATOR STAFFORD: Yes.

8 SENATOR LEICHTER: Fine. May I
9 see it?

10 SENATOR STAFFORD: Yes. I think
11 there is a memorandum of understanding that's
12 being worked on with the Assembly, with the
13 Senate and to answer your question very, very
14 succinctly and seriously, there will be definite
15 limitations on how the money can be spent, where
16 it can be spent and, in other words, what you
17 are interested in will be there.

18 SENATOR LEICHTER: Well, Senator
19 Stafford, if you would be good enough to
20 continue to yield. What I'm interested in is
21 having not only myself but all of the other
22 members of this body know what's in that
23 memorandum of understanding.

1 I mean, it just seems to me that
2 it's another instance of having an unitemized
3 item in the budget. This time it's not the
4 Legislative Budget, but if we're giving \$38
5 million to the Empire Development -- Empire
6 State Development Corporation, I think we ought
7 to know how that money is going to be spent and
8 we ought to know it not a month from now. We
9 ought to know it right now. We shouldn't know
10 it two hours from now after this bill is
11 passed.

12 SENATOR STAFFORD: The parties to
13 the agreement are the chairman of the New York
14 State Urban Development Corporation, the
15 Temporary President, Majority Leader of the
16 Senate and the Speaker of the Assembly.

17 I would like to read some of the
18 provisions. I think you'll -

19 SENATOR LEICHTER: Would you?
20 Thank you. That would be helpful. I hope it
21 will be helpful.

22 SENATOR STAFFORD: Now,
23 therefore, in consideration of the mutual

1 covenants contained herein, the parties hereto
2 agree as follows:

3 1. The corporation agrees that
4 upon receipt by the corporation of application
5 or other formal request for funding for any
6 project, the corporation shall provide notice of
7 such application or requests within ten days of
8 such receipt to the Senators and members of the
9 Assembly representing the district in which such
10 projects needs to be located.

11 The corporation further agrees
12 that such Senators and members will timely be
13 provided copies of all correspondence relating
14 to each application provided, however, that
15 proprietary information may be withheld from
16 such correspondence if such Senators and members
17 are given notice that such information has been
18 withheld.

19 Such Senators and members will be
20 provided notice of all proceedings relating to
21 such application, shall be invited to
22 participate in such proceedings. A copy of such
23 notice shall also be provided to the designees

1 of the Temporary President, the Majority Leader
2 of the Senate and the Speaker of the Assembly.

3 4. Such Senators and members
4 shall be provided with notice of the final
5 disposition of the application by the
6 corporation and the reasons for such
7 disposition.

8 In order to ensure that the funds
9 appropriated for existing statutory programs are
10 approved in an equitable, reliable and a timely
11 manner, the corporation agrees that with respect
12 to projects provided, approved -- excuse me -
13 approved after the date of execution of this
14 memorandum of understanding, the projects shall
15 be approved to be financed out of the Empire
16 State Economic Development fund generally in
17 amounts which are proportional to amounts
18 appropriated to the Urban and Community
19 Development Program, the Regional Economic and
20 Development Partnership Program and the Minority
21 and Womens Owned Business and Development
22 Program.

23 I wanted to give you a flavor

1 of -

2 SENATOR LEICHTER: Good.

3 Senator, I thank you and that certainly provided
4 us with information that ordinarily is not
5 provided. I think the one missing part -- and
6 it's a very important part because I believe
7 that the distinguished parties to this agreement
8 and the Governor have also decided when -- not
9 when but where that money is going to be spent,
10 what particular projects, and it's that
11 information that I think is important, and if
12 you have it, I wondered if you would share that
13 with us.

14 SENATOR STAFFORD: Well, I think
15 as in the past, we have to give those that are
16 working on economic development projects -- I
17 think we have to give them flexibility.

18 I will say that I think from 1974
19 to 1994 a good job was done. I think a good job
20 is continuing to be done. I think that we're
21 finding that, if anything, due to some changes
22 that we talked about earlier in the state, I
23 think that we're even doing maybe better than we

1 were.

2 So I -- I would say that the
3 product would be there and I think overall
4 you'll be pleased when you see really the end
5 product, so to speak.

6 SENATOR LEICHTER: Well, Mr.
7 President, if Senator Stafford would yield for
8 one more question -

9 ACTING PRESIDENT KUHL: The
10 Senator continues to yield.

11 SENATOR LEICHTER: -- just on
12 this item. As our good colleague, Senator Gold,
13 with his ability to get right to the heart of it
14 just pointed out, he said, Well, that memorandum
15 will inform members if something is being done
16 in their district, but it doesn't tell them if
17 nothing is being done in their district or
18 necessarily give them the opportunity to have an
19 input to see that something happens in their
20 district, and I guess what you're telling me is
21 that as far as you know, you're not in a
22 position to say what decisions were made as to
23 regions or areas of the state where that \$38

1 million is to be spent.

2 SENATOR STAFFORD: Well, again,
3 I'm pleased you asked that question because
4 something caught my eye. I didn't want to just
5 continue to read here ad nauseam but, for
6 instance, this agreement also states that there
7 will be a cumulative summary of commitments and
8 disbursements by appropriations and that will be
9 quarterly, the geographic distribution of
10 approved projects, the extent of which approved
11 projects are expected to create and obtain jobs
12 in New York, the impact of approved projects
13 were qualified -- quantified and available under
14 stressed urban and rural communities, small and
15 medium sized businesses and strategic
16 industries. I think this is going to the heart
17 of what you're asking and that is going to be
18 provided.

19 SENATOR LEICHTER: Well -- Mr.
20 President, I want to thank my good friend,
21 Senator Stafford, and I appreciate that you at
22 least gave us a glimpse into all of these MOUs
23 that are not floating around but that are in

1 some locked boxes ordinarily kept from view of
2 legislators and the public.

3 Mr. President, I have a lot of
4 problems with this budget, the particular bill
5 before us and the overall budget. I just want
6 to focus for a moment on something that has been
7 of concern to me for many years, and that was
8 the Urban Development Corporation, or the Empire
9 State Development Corporation as it's now known
10 and really the whole effort of the state of New
11 York to create jobs.

12 I was extremely critical of the
13 previous administration. I'm critical of the
14 present administration, and I am most dubious of
15 the appropriations that we make.

16 Let me first address the Jobs Now
17 for which \$20 million is being provided. This
18 is a program, as I understand the outlines -
19 and again, we really don't have any details in
20 this budget, but that is to go to the larger
21 corporations if they create, I believe it's 300
22 or more jobs.

23 You know, that part by itself may

1 be fine. The difficulty with this program and
2 one I think that we're going to regret is that
3 it also involves, as I understand it, jobs that
4 are retained, and that's really an Achilles heel
5 to the whole program, and I want to remind those
6 of you who have been here some years of the
7 difficulty that we had with the job improvement
8 program, something that I particularly focused
9 on, pointed out its shortcomings and after about
10 a billion and a half dollars had been wasted -
11 wasted in this state in 1982 -- or 1983 under
12 the leadership of Mario Cuomo and with the
13 support, obviously of the Legislature, the
14 program was terminated, and that particular
15 program provided that if you created more than
16 five jobs or retained more than five jobs -- the
17 difficulty was the -- again, on the retention,
18 and you had a situation such as where Irving
19 Trust Company, which has now been merged in the
20 Bank of New York, received \$75 million in
21 reduction of their corporate taxes because they
22 claim that other -- that otherwise all of their
23 jobs would have been lost and that they claim

1 thousands and thousands of jobs, tellers' jobs
2 which they say were retained as a result of
3 their putting up a building which qualified them
4 for the subsidy, and I think you're going to
5 find the exact same problem here because it's
6 very tough. Somebody says -- and the CEOs have
7 become very adept at doing this particularly in
8 the city of New York. They're always
9 threatening us they're going to move to Jersey,
10 and the city of New York often sometimes with
11 the help of New York State has said, Oh, please,
12 don't move to Jersey. Here's some money. Stay
13 in New York. Often we found that these are just
14 absolute bluffs.

15 Secondly, we found that it just
16 doesn't pay in the long run to engage in this
17 sort of competition with other states, and when
18 you deal with job retention, there just is
19 really no very good objective basis to say a job
20 has been retained.

21 So I suspect that we're not going
22 to see any job growth under this but you're
23 going to see a lot of claims. Oh, I kept such

1 and such corporation from moving a division or
2 moving a factory or moving the entire
3 headquarters out of the state of New York. It
4 is not a good investment.

5 Let me tell you that what we
6 ought to be doing is spending whatever economic
7 development monies we have on improving overall
8 business conditions. The irony is that the
9 Republicans who, if you mention to them
10 industrial policy, they -- they recoil in
11 horror. Oh, my God. It's not up to government
12 to pick winners or losers. Let the market do
13 it, but that's exactly what you're doing with
14 this program. It's a form of industrial policy,
15 and it always -- you know, it amazes me that
16 good conservatives like Owen Johnson are going
17 to vote for industrial policy. He's along with
18 Robert Reich and all of those liberals, you
19 know, that he ordinarily looks so aghast at, but
20 here he is right with them having an industrial
21 policy.

22 I don't mean to make light of
23 this or poke fun at my good friend Owen Johnson

1 who is really very consistent in his views, but
2 I think if you examine for a moment what you're
3 doing, you are engaged in sort of an industrial
4 policy and one, frankly, that has not worked for
5 New York State, probably hasn't worked for most
6 states, and I think we're finding now that
7 governments agree that all of this bidding for
8 plants, for businesses, and so on, is not the
9 way to create jobs. It's not the way to foster
10 economic conditions. What you have to do is
11 address overall needs, try to -- in New York
12 State, what are those? We got to bring down our
13 utility costs. We got to have a trained work
14 force. We have to see that the quality of life
15 is better. We have to deal with some of our
16 transportation problems. We have to reduce some
17 taxes that are onerous on businesses. That's
18 where we should be spending our money and not a
19 Jobs Now program.

20 I must say that I don't have much
21 confidence in this administration of the
22 economic development -- of the Economic State
23 Development Corporation utilizing this money

1 well.

2 Similarly, we have a \$38 million
3 appropriation with very unclear and very
4 uncertain guidelines and certainly not public as
5 to how that money is going to be spent.

6 I just wonder whether we're going
7 to see the sort of political patronage that
8 we've seen in the past under this
9 administration. I question whether we're going
10 to find partisanship, political considerations,
11 financial considerations as to support of
12 candidates and parties playing a role in this.
13 It makes me very, very uneasy. That's reason
14 enough to vote against it.

15 I think Senator Abate certainly
16 gave those of us from the downstate area a good
17 reason to vote against this bill because of the
18 discrimination against the mass transit riders
19 in the downstate areas.

20 It's not just that it's unfair.
21 It's just bad public policy because we depend to
22 such a large extent on a good mass transporta
23 tion system and one that's reasonably priced in

1 the downstate area, and that's really an
2 obligation that I think all of us from the state
3 -- from wherever we come in the state of New
4 York have because the economic activity that is
5 supported by a good mass transportation system
6 inures to the benefit of all New Yorkers.

7 But finally, let me just say,
8 there's an awful lot in this bill, and I suspect
9 that most of it is unknown to the members of
10 this house because this bill was put on our
11 desks -- when was it -- some time this morning.
12 Even though agreement apparently was reached
13 some days ago, we still could not get those
14 three wise men who came together and reached an
15 agreement to let us legislators who are going to
16 have to vote on this in on their big agreement.
17 They wanted to keep this a secret.

18 I must say I've never seen this
19 process as bad as it has been this year, and it
20 makes really just a mockery of the action that
21 we take now in approving the budget. Whether
22 we're ratifying, confirming, adding our voices,
23 the fact is that three people in secrecy sat

1 down, came together on a budget, excluded the
2 Legislature, didn't let the public in on what
3 was happening, and I don't know any other state
4 that has a process that is as bad as the one in
5 New York State, and with all the criticisms in
6 the past year, I want to say that George Pataki,
7 Joe Bruno and Sheldon Silver, they outdid any of
8 their predecessors in the degree of secrecy and
9 the manner in which they reached agreement and
10 also, of course, in the length of time that it
11 took them to reach agreement.

12 It's an appalling process, and I
13 think it leaves us here with a bill that's being
14 voted on with very few people -- or really
15 nobody knowing the full extent of the
16 appropriations.

17 I must also say just taking a
18 look at this bill and the overall budget, I
19 don't see any direction. I don't see any vision
20 for New York State. I see a lot of pork barrels
21 here and there. I see a lot of political
22 decisions being made, but particularly when you
23 look at economic development, what is the

1 program for New York that's going to enable us
2 to deal with our economic problems? Where is
3 the plan? Where is the future set forth in this
4 budget? I don't see it. I'm really very
5 disappointed. I think it's a budget that does
6 not deserve to be approved.

7 ACTING PRESIDENT KUHL: The
8 Secretary -- Senator Montgomery.

9 SENATOR MONTGOMERY: Mr.
10 President, I have a question. Should I direct
11 that to Senator Stafford?

12 ACTING PRESIDENT KUHL: Senator
13 Stafford, would you yield to a question from
14 Senator Montgomery?

15 SENATOR STAFFORD: Yes.

16 ACTING PRESIDENT KUHL: Senator
17 yields.

18 SENATOR MONTGOMERY: Senator
19 Stafford, on the UDC part of the budget that
20 funds the \$20 million, that is part of what I
21 understand to be a block grant for certain
22 economic development projects?

23 SENATOR STAFFORD: How much,

1 Senator?

2 SENATOR MONTGOMERY: The \$20
3 million.

4 SENATOR STAFFORD: \$20 million.
5 I got it.

6 SENATOR MONTGOMERY: Block grant
7 for economic development projects. The language
8 in the bill stipulates that the Commissioner can
9 use part of that money for working capital loans
10 and loan guarantees to businesses creating at
11 least 300 new permanent full-time private sector
12 jobs. That seems to be very restrictive in
13 terms of the size of the business that would be
14 eligible for those funds.

15 SENATOR STAFFORD: This one is
16 intended for larger business, and then 38
17 million is for smaller. So it was intended to
18 be that way.

19 SENATOR MONTGOMERY: Okay. With
20 the 38 million, can we assume that the
21 businesses are for the smallest kinds of
22 businesses, start-up funds for very small
23 businesses like mom and pop shops that may be in

1 my district?

2 SENATOR STAFFORD: They would be
3 included in small businesses.

4 SENATOR MONTGOMERY: Small, very
5 small. Okay. Thank you.

6 Thank you, Mr. President.

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

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

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 Record the negatives and announce
15 the results.

16 THE SECRETARY: Ayes 56, nays 2,
17 Senators Hoffmann and Leichter recorded in the
18 negative. Also Senator Abate. Ayes 55, nays 3.

19 ACTING PRESIDENT KUHL: Bill is
20 passed.

21 SENATOR STAFFORD: Thank you, Mr.
22 President. Can we please announce a Finance
23 meeting in Room 332 immediately.

1 ACTING PRESIDENT KUHL: There
2 will be an immediate Senate Finance Committee
3 meeting in the Majority Conference Room.

4 Immediate Senate Finance Committee in the
5 Majority Conference Room, Room 332.

6 Senator Marcellino.

7 SENATOR MARCELLINO: Mr.
8 President, can we now take up Calendar Number
9 1393, Senate Print Number 7423B.

10 ACTING PRESIDENT KUHL: Secretary
11 will read Calendar Number 1393 which is on page
12 4 of the regular calendar, Senate 7432B, by
13 Senator Volker.

14 THE SECRETARY: Calendar Number
15 1393, by Senator Volker, Senate Print 7423B, an
16 act relating to permitting nonbargaining unit
17 salaried employees to join the state retirement
18 system.

19 ACTING PRESIDENT KUHL: Senator
20 Marcellino.

21 SENATOR MARCELLINO: Is there a
22 message at the desk, sir?

23 ACTING PRESIDENT KUHL: There is.

1 SENATOR MARCELLINO: Move we
2 accept.

3 ACTING PRESIDENT KUHL: The
4 motion is to accept the message of necessity on
5 Calendar Number 1393.

6 All those in favor, signify by
7 saying aye.

8 (Response of "Aye.")

9 Opposed, nay.

10 (There was no response.)

11 The message is accepted.

12 The Secretary will read the last
13 section.

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 58.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 Senator Marcellino.

23 SENATOR MARCELLINO: Mr.

1 President, is there any housekeeping at the
2 desk?

3 ACTING PRESIDENT KUHL: No,
4 there's none.

5 SENATOR MARCELLINO: Then I
6 suggest the Senate stand at ease awaiting the
7 report of the Finance Committee.

8 ACTING PRESIDENT KUHL: Senate
9 will stand at ease awaiting the report of the
10 Senate Finance Committee.

11 (Whereupon, at 2:00 p.m., the
12 Senate was at ease until 2:11 p.m.)

13 ACTING PRESIDENT WRIGHT: Senator
14 Skelos.

15 SENATOR SKELOS: Mr. President,
16 if we can return to reports of standing
17 committees, I believe there is a report of the
18 Finance Committee at the desk. I ask that it be
19 read.

20 ACTING PRESIDENT WRIGHT:
21 Secretary will read.

22 THE SECRETARY: Senator Stafford,
23 from the Committee on Finance, offers up the

1 following nomination:

2 Trustee of the State University
3 Construction Fund, Francis B. McKenna, of White
4 Plains.

5 ACTING PRESIDENT WRIGHT: Is
6 there anyone wishing to speak on the
7 nomination?

8 (There was no response.)

9 On the question of the
10 confirmation of the Trustee of the State
11 University Construction Fund, Francis B.
12 McKenna, of White Plains, all in favor, signify
13 by saying aye.

14 (Response of "Aye.")

15 Opposed, nay.

16 (There was no response.)

17 The ayes have it. The
18 confirmation stands approved.

19 Senator Skelos.

20 SENATOR SKELOS: Mr. President,
21 if we could continue now with the report of the
22 Finance Committee.

23 ACTING PRESIDENT WRIGHT:

1 Secretary will read.

2 THE SECRETARY: Senator Stafford,
3 from the Committee on Finance, offers up the
4 following bills directly for third reading:

5 Senate Print 7938, by the
6 Committee on Rules, an act in relation to
7 certain provisions;

8 Senate Print 7940, by Senator
9 Libous, an act to amend the Tax Law;

10 7942, by the Committee on Rules,
11 an act in relation to certain provisions.

12 All bills directly for third
13 reading.

14 ACTING PRESIDENT WRIGHT: Senator
15 Skelos.

16 SENATOR SKELOS: Mr. President,
17 move to accept the report of the Finance
18 Committee.

19 ACTING PRESIDENT WRIGHT: All
20 those in favor of accepting the report of the
21 Finance Committee, signify by saying aye.

22 (Response of "Aye.")

23 Opposed, nay.

1 (There was no response.)

2 The ayes have it. The report is
3 accepted.

4 SENATOR SKELOS: Mr. President,
5 call up Calendar Number 1739.

6 ACTING PRESIDENT WRIGHT:
7 Calendar 1739. Secretary will read.

8 THE SECRETARY: Calendar Number
9 1739. Senator Stafford moves to discharge from
10 the Committee on Finance Assembly Bill Number
11 11312 and substitute it for the identical Senate
12 Bill 7938.

