ALBANY, NEW YORK

March 4, 1997

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order. Would everyone rise and join with me in the Pledge of Allegiance.

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

May we bow our heads in a moment of silence.

(A moment of silence was observed.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Monday, March 3rd. The Senate met pursuant to adjournment. The prayer by the Reverend Peter G. Young, Blessed Sacrament Church, Bolton Landing. The Journal of Sunday, March 2nd, was read and approved. On motion, the Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Wright, from the Committee on Alcoholism and Drug Abuse, reports the following bills:

Senate Print 37, by Senator Levy, an act in relation to requiring the Department of Motor Vehicles;

52, by Senator Levy, an act to amend the Vehicle and Traffic Law, in relation to permitting sentencing;

404, by Senator Maziarz, an act to amend the Vehicle and Traffic Law, in relation to victim impact programs;

2083, by Senator Cook, an act to amend the Insurance Law.

Senator Marcellino, from the Committee on Environmental Conservation, reports the following bills:

Senate Print 1785, by Senator Saland, an act to amend Chapter 748 of the Laws of 1991; and

Senate 2369, by Senator Larkin, an act to amend the Navigation Law.

Senator Stafford, from the Committee on Finance, reports the following

bills:

Senate Print 310, by Senator Skelos, an act to amend the Executive Law;

697-A, by Senator Nozzolio, an act to authorize the New York State Urban Development Corporation; and

Senate Print 1684, by Senator Farley, an act to amend the Executive Law.

All bills ordered directly for third reading.

THE PRESIDENT: All bills direct to third reading.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe that there's a report from the Finance Committee. Can we have it read at this time?

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers the following nominations: Member of the state Commission of Correction, Thomas Joseph Goldrick of Blauvelt.

SENATOR JOHNSON: Move the nomination.

THE PRESIDENT: Senator?

SENATOR JOHNSON: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Thomas Joseph Goldrick as a member of the state Commission of Correction.

Oh, I'm sorry. Senator Holland.

SENATOR HOLLAND: I would like to say a few words about Sheriff Goldrick, a personal friend of mine for many, many years.

I'm proud to be able to recommend a long time friend, Tom Goldrick, as a member of the Correction Commission. Tom's impressive credentials and experience in law enforcement span nearly 50 years. He has 21 years as a police officer in New York City, 13 years as a professor of criminal justice, much of it at Rockland Community College -- if not all, Tom - ten years as the Rockland County Sheriff -- and we still call him "Sheriff" -- where I got to know Tom and experienced firsthand his stellar record in the field of public safety. Tom has previously served on the Commission for three years.

During his tenure, Tom Goldrick

contributed to a team at the Commission which earned accolades from sheriffs around the state, from the New York State Department of Correctional Services and from the New York City Department of Correction. Under Tom Goldrick, the Commission worked diligently for a strong and effective criminal justice system, one which reflects the tough anti-crime agenda advanced by Governor Pataki.

On a personal level, Tom is endowed with the personality, capacity and temperament to form and sustain a positive working relationship with colleagues and constituents. It is this ability which has contributed to an outstanding career in criminal justice.

I am very happy and I highly recommend Tom Goldrick, and I'm proud to second his nomination. Good luck again, Thomas.

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

(There was no response.)

Hearing none, the question is on the nomination of Thomas Joseph Goldrick of

Blauvelt, New York to become a member of the state Commission of Correction. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is unanimously confirmed.

I'm very pleased to have Mr. Goldrick in the chamber with us. Congratula tions and good luck.

(Applause)

ACTING PRESIDENT KUHL: The Secretary will continue to read the report of the Finance Committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers the following nomination: Member of the state Commission of Correction, Patricia R. Tappan of Baldwinsville.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

ACTING PRESIDENT KUHL: Is there

any Senator wishing to speak on the nomination?

The Chair recognizes Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

Patricia Tappan is from the great 49th Senate District, the home of the Syracuse Orangemen and many, many other great things.