13 SENATOR SKELOS: Mr. President,
14 is there a message of necessity?

15 ACTING PRESIDENT WRIGHT: Excuse
16 me, Senator Skelos.

17 First of all, I have a
18 substitution, Calendar Number 1739, the Assembly
19 version is being substituted. Substitution is
20 ordered.

21 Secretary will read.

22 THE SECRETARY: Calendar Number
23 1739, by the Assembly Committee on Rules,

1 Assembly Print 11312, an act relating to certain
2 provisions.

3 ACTING PRESIDENT WRIGHT: Senator
4 Skelos.

5 SENATOR SKELOS: Is there a
6 message at the desk?

7 ACTING PRESIDENT WRIGHT: There
8 is a message at the desk.

9 SENATOR SKELOS: Move to accept.

10 ACTING PRESIDENT WRIGHT: Motion
11 is to accept the message. All in favor, signify
12 by saying aye.

13 (Response of "Aye.")

14 Opposed, nay.

15 (There was no response.)

16 The message is accepted, Senator
17 Skelos.

18 Read the last section.

19 SENATOR LEICHTER: Lay it aside.

20 SENATOR STAFFORD: Senator.

21 Senator. Explanation?

22 SENATOR LEICHTER: Yes.

23 Explanation, please.

1 ACTING PRESIDENT WRIGHT: Senator
2 Stafford.

3 SENATOR STAFFORD: Many of you
4 will recall a number of years ago, the Court of
5 Appeals came down with what they called the
6 Bonkers decision. In that decision they stated
7 that we could not put any language in a Budget
8 Bill. We, of course, wanted to make sure that
9 we had language defining what our intention was
10 and what we expected to see result from the
11 passage of the budget.

12 Therefore, now we pass bills that
13 are, in effect, language bills explaining
14 exactly what we expect to see when the budget is
15 passed. This is one of those language bills for
16 the Transportation, Economic Development,
17 Environmental Conservation areas of the budget.

18 SENATOR LEICHTER: Mr. President.

19 ACTING PRESIDENT WRIGHT: Chair
20 recognizes Senator Leichter.

21 SENATOR LEICHTER: Yes, if
22 Senator Stafford will be so good as to yield.

23 SENATOR STAFFORD: Yes.

1 ACTING PRESIDENT WRIGHT: Senator
2 Stafford will yield.

3 SENATOR LEICHTER: We understand
4 the nature of these bills and why we have these
5 separate and apart from the actual budget bills;
6 but could you just give us some description of
7 what you consider or what are the more signifi
8 cant provisions, the language that the Legislat
9 ure added here, changing programs, so we have
10 some idea of what we're voting on?

11 SENATOR STAFFORD: It's not as
12 much -- it's not as much changing any program,
13 but it's just making sure that we're clarifying
14 exactly what our thoughts and intentions are as
15 far as the appropriations that are, of course,
16 included in the budget. Now, I would just -- at
17 random, I would just take an area.

18 For instance, Department of
19 Environmental Conservation; and, again, I could
20 read it, but I don't want to sound as if I'm
21 being patronizing. That explains what we intend
22 to have that money used for, frankly.

23 Page 3, Section 8. Again, to be

1 more specific, for instance, anyone would think
2 of Environmental Conservation when you read this
3 paragraph: Notwithstanding the provisions of any
4 general or specific law, the monies appropriated
5 shall be available for land preservation and
6 projects -- preservation and improvement, excuse
7 me. Expenditures for approval -- land preserva
8 tion and improvement projects in accordance with
9 Section 5107.03 of the Environmental Conserva
10 tion Law, upon the issuance of a certificate of
11 approval of availability by the Director of the
12 Divisions of land -- no -- Division of the
13 Budget, not Lands and Forest. Division of the
14 Budget. The State Comptroller shall, at the
15 commencement of each month, certify to the
16 Director of the Division of the Budget, the
17 Commissioner of Environmental Conservation, the
18 chair of the Senate Finance Committee and the
19 chair of the Assembly Ways and Means Committee
20 the amounts disbursed from such appropriation
21 for land preservation and approval of disburse
22 ments for the month preceding such
23 certification.

1 If I could just go a step
2 further. You might say that we're pulling -
3 no, excuse me. We're putting the reins on the
4 appropriations, and we're explaining what we
5 expect to have done and what will be done with
6 the monies.

7 SENATOR LEICHTER: Senator
8 Stafford, if you will continue to yield. I know
9 there are also a number of these language pro
10 visions relating to Transportation and some of
11 them relating to the Metropolitan Transportation
12 Authority; and are there any of these language
13 changes that relate to some of the issues that
14 were raised by Senator Abate as to the division
15 between upstate and downstate?

16 SENATOR STAFFORD: I would say
17 no.

18 SENATOR LEICHTER: Now, Senator,
19 if we were going to change the formula as to the
20 distribution of the Triborough Bridge surplus
21 that Senator Abate I think very appropriately
22 called to our attention and how unfair that
23 distribution is, that provision would be in this

1 language bill if we did something?

2 SENATOR STAFFORD: No. No.

3 Excuse me. Would the Senator yield?

4 SENATOR LEICHTER: Yes.

5 SENATOR STAFFORD: That is not
6 correct.

7 SENATOR LEICHTER: That would
8 be -

9 SENATOR STAFFORD: In the Article
10 7 bill, in the Article 7 bill and, remember, we
11 used to pass a number of Article 7 bills for
12 such subjects as you're talking about. Now we
13 pass an all-inclusive Article 7 bill.

14 SENATOR LEICHTER: So that would
15 be in there. Okay. Thank you.

16 ACTING PRESIDENT WRIGHT: Read
17 the last section.

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

20 ACTING PRESIDENT WRIGHT: Call
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 56, nays 2,

1 Senators Abate and Leichter recorded in the
2 negative.

3 ACTING PRESIDENT WRIGHT: The
4 bill is passed.

5 Senator Skelos.

6 SENATOR SKELOS: Mr. President,
7 would you call up Calendar Number 1740.

8 ACTING PRESIDENT WRIGHT:
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 1740, by Senator Libous, Senate Print 7940, an
12 act to amend the Tax Law, in relation to
13 cigarette tax enforcement.

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

16 ACTING PRESIDENT WRIGHT: There
17 is a message of necessity at the desk.

18 SENATOR SKELOS: Move to accept
19 it.

20 ACTING PRESIDENT WRIGHT: All in
21 favor, signify by saying aye.

22 (Response of "Aye.")

23 Opposed, nay.

1 (There was no response.)

2 Ayes have it. The message of
3 necessity is accepted.

4 Read the last section.

5 THE SECRETARY: Section 8. This
6 act shall take effect on the 90th day.

7 ACTING PRESIDENT WRIGHT: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT WRIGHT:
11 Results.

12 THE SECRETARY: Ayes 58.

13 ACTING PRESIDENT WRIGHT: The
14 bill is passed.

15 Senator Skelos.

16 SENATOR SKELOS: Mr. President,
17 would you call up Calendar 1741.

18 ACTING PRESIDENT WRIGHT:
19 Secretary will read.

20 THE SECRETARY: Calendar Number
21 1741, by the Committee on Rules, Senate Print
22 7942, an act in relation to certain provisions
23 which impact upon the expenditure of certain

1 appropriations.

2 SENATOR SKELOS: Mr. President,
3 is there a message at the desk?

4 ACTING PRESIDENT WRIGHT: There
5 is a message at the desk.

6 SENATOR SKELOS: Move to accept.

7 ACTING PRESIDENT WRIGHT: Motion
8 to accept the message. All those in favor,
9 signify by saying aye.

10 (Response of "Aye.")

11 Opposed, nay.

12 (There was no response.)

13 Message is accepted.

14 Explanation has been requested.

15 Senator Stafford, an explanation
16 has been requested.

17 SENATOR STAFFORD: Right. I
18 apologize.

19 ACTING PRESIDENT WRIGHT: Thank
20 you.

21 SENATOR STAFFORD: This, again,
22 is the language bill or the bill that sets forth
23 the language whereby we explain in detail how we

1 not only expect but direct the funds to be spent
2 for Public Protection, Health and Mental
3 Hygiene. Again, to mention as I mentioned
4 earlier and I won't mention it again but just to
5 emphasize, what this is -- many of us remember
6 when we would include language in the various
7 Budget Bills as they would come to the
8 Legislature. We would, in effect, amend the
9 Budget Bills by putting in language, and the
10 Court of Appeals said that the Legislature will
11 not do that.

12 Therefore, we said we're going to
13 continue our responsibilities to make sure that
14 for want of a better word we would have the
15 reins, so to speak, on where the money is spent
16 and how it is spent -- legislative intent, if
17 you will. We're doing that again here for the
18 Public Protection area of the budget, Health and
19 Mental Hygiene.

20 ACTING PRESIDENT WRIGHT: Senator
21 Abate, why do you rise?

22 SENATOR ABATE: I believe there
23 is an amendment at the desk, and I waive the

1 reading of that amendment. I put before this
2 body an amendment that would expand the EPIC
3 program which is the elderly pharmaceutical
4 insurance.

5 ACTING PRESIDENT WRIGHT: Excuse
6 me, Senator Abate. I don't mean to interrupt.
7 Could you advise the Chair whether or not this
8 amendment has been served on the President of
9 the Senate, and the chairman of the respective
10 committee?

11 SENATOR STAFFORD: I would
12 suggest that -- this is informal now. This is
13 by no means -- I feel people have the right to
14 amend anything they want to amend. That's what
15 we're elected for, but I would suggest that this
16 amendment would be for an Article 7 bill and not
17 for the language bill.

18 SENATOR ABATE: In terms of time
19 we would have to go through a process and
20 redraft it. It does -- certainly is germane to
21 the health portion of this Budget Bill.

22 SENATOR STAFFORD: Well, I -- I
23 don't want to nitpick. I just am suggesting

1 that the -- this is my suggestion only, that the
2 appropriate amendment would be when we take up
3 the Article 7 bill concerning the subjects you
4 are interested in.

5 SENATOR ABATE: If the Senator
6 will permit, we will take that under advisement
7 for next year and follow your lead for next
8 year. If we could continue on this path this
9 year, we'd certainly appreciate it.

10 SENATOR STAFFORD: Well, maybe we
11 won't. I would suggest that the amendment is
12 out of order.

13 ACTING PRESIDENT WRIGHT: Senator
14 Stafford, are you raising a point of order with
15 regards to the amendment?

16 SENATOR GOLD: Are you raising a
17 point of order? I'm sorry, is there a point of
18 order?

19 Mr. President.

20 ACTING PRESIDENT WRIGHT: Senator
21 Gold.

22 SENATOR GOLD: Yes. Might I just
23 have the gentleman explain the point of order so

1 we know why he thinks this is out of order.

2 SENATOR STAFFORD: Very fair.

3 Very fair.

4 ACTING PRESIDENT WRIGHT: Senator
5 Stafford.

6 SENATOR STAFFORD: What I tried
7 to explain earlier, which I obviously didn't but
8 now I will continue. This amendment amends the
9 Health Law and not appropriations. So I would
10 suggest when you want to do this you would amend
11 the Article 7 bill which pertains to the Health
12 Law. That's all I'm suggesting.

13 SENATOR GOLD: Mr. President.

14 ACTING PRESIDENT WRIGHT: Senator
15 Gold.

16 SENATOR GOLD: Will the gentleman
17 yield to a question?

18 SENATOR STAFFORD: Yes.

19 ACTING PRESIDENT WRIGHT: Senator
20 will yield to your question, Senator Gold.

21 SENATOR GOLD: Senator, just so
22 we get it clear -- and I appreciate the
23 helpfulness of your attitude. You have made a

1 suggestion that perhaps this language and this
2 issue should be part of the Article 7 bill. A
3 point of order does not talk about what might be
4 better drafting or more appropriate. It
5 declares that something cannot be done and is
6 out of order. In that regard, Senator, might I
7 raise the question with you that while it might
8 be preferable to put it some place, that this
9 bill does deal with this subject matter and,
10 therefore, the amendment is proper even if we
11 discuss it on this bill.

12 SENATOR STAFFORD: Again, I guess
13 I have to come down to the word that was used
14 earlier, and the last thing I -- I certainly,
15 when we have the appropriate legislation, will
16 stand here as long as anybody wants when they
17 want to amend something properly, but this is
18 not germane and that is my point of order.

19 SENATOR GOLD: If the Senator
20 will yield to one more question?

21 SENATOR STAFFORD: Yes.

22 SENATOR GOLD: Senator, in what
23 way -- I mean the word "germane" is a word both

1 you and I understand, and I would like to know
2 in what way the amendment that is being offered
3 is not germane to the subjects that are being
4 discussed in this bill?

5 SENATOR STAFFORD: I'm having
6 confusion myself. Just one second. Of course,
7 what we're doing here, we're just trying to have
8 an orderly process.

9 SENATOR GOLD: Mr. President.

10 ACTING PRESIDENT WRIGHT: Senator
11 Gold.

12 SENATOR STAFFORD: I'm not
13 finished.

14 SENATOR GOLD: I apologize. I
15 thought you were.

16 SENATOR STAFFORD: And we're just
17 trying to have an orderly process and, as I say,
18 we just can't have amendments that have nothing
19 to do with what we're doing; therefore, we have
20 the rule here in the Senate that an amendment
21 has to be germane.

22 SENATOR GOLD: Mr. President.

23 ACTING PRESIDENT WRIGHT: Senator

1 Gold, why do you rise?

2 SENATOR GOLD: Mr. President, the
3 key to whether this is out of order as I'm
4 understanding, if the gentleman will yield, is
5 the issue of germaneness; and the bill that is
6 being amended certainly does impact and have
7 influence on the EPIC program, and the amendment
8 is dealing with the EPIC program. It is
9 certainly germane.

10 Now, I respect Senator Stafford
11 as a lawyer, and Senator Stafford as a lawyer
12 might well decide that he wanted to raise the
13 issue on another bill, but it does not make it
14 out of order or not germane on this bill and,
15 therefore, while Senator Stafford and Senator
16 Abate can discuss next year's format, I think
17 that on the issue of whether it's out order or
18 germane, I would ask Senator Stafford, as the
19 gentleman he is, to acknowledge that the subject
20 matter of the EPIC program is discussed in this
21 bill and that Senator Abate's amendment
22 certainly is germane to that subject matter, and
23 then maybe we could have had this debate already

1 and we would have been on to the next subject.

2 SENATOR STAFFORD: Thank you.

3 SENATOR GOLD: There was a
4 question mark at the end, if you will yield,
5 Senator.

6 SENATOR STAFFORD: I yield.

7 SENATOR GOLD: My question is the
8 issue of germaneness. This bill does in fact
9 deal with the EPIC program and so does the
10 amendment. So to that extent, Senator, I think
11 that it is certainly germane. You might prefer
12 as a distinguished lawyer, successful lawyer,
13 successful builder, businessman, that if it was
14 up to you -

15 SENATOR STAFFORD: Don't overdo
16 it.

17 SENATOR GOLD: -- that if it was
18 up to you, you might want to put it in another
19 bill. But the fact is that it certainly is
20 germane and, if it is germane, it certainly is
21 in order, and I would just suggest to you that
22 we probably would have finished the main debate
23 had we been handling it.

1 But won't you at least
2 acknowledge, Senator, that the bill, 1741, does
3 have part of it referenced to the EPIC program,
4 and in that regard certainly the amendment is
5 germane.

6 SENATOR STAFFORD: Let me say
7 this. Let me say this. I could continue to say
8 that it isn't germane. We could appeal the
9 ruling of the Chair. We could prevail, but that
10 would be a waste of time. Why don't we just
11 continue.

12 SENATOR GOLD: The amendment?
13 Yes, thank you, Senator. You
14 are, as usual, a gentleman, and I do appreciate
15 it.

16 I yield to Senator Abate.

17 ACTING PRESIDENT WRIGHT: Thank
18 you, Senator Stafford and Senator Gold.

19 SENATOR ABATE: Yes, I would like
20 to thank Senator Stafford for his largesse and
21 his consideration around this important issue.
22 What is before this house is a very important
23 amendment that concerns just about everyone in

1 this room because we all have seniors, needy
2 seniors, that rely strongly on the EPIC program,
3 and we know with the rising costs of medical
4 care and many of our seniors live on fixed
5 incomes, this is a wonderful opportunity to
6 address this program, to expand the eligibility
7 and to make prescription drugs more affordable
8 to seniors throughout our districts.

9 What this amendment does is
10 increases the income level, therefore, makes
11 more seniors eligible for the EPIC program. It
12 lowers the amounts of monies payable for
13 prescription drugs. It reduces prescription
14 copays, and it expands coverage.

15 This is a very good bill. It's
16 one that many seniors throughout the state have
17 long lobbied for, and I suggest to all my
18 colleagues that they support this amendment
19 today.

20 ACTING PRESIDENT WRIGHT: The
21 question is on the amendment. All those in
22 favor, signify by saying aye.

23 (Response of "Aye.")

1 Opposed, nay.

2 (There was no response.)

3 The amendment is defeated.

4 SENATOR GOLD: Party vote in the
5 affirmative.

6 SENATOR SKELOS: Mr. President.

7 ACTING PRESIDENT WRIGHT: Senator
8 Skelos.

9 SENATOR SKELOS: In consultation
10 with Senator Stafford, I think looking at the
11 language of the bill, I'm going to ask for a
12 ruling of the Chair as to whether the amendment
13 is germane.

14 ACTING PRESIDENT WRIGHT: Senator
15 Skelos, on the point of order that you raise
16 regarding the issue of the germaneness of the
17 amendment, the Chair would rule that the
18 amendment is not germane.

19 SENATOR GOLD: Mr. President.

20 ACTING PRESIDENT WRIGHT: Senator
21 Gold.

22 SENATOR GOLD: Mr. President, I
23 think we are about to get to one of those points

1 of foolishness.

2 I think that Senator Stafford is
3 pretty good at analyzing what is businesslike or
4 what is or is not a waste of time. I don't know
5 why the Majority would want to require that
6 Senator Abate -- would want to require that
7 Senator Abate take this subject up at 11:30 or
8 12:00 o'clock tonight and have a two-hour debate
9 on the methods and the advantages to the EPIC
10 program at that time.

11 I mean we have a situation,
12 Senator Skelos, where we have the time now and
13 there's going to be a vote on this. Now,
14 whether the vote is now or later I think is
15 irrelevant other than I know that Senator Bruno,
16 Senator Skelos, likes to move things along.

17 Now, by calling it not germane
18 now, I don't know how that is going to save us
19 time later on today. Senator Skelos, you and I
20 both know that the bill is germane because of
21 the subject matter being germane, and I would
22 really encourage that we not do this procedural
23 business in terms of using the powers of the

1 Majority to force a very distinguished gentleman
2 like our colleague Senator Wright into being
3 wrong. I don't think that's a fair thing to do
4 to him.

5 So, Senator Skelos, I really
6 would ask that you withdraw that point. Let us
7 take our vote now. Get it out of the way, and
8 save us a lot of time later tonight.

9 ACTING PRESIDENT WRIGHT: Senator
10 Gold, the Chair appreciates your concern and
11 compassion for the Chair; however, the amendment
12 has been ruled out of order unless you choose to
13 appeal the ruling of the Chair.

14 SENATOR GOLD: I choose to appeal
15 it, and I would ask for a slow roll call.

16 ACTING PRESIDENT WRIGHT: There
17 is an appeal of the ruling of the Chair. A slow
18 roll call has been requested. I see five
19 members standing.

20 The question -

21 SENATOR SKELOS: Mr. President.

22 ACTING PRESIDENT WRIGHT: Senator
23 Skelos.

1 SENATOR SKELOS: I think we all
2 understand that sometimes amendments are
3 germane, not germane, close to being germane.
4 It is my feeling this amendment really isn't
5 germane. It's not going to prevail, whether
6 it's now or at 11:45 this evening.

7 So I would withdraw my request
8 for a ruling from the Chair, I think all sides
9 understanding that it perhaps is not germane but
10 would be germane to the Article 7 bill later
11 this evening.

12 SENATOR STACHOWSKI: So ordered.

13 ACTING PRESIDENT WRIGHT: The
14 point of order is withdrawn, Senator Skelos.

15 SENATOR SKELOS: If we could then
16 proceed with the vote with an understanding that
17 the Minority knows that it is not truly germane
18 to the bill in front of us, more germane to this
19 evening, not really germane now.

20 Now that everybody is confused,
21 we will vote it down.

22 ACTING PRESIDENT WRIGHT: Thank
23 you, Senator Skelos. The point of order is

1 withdrawn. The question is now on the
2 amendment.

3 SENATOR STACHOWSKI: Party vote
4 in the affirmative.

5 SENATOR SKELOS: Party vote in
6 the negative.

7 ACTING PRESIDENT WRIGHT:
8 Secretary will call the roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 22, nays 36,
11 party vote.

12 ACTING PRESIDENT WRIGHT: Party
13 vote, and the amendment is defeated.

14 SENATOR MARKOWITZ: Mr.
15 President.

16 ACTING PRESIDENT WRIGHT: Senator
17 Markowitz.

18 SENATOR MARKOWITZ: Yes, with the
19 permission of the members, had I been here
20 yesterday evening, I would have voted in the
21 negative.

22 ACTING PRESIDENT WRIGHT: Excuse
23 me. Excuse me, Senator Markowitz. We're on a

1 bill now. We'll get back to that.

2 Read the last section.

3 THE SECRETARY: Section 96. This
4 act shall take effect immediately.

5 ACTING PRESIDENT WRIGHT: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT WRIGHT:
9 Results.

10 THE SECRETARY: Ayes 57, nays 1,
11 Senator Dollinger recorded in the negative.

12 ACTING PRESIDENT WRIGHT: The
13 bill is passed.

14 Senator Markowitz.

15 SENATOR MARKOWITZ: Thank you
16 very much, Mr. President. Had I been here
17 yesterday evening, I would have voted in the
18 negative on Senate Bill 3223.

19 ACTING PRESIDENT WRIGHT: The
20 record will so reflect.

21 SENATOR MARKOWITZ: Thank you.

22 ACTING PRESIDENT WRIGHT: Senator
23 Skelos.

1 SENATOR SKELOS: Mr. President,
2 would you call Calendar Number 632, by Senator
3 Norman Levy.

4 ACTING PRESIDENT WRIGHT: Senator
5 Dollinger, why do you rise?

6 SENATOR DOLLINGER: Mr.
7 President, could I ask unanimous consent to be
8 recorded in the negative on two prior measures,
9 the Transportation Budget Bill and the
10 Transportation Language Bill, Mr. President. I
11 don't happen to have those calendar numbers.
12 Perhaps I can work it out with the Chair, but I
13 would like to be recorded in the negative on
14 both of those, if I could.

15 ACTING PRESIDENT WRIGHT: With no
16 objection, it's so ordered.

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

19 SENATOR LEICHTER: Mr. President.

20 ACTING PRESIDENT WRIGHT: Senator
21 Leichter.

22 SENATOR LEICHTER: May I have
23 unanimous consent to be recorded in the negative

1 on Calendar 7942 -- I'm sorry, Senate 7942. I
2 guess it's Calendar 1341, is it? 1741! Thank
3 you.

4 ACTING PRESIDENT WRIGHT: There
5 being no objection, so ordered.

6 We are on page 3 of today's
7 calendar, Calendar Number 632. Secretary will
8 read.

9 THE SECRETARY: Calendar Number
10 632, by Member of the Assembly Tokasz, Assembly
11 Print 9452B, an act to amend the Railroad Law,
12 in relation to sanitary conditions.

13 ACTING PRESIDENT WRIGHT: Read
14 the last section.

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

17 ACTING PRESIDENT WRIGHT: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 57, nays 1,
21 Senator Cook recorded in the negative.

22 ACTING PRESIDENT WRIGHT: Bill is
23 passed.

1 SENATOR SKELOS: Mr. President.

2 ACTING PRESIDENT WRIGHT: Senator
3 Skelos.

4 SENATOR SKELOS: Mr. President,
5 would you call up Calendar 1336.

6 ACTING PRESIDENT WRIGHT:
7 Calendar Number 1336. Secretary will read.

8 THE SECRETARY: Calendar Number
9 1336, by Senator Alesi, Senate Print 6852A, an
10 act to amend the Social Services Law and the Tax
11 Law, in relation to the misuse of food stamps.

12 SENATOR SKELOS: Is there a
13 message at the desk?

14 ACTING PRESIDENT WRIGHT: There
15 is a message here at the desk.

16 SENATOR SKELOS: Move to accept.

17 ACTING PRESIDENT WRIGHT: Motion
18 to accept the message. All those in favor,
19 signify by saying aye.

20 (Response of "Aye.")

21 Opposed, nay.

22 (There was no response.)

23 The message is accepted.

1 Senator Skelos?

2 Read the last section.

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

6 ACTING PRESIDENT WRIGHT: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 58.

10 ACTING PRESIDENT WRIGHT: The
11 bill is passed.

12 SENATOR SKELOS: Mr. President.

13 ACTING PRESIDENT WRIGHT: Senator
14 Skelos.

15 SENATOR SKELOS: Would you call
16 up Calendar Number 201, Senate Print Number
17 1728A.

18 ACTING PRESIDENT WRIGHT:
19 Calendar 201. The Secretary will read.

20 THE SECRETARY: Calendar Number
21 201, by Senator Johnson, Senate Print 1728A, an
22 act to amend the Penal Law, in relation to the
23 possession, sale and use of self-defense spray

1 devices.

2 SENATOR SKELOS: Mr. President,
3 is there a message at the desk?

4 ACTING PRESIDENT WRIGHT: There
5 is a message at the desk.

6 SENATOR SKELOS: Move to accept.

7 ACTING PRESIDENT WRIGHT: Motion
8 to accept the message. All in favor, signify by
9 saying aye.

10 (Response of "Aye.")

11 Opposed, nay.

12 (There was no response.)

13 Message is accepted.

14 Read the last section.

15 THE SECRETARY: Section 5. This
16 act shall take effect on the first day of
17 November.

18 ACTING PRESIDENT WRIGHT: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 58.

22 ACTING PRESIDENT WRIGHT: The
23 bill is passed.

1 SENATOR GOODMAN: Excuse me, Mr.
2 President.

3 ACTING PRESIDENT WRIGHT: Senator
4 Goodman is recorded in the negative. Senator
5 Abate shall be recorded in the negative.
6 Senator Gold will be recorded in the negative.

7 All right. Those in the
8 negative, will you please raise your hand.

9 Results.

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 201 are Senators
12 Abate, Connor, Gold, Goodman and Kruger. Ayes
13 53, nays 5.

14 ACTING PRESIDENT WRIGHT: The
15 bill is passed.

16 SENATOR SKELOS: Mr. President.

17 ACTING PRESIDENT WRIGHT: Senator
18 Skelos.

19 SENATOR SKELOS: We've come to
20 one of those points where we will stand at ease.

21 ACTING PRESIDENT WRIGHT: Senate
22 will stand at ease.

23 SENATOR SKELOS: Or sit at ease.

1 (Whereupon, at 2:48 p.m., the
2 Senate was at ease.)

3 SENATOR SKELOS: There will be an
4 immediate conference of the Majority in Room 332
5 of the Capitol and the Senate will stand at
6 ease.

7 (Whereupon, at 3:58 p.m., Senate
8 reconvened.)

9 SENATOR SKELOS: Mr. President.

10 ACTING PRESIDENT KUHL: Senate
11 will come to order. Members please take their
12 places, staff their places.

13 Senator Skelos.

14 SENATOR SKELOS: Mr. President,
15 there will be an immediate meeting of the
16 Finance Committee in the Majority Conference
17 Room.

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

1 SENATOR SKELOS: Mr. President.

2 ACTING PRESIDENT KUHL: Senator
3 Skelos.

4 SENATOR SKELOS: Would you call
5 up Calendar 1171.

6 ACTING PRESIDENT KUHL: On the
7 regular calendar, Calendar No. 69, page 3,
8 Secretary will read the title to Calendar Number
9 1171, by Senator Libous.

10 THE SECRETARY: Calendar Number
11 1171, by Senator Libous, Senate Print 6990B, an
12 act to amend the Social Services Law.

13 ACTING PRESIDENT KUHL: Senator
14 Skelos.

15 SENATOR SKELOS: Is there a
16 message at the desk?

17 ACTING PRESIDENT KUHL: There is.

18 SENATOR SKELOS: Move to accept.

19 ACTING PRESIDENT KUHL: The
20 motion is to accept the message of necessity on
21 Calendar Number 1171. All those in favor,
22 signify by saying aye.

23 (Response of "Aye.")

1 Opposed, nay.
2 (There was no response.)
3 Message is accepted.
4 Secretary will read the last
5 section.
6 THE SECRETARY: Section 6. This
7 act shall take effect immediately.
8 ACTING PRESIDENT KUHL: Senator
9 Montgomery?
10 (There was no response.)
11 Read the last section.
12 THE SECRETARY: Section 6. This
13 act shall take effect immediately.
14 ACTING PRESIDENT KUHL: Call the
15 roll.
16 (The Secretary called the roll.)
17 Record the negatives and announce
18 the results.
19 THE SECRETARY: Ayes 58, nays 1,
20 Senator Montgomery recorded in the negative.
21 ACTING PRESIDENT KUHL: The bill
22 is passed.
23 Senator Skelos.

1 SENATOR SKELOS: Mr. President,
2 would you call up Calendar Number 1541, Senate
3 7668A.

4 ACTING PRESIDENT KUHL: Secretary
5 will read Calendar Number 1541. The bill is on
6 the members' desks. It was restored earlier to
7 the calendar.

8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 1541, by Senator Saland, Senate Print 7668A, an
11 act to amend the Social Services Law and the Tax
12 Law.

13 ACTING PRESIDENT KUHL: Senator
14 Skelos.

15 SENATOR SKELOS: Is there a
16 message at the desk?

17 ACTING PRESIDENT KUHL: There is.

18 SENATOR SKELOS: Move we accept.

19 ACTING PRESIDENT KUHL: The
20 motion is to accept the message of necessity on
21 Calendar Number 1541. All those in favor,
22 signify by saying aye.

23 (Response of "Aye.")

1 Opposed, nay.

2 (There was no response.)

3 The message is accepted.

4 The Secretary will read the last
5 section.

6 THE SECRETARY: Section 5. This
7 act shall take effect December 1.

8 ACTING PRESIDENT KUHL: An
9 explanation, Senator Saland, has been asked for
10 on Calendar 1541 by the Acting Minority Leader
11 Senator Onorato.

12 SENATOR SALAND: Thank you, Mr.
13 President.

14 Mr. President, what this bill
15 does is it builds upon the successes we had in
16 last year's budget when we adopted as part of
17 the budget a mechanism whereby a -- a support
18 enforcement tool, the suspension of licenses and
19 professional licenses -- automobile and
20 professional licenses -- was used to encourage
21 people to make their delinquent support
22 payments. That has proved to be effective.

23 Support collections have gone up

1 by some 17 percent in the past year. What this
2 would do now is to take that success a step
3 further and to say the Department of Taxation
4 and Finance instead of the Department of Social
5 Services will now bear primary responsibility
6 for collecting delinquent support from support
7 obligors, and what will happen will be much like
8 in the system that we crafted for the motor
9 vehicle suspensions and license suspensions.

10 After an obligor is four months
11 in arrears, Department of Social Services has
12 the ability to transfer this matter to Taxation
13 and Finance for collection. The long and the
14 short of it is, people really have, I don't
15 think, the kind of regard or fear that the tax
16 man places when you get a notice from the tax
17 man, "I'm going to seize your assets." This
18 will effectively do that. Deadbeat parents are
19 going to be put on notice that Taxation and
20 Finance is coming after their assets.

21 I think it's going to wind up
22 with greatly enhanced collections. The
23 taxpayers of the State of New York will benefit,

1 because where there have been AFDC payments, New
2 York will recoup those payments. Mothers and
3 children will benefit. The only losers in this
4 system, basically, are deadbeat parents. Those
5 people for whom I'm sure we have little or no
6 sympathy are going to have their feet put to the
7 fire.

8 It's an agreed-on bill with the
9 Assembly, and the Governor is awaiting to sign
10 it.

11 ACTING PRESIDENT KUHL: Read the
12 last section.

13 THE SECRETARY: Section 5. This
14 act shall take effect on December first.

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 58.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 Senator Marcellino.

22 SENATOR MARCELLINO: Mr.
23 President, can we take up at this time Calendar

1 Number 1725.

2 ACTING PRESIDENT KUHL: Secretary
3 will read the title to Calendar Number 1725, by
4 Senator DeFrancisco, which is on page 5 of the
5 regular calendar, No. 69.

6 THE SECRETARY: Calendar Number
7 1725, by Senator DeFrancisco, Senate Print 7920,
8 an act authorizing the extension of the Geddes
9 Fire Protection District.

10 ACTING PRESIDENT KUHL: Senator
11 Marcellino.

12 SENATOR MARCELLINO: Is there a
13 message at the desk, sir?

14 ACTING PRESIDENT KUHL: There is.

15 SENATOR MARCELLINO: Move we
16 accept.

17 ACTING PRESIDENT KUHL: The
18 motion is to accept the message of necessity on
19 Calendar Number 1725. All those in favor,
20 signify by saying aye.

21 (Response of "Aye.")

22 Opposed, nay.

23 (There was no response.)

1 The message is accepted.

2 There is a home rule message at
3 the desk.

4 Secretary will read the last
5 section.

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

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 58.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 Senator Marcellino.

15 SENATOR MARCELLINO: Any
16 housekeeping?

17 ACTING PRESIDENT KUHL: Nothing
18 at the desk, Senator Marcellino.

19 SENATOR MARCELLINO: Be at ease
20 for a moment awaiting the report of the Finance
21 Committee.

22 ACTING PRESIDENT KUHL: Senate
23 will be at ease awaiting the report of the

1 Senate Finance Committee.

2 (Whereupon, at 4:04 p.m., Senate
3 was at ease until 4:11 p.m.)

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

6 Senator Marcellino.

7 SENATOR MARCELLINO: Mr.
8 President, can we return to reports of standing
9 committees.

10 ACTING PRESIDENT KUHL: Senate
11 will return to reports of standing committees.

12 There is a report of the Senate
13 Finance Committee at the desk. I will ask the
14 Secretary to read it.

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

18 Senate Print 7939, by the
19 Committee on Rules, an act in relation to
20 certain provisions which impact upon the
21 expenditure of certain appropriations.

22 ACTING PRESIDENT KUHL: Without
23 objection, the report is accepted. The bill is

1 ordered directly to third reading.

2 Senator Leichter, why do you
3 rise?

4 SENATOR LEICHTER: Well, Mr.
5 President, since you haven't read the title of
6 the bill yet, I don't know whether you intend to
7 move it, but I have a point of inquiry, a point
8 of order. We have not yet done the
9 appropriation bill to which this language bill
10 applies. Is it your intention to now call up
11 this bill?

12 ACTING PRESIDENT KUHL: Senator
13 Leichter, the bill isn't before the house. It
14 was just reported out of the Finance Committee.
15 It's been accepted. It's been ordered directly
16 to third reading. That's where it sits.

17 SENATOR LEICHTER: That was my
18 question.

19 ACTING PRESIDENT KUHL: That's a
20 point of information for you, sir.

21 Senator Marcellino.

22 SENATOR MARCELLINO: Yes, Mr.
23 Chairman. Can we take up now Calendar 1354.

1 ACTING PRESIDENT KUHL: On your
2 regular calendar, Calendar No. 69, on page 4,
3 Calendar Number 1354, Budget Bill, which is
4 high. It's Senate Print 5593B. I will ask the
5 Secretary -

6 SENATOR STACHOWSKI: Explanation.

7 ACTING PRESIDENT KUHL: Can I get
8 it before the house first, Senator Stachowski.

9 We're working on it. We're
10 working on it. That's what happens when you get
11 too old, you know. Hearing goes first, they
12 say.

13 Secretary will read the title.

14 THE SECRETARY: Calendar Number
15 1354, Budget Bill, Senate Print 5593C, an act
16 making appropriation for the support of
17 government, General Government Budget.

18 ACTING PRESIDENT KUHL: Senator
19 Marcellino.

20 SENATOR MARCELLINO: Is there a
21 message at the desk, sir?

22 ACTING PRESIDENT KUHL: There is
23 a message of necessity on Calendar Number 1354

1 at the desk.

2 SENATOR MARCELLINO: Move to
3 accept.

4 ACTING PRESIDENT KUHL: The
5 motion is to accept the message of necessity on
6 Calendar Number 1354.

7 All those in favor, signify by
8 saying aye.

9 (Response of "Aye.")

10 Opposed, nay.

11 (There was no response.)

12 The message is accepted.

13 Senator Stafford, an explanation
14 of Calendar Number 1354 had been requested by
15 Senator Stachowski.

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

18 This bill is the General
19 Government Budget Bill. As we mentioned
20 earlier, we have various subjects, doing it a
21 bit different than we have done it in past
22 years. We're doing it by subject matter, and
23 this would be really the potpourri, so to

1 speak. Running it down: The ABC Board, Audit
2 and Control, Banking, Division of the Budget we
3 have eliminated -- no, no, no -- Division of the
4 Budget -- we've got to keep our sense of humor
5 -- Civil Service, Consumer Protection Board,
6 Election Board -- State Board of Elections,
7 excuse me, Employee Relations, Executive
8 Chamber, Office of General Services -- I could
9 go on -- Insurance, Department of Law, the
10 Lobbying Commission, Public Employment Relations
11 Board, Real Property Tax Services, Office of
12 Regulatory Reform, Department of State, Taxation
13 and Finance.

14 I could go on with specific
15 appropriations if anyone would like to if you
16 have the legislation in front of you. Take your
17 time. Take your time. And you can see
18 amounts.

19 Now, this is not light,
20 obviously. There is another provision here that
21 we're not going to forget obviously. That's the
22 Local Assistance, which we obviously are very
23 interested in.

1 I'm going slow on purpose. A
2 number of my colleagues I see looking at the
3 legislation, and this is a matter of interest.

4 Overall -- I would like to know
5 the appropriation overall for this bill. Do we
6 have that?

7 Thank you. Thank you. We have
8 it. We have it. It's right in front of me.
9 The overall appropriation for this General
10 Government Budget Bill \$3.1 billion.

11 It reduces General Fund spending
12 by 47 million, which I'm sure people are
13 interested in. Most of the savings are due to
14 reestimates of employee fringe benefits and to
15 the deferral for one year of the first-year cost
16 of the fiscal year 1966-97 -- excuse me -
17 1996-97 Early Retirement Incentive Program.

18 Be glad to answer any questions.

19 Thank you. Last section, please.

20 SENATOR NANULA: Mr. President.

21 ACTING PRESIDENT KUHL: Senator

22 Nanula.

23 SENATOR NANULA: I believe there

1 is an amendment at the desk. I would like to
2 waive its reading, provide a brief explanation
3 on the amendment.

4 ACTING PRESIDENT KUHL: There is
5 an amendment at the desk, Senator Nanula. The
6 reading of it is waived, and you are now
7 afforded an opportunity to explain the
8 amendment.

9 SENATOR NANULA: Thank you, Mr.
10 President.

11 The amendment submitted would
12 restore \$1.2 million of the budget for the
13 purpose of allowing the Comptroller to audit
14 Blue Cross and Blue Shield, Empire Blue. Blue
15 Cross and Blue Shield has a special public
16 purpose. They have traditionally served as the
17 state's insurer of last resort.

18 In return for this, the state has
19 granted them certain benefits and they have
20 received many subsidies from the state. We, the
21 Legislature, ordered the Comptroller to perform
22 the audits of the Blues' operations after reve
23 lations of mismanagement and the questionable -

1 and questionable spending policies. The audits
2 were needed because it was discovered that Blue
3 Cross and Blue Shield was being less than
4 truthful with the Insurance Department and the
5 Legislature regarding operations, management and
6 the like, from this provider.

7 New York State, in fact, in 1992
8 had to bail out Empire Blue with an infusion of
9 \$100 million. At the time of the Blues'
10 financial crisis and the state bailout, the
11 reports of financial mismanagement and the
12 lavish lifestyle of executives at public expense
13 were appalling -- the reports of yachts,
14 corporate jets, and expensive entertaining.

15 New York State has an obligation
16 to the taxpayers and to the customers of these
17 insurance companies to make sure that there are
18 no continuing abuses, and I think what's key is
19 that the \$1.2 million will not cost the state a
20 penny. The funds actually come from an
21 assessment on the insurance companies which are
22 being audited.

23 Two quick other points. I think

1 this really drives home, most fundamentally, two
2 issues, one being insuring the solvency of this
3 entity and the effect of insolvency not only on
4 those who are insured but on the investment that
5 we've made as a state in making sure that this
6 insurer of last resort stays strong, provides
7 affordable health insurance coverage to those
8 who need it in New York State, those who are
9 currently being assured by these programs in New
10 York State.

11 The money was appropriated in
12 previous budgets. We, as a Legislature, have
13 made a significant investment in these Blues. I
14 can't see nor can I understand why these dollars
15 would not be included, and again, I think most
16 importantly, the funds actually come from an
17 assessment on the insurance companies which are
18 being audited.

19 That's why we introduced this
20 amendment. I encourage my colleagues to support
21 this amendment, and hopefully with our
22 collective support we will get it passed.

23 Thank you.

1 SENATOR VELELLA: Senator Nanula
2 yield to a question?

3 SENATOR NANULA: Yes.

4 ACTING PRESIDENT KUHL: Senator
5 Nanula?

6 The Senator yields.

7 SENATOR VELELLA: Senator, this
8 one -- well, what is it?

9 SENATOR NANULA: \$1.2 million.

10 SENATOR VELELLA: \$1.2 million.

11 That was appropriated last year for the same
12 purpose, wasn't it?

13 SENATOR NANULA: I believe so.

14 SENATOR VELELLA: Do you know
15 what it was spent on?

16 SENATOR NANULA: No, Senator
17 Velella, I don't.

18 SENATOR VELELLA: How about 18
19 positions to fund the Comptroller that had
20 nothing to do with auditing Empire Blue Cross/
21 Blue Shield, does that ring a bell to you?

22 SENATOR NANULA: Through you, Mr.
23 President, if I can answer.

1 ACTING PRESIDENT KUHL: Are you
2 asking Senator Nanula a question, Senator
3 Velella?

4 SENATOR VELELLA: Yes, sir, I'm
5 asking if it rings a bell with him or if he's
6 aware of 18 positions in the Comptroller's
7 office that had nothing to do with auditing
8 Empire Blue Cross/Blue Shield were funded with
9 that \$1.2 million?

10 SENATOR NANULA: Mr. President,
11 through you.

12 I'm only aware, Senator, that the
13 Comptroller has requested these dollars. I am
14 not aware that the dollars were appropriated nor
15 am I aware, if they were appropriated, that the
16 Comptroller has not utilized these dollars in
17 regards to this audit.

18 I also am aware, by the way,
19 Senator, that there has been a court battle in
20 regards to whether or not this audit can even be
21 formed on behalf of the Blues. In fact, I was
22 informed that you have historically been
23 supportive of this audit being done. So if that

1 was done, I'm not aware of it.

2 SENATOR VELELLA: May I ask
3 another -- will you yield to another question?

4 ACTING PRESIDENT KUHL: Senator
5 Nanula, do you yield?

6 SENATOR NANULA: Yes, Mr.
7 President.

8 ACTING PRESIDENT KUHL: The
9 Senator continues to yield, Senator Velella.

10 SENATOR VELELLA: Senator, you
11 said you're aware of a court battle. Are you
12 aware of the fact that the Appellate Division
13 has said that the Comptroller does not have the
14 authority to conduct this type of an audit of a
15 private corporation and not a governmental
16 corporation? So why would we appropriate money
17 to audit something that the courts at this point
18 say he doesn't have the authority to do?

19 SENATOR NANULA: Through you, Mr.
20 President. Very good question.

21 I was aware that the Appellate
22 Court had made that decision, although I was
23 also made aware that it wasn't going to end

1 there in the courts, that the Comptroller and
2 his office was going to continue to bring this
3 up the court system in an effort to render the
4 ability to move forward on this audit.

5 SENATOR VELELLA: Senator Nanula
6 yield for another question?

7 ACTING PRESIDENT KUHL: Senator
8 Nanula.

9 SENATOR NANULA: Yes.

10 ACTING PRESIDENT KUHL: The
11 Senator continues to yield.

12 SENATOR VELELLA: Is it sound
13 policy for this Legislature to appropriate
14 monies on the basis of what might happen in the
15 future and what the courts might do in the
16 future and we might have some expenses and this
17 might be found to be a reversible case; so,
18 therefore, we're going to put \$1.2 million into
19 the budget to spend on a maybe?

20 SENATOR NANULA: Through you, Mr.
21 President.

22 We often appropriate dollars in
23 an environment of uncertainty as to whether or

1 not those dollars for whatever reason can
2 actually be spent, and we appropriated those
3 dollars in the past in regard to this measure.
4 It's an unresolved issue. If it is resolved, at
5 least it is my intent and my belief that those
6 dollars should be made available for the reason
7 why they were in the past, so that the
8 Comptroller can move forward on this audit,
9 again presuming whatever court level this case
10 rises to renders a decision that would enable
11 the Comptroller to perform this audit.

12 SENATOR VELELLA: Thank you,
13 Senator.

14 May I speak on the amendment, Mr.
15 President?

16 ACTING PRESIDENT KUHL: No other
17 speaker -- Senator Velella on the amendment.

18 SENATOR VELELLA: This amendment
19 ought to be soundly defeated. It has no real
20 merit.

21 \$1.2 million has been
22 appropriated in the past for the Comptroller to
23 audit Empire Blue Cross and Blue Shield. He has

1 not done one audit on Empire Blue Cross/Blue
2 Shield, and, in fact, the money has been spent
3 to fund other people within his office.

4 Now, they may be doing a great
5 job and they maybe should be staying there. I'm
6 not judging on the merits of whether or not
7 people in the Comptroller's office should be
8 paid with money that we are saying is being used
9 to audit Empire Blue Cross/Blue Shield when in
10 fact that is not the case.

11 Secondly, at this moment, while
12 we're doing this budget and for the foreseeable
13 future until some kind of court battles are
14 resolved way down the road, the law of this
15 state is that the Comptroller does not have the
16 authority to conduct these audits. It doesn't
17 make sense to appropriate money for something
18 the Comptroller doesn't have the power to do.

19 We ought to defeat the amendment.

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

22 (There was no response.)

23 Hearing none, the question is on

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

3 SENATOR STACHOWSKI: Party vote
4 in the affirmative.

5 SENATOR MARCELLINO: Party vote
6 in the negative.

7 ACTING PRESIDENT KUHL: Secretary
8 will call the roll.

9 (The Secretary called the roll.)

10 Record the party line vote.
11 Announce the results.

12 THE SECRETARY: Ayes 22, nays 36,
13 party vote.

14 ACTING PRESIDENT KUHL: The
15 amendment is defeated.

16 Any Senator wishing to speak on
17 the main bill?

18 (There was no response.)

19 Hearing none, Secretary will read
20 the last section.

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

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 Record the negative votes.

4 Announce the results.

5 THE SECRETARY: Ayes 56, nays 2,
6 Senators Dollinger and Hoblock recorded in the
7 negative.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 Senator Marcellino.

11 SENATOR MARCELLINO: Mr.
12 President, may we take up Calendar Number 1742.

13 ACTING PRESIDENT KUHL: Secretary
14 will read the title to Calendar Number 1742.
15 The bill is on the members' desks just reported
16 from the Senate Finance Committee.

17 Secretary will read.

18 THE SECRETARY: Calendar Number
19 1742, by the Committee on Rules, Senate Print
20 7939, an act in relation to certain provisions
21 which impact upon the expenditure of certain
22 appropriations.

23 ACTING PRESIDENT KUHL: Senator

1 Marcellino.

2 SENATOR MARCELLINO: Is there a
3 message at the desk, sir?

4 ACTING PRESIDENT KUHL: There is.

5 SENATOR MARCELLINO: Approve
6 that.

7 ACTING PRESIDENT KUHL: The
8 motion is to accept the message of necessity on
9 Calendar Number 1742. All those in favor,
10 signify by saying aye.

11 (Response of "Aye.")

12 Opposed, nay.

13 (There was no response.)

14 The message is accepted.

15 Any Senator wishing to speak on
16 the bill? Hearing none, Secretary will read the
17 last section.

18 THE SECRETARY: Section 38. This
19 act shall take effect immediately.

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 58.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 Senator Leichter, why do you
4 rise?

5 SENATOR LEICHTER: May I have
6 unanimous consent to be recorded in the negative
7 on Calendar Number 1171.

8 ACTING PRESIDENT KUHL: Without
9 objection, hearing no objection, Senator
10 Leichter will be recorded in the negative on
11 Calendar Number 1171.

12 Senator Dollinger, why do you
13 rise?

14 SENATOR DOLLINGER: Mr.
15 President, I was in a discussion with Senator
16 Velella, and I missed the recording of the
17 negative on the language portion of the bill we
18 just did. If I could be recorded in the
19 negative on that bill.

20 ACTING PRESIDENT KUHL: Without
21 objection, hearing no objection, Senator
22 Dollinger will be recorded in the negative on
23 Calendar Number 1742.

1 Senator Marcellino, why do you
2 rise?

3 SENATOR MARCELLINO: Mr.
4 President, can we return to the main calendar
5 for Calendar Number 1724, please.

6 ACTING PRESIDENT KUHL: We'll
7 return to the main calendar, Calendar No. 69,
8 page 5, Calendar Number 1724, by Senator
9 Present.

10 Secretary will read the title.

11 THE SECRETARY: Calendar Number
12 1724, by Senator Present, Senate Print 7919, an
13 act to amend the Tax Law.

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

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 58.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 Senator Marcellino.

2 SENATOR MARCELLINO: Is there any
3 housekeeping at the desk?

4 ACTING PRESIDENT KUHL: No
5 housekeeping at the desk, Senator Marcellino.

6 SENATOR MARCELLINO: Mr.
7 President, can we stand at ease for a moment,
8 please.

9 ACTING PRESIDENT KUHL: Senate
10 will stand at ease for a moment.

11 SENATOR MARCELLINO: Mr.
12 President.

13 ACTING PRESIDENT KUHL: Senator
14 Marcellino.

15 SENATOR MARCELLINO: Mr.
16 President, we will call an immediate conference
17 of the Majority in Room 332, and the Senate will
18 stand at ease until 8:00 p.m. this evening.

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

1 Senator Stachowski.

2 SENATOR STACHOWSKI: I think
3 we're supposed to have a conference also in our
4 Minority Conference Room. Yes, I got the
5 affirmation. Immediate conference of the
6 Minority in the Minority Conference Room.

7 ACTING PRESIDENT KUHL: Immediate
8 conference of the Minority in the Minority
9 Conference Room, Room 314. Immediate conference
10 of the Minority in the Minority Conference Room,
11 Room 314, and the Senate will stand at ease
12 until 8:00 p.m.

13 (Whereupon, at 4:30 p.m., the
14 Senate recessed.)

15 (The Senate reconvened at 10:13
16 p.m.)

17 ACTING PRESIDENT KUHL: The
18 Senate will come to order. Ask the members to
19 find their place, the staff find their places.
20 Have a little order in the chamber.

21 The Chair recognizes -- the Chair
22 recognizes Senator Bruno.

23 SENATOR BRUNO: Mr. President,

1 can we at this time return to messages from the
2 Assembly.

3 ACTING PRESIDENT KUHL: We'll
4 return to the order of messages from the
5 Assembly.

6 I'll ask the Secretary to read.

7 THE SECRETARY: The Assembly
8 returns for concurrence Senate Bill 5590-A,
9 Budget Bill, with a 30011 reprint.

10 ACTING PRESIDENT KUHL: The Chair
11 recognizes Senator Marcellino.

12 SENATOR MARCELLINO: Mr.
13 President, I move that the Senate not concur in
14 said amendments and move to reconsider the vote
15 by which this bill was passed.

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

18 (The Secretary called the roll on
19 reconsideration.)

20 THE SECRETARY: Ayes 59.

21 ACTING PRESIDENT KUHL: Senator
22 Marcellino.

23 SENATOR MARCELLINO: Mr.

1 President, I now offer the following amendments.

2 ACTING PRESIDENT KUHL: The
3 amendments are received and adopted.

4 SENATOR MARCELLINO: Thank you.

5 ACTING PRESIDENT KUHL: Senator
6 Cook.

7 SENATOR COOK: Mr. President, on
8 behalf of Senator Libous, I wish to call up
9 Senate Print 6932, recalled from the Assembly
10 which is now at the desk.

11 ACTING PRESIDENT KUHL: The
12 Secretary will read the title.

13 THE SECRETARY: By Senator
14 Libous, Senate Print 6932, an act to amend the
15 County Law.

16 SENATOR COOK: Mr. President, I
17 move to reconsider the vote by which the bill
18 was passed.

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

22 The Secretary will call the roll
23 on reconsideration.

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

3 THE SECRETARY: Ayes 59.

4 ACTING PRESIDENT KUHL: Senator
5 Cook.

6 SENATOR COOK: Mr. President, I
7 now move to recommit the bill -- no, I'm sorry.
8 I move to -

9 ACTING PRESIDENT KUHL: We'll
10 recommit, Senator Cook -

11 SENATOR COOK: Senator Libous'
12 bill (laughter). I offer the following
13 amendments.

14 ACTING PRESIDENT KUHL: The
15 amendments are received and adopted.

16 Senator Bruno.

17 SENATOR BRUNO: Mr. President,
18 can we at this time call for an immediate
19 meeting of the Rules Committee in Room 332.

20 ACTING PRESIDENT KUHL: There
21 will be an immediate meeting of the Rules
22 Committee, an immediate meeting of the Rules
23 Committee in the Majority Conference Room, Room

1 332. Immediate meeting of the Rules Committee
2 in the Majority Conference Room, Room 332.

3 The Chair recognizes Senator
4 Bruno.

5 SENATOR BRUNO: Mr. President,
6 can we stand at ease awaiting the report of the
7 Rules Committee.

8 ACTING PRESIDENT KUHL: The
9 Senate will stand at ease awaiting the report of
10 the Rules Committee.

11 (Whereupon, the Senate stood at
12 ease from 10:16 p.m. until 10:45 p.m.)

13 ACTING PRESIDENT KUHL: The
14 Senate will come to order.

15 Senator Dollinger, would you put
16 your coat on, please.

17 SENATOR SKELOS: Mr. President.

18 ACTING PRESIDENT KUHL: Senator
19 Skelos.

20 SENATOR SKELOS: If we could
21 return to reports of standing committees, I
22 believe there's a report of the Rules Committee
23 at the desk. I ask that it be read.

1 ACTING PRESIDENT KUHL: We'll
2 return to the order of reports of standing
3 committees. There is a report of the Rules
4 Committee at the desk.

5 I'll ask the Secretary to read.

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

9 By Senator Holland, Senate Print
10 6509-A, an act to amend the Social Services Law;

11 By Senator Goodman, 6344-A, an
12 act to amend the Vehicle and Traffic Law;

13 By Senator Marchi, 7535-A, an act
14 to amend the Real Property Tax Law;

15 By Senator Velella, 7113-A, an
16 act to amend Chapter 403 of the Laws of 1983;

17 By Senator Cook, Senate Print
18 264, an act to amend the Judiciary Law;

19 By Senator Trunzo, Senate Print
20 584, an act to amend the Real Property Tax Law;

21 By Senator LaValle, Senate Print
22 1649-A, an act to amend the Real Property Tax
23 Law;

1 By Senator Johnson, Senate Print
2 3111-A, an act to amend the Environmental
3 Conservation Law;

4 By Senator Holland, Senate Print
5 5981-A, an act to amend the Real Property Tax
6 Law;

7 By Senator Tully, 6139-A, an act
8 to amend the Public Health Law;

9 By Senator Trunzo, 6180, an act
10 to appropriate funds to provide payment of
11 supplemental funds;

12 By Senator Cook, 6261, an act to
13 amend the Labor Law;

14 By Senator Leibell, 6358-B, an
15 act to amend the Public Health Law;

16 By Senator Marchi, 6407, an act
17 to amend the Navigation Law;

18 By Senator Alesi, 6612-A, an act
19 to amend the Vehicle and Traffic Law;

20 By Senator Nozzolio, 6667, an act
21 to amend the Penal Law;

22 By Senator Marcellino, 6829-A, an
23 act to amend the Public Service Law;

1 By Senator Leibell, 6908, an act
2 to amend the Public Service Law;

3 By Senator Leibell, 7022, an act
4 to amend the Civil Practice Law and Rules;

5 By Senator Spano, 7436-A, an act
6 to amend the Executive Law;

7 By Senator Alesi, 7620, an act to
8 amend the Civil Service Law;

9 By Senator Stavisky, 7632, an act
10 authorizing the city of New York;

11 By Senator Maziarz, Senate Print
12 7682-A, an act to amend the General Business
13 Law;

14 By Senator Trunzo, Senate Print
15 7799-A, an act to create a temporary veterans
16 health care planning council;

17 By Senator Trunzo, Senate Print
18 7800, an act to direct that the state of New
19 York make payments;

20 By Senator Velella, Senate Print
21 7846-A, an act in relation to establishing;

22 By Senator Velella, Senate Print
23 7847-A, an act to amend Chapter 104 of the Laws

1 of 1996;

2 By Senator Padavan, Senate Print
3 7906, an act to amend the Penal Law;

4 By the Committee on Rules, Senate
5 Print 7910, an act to amend the Tax Law;

6 By Senator Seward, Senate Print
7 7914, an act to amend the Public Health Law;

8 By Senator LaValle, Senate Print
9 7918, an act to amend the Education Law;

10 By the Committee on Rules, 7921,
11 an act to amend the Administrative Code of the
12 city of New York;

13 By Senator LaValle, Senate Print
14 7927, an act to amend the Domestic Relations
15 Law;

16 By the Committee on Rules, 7941,
17 an act to amend the Environmental Conservation
18 Law;

19 By Senator DiCarlo, 7943, an act
20 to amend the Executive Law;

21 By the Committee on Rules, Senate
22 Print 7947, an act authorizing the creation of a
23 state debt;

1 Assembly Print 1933-A, by
2 Assemblyman Faso, an act to amend the Vehicle
3 and Traffic Law;

4 Assembly Print 11208, by the
5 Assembly Committee on Rules, an act to amend a
6 chapter of the Laws of 1996.

7 All bills directly for third
8 reading.

9 ACTING PRESIDENT KUHL: Senator
10 Skelos.

11 SENATOR SKELOS: I Move we accept
12 the report of the Rules Committee.

13 ACTING PRESIDENT KUHL: The
14 motion is to accept the report of the Rules
15 Committee. All those in favor signify by saying
16 aye.

17 (Response of "Aye".)

18 Opposed, nay.

19 (There was no response.)

20 The Rules Committee report is
21 accepted.

22 All bills are ordered directly to
23 third reading.

1 Senator Skelos.

2 SENATOR SKELOS: Mr. President.

3 ACTING PRESIDENT KUHL: Senator
4 Smith, why do you rise?

5 SENATOR SMITH: Thank you, Mr.
6 President.

7 I request unanimous consent to be
8 recorded in the negative on Calendar Number 201.

9 ACTING PRESIDENT KUHL: Without
10 objection.

11 SENATOR SMITH: Thank you.

12 ACTING PRESIDENT KUHL: Hearing
13 no objection, Senator Smith will be recorded in
14 the negative on Calendar Number 201.

15 Senator Seabrook, why do you
16 rise?

17 SENATOR SEABROOK: Thank you, Mr.
18 President.

19 I would like to be recorded in
20 the negative on Calendar 201 and Calendar 1352.

21 ACTING PRESIDENT KUHL: Without
22 objection, hearing no objection, Senator
23 Seabrook will be recorded in the negative on

1 Calendar Number 201 and Calendar Number 1352.

2 For the benefit of the members,
3 Supplemental Calendar Number 1 -- all the bills
4 on Supplemental Calendar Number 1 are on your
5 desk. We're in rather limited supply, trying to
6 save money, state cutbacks. So we would hope
7 that you would leave the bills on your desks so
8 that they will be recorded and put into your
9 book so they will be there tomorrow should you
10 need them.

11 Thank you very much.

12 Senator Skelos.

13 SENATOR SKELOS: Is there any
14 housekeeping at the desk?

15 ACTING PRESIDENT KUHL: There is.

16 SENATOR SKELOS: Could we return
17 to motions and resolutions.

18 ACTING PRESIDENT KUHL: We'll
19 return to the order of motions and resolutions.

20 The Chair recognizes Senator
21 Farley.

22 SENATOR FARLEY: Thank you, Mr.
23 President.

1 On behalf of Senator Stafford, I
2 offer the following amendments to Calendar
3 Number 1351, Senate Print Number 5590-B, and I
4 ask that that bill retain its place on the Third
5 Reading Calendar.

6 ACTING PRESIDENT KUHL: The
7 amendments are received and adopted. The bill
8 will retain its place on the Third Reading
9 Calendar.

10 Senator Waldon.

11 SENATOR WALDON: Thank you very
12 much, Mr. President.

13 I respectfully request unanimous
14 consent to be recorded in the negative on
15 Calendar Number 201, 1352 and 1353.

16 ACTING PRESIDENT KUHL: Without
17 objection, hearing no objection, Senator Waldon
18 will be recorded in the negative on Calendar
19 Number 201, Calendar Number 1352 and Calendar
20 Number 1353.

21 The Chair recognizes Senator
22 Stafford.

23 SENATOR STAFFORD: Thank you, Mr.

1 President.

2 May we please announce an
3 immediate meeting of the Committee on Finance,
4 Room 332.

5 ACTING PRESIDENT KUHL: There
6 will be an immediate meeting of the Committee on
7 Finance in the Majority Conference Room, Room
8 332. Immediate meeting of the Committee on
9 Finance in the Majority Conference Room, Room
10 332.

11 Senator Skelos.

12 SENATOR SKELOS: Mr. President,
13 if we could take up Supplemental Calendar Number
14 1, non-controversial.

15 ACTING PRESIDENT KUHL: Can we
16 have a little order in the house, please? The
17 members have now departed for the Rules
18 Committee meeting.

19 The Secretary will read the
20 non-controversial reading of Supplemental
21 Calendar Number -

22 SENATOR SKELOS: Before we start,
23 there will be an immediate meeting of the

1 Finance Committee in the Majority Conference
2 Room.

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

7 Now that we have some order, the
8 Secretary will read the non-controversial
9 reading of Senate Supplemental Calendar Number
10 1, beginning with Calendar Number 771 by Senator
11 Holland.

12 THE SECRETARY: Senator Holland
13 moves to discharge from the Committee on Rules
14 Assembly Bill Number 9508-A and substitute it
15 for the identical Senate Bill 6509-A.

16 ACTING PRESIDENT KUHL: The
17 substitution is ordered.

18 The Secretary will read the
19 title.

20 THE SECRETARY: Calendar Number
21 771, by Member of the Assembly Jacobs, Assembly
22 Print 9508-A, an act to amend the Social
23 Services Law.

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

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 59.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Senator Goodman
12 moves to discharge from the Committee on Rules
13 Assembly Bill Number 9339-A and substitute it
14 for the identical Senate Bill 6344-A.

15 ACTING PRESIDENT KUHL: The
16 substitution is ordered.

17 The Secretary will read the
18 title.

19 THE SECRETARY: Calendar Number
20 831, by Member of the Assembly Lafayette,
21 Assembly Print 9339-A, an act to amend the
22 Vehicle and Traffic Law.

23 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 59.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 THE SECRETARY: Senator Marchi
11 moves to discharge from the Committee on Rules
12 Assembly Bill Number 9334-A and substitute it
13 for the identical Senate Bill 7535-A.

14 ACTING PRESIDENT KUHL: The
15 substitution is ordered.

16 The Secretary will read the
17 title.

18 THE SECRETARY: Calendar Number
19 1397, by Member of the Assembly Abbate, Assembly
20 Print 9334-A, an act to amend the Real Property
21 Tax Law.

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

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

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 59.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1451, by Senator Velella, Senate Print 7113-A,
11 an act to amend Chapter 403 of the Laws of 1983.

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

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 59.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Senator Cook
23 moves to discharge from the Committee on Rules

1 Assembly Bill Number 271 and substitute it for
2 the identical Senate Bill 264.

3 ACTING PRESIDENT KUHL: The
4 substitution is ordered.

5 The Secretary will read the last
6 section.

7 THE SECRETARY: Calendar Number
8 1743, by Member of the Assembly Gunther,
9 Assembly Print 271, an act to amend the
10 Judiciary Law.

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

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 59.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1744, by Senator Trunzo, Senate Print 584, an
23 act to amend the Real Property Tax Law.

1 SENATOR ABATE: Lay it aside.

2 ACTING PRESIDENT KUHL: Lay the
3 bill aside.

4 THE SECRETARY: Senator LaValle
5 moves to discharge from the Committee on Rules
6 Assembly Bill Number 2468-A and substitute it
7 for the identical Senate Bill 1649-A.

8 ACTING PRESIDENT KUHL: The
9 substitution is ordered.

10 The Secretary will read the
11 title.

12 THE SECRETARY: Calendar Number
13 1745, by Member of the Assembly Harenberg,
14 Assembly Print 2468-A, an act to amend the Real
15 Property Tax Law.

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

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 59.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Senator Johnson
4 moves to discharge from the Committee on Rules
5 Assembly Bill Number 5257-A and substitute it
6 for the identical Senate Bill 3111-A.

7 ACTING PRESIDENT KUHL: The
8 substitution is ordered.

9 The Secretary will read the
10 title.

11 THE SECRETARY: Calendar Number
12 1746, by Member of the Assembly Tokasz, Assembly
13 Print 5257-A, an act to amend the Environmental
14 Conservation Law.

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

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 59.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Senator Holland
3 moves to discharge from the Committee on Rules
4 Assembly Bill Number 8678-A and substitute it
5 for the identical Senate Bill 5981-A.

6 ACTING PRESIDENT KUHL: The
7 substitution is ordered.

8 The Secretary will read the
9 title.

10 THE SECRETARY: Calendar Number
11 1747, by Member of the Assembly Gromack,
12 Assembly Print 8678-A, an act to amend the Real
13 Property Tax Law.

14 ACTING PRESIDENT KUHL: Read the
15 last section.

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 59.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 THE SECRETARY: Senator Tully
2 moves to discharge from the Committee on Rules
3 Assembly Bill Number 8857 and substitute it for
4 the identical Senate Bill 6139-A.

5 ACTING PRESIDENT KUHL: The
6 substitution is ordered.

7 The Secretary will read the
8 title.

9 THE SECRETARY: Calendar Number
10 1748, by Member of the Assembly DiNapoli,
11 Assembly Print 8857-A, an act to amend the
12 Public Health Law.

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

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 59.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 THE SECRETARY: Calendar Number

1 1749, by Senator Trunzo, Senate Print 6180, an
2 act to appropriate funds to provide payment of
3 supplemental funds.

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

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

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 59.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Senator Cook
15 moves to discharge from the Committee on Rules
16 Assembly Bill Number 10447 and substitute it for
17 the identical Senate Bill 6261.

18 ACTING PRESIDENT KUHL: The
19 substitution is -

20 SENATOR ABATE: Lay it aside.

21 ACTING PRESIDENT KUHL: The
22 substitution is ordered.

23 The Secretary will read the

1 title.

2 THE SECRETARY: Calendar Number
3 1750, by the Assembly Committee on Rules,
4 Assembly Print 10447, an act to amend the Labor
5 Law.

6 ACTING PRESIDENT KUHL: Lay the
7 bill aside at the request of the Acting Minority
8 Leader.

9 THE SECRETARY: Senator Leibell
10 moves to discharge from the Committee on Rules
11 Assembly Bill Number 9337-B and substitute it
12 for the identical Senate Bill 6358-B.

13 ACTING PRESIDENT KUHL: The
14 substitution is ordered.

15 The Secretary will read the last
16 -- excuse me -- read the title.

17 THE SECRETARY: Calendar Number
18 1751, by Member of the Assembly Tonko, Senate
19 Print 9337-B, an act to amend the Public Health
20 Law.

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

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 59.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 THE SECRETARY: Senator Marchi
9 moves to discharge from the Committee on Rules
10 Assembly Bill Number 9304 and substitute it for
11 the identical senate bill 6407.

12 ACTING PRESIDENT KUHL: The
13 substitution is ordered.

14 The Secretary will read the
15 title.

16 THE SECRETARY: Calendar Number
17 1752, by Member of the Assembly Connelly,
18 Assembly Print 9304, an act to amend the
19 Navigation Law.

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

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 59.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Senator Alesi
8 moves to discharge from the Committee on Rules
9 Assembly Bill Number 9631-B and substitute it
10 for the identical Senate Bill 6612-A.

11 ACTING PRESIDENT KUHL: The
12 substitution is ordered.

13 The Secretary will read the
14 title.

15 THE SECRETARY: Calendar Number
16 1753, by Member of the Assembly Robach, Assembly
17 Print Number 9631-B, an act to amend the Vehicle
18 and Traffic Law.

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

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 59.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Senator Nozzolio
8 moves to discharge from the Committee on Rules
9 Assembly Bill Number 1766 and substitute it for
10 the identical Senate Bill 6667.

11 ACTING PRESIDENT KUHL: The
12 substitution is ordered.

13 The Secretary will read the
14 title.

15 THE SECRETARY: Calendar Number
16 1754, by Member of the Assembly Bragman,
17 Assembly Print 1766, an act to amend the Penal
18 Law.

19 SENATOR ABATE: Lay it aside.

20 ACTING PRESIDENT KUHL: Lay the
21 bill aside at the request of the Acting Minority
22 Leader.

23 THE SECRETARY: Senator

1 Marcellino moves to discharge from the Committee
2 on Rules Assembly Bill Number 9570-B and
3 substitute it for the identical Senate Bill
4 6829-A.

5 ACTING PRESIDENT KUHL: The
6 substitution is ordered.

7 The Secretary will read the
8 title.

9 THE SECRETARY: Calendar Number
10 1755, by Member of the Assembly Englebright,
11 Assembly Print 9570-B, an act to amend the
12 Public Service Law.

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

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 59.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 THE SECRETARY: Calendar Number

1 1756, by Senator Leibell, Senate Print 6908, an
2 act to amend the Public Service Law.

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

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

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 59.

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 THE SECRETARY: Senator Leibell
14 moves to discharge from the Committee on Rules
15 Assembly Bill Number 10455 and substitute it for
16 the identical Senate Bill 7022.

17 ACTING PRESIDENT KUHL: The
18 substitution is ordered.

19 The Secretary will read the
20 title.

21 THE SECRETARY: Calendar Number
22 1757, by the Assembly Committee on Rules,
23 Assembly Print 10455, an act to amend the Civil

1 Practice Law and Rules.

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

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 59.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Senator Spano
13 moves to discharge from the Committee on Rules
14 Assembly Bill Number 10441-A and substitute it
15 for the identical Senate Bill 7436-A.

16 ACTING PRESIDENT KUHL: The
17 substitution is ordered.

18 The Secretary will read the
19 title.

20 THE SECRETARY: Calendar Number
21 1758, by the Assembly Committee on Rules,
22 Assembly Print Number 10441-A, an act to amend
23 the Executive Law.

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

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes -

9 ACTING PRESIDENT KUHL: Announce
10 the results when recorded.

11 THE SECRETARY: Ayes 58, nays 1,
12 Senator Maziarz recorded in the negative. Also,
13 Senator Wright. Ayes 57, nays 2.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Senator Alesi
17 moves to discharge from the Committee on Rules
18 Assembly Bill Number 10878 and substitute it for
19 the identical Senate Bill 7620.

20 ACTING PRESIDENT KUHL: The
21 substitution is ordered.

22 The Secretary will read the
23 title.

1 THE SECRETARY: Calendar Number
2 1759, by the Assembly Committee on Rules,
3 Assembly Print 108...

4 SENATOR ABATE: Lay it aside.

5 THE SECRETARY: ...78, an act to
6 amend the Civil Service Law.

7 ACTING PRESIDENT KUHL: Lay the
8 bill aside at the request of the lady in red.

9 THE SECRETARY: Senator Stavisky
10 moves to discharge from the Committee on Rules
11 Assembly Bill Number 10805 and substitute it for
12 the identical Senate Bill 7632.

13 ACTING PRESIDENT KUHL: The
14 substitution is ordered.

15 The Secretary will read the
16 title.

17 THE SECRETARY: Calendar Number
18 1760, by the Assembly Committee on Rules,
19 Assembly Print Number 10805, an act authorizing
20 the city of New York.

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

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

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 SENATOR GOLD: Go ahead.

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 59.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1761, by Senator Maziarz, Senate Print 7682-A,
14 an act to amend the General Business Law.

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

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 59.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1762, by Senator Trunzo, Senate Print 7799-A, an
4 act to create a temporary veterans health care
5 planning council.

6 ACTING PRESIDENT KUHL: Can we
7 have a little order in the house, please. A
8 little order in the house, please.

9 The Secretary will read the last
10 section.

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 59.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Senator Trunzo
20 moves to discharge from the Committee on Rules
21 Assembly Bill Number 11034 and substitute it for
22 the identical Senate Bill 7800.

23 ACTING PRESIDENT KUHL: The

1 substitution is ordered.

2 The Secretary will read the
3 title.

4 THE SECRETARY: Calendar Number
5 1763, by the Assembly Committee on Rules,
6 Assembly Print Number 11034, an act to direct
7 the state of New York.

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

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 59.

16 ACTING PRESIDENT KUHL: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 1764, by Senator Velella, Senate Print 7846-A,
20 an act in relation to establishing the Bronx
21 Development Corporation.

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

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

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 59.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Senator Velella
10 moves to discharge from the Committee on Rules
11 Assembly Bill Number 11099-A and substitute it
12 for the identical Senate Bill 7847-A.

13 ACTING PRESIDENT KUHL: The
14 substitution is ordered.

15 The Secretary will read the
16 title.

17 THE SECRETARY: Calendar Number
18 1765, by the Assembly Committee on Rules,
19 Assembly Print Number 11099-A, an act to amend
20 Chapter 104 of the Laws of 1996.

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

23 The Secretary will read the last

1 section.

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 59.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 SENATOR ABATE: Lay it aside.

11 ACTING PRESIDENT KUHL: The
12 motion is to reconsider the vote by which
13 Calendar Number 1765 passed the house.

14 The Secretary will call the roll
15 on reconsideration.

16 (The Secretary called the roll on
17 reconsideration.)

18 THE SECRETARY: Ayes 59.

19 ACTING PRESIDENT KUHL: Lay the
20 bill aside.

21 THE SECRETARY: Senator Padavan
22 moves to discharge from the Committee on Rules
23 Assembly Bill Number 11162-A and substitute it

1 for the identical Senate Bill 7906.

2 SENATOR ABATE: Lay it aside.

3 ACTING PRESIDENT KUHL: The
4 substitution is ordered.

5 The Secretary will read the
6 title.

7 THE SECRETARY: Calendar Number
8 1766, by the Assembly Committee on Rules,
9 Assembly Print Number 11162-A, an act to amend
10 the Penal Law.

11 ACTING PRESIDENT KUHL: Lay the
12 bill aside.

13 THE SECRETARY: Senator Bruno
14 moves to discharge from the Committee on Rules
15 Assembly Bill Number 11264 and substitute it for
16 the identical Senate Bill 7910.

17 ACTING PRESIDENT KUHL: The
18 substitution is ordered.

19 The Secretary will read the
20 title.

21 SENATOR ABATE: Lay it aside.

22 THE SECRETARY: Calendar Number
23 1767, by the Assembly Committee on Rules,

1 Assembly Print Number 11264, an act to amend the
2 Tax Law.

3 ACTING PRESIDENT KUHL: Lay the
4 bill aside.

5 THE SECRETARY: Calendar Number
6 1768, by Senator Seward, Senate Print 7914, an
7 act to amend the Public Health Law.

8 ACTING PRESIDENT KUHL: As soon
9 as everybody is ready to listen, we're ready to
10 proceed, but it's awful noisy in here and
11 difficult for us to even hear each other think.
12 So could we have a little quiet in the house,
13 please. Members take their seats, the staff
14 take their seats. If there are conversations to
15 be had, take them out of the chamber. It is now
16 11:12 in the evening, a Friday evening. We have
17 a great deal of business to do. We'd like to do
18 it expeditiously and we can do it if it's quiet.

19 Thank you.

20 The Secretary will continue to
21 read.

22 THE SECRETARY: Calendar Number
23 1768, by Senator Seward, Senate Print 7914, an

1 act to amend the Public Health Law.

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

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 59.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1769, by Senator LaValle, Senate Print 7918, an
14 act to amend the Education Law.

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

17 THE SECRETARY: Section 33. This
18 act shall take effect on the 180th day.

19 SENATOR GOLD: Lay it aside.

20 ACTING PRESIDENT KUHL: Lay the
21 bill aside.

22 THE SECRETARY: Calendar Number
23 1770, by the Committee on Rules, Senate Print

1 7921, an act to amend the Administrative Code of
2 the city of New York.

3 ACTING PRESIDENT KUHL: Senator
4 Skelos.

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

7 ACTING PRESIDENT KUHL: There is
8 a message at the desk, Senator Skelos.

9 SENATOR SKELOS: I move to
10 accept.

11 ACTING PRESIDENT KUHL: The
12 motion is to accept the message of necessity on
13 Calendar Number 1770. All those in favor
14 signify by saying aye.

15 (Response of "Aye".)

16 Opposed, nay.

17 (There was no response.)

18 The message is accepted.

19 There's a home rule message at
20 the desk.

21 The Secretary will read the last
22 section.

23 THE SECRETARY: Section 17. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 59.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1771, by Senator LaValle, Senate Print 7927, an
10 act to amend the Domestic Relations Law.

11 ACTING PRESIDENT KUHL: Senator
12 Skelos.

13 SENATOR SKELOS: Mr. President,
14 is there a message at the desk?

15 ACTING PRESIDENT KUHL: There is.

16 SENATOR SKELOS: Move to accept.

17 ACTING PRESIDENT KUHL: The
18 motion is to accept the message of necessity on
19 Calendar Number 1771. All those in favor
20 signify by saying aye.

21 (Response of "Aye".)

22 Opposed, nay.

23 (There was no response.)

1 The message is accepted.

2 The Secretary will read the last
3 section.

4 THE SECRETARY: Section 3. This
5 act shall take effect on the same date as a
6 chapter of the Laws of 1996.

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 59.

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1772, by the Committee on Rules, Senate Print
15 7941, an act to amend the Environmental
16 Conservation Law.

17 ACTING PRESIDENT KUHL: Senator
18 Skelos.

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

21 ACTING PRESIDENT KUHL: There is.

22 SENATOR SKELOS: Move to accept.

23 ACTING PRESIDENT KUHL: The

1 motion is to accept the message of necessity on
2 Calendar Number 1772. All those in favor
3 signify by saying aye.

4 (Response of "Aye".)

5 Opposed, nay.

6 (There was no response.)

7 The message is accepted.

8 The Secretary will read the last
9 section.

10 THE SECRETARY: Section 2. This
11 act shall take effect on the same date as
12 Section 2 of Chapter 279 of the Laws of 1996.

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 59.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1773, by Senator DiCarlo, Senate Print 7943, an
21 act to amend the Executive Law.

22 SENATOR GOLD: Mr. President.

23 ACTING PRESIDENT KUHL: Senator

1 Gold.

2 SENATOR GOLD: Yeah. Is there a
3 message at the desk?

4 ACTING PRESIDENT KUHL: Did you
5 rise?

6 Senator Skelos.

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

9 ACTING PRESIDENT KUHL: There is
10 a message of necessity at the desk.

11 SENATOR SKELOS: Move to accept.

12 ACTING PRESIDENT KUHL: The
13 motion is to accept the message of necessity on
14 Calendar Number 1773. All those in favor
15 signify by saying aye.

16 (Response of "Aye".)

17 Opposed, nay.

18 (There was no response.)

19 The message is accepted.

20 The Secretary will read the last
21 section.

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 59.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1774, by the Committee on Rules, Senate Print
9 7947, an act authorizing the creation of a state
10 debt.

11 ACTING PRESIDENT KUHL: Senator
12 Skelos.

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

15 ACTING PRESIDENT KUHL: There is.

16 SENATOR SKELOS: I move to
17 accept.

18 ACTING PRESIDENT KUHL: The
19 motion is to accept the message of necessity on
20 Calendar Number 1774. All those in favor
21 signify by saying aye.

22 (Response of "Aye".)

23 Opposed, nay.

1 (There was no response.)

2 The message is accepted.

3 The Secretary will read the last
4 section.

5 SENATOR ABATE: Lay it aside.

6 ACTING PRESIDENT KUHL: Lay the
7 bill aside.

8 THE SECRETARY: Calendar Number
9 1775, by Member of the Assembly Faso, Assembly
10 Print 1933, an act to amend the Vehicle and
11 Traffic Law.

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

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 59.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1776, by the Assembly Committee on Rules,

1 Assembly Print 11208, an act to amend a chapter
2 of the Laws of 1996.

3 SENATOR ABATE: Lay it aside.

4 ACTING PRESIDENT KUHL: Lay the
5 bill aside.

6 Senator Skelos, that completes
7 the reading of the non-controversial calendar on
8 Supplemental Calendar Number 1.

9 Senator Cook, why do you rise?

10 SENATOR COOK: Mr. President,
11 could I be in the negative on Calendar 1746.

12 ACTING PRESIDENT KUHL: Without
13 objection, hearing no objection, Senator Cook
14 will be recorded in the negative on Calendar
15 Number 1746, by Senator Johnson, Senate Print
16 3111-A.

17 Senator Seward, why do you rise?

18 SENATOR SEWARD: Yeah. Mr.
19 President, I was out of the chamber at the
20 Finance meeting at the time 1755 passed, and I'd
21 like to be recorded in the negative.

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

1 will be recorded in the negative on Calendar
2 Number 1755 by Senator Marcellino.

3 Senator Present.

4 SENATOR PRESENT: Mr. President,
5 may I be recorded on 1746 in the negative.

6 ACTING PRESIDENT KUHL: Without
7 objection, hearing no objection, Senator Present
8 will be recorded in the negative on Calendar
9 Number 1746.

10 Any other Senator wishing to
11 register a vote at this point?

12 (There was no response.)

13 Hearing none, Senator Skelos.

14 SENATOR SKELOS: Mr. President,
15 if we could take up Supplemental Calendar Number
16 1, controversial.

17 ACTING PRESIDENT KUHL: The
18 Secretary will read the controversial reading of
19 Supplemental Calendar Number 1, beginning with
20 Calendar Number 1744, Senate Print 584, by
21 Senator Trunzo.

22 THE SECRETARY: Calendar Number
23 1744, by Senator Trunzo, Senate Print 584, an

1 act to amend the Real Property Tax Law.

2 SENATOR PATERSON: Explanation,
3 please.

4 ACTING PRESIDENT KUHL: Senator
5 Trunzo, an explanation of Calendar Number 1744
6 has been requested by the Acting Minority
7 Leader, Senator Paterson.

8 SENATOR TRUNZO: Mr. President,
9 this bill amends Paragraph A of Subdivision 1 of
10 Section 536 of the Real Property Tax Law to
11 include the Connetquot School District among the
12 other school districts in the state that have
13 lands located therein which are subject to
14 taxation.

15 The Connetquot School District
16 has some 25 acres of lands which is made up of
17 the Connetquot State Park, which has been in
18 existence for many, many years and they've been
19 trying to get this bill passed for many years,
20 and if you look at the history on the memo, it
21 says remained a community back since 1983, and
22 so I'm very happy to see that the Assembly was
23 able to pass the bill today in order to try to

1 get this injustice done to the Connetquot School
2 District corrected.

3 SENATOR LEICHTER: Mr. President,
4 just briefly on the bill.

5 ACTING PRESIDENT KUHL: Senator
6 Leichter, could you hold just a minute. Let me
7 get a little order in the house, please, first
8 of all.

9 ACTING PRESIDENT KUHL: Thank you
10 for the interruption, Senator Leichter.

11 We were just trying to check out
12 the status of the bill that is before the
13 house. It is a Senate bill that is before the
14 house. The Assembly bill is on third reading in
15 the Assembly chamber. So it has not passed that
16 chamber yet. We thought that information would
17 be helpful to you, Senator.

18 SENATOR TRUNZO: I was left with
19 the impression that it passed today, Mr.
20 President.

21 ACTING PRESIDENT KUHL: Okay.
22 Senator Leichter, you have the floor.

23 SENATOR LEICHTER: Yes, Mr.

1 President. Just very briefly on the bill.

2 ACTING PRESIDENT KUHL: Senator
3 Leichter, on the bill.

4 SENATOR LEICHTER: Some people
5 here will remember many years ago when we
6 enacted a bill to provide that the state would
7 pay for all of the state-owned property or make
8 a payment in lieu of taxes to the localities.
9 Then we realized that that was an impossible
10 burden on the state of New York, and I think
11 there was also a recognition that the localities
12 benefited and gained by having state facilities,
13 state lands owned within their communities and
14 we eventually, after some effort, had to repeal
15 that bill.

16 Now slowly we're beginning to get
17 communities saying, Well, my community should be
18 reimbursed by the state because the state owns
19 so much property in my community. If you do it
20 for Senator Trunzo's community, then you got to
21 do it for other communities and every year
22 you're going to see more and more of these
23 bills, and we're going to be back in that same

1 intolerable situation.

2 If we have a system in which we
3 want to deal with what the contribution of the
4 state should be for state-owned facilities,
5 state-owned land, they really ought to apply
6 statewide.

7 I'd like to help Senator Trunzo's
8 community, and I understand he's working with
9 Assemblyman Harenberg, but I can think of some
10 help that I could find for the city of New
11 York.

12 It really doesn't work to do it
13 on this sort of an ad hoc basis, and for that
14 reason I'm going to vote against the bill.

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

17 (There was no response.)

18 Hearing none, the Secretary will
19 read the last section.

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT KUHL: Record
3 the negative votes. Announce the results when
4 tabulated.

5 THE SECRETARY: Ayes 58, nays 1,
6 Senator Leichter recorded in the negative.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 The Secretary will continue to
10 call the controversial calendar.

11 THE SECRETARY: Calendar Number
12 1750, by the Assembly Committee on Rules,
13 Assembly Print 10447, an act to amend the Labor
14 Law.

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

17 (There was no response.)

18 Hearing none, the Secretary will
19 read the last section.

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

1 (The Secretary called the roll.)

2 SENATOR LEICHTER: Can I have an
3 explanation?

4 ACTING PRESIDENT KUHL: Senator
5 Cook, an explanation of Calendar Number 1750 has
6 been asked for by Senator Leichter.

7 SENATOR COOK: Mr. President, the
8 summer camps typically hire a lot of high school
9 students or at times college students as workers
10 in the camps. These folks don't work enough
11 hours, enough weeks to be eligible for any
12 unemployment insurance benefits and yet under
13 existing law, the employers who in this case are
14 non-profit camps -- they may be 4-H camps. They
15 may be scout camps. They may be religious camps
16 of one sort or another. They may be municipal
17 camps -- in some cases have to pay premiums,
18 unemployment insurance premiums for people who
19 never could possibly collect any benefits, and
20 this bill says that in those cases which are
21 clearly defined in the bill, that the employer
22 is not required to pay the premium for
23 unemployment insurance.

1 ACTING PRESIDENT KUHL: Any

2 Senator wishing to speak on the bill?

3 (There was no response.)

4 Hearing none, the Secretary will
5 read the last section.

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

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 59.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1754, by Member of the Assembly Bragman,
16 Assembly Print 1766, an act to amend the Penal
17 Law.

18 SENATOR PATERSON: Explanation.

19 ACTING PRESIDENT KUHL: Senator
20 Nozzolio, an explanation of Calendar Number 1754
21 has been asked for by the Acting Minority
22 Leader, Senator Paterson.

23 SENATOR NOZZOLIO: Mr. President,

1 my colleagues, the measure before us amends the
2 Penal Law in relation to the possession of
3 what's normally called a BB gun.

4 In February of this year, I
5 received a letter from Nick Clark in Phelps, New
6 York, who asked me -- and Nick is ten years
7 old. Nick says that if the law says that he
8 couldn't own or shoot a BB gun until the age of
9 16, why could he get a hunting license and shoot
10 more powerful guns at the age of 14? Wouldn't
11 it be better, according to Nick, for him to
12 learn hunter safety, the respect for this use of
13 firearms before he shoots a more powerful gun?

14 Nick made all the sense in the
15 world to me, and that's why we introduced this
16 bill that says that an individual, a young boy
17 or girl, could use an air rifle at the age -
18 prior to the age of one who could get a hunting
19 license. It made no sense to have it the other
20 way around.

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

23 (There was no response.)

1 Hearing none, the Secretary will
2 read the last section.

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 59.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1759, by the Assembly Committee on Rules,
14 Assembly Print 10878, an act to amend the Civil
15 Service Law.

16 ACTING PRESIDENT KUHL: Senator
17 Paterson, were you asking for an explanation?

18 SENATOR PATERSON: Yes. Thank
19 you, Mr. President.

20 ACTING PRESIDENT KUHL: Senator
21 Alesi, an explanation of Calendar Number 1759,
22 Senate Print 7620, has been ask for by the
23 Acting Minority Leader, Senator Paterson.

1 SENATOR ALESI: Thank you, Mr.
2 President.

3 This bill would protect certain
4 disabled employees who would otherwise have been
5 hired under civil service -

6 ACTING PRESIDENT KUHL: Senator
7 Alesi, excuse me just a minute. There is just a
8 little too much noise in here for my level of
9 hearing, and I know it isn't Senator Goodman.
10 Could we please have the members take their
11 seats, the staff take their seats. If you have
12 to have a conversation, please take it out of
13 the chamber.

14 Thank you for the interruption,
15 Senator Alesi.

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

18 This bill would protect certain
19 state employees who are not hired under civil
20 service regulations but who are in jobs that
21 otherwise would have been filled had they
22 performed the civil service requirements. These
23 people are disabled and this program was

1 established over 20 years ago to accommodate
2 people in these circumstances.

3 ACTING PRESIDENT KUHL: The Chair
4 recognizes Senator Paterson.

5 SENATOR PATERSON: Would Senator
6 Alesi yield for a question?

7 ACTING PRESIDENT KUHL: Senator
8 Alesi, do you yield to a question?

9 SENATOR ALESI: Yes.

10 ACTING PRESIDENT KUHL: The
11 Senator yields.

12 SENATOR PATERSON: Senator, would
13 you ask the Secretary to read the last section,
14 please.

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

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 59.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1765, by the Assembly Committee on Rules,
4 Assembly Print 11099-A, an act to amend Chapter
5 104 of the Laws of 1996.

6 SENATOR PATERSON: Read the last
7 section.

8 ACTING PRESIDENT KUHL: There was
9 a home rule message at the desk previously
10 announced.

11 The Secretary will read the last
12 section.

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

15 ACTING PRESIDENT KUHL: Senator
16 Leichter, why do you rise?

17 SENATOR LEICHTER: I'm just
18 trying to see, Mr. President, what bill we
19 have. Is this 1765?

20 Mr. President.

21 ACTING PRESIDENT KUHL: Senator
22 Leichter.

23 SENATOR LEICHTER: Yes, Mr.

1 President. After Senator Velella explained the
2 bill to me, now I know I want to vote against
3 it. So if you'd just call the last section,
4 I'll cast my vote.

5 ACTING PRESIDENT KUHL: The
6 Secretary will read the last section on Calendar
7 Number 1765.

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT KUHL: Record
14 the negatives. Announce the results.

15 THE SECRETARY: Ayes 58, nays 1,
16 Senator Leichter recorded in the negative.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 The Secretary will continue to
20 call the controversial calendar.

21 ACTING PRESIDENT KUHL: Calendar
22 Number 1766, by the Assembly Committee on Rules,
23 Assembly Print 11162-A, an act to amend the

1 Penal Law.

2 ACTING PRESIDENT KUHL: The
3 Secretary -- did I hear an explanation
4 requested?

5 SENATOR STACHOWSKI: Explanation,
6 please.

7 ACTING PRESIDENT KUHL: Senator
8 Padavan, an explanation has been asked by
9 Senator Leichter, I believe, of Calendar Number
10 1766, Senate Print 7906.

11 SENATOR PADAVAN: Thank you, Mr.
12 President.

13 This bill would require the
14 potential imposition of an additional mandatory
15 consecutive sentence of five years to the
16 minimum term for a Class B violent felony where
17 the person convicted of such a crime displayed a
18 loaded weapon in the course of that action.

19 ACTING PRESIDENT KUHL: Senator
20 Leichter.

21 Senator Leichter yields to
22 Senator Abate.

23 Senator Abate.

1 SENATOR ABATE: Yes. Would
2 Senator Padavan yield to a question?

3 ACTING PRESIDENT KUHL: Senator
4 Abate, he'll yield when we have some order in
5 the chamber but not until.

6 Now he'll yield.

7 SENATOR ABATE: Yes, Senator
8 Padavan. I have not had an opportunity to study
9 the bill, but my understanding is that you want
10 to increase the minimum or is it the maximum for
11 a sentence of possession of a weapon.

12 SENATOR PADAVAN: It would add an
13 additional five-year consecutive sentence to the
14 minimum sentence.

15 SENATOR ABATE: Under what
16 conditions would someone receive an additional
17 five years?

18 SENATOR PADAVAN: Well, the
19 conditions are outlined in the bill, as I said
20 in the course of my explanation, which I guess
21 you didn't hear.

22 If someone commits a crime and
23 displays a loaded weapon in the course of that

1 crime, then an additional five years could be
2 added -- and I emphasize the word "could" -- to
3 the minimum term of an indeterminate sentence.

4 SENATOR ABATE: That's what I -
5 then you did clarify. This would be an
6 additional five years added to the minimum.

7 SENATOR PADAVAN: Correct.

8 SENATOR ABATE: So if someone -
9 let me just clarify it in my mind. If someone
10 committed a robbery and in the course of that
11 robbery possessed a weapon, the minimum -

12 SENATOR PADAVAN: They actually
13 have to display it.

14 SENATOR ABATE: Actually
15 displayed it, that individual, if they were
16 found guilty of the robbery, could be sentenced
17 to five years more on the minimum.

18 SENATOR PADAVAN: That is
19 correct.

20 SENATOR ABATE: How would that
21 work, though, in a robbery case where someone
22 would be charged with robbery in the second
23 degree because they used a weapon? Are we now

1 saying there's an elevation already because it's
2 an advanced count because the weapon is used or
3 displayed?

4 SENATOR PADAVAN: That would be a
5 Class B felony?

6 SENATOR ABATE: That would be -
7 I believe it's Class C felony.

8 SENATOR PADAVAN: This relates to
9 a Class B felony.

10 SENATOR ABATE: So these are only
11 when the underlying -

12 SENATOR PADAVAN: It's right in
13 the bill.

14 SENATOR ABATE: -- charge is a B
15 felony.

16 SENATOR PADAVAN: Senator, I draw
17 your attention to lines 4 and 5 on the first
18 page of the bill.

19 SENATOR ABATE: And then my last
20 question then, this would be discretionary.

21 SENATOR PADAVAN: Yes. And
22 again, I draw your attention to lines 21 and 22
23 where it says, in effect, that the court under

1 certain circumstances in its judgment need not
2 apply this additional five years of consecutive
3 sentencing.

4 SENATOR ABATE: Is there anything
5 in the bill that requires the judge to put on
6 the record why they're not giving the additional
7 five-year sentence?

8 SENATOR PADAVAN: Not that I know
9 of. I think if you read it -- obviously in the
10 course of his determination, he might choose to
11 articulate the basis of that action. That's not
12 precluded.

13 SENATOR ABATE: Right.

14 SENATOR PADAVAN: But there's
15 nothing here that says he must specifically
16 state it.

17 SENATOR ABATE: So my last
18 question, if in a crime, a violent B felony,
19 part of that crime is the display of a weapon or
20 the use of a weapon -- and we're talking about a
21 loaded weapon, a loaded gun -- we're also saying
22 even though that person will be facing more
23 penalties because that's part of the crime, the

1 underlying charges, you're saying in addition to
2 that, that individual could be facing another
3 five years.

4 SENATOR PADAVAN: That is
5 correct.

6 SENATOR ABATE: And that in terms
7 of -- also the person can be charged separately
8 with a loaded weapon, possession of a loaded
9 gun -

10 SENATOR PADAVAN: I presume
11 that's the case.

12 SENATOR ABATE: -- in addition to
13 that.

14 SENATOR PADAVAN: I assume so.

15 SENATOR ABATE: My last question
16 is, Senator, I mean, we all feel that possession
17 of a weapon, display of firearms is a heinous
18 crime, but in this case, why is there a need to
19 elevate the crime when you have a B violent
20 felony -

21 SENATOR PADAVAN: I think we -

22 SENATOR ABATE: -- for which
23 someone could be facing an enormous time plus

1 could be facing an additional charge and
2 consecutive time for possession of a weapon?

3 SENATOR PADAVAN: I think the
4 answer to that question, Senator, is simply that
5 when someone has a loaded weapon in their hand,
6 obviously the potential for deadly violence
7 exists. We have to send a clear message to that
8 criminal that, when he chooses that option, he
9 places himself in the potential circumstance of
10 an additional five years. Obviously the goal
11 here is deterrence, and that's the reason.

12 SENATOR ABATE: And do you
13 contemplate that this statute will be effected
14 for second-time violent felons?

15 As you know, last year we passed
16 a law that went to a determinate sentencing
17 scheme that doubled the minimums for violent
18 felons, eliminated discretionary parole and
19 reduced good time from one-third to
20 one-seventh. Would you apply this statutory
21 scheme also for these second offenders?

22 SENATOR PADAVAN: Senator, you
23 have me at a disadvantage. I only refer you to

1 the specific section of the law that we are
2 amending and its applicability in the case of a
3 Class B felony.

4 SENATOR ABATE: I would read it,
5 Senator, that you would apply it to both first
6 time offenders and second-time offenders.

7 SENATOR PADAVAN: I think you're
8 probably right but, again, I have to refer you
9 to the statute that we are amending.

10 SENATOR ABATE: Thank you.

11 SENATOR GOLD: Mr. President, I
12 think Senator Leichter was next.

13 ACTING PRESIDENT KUHL: The Chair
14 recognizes Senator Leichter.

15 SENATOR LEICHTER: Mr. President,
16 if Senator Padavan would yield.

17 SENATOR PADAVAN: Yeah.

18 SENATOR LEICHTER: Senator, I
19 don't read the bill as you describe it that this
20 is discretionary with the court because it says
21 -- you use the word on line 16 "the court shall
22 impose."

23 SENATOR PADAVAN: Well, the

1 sentence -- let me answer you, Senator. If you
2 go down to line 21 -- and I draw your attention
3 to that -- it says "provided, however, that such
4 additional sentence shall not be imposed if the
5 court, having regard to the nature and
6 circumstances of the crime and to the history
7 and character of the defendant, finds on the
8 record that such additional consecutive sentence
9 would be unduly harsh and that not imposing such
10 sentence would be consistent with the public
11 safety and would not deprecate the seriousness
12 of the crime."

13 SENATOR LEICHTER: You've
14 answered my question, I guess also a question
15 that Senator Abate asked as far as putting it on
16 the record.

17 I'm also concerned, Senator, with
18 the provision on the next page that there shall
19 be no parole which, as I read it, applies only
20 -- well, let me ask the question. I'm not sure
21 what it provides. You say that parole shall not
22 be -

23 SENATOR PADAVAN: There will be a

1 new aggregate minimum -- there will be a new
2 aggregate minimum sentence, meaning the five
3 years-plus, right?

4 SENATOR LEICHTER: Plus, and that
5 parole will not apply for the entire period.

6 SENATOR PADAVAN: Exactly,
7 Senator.

8 SENATOR LEICHTER: Okay. Mr.
9 President.

10 ACTING PRESIDENT KUHL: Senator
11 Leichter.

12 SENATOR LEICHTER: On the bill,
13 please.

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

16 SENATOR LEICHTER: I think we all
17 agree with Senator Padavan that we want to
18 certainly deter the use of dangerous weapons
19 such as firearms, loaded or unloaded, but I
20 think as has been pointed out by Senator Abate,
21 we already punished this very, very severely,
22 and I don't believe that imposing an additional
23 five years is going to make any difference

1 whatsoever in deterrence. I think that a Class
2 B felony -- and I don't know what the minimum
3 and the maximum are, but I think it's 15 -- it's
4 25 years. That's the maximum -- that's not a
5 soft sentence.

6 I mean, I think we can reach the
7 point where we say that anybody who uses a gun
8 will be put in jail for life without possibility
9 of parole. I'm sure there's many people in the
10 state of New York that would support that sort
11 of legislation.

12 I feel that it is harsh, and I
13 think also in this particular instance,
14 providing that there will be no parole when,
15 frankly, you can have Class B felonies, that, in
16 many respects, could be more dangerous or more
17 heinous than a Class B felony committed with a
18 loaded firearm and we still provide parole as to
19 that.

20 Listen, it's very popular to
21 increase penalties and we do a lot of that. We
22 did much of it yesterday, but I think this
23 really doesn't have a sound basis. I think it

1 goes too far. I'm not going to support it.

2 SENATOR GOLD: Mr. President.

3 ACTING PRESIDENT KUHL: Senator
4 Gold.

5 SENATOR GOLD: Yeah. Would
6 Senator Padavan yield to a question?

7 ACTING PRESIDENT KUHL: Senator
8 Padavan, do you yield to a question from Senator
9 Gold?

10 SENATOR PADAVAN: Yes.

11 ACTING PRESIDENT KUHL: The
12 Senator yields.

13 SENATOR GOLD: Senator, this
14 deals with a loaded firearm, is that correct?

15 SENATOR PADAVAN: Yes.

16 SENATOR GOLD: Well, Senator, in
17 a situation where someone does not actually fire
18 a shot or is not caught in the commission of the
19 crime, I assume then this would not apply as
20 there would be no way of establishing the gun
21 was loaded, is that correct?

22 SENATOR PADAVAN: Obviously -- on
23 line 7 being the operative -- part of the

1 operative definition, "possesses a deadly
2 weapon, if the weapon is loaded, a loaded weapon
3 from which a shot readily capable of producing
4 death or other serious injury may be
5 discharged." Now, obviously if your question is
6 that you have not been able to make that
7 determination, it would not be applicable.

8 SENATOR GOLD: So that we
9 understand it -

10 ACTING PRESIDENT KUHL: Senator
11 Padavan, do you continue to yield?

12 SENATOR PADAVAN: Yes.

13 ACTING PRESIDENT KUHL: The
14 Senator continues to yield.

15 SENATOR GOLD: Senator, the other
16 question that I have -- and I want to follow up
17 on something Senator Leichter said. I believe
18 that unintentionally -- I don't think you would
19 intentionally mislead the chamber, but I think
20 an answer you gave was misleading.

21 You indicated in the Finance
22 Committee and also to Senator Leichter that,
23 while it wasn't mandatory, a judge didn't have

1 to do it.

2 I think, Senator, that's kind of
3 simplistic in terms of whether the judge can or
4 cannot do it. Isn't it a fact that under the
5 law as you're proposing it, a judge must do it
6 unless -- unless the judge makes an affirmative
7 finding on the record that there are reasons not
8 to do it as you set forth?

9 SENATOR PADAVAN: Senator, I was
10 not misleading at all. I read the words on line
11 21 and 22 verbatim. I don't know how you can
12 interpret that as being misleading and, as
13 Senator Leichter acknowledged, I answered his
14 question. He read it along with me. It is -
15 it is subject to a judgment that the judge can
16 make under the conditions specified, and that's
17 what I said in committee. I'm not quite sure
18 what your question is. Maybe I didn't hear you
19 right.

20 SENATOR GOLD: Well, Mr.
21 President, I think there's quite -- thank you,
22 Senator Padavan.

23 I think there's quite a bit of

1 difference between saying that a person -- a
2 judge has a choice and a situation where a judge
3 is mandated to do something unless the judge
4 makes an affirmative finding that is not exactly
5 the same, and I believe that under this language
6 as it's stated by Senator Padavan, it absolutely
7 is a mandate and the judge is hard pressed to
8 have to explain it if he doesn't go along with
9 it.

10 ACTING PRESIDENT KUHL: Is there
11 any other Senator wishing to speak on the bill?
12 Hearing none, the Secretary will read the last
13 section.

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT KUHL: Record
21 the negative votes. Announce the results.

22 THE SECRETARY: Those recorded in
23 the negative on Calendar Number 1766, Senators

1 Abate, Connor, Leichter, Montgomery, Paterson,
2 Smith and Waldon. Ayes 52, nays 7.

3 ACTING PRESIDENT KUHL: The bill
4 is passed.

5 Senator Skelos.

6 The Secretary will continue to
7 call the controversial calendar.

8 Senator Paterson, why do you
9 rise?

10 SENATOR PATERSON: Mr. President,
11 there will be an immediate meeting of the
12 Minority in the Minority Conference Room, Room
13 314, immediate meeting of the Minority.

14 SENATOR GOODMAN: Senator
15 Paterson, may I be permitted to record a
16 negative vote?

17 Mr. President.

18 ACTING PRESIDENT KUHL: Senator
19 Goodman.

20 SENATOR GOODMAN: Yes. May I be
21 recorded in the negative on Calendar 1765,
22 please.

23 ACTING PRESIDENT KUHL: Without

1 objection, hearing no objection, Senator Goodman
2 will be recorded in the negative on Calendar
3 Number 1765.

4 SENATOR SKELOS: Mr. President,
5 would you call up Calendar Number 1769.

6 ACTING PRESIDENT KUHL: The
7 Secretary will read the title to Calendar Number
8 1769.

9 THE SECRETARY: Calendar Number
10 1769, by Senator LaValle, Senate Print 7918, an
11 act to amend the Education Law.

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

14 THE SECRETARY: Section 33. This
15 act shall take effect on the 180th day.

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 59.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 Senator Skelos.

23 SENATOR SKELOS: Mr. President,

1 would you call up Calendar Number 1776.

2 ACTING PRESIDENT KUHL: The
3 Secretary will read Calendar Number 1776.

4 THE SECRETARY: Calendar Number
5 1776, by the Assembly Committee on Rules,
6 Assembly Print 11208, an act to amend a chapter
7 of the Laws of 1996.

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

10 THE SECRETARY: Section 4. This
11 act shall take effect on the same date as a
12 chapter of the Laws of 1996.

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 59.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 Senator Skelos.

20 SENATOR SKELOS: Mr. President,
21 would you call up Calendar Number 1767.

22 ACTING PRESIDENT KUHL: The
23 Secretary will read Calendar Number 1767.

1 THE SECRETARY: Calendar Number
2 1767, by the Assembly Committee on Rules,
3 Assembly Print 11264, an act to amend the Tax
4 Law.

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

7 THE SECRETARY: Section 3. This
8 act shall take effect on the same date and
9 within the same qualifications.

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 59.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 Senator Skelos.

17 SENATOR SKELOS: Mr. President,
18 stand at ease.

19 ACTING PRESIDENT KUHL: Can we
20 have some order in the house, please. Order in
21 the house, please. Staff take their seats,
22 members take their seats.

23 Senator Skelos.

1 SENATOR SKELOS: Mr. President,
2 the Senate will stand at ease for a few moments.

3 ACTING PRESIDENT KUHL: The
4 Senate will stand at ease.

5 (Whereupon, the Senate stood at
6 ease from 12:00 a.m. until 12:20 a.m.)

7 SENATOR SKELOS: Mr. President.

8 ACTING PRESIDENT WRIGHT: Senator
9 Skelos.

10 SENATOR SKELOS: Would you please
11 call up Calendar Number 1351, Senate 5590-C.

12 ACTING PRESIDENT WRIGHT:
13 Calendar 1351, the Secretary will read.

14 THE SECRETARY: Calendar Number
15 1351, Budget Bill, Senate Print 5590-C, an act
16 making appropriations for the support of
17 government, Education, Labor and Social Services
18 budget.

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

21 ACTING PRESIDENT WRIGHT: There
22 is a message at the desk.

23 SENATOR SKELOS: Move to accept.

1 ACTING PRESIDENT WRIGHT: On the
2 motion to accept the message of necessity, all
3 those in favor signify by saying aye.

4 (Response of "Aye".)

5 Those opposed, nay.

6 (There was no response.)

7 The message is accepted.

8 Senator Skelos.

9 SENATOR LEICHTER: Explanation.

10 ACTING PRESIDENT WRIGHT: Senator
11 Stafford on an explanation.

12 SENATOR STAFFORD: Thank you.

13 Mr. President, moving right
14 along, this as has been mentioned is the
15 education, labor and the social -- can you
16 people hear me over there?

17 ACTING PRESIDENT WRIGHT: Thank
18 you, Senator Stafford.

19 The Sergeant-at-arms, please
20 close the door and escort the staff out so we
21 can have some -

22 Thank you for your patience,
23 Senator Stafford.

1 SENATOR STAFFORD: Thank you for
2 yours, Mr. President.

3 On the bill. I will go over the
4 various subjects that are covered together with
5 the appropriation. This is one of the most
6 important bills. I don't want to rush through
7 it. On the other hand, I don't want to go into
8 any more detail than is necessary, but I think
9 this does require some detail.

10 Mr. President, I'll go over the
11 highlights, and I think I should start with
12 total spending.

13 This budget appropriates \$15.2
14 billion. This is an increase and it's due
15 primarily to the addition of 346 million in
16 education, primary and secondary, and it's a
17 total addition of 164 million in higher
18 education and 55 million in income maintenance
19 restoration which, of course, is in social
20 services.

21 The arts are covered. It covers
22 the children's and families. Higher education
23 obviously is the State University and the City

1 University. It's a lump sum appropriation of 30
2 million -- \$30 million for the City University
3 senior colleges. It's 2.3 million and
4 additional assistance for community college
5 aid. The additional support increases base aid
6 per full-time equivalent student from \$1800 to
7 \$1850.

8 The Higher Education Assistance
9 -- Services Corporation is included, of course
10 and we should point out -- and this is very,
11 very important as my counsel has pointed out
12 very astutely, there is a full restoration as
13 far as any reductions there were in the TAP
14 program.

15 The State University, this
16 provides \$51 million in operating assistance for
17 the SUNY state operated campus -- for the
18 campuses.

19 There's 5 -- well, \$6 million in
20 community college base aid. This additional
21 support increases base aid from, as I mentioned
22 earlier, again, in the State University also
23 from \$1800 to \$1850 per full-time equivalent.

1 Obviously, there are other areas
2 here, and I would be glad to answer any other
3 questions, but I'll move in -- Senator, go
4 ahead. Go ahead. All right. I'll just do the
5 state aid.

6 Total state aid for education for
7 primary and secondary is \$10.2 billion. That,
8 obviously, is one of the major parts of any
9 budget that we pass in any year.

10 I'll say, Mr. President, again
11 that there have been restorations in the various
12 areas, both in education, labor and in social
13 services. We feel this is a responsive budget.
14 We feel that this meets the needs of our people,
15 and I would be glad to answer any questions as
16 we discuss -

17 ACTING PRESIDENT WRIGHT: Senator
18 Gold, why do you rise?

19 SENATOR GOLD: Mr. President, if
20 my distinguished chairman would be kind enough
21 to yield to a question.

22 ACTING PRESIDENT WRIGHT: Senator
23 Stafford yields to Senator Gold's question.

1 SENATOR GOLD: Senator, to begin
2 with, just so we get some numbers straightened
3 out, the Governor presented us with a budget
4 suggestion in December of last year, and can you
5 tell me now that we're actually passing a budget
6 how much more or less are we putting into
7 elementary and secondary education than the
8 Governor had suggested?

9 SENATOR STAFFORD: As you
10 mentioned, the -- there was a proposal and now
11 we're carrying through and, in effect,
12 disposing. 200 -- approximately 290 million.

13 SENATOR GOLD: 290 million more
14 than the original December budget suggestion of
15 the Governor, and this is what we traditionally
16 call the school aid when we're talking about
17 elementary, secondary, is that correct?

18 SENATOR STAFFORD: Right.
19 293.97, if you want to be completely -

20 SENATOR GOLD: 293. ...

21 SENATOR STAFFORD: ...97. I call
22 it 294.

23 SENATOR GOLD: Is that the fiscal

1 year or the calendar year, the school year?

2 SENATOR STAFFORD: It would be a
3 school year -

4 SENATOR GOLD: All right.

5 SENATOR STAFFORD: -- as you
6 know.

7 SENATOR GOLD: Senator, can you
8 tell me how much of the 293.97 increase goes to
9 the New York City school district?

10 SENATOR STAFFORD: About 40
11 percent, 41 percent.

12 SENATOR GOLD: So, Senator -- I'm
13 trying to do the math quickly -- about 116-, 120
14 million, something like that?

15 SENATOR STAFFORD: Well, let's do
16 it. 40 times -- yeah, that's about it.

17 SENATOR GOLD: Yeah. That's
18 about it.

19 Senator, if you'd yield to a
20 question.

21 SENATOR STAFFORD: Yes.

22 SENATOR GOLD: We indicate in
23 here, Senator, that -- well, going back, the -

1 in December the Governor offered us a budget
2 suggestion and to his great credit, Senator
3 Leonard Stavisky of Queens was so outraged and
4 upset at what the suggestions for CUNY and SUNY
5 were that he thought that he ought to at least
6 find out whether those involved in the system
7 were as upset, and he scheduled some hearings
8 around the state, and the testimony that was
9 elicited was very, very shocking, in some
10 respects, enlightening in other respects, and I
11 understand, Senator, that now we are, in fact,
12 adding money to the CUNY and SUNY system that
13 will be able to hold tuition at the levels that
14 they have been, is that correct?

15 SENATOR STAFFORD: Yes.

16 SENATOR GOLD: I like that. Now,
17 Senator, the Governor had recommended that
18 certain programs such as the Green Teams program
19 and Educational Opportunity Centers be
20 transferred into DOL. Was that proposal carried
21 into the present legislation?

22 SENATOR STAFFORD: No.

23 SENATOR GOLD: So the Governor -

1 SENATOR STAFFORD: Excuse me.

2 Wait a minute. Let me be accurate. I'm sorry.

3 SENATOR GOLD: Yeah.

4 SENATOR STAFFORD: Yes. Green
5 Teams was transferred. I'm sorry. The others
6 were not.

7 SENATOR GOLD: Green Teams was,
8 in fact, transferred -

9 SENATOR STAFFORD: Right.

10 SENATOR GOLD: -- into DOL?
11 Educational Opportunity Centers, was that
12 transferred?

13 SENATOR STAFFORD: No.

14 SENATOR GOLD: And migrant child
15 care programs?

16 SENATOR STAFFORD: No.

17 SENATOR GOLD: Can you tell me,
18 is there a specific reference that you can lead
19 me to in the bill as far as the Green Teams
20 program? The reason I ask, Senator, is not to
21 give you a hard time. My notes question whether
22 or not that was done.

23 SENATOR STAFFORD: I understand.

1 SENATOR STAFFORD: You're not
2 confused with Green Thumb, are you? That will
3 happen.

4 SENATOR GOLD: Well, if you spell
5 "thumb" t-e-a-m-s, I would be confused, but if
6 you spell Green Teams that way, that's what I'm
7 understanding.

8 SENATOR STAFFORD: We'll get it
9 right. Page 178.

10 SENATOR GOLD: 178?

11 SENATOR STAFFORD: Right. Lines
12 17, 18 and 19.

13 SENATOR GOLD: Thank you very
14 much.

15 Mr. President, if I may -- thank
16 you, Senator -- on the bill.

17 ACTING PRESIDENT WRIGHT: Senator
18 Gold, on the bill.

19 SENATOR GOLD: Mr. President, as
20 I said earlier today when we were debating -
21 excuse me. (Telephone rings) Hello.

22 Mr. President, as I said earlier
23 today, many of us who find that being in

1 politics makes us very often the butt of jokes
2 and, you know, you go to a cocktail party and I
3 guess they laugh at the politicians and they
4 laugh at the lawyers and they get to the
5 doctors, but while we are very often the butt of
6 jokes, particularly with the press, I wonder if
7 they realize how when we sit down and have a cup
8 of coffee we laugh at some of their antics and
9 you read in the paper about this one says this
10 one won, this one lost, and the next paper says
11 this one won and this one lost, and I guess
12 depending upon who's advertising in what papers
13 and where their leanings are they'll tell you
14 who won and who lost; but I can't help but have
15 the feeling that many of us in the Legislature
16 are the real winners in terms of the politics,
17 although I think that in all fairness the people
18 eventually won, and that's the way it ought to
19 be. I know one reporter wrote that the people
20 were among the losers. We had a late budget.

21 I certainly don't think that the
22 students who go to City University of New York
23 were the losers when we have been able to fight

1 off Governor Pataki's attempt to increase their
2 tuition. I certainly don't think that they are
3 losers. I think that the students at SUNY, many
4 of whom came out to our hearings and who told us
5 stories, success stories, I don't think they are
6 the losers, and interestingly enough, as Senator
7 Stafford and our Finance Committee held hearings
8 throughout this session, on various nominees of
9 the Governor, I would notice how many of those
10 people graduated from City University or State
11 University and I said to myself, how important
12 those institutions are not only to the
13 individual, not only to the individuals who were
14 before us with the degrees but to everybody in
15 the state who would now benefit from their
16 contribution to this state.

17 At any rate, Mr. President, I
18 have other comments that I may have to make
19 depending upon the extent of Senator Paterson's
20 questions, but I understand that he has some
21 very vital questions, and I'd like to yield to
22 Senator Paterson.

23 ACTING PRESIDENT WRIGHT: Senator

1 Paterson, why do you rise?

2 SENATOR PATERSON: Well, you
3 know, Mr. President, as the day has gone on and
4 I've listened to Senator Gold, I never really -
5 I never really listened before but, as the day
6 has gone on, I have been more and more impressed
7 with his insight, his dynamic, his articulation,
8 his perceptiveness, courageousness and out
9 spoken character and it has led me to ask if
10 Senator Stafford would yield for a question.

11 ACTING PRESIDENT WRIGHT: Senator
12 Stafford, will you yield to Senator Paterson for
13 a question?

14 SENATOR STAFFORD: By all means.

15 SENATOR PATERSON: Senator Gold's
16 remarks were the catalyst for this, and it just
17 made me focus on the income maintenance part of
18 the legislation. This \$55 million is approp
19 riated, but the Governor's social service
20 directors were -- are not in the legislation, so
21 that led me to wonder where the \$55 million
22 dollars would be earmarked.

23 SENATOR STAFFORD: There is

1 completely full restoration of the proposed
2 reduction and that includes the \$55 million,
3 includes 60-day limit on home relief, 26.5
4 percent grant reduction from home relief, 15 -
5 7 percent grant reduction for aid to families
6 with dependent children, ADF recipients -- ADFC,
7 change in the income disregard, eliminates the
8 special needs payment, establishes block grant
9 benefit structure, establishes the needy block
10 grant, sets up drug testing for public
11 assistance, sets up block grant program for home
12 relief and establishes the spending cap.

13 SENATOR PATERSON: Thank you,
14 Senator.

15 Mr. President.

16 ACTING PRESIDENT WRIGHT: Senator
17 Paterson.

18 SENATOR PATERSON: Do I have an
19 amendment at the desk?

20 ACTING PRESIDENT WRIGHT: Yes, we
21 do have an amendment here.

22 SENATOR PATERSON: Thank you. I
23 would waive its reading and perhaps I could

1 explain the amendment.

2 ACTING PRESIDENT WRIGHT: Senator
3 Paterson to explain the amendment.

4 SENATOR PATERSON: Mr. President,
5 there are approximately 43 percent of our school
6 districts, approximately 400 out of 700 school
7 districts which had to borrow this year due to
8 the lateness of this budget, causing them to run
9 up interest rates which will inure to their
10 detriment based on cost that they will have to
11 provide in order to pay back these loans.

12 What this amendment simply does
13 is to provide the resources to the amount of \$5
14 million which we feel would cover the added
15 interest payments that would accrue to these
16 school districts. The -- it isn't specifically
17 stated in the legislation, but it would follow
18 with language as the actual bill does, and so in
19 the amendment, the way we have phrased it is for
20 the general support of school aid.

21 The fact is that the state is
22 holding the money that otherwise would have been
23 the money that would have provided for the

1 school aid, and the state has drawn interest
2 from that particular money so it would be unfair
3 for the state to hold that interest when it
4 really should go to the schools, and so what
5 this amendment proposes is that we provide the
6 resources to pay for these 417 school districts
7 who are now going to be in debt for the interest
8 for the additional borrowing that they had to
9 undertake in order to meet all their
10 obligations.

11 SENATOR GOLD: Mr. President.

12 ACTING PRESIDENT WRIGHT: Senator
13 Gold, on the amendment?

14 SENATOR GOLD: Thank you, Mr.
15 President.

16 Mr. President, just very briefly
17 on this. I'd like to point out that what
18 Senator Paterson is suggesting is nothing more
19 nor less than what is done in business all of
20 the time. Very often in business if money is
21 held back or placed in escrow, it is placed in a
22 situation where you earn interest on it and then
23 depending upon who gets the money, you give that

1 person the interest that has been earned on it.

2 The budget process this year
3 particularly has received a lot of criticism in
4 terms of its lateness. A lot of that criticism
5 was aimed at the costs that we are forcing upon
6 localities and on school districts. The key
7 element here is that we have had the money. We
8 may not have had a budget but as a result of not
9 having a budget, we didn't transfer the money,
10 but we've had the money.

11 The equity in this system as
12 being suggested by Senator Paterson, is that
13 with the money, we will make the individuals
14 whole with the interest. If we do not do that,
15 we have basically then stolen because we have
16 delayed the school districts, forced them to
17 borrow and held their money back and earned
18 money on their money and that is compounding the
19 situation with the late budget.

20 So this is not -- it should not
21 be looked at by this house as increasing the
22 spending. It is not increasing the spending.
23 It is passing along to the districts the

1 interest that their money has earned and should
2 pay them back for the interest that they've had
3 to pay by our not sending the money through.

4 ACTING PRESIDENT WRIGHT: Senator
5 Dollinger, on the amendment.

6 SENATOR DOLLINGER: Mr.
7 President, I know the hour is late, but I've
8 stood here in this chamber and debated a number
9 of times with my colleagues from the other side
10 of the aisle the concept of unfunded mandates.
11 We've passed bills -- I think we passed them
12 every year -- that say we will stop the practice
13 in this state of putting an unfunded mandate on
14 our school districts, on our other levels of
15 government, all kinds of governments. We're
16 going to stop unfunded mandates.

17 It seems to me that, through our
18 delay of a month, we passed an unfunded mandate
19 on to our school districts. We have required
20 them to go out and borrow money. They're the
21 innocent victims of this budget war. They should
22 be paid the reparations. Senator Gold is
23 absolutely correct. We held the money in our

1 account; we accumulated the interest. Why not
2 give them the interest that has otherwise
3 accrued to us.

4 Stop this unfunded mandate. Vote
5 for this amendment. We'll send a clear sign to
6 our school districts that we're serious about
7 ending unfunded mandates.

8 ACTING PRESIDENT WRIGHT: The
9 question is on the amendment. All in favor say
10 aye.

11 (Response of "Aye.")

12 Opposed nay.

13 SENATOR PATERSON: Party vote in
14 the affirmative.

15 SENATOR BRUNO: Party vote in the
16 negative.

17 ACTING PRESIDENT WRIGHT: Call
18 the roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 26, nays 33,
21 party vote.

22 ACTING PRESIDENT WRIGHT: The
23 amendment is defeated. Read the last section.

1 SENATOR LEICHTER: Mr.
2 President.

3 ACTING PRESIDENT WRIGHT: Senator
4 Leichter, why do you rise?

5 SENATOR LEICHTER: Mr. President,
6 to speak on the bill.

7 Mr. President, it's regrettable
8 that a bill of this significance and importance
9 and -- comes before us at this late hour. The
10 bill was in print a relatively short period of
11 time, a few hours for us to look at it.

12 Senator Stafford certainly tried
13 manfully to explain some aspects of it, but the
14 fact certainly is that we're legislating without
15 basically knowing what we're doing, and when you
16 take a look at what's happening, it's really
17 interesting: The more things change in Albany
18 the more they remain the same.

19 We have a Governor who says we're
20 going to have an on-time budget. We're going to
21 have an open process. We have a majority leader
22 who pledges himself to an open process. He and
23 the Speaker say we're going to have conference

1 committees, and here we are the same old way of
2 doing business except this year it's even worse.
3 I can't remember so much secrecy, such a lack of
4 information, such a reliance on three people
5 getting together behind closed doors.

6 Senator Gold is correct, papers
7 like to speak in terms of winners and losers,
8 but I must agree with those people who say, Yes,
9 there are losers and the losers, I think, are
10 the people of the state of New York, not just
11 because we have such a late budget. That in
12 itself certainly is serious and it's bad and, as
13 pointed out, it's cost our school districts, we
14 tried to rectify that with the amendment, but
15 it's also bad because I think that we've seen
16 the continual diminution of services. We've
17 seen the hemorrhaging of services and, while
18 it's true that this budget is light years better
19 than what was given by the Governor, and a lot
20 of credit goes to a number of people -
21 certainly the Speaker, the Assembly Majority,
22 also members of the Majority in this house and
23 certainly my Conference that sought and fought

1 very hard to get in order restorations to see
2 that we didn't dismantle SUNY and CUNY, that we
3 didn't put homeless people or mentally ill
4 people out on the streets to become homeless and
5 many other things, and many of these
6 improvements are in this bill before us.

7 But the overall effect is still,
8 I think, a budget that doesn't serve the needs
9 of the people of New York, and I just want to
10 say that much of this goes back to the fact that
11 we enacted last year a tax cut. We didn't have
12 the money for it. The promises that were made,
13 the assumptions by the Governor and the others
14 who pushed that tax cut that we were going to
15 see such an economic resurgence of money, and
16 revenues were going to increase has proven to be
17 totally false and that's why we have this large
18 deficit. That's why we have these very severe
19 cutbacks in so many areas.

20 How are -- how are we funding the
21 restorations? I'm happy to see the restorations
22 but we also ought to recognize that by and large
23 the funding is being done by funny money. It's

1 one-shots; it's gimmicks; it's expectations of
2 greater revenues flowing into the state treasury
3 if we have this sort of a deficit.

4 What do we do? We say, well,
5 next year is going to be better and, therefore,
6 we can spend the money. We didn't do what we
7 should have done which is to address the tax cut
8 and in a realistic and fair manner and a
9 responsible manner address the need for more
10 revenue. So what we end up is a very political
11 budget, maybe the most political budget that
12 I've ever seen. It lacks vision; it lacks a
13 program for the future, the growth of New York;
14 it lacks the sort of help that our school
15 districts need, the help for mentally ill, help
16 for a lot of different sectors of our society,
17 so I don't think any of us can congratulate our
18 selves on this budget, and I just wanted to
19 finally say, the only time we're ever going to
20 change this system and this process if the
21 members of this house, the members of the
22 Assembly, both Majority and Minority say, This
23 is just not the way to address a budget.

1 Let me say that almost no other
2 Legislature in this country does it in this
3 haphazard way that we do it here in New York
4 State, and it's really time to say that we don't
5 have a system that works. We don't have a
6 process that serves democratic purposes and
7 goals and ends up being a benefit and coming
8 together, a consensus on a budget, that helps
9 the people that we're elected by and that we're
10 pledged to serve.

11 So I just call on all of us to
12 finally say in our Conference or however, let's
13 put a stop to this. It doesn't have to be done
14 this way. I know that we've had bills earlier
15 today and other days where people say, Well, 48
16 states do it another way, so we ought to do it.
17 Well, if that's your guide, then take a look at
18 what other states do in passing a budget and you
19 won't see one that does it in this particular
20 way and ends up with a budget that's 103 or 104
21 days late.

22 ACTING PRESIDENT WRIGHT: Read
23 the last section.

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

3 ACTING PRESIDENT WRIGHT: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 58, nays
7 one, Senator Leichter recorded in the negative.

8 ACTING PRESIDENT WRIGHT: The
9 bill is passed.

10 Senator Bruno.

11 SENATOR BRUNO: Mr. President,
12 can we return to reports of standing committees
13 so that we can receive the report of the Finance
14 Committee.

15 ACTING PRESIDENT WRIGHT: Return
16 to reports of standing committees. Secretary
17 will read the report of the Finance Committee.

18 THE SECRETARY: Senator Stafford,
19 from the Committee on Finance, offers up the
20 following bills directly for third reading:

21 Senate Print 7946, by the
22 Committee on Rules, an act to amend the Real
23 Property Tax Law;

1 Senate 7949, by the Senate
2 Committee on Rules, an act in relation to
3 certain provisions.

4 Both bills directly for third
5 reading.

6 SENATOR BRUNO: Is there a
7 message at the desk?

8 ACTING PRESIDENT WRIGHT: Without
9 objection, bills are reported directly to third
10 reading.

11 Senator Bruno.

12 SENATOR BRUNO: Mr. President,
13 can we at this time take up Calendar Number
14 1778.

15 ACTING PRESIDENT WRIGHT:
16 Calendar Number 1778, Secretary will read.

17 THE SECRETARY: Calendar Number
18 1778, by the Committee on Rules, Senate Print
19 7949, an act in relation to certain provisions.

20 SENATOR BRUNO: Is there a
21 message at the desk?

22 ACTING PRESIDENT WRIGHT: There's
23 a message at the desk.

1 SENATOR BRUNO: Move we accept
2 the message.

3 ACTING PRESIDENT WRIGHT: Motion
4 to accept the message.

5 All those in favor signify by
6 saying aye.

7 (Response of "Aye.")

8 Opposed nay.

9 (There was no response.)

10 The Secretary will read. Last
11 section.

12 THE SECRETARY: Section 68. This
13 act shall take effect immediately.

14 ACTING PRESIDENT WRIGHT: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 59.

18 ACTING PRESIDENT WRIGHT: The
19 bill is passed.

20 Senator Bruno.

21 SENATOR BRUNO: Mr. President, is
22 there any housekeeping at the desk?

23 ACTING PRESIDENT WRIGHT: There's

1 no housekeeping, Senator Bruno.

2 SENATOR BRUNO: Is there any
3 housekeeping on the floor?

4 SENATOR LEICHTER: Yeah, Mr.
5 President. Mr. President.

6 SENATOR BRUNO: There is, Mr.
7 President.

8 ACTING PRESIDENT WRIGHT: Senator
9 Leichter, why do you rise?

10 SENATOR LEICHTER: May I have
11 unanimous consent to be recorded in the negative
12 on calendar -- I'm sorry it's not calendar, I
13 don't have a calendar number. I think it's
14 7949, I think it's the last bill that just
15 passed.

16 ACTING PRESIDENT WRIGHT: Without
17 objection, so noted.

18 Senator Bruno.

19 SENATOR BRUNO: Mr. President,
20 there being no further business to come before
21 the Senate, I would move that we stand adjourned
22 until Saturday.

23 SENATOR CONNOR: Party vote in

1 the negative.

2 SENATOR BRUNO: Party vote in the
3 affirmative.

4 ACTING PRESIDENT WRIGHT: Call
5 the roll on a motion to adjourn.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 36, nays 23,
8 party vote.

9 ACTING PRESIDENT WRIGHT: Motion
10 passes. Senate is adjourned.

11 (Whereupon at 1:13 a.m., July 13,
12 1996, the Senate adjourned.)

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