Pat is an excellent choice for this position. She's served many, many years in the corrections area, most recently as the Commissioner of Corrections of the Onondaga County Department of Corrections. She's well respected in the community. She's an individual who not only does her job but she's been involved in so many community projects as a community leader that I can go on for a long time listing them. They include the boys - director of the Boys' Club, the Volunteer Center, the Child and Family Services, the president of St. Mary's Roman Catholic Church. She was a founder and first president of the Baldwinsville Community Scholarship Foundation, founder and first president of the Discovery Center in Syracuse, was -- just opened an Omnimax theatre which is an incredible tourism

attraction in Central New York that I invite all of you to.

The point I'm trying to make is Governor Pataki outdid himself in this particular appointment. It's a quality person with all the experience that will make a great addition to the department, and I congratulate Governor Pataki and I congratulate Pat, and I'm very pleased to see this nomination and I'm hoping it will be unanimous.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Nozzolio on the nomination.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, my colleagues, I wish to echo the sentiments of Senator DeFrancisco in praising Governor Pataki's appointment of Patricia Tappan to the Commission on Corrections, that I have had the opportunity to study the background and experience of the nominee as a result of my chairmanship with the Crime Victims, Crime and Corrections Committee and the members of the Committee are extremely impressed with truly a corrections professional before us as Governor Pataki's nominee to serve

on the Commission, that the nominee has worked hands-on in the correctional system and this experience will serve her extremely well and the Commission extremely well and all of us as she reviews the important correctional policies and their implementations in this state.

The Commission on Corrections is entering in a very critical period, that we have this state's correctional system with its state and local jails, certainly a very important crossroads, and that the Commission on Corrections becomes all that more important in dealing with not just state correctional issues but those on the local level as well, and that's why the Governor is to be praised for his wisdom in putting forth this nomination of Patricia Tappan.

I congratulate Governor Pataki, Senator DeFrancisco and urge my colleagues to support this very fine nominee.

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

Senator Meier on the nomination.

SENATOR MEIER: Mr. President, I

would just like to point out that although Patricia Tappan resides in the great 49th, she comes to the great 47th to relax and enjoy herself at her vacation home.

This is an outstanding nomination by our Governor. She brings great practical experience to the Commission of Correction and I'm proud to also urge my colleagues that this warrants unanimous confirmation.

Thank you, Mr. President.

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

(There was no response.)

Hearing none, the question is on the nomination of Patricia R. Tappan of Baldwinsville to become a member of the state Commission of Correction. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is unanimously confirmed.

We're very pleased to have

Patricia Tappan in the gallery to my right, along with her husband John and her son Eric. Thank you very much for coming. We appreciate your contribution seemingly in the near future, and good luck.

(Applause)

ACTING PRESIDENT KUHL: The Secretary will continue to read the report of the Finance Committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers the following nomination: Member of the State Fire Prevention and Building Code Council, James J. Yarmus of New City.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Move the nomination.

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

(There was no response.)

Nearing none, the question is on the nomination of James J. Yarmus of New York City to become a member of the state Fire Prevention and Building Code Council. All those

in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers the following nomination: Youth member of the state Council on Youth, Justin Taylan of Hyde Park.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Mr. President, move the nomination.

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

(There was no response.)

Hearing none, the question is on the nomination of Justin Taylan of Hyde Park to become a youth member of the state Council on Youth. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers the following nomination: Youth member of the state Council on Youth, Kelly Van Patten of Schenectady.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Mr. President, move the nomination.

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

(There was no response.)

Hearing none, the question is on the nomination of Kelly Van Patten of Schenectady, New York to become a member -- a youth member of the state Council on Youth. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers the following nomination: Member of the Small Business Advisory Board, Catherine Crowley of New York City.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Mr. President, move the nomination.

ACTING PRESIDENT KUHL: Any member wishing to speak on the nomination?

(There was no response.)

Hearing none, the question is on the nomination of Catherine Crowley of New York City to become a member of the Small Business Advisory Board. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers the following nomination: Member of the Small Business Advisory Board, Emma Kounine of Mahopac.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Mr. President, move the nomination.

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

(There was no response.)

Hearing none, the question is on the nomination of Emma Kounine of Mahopac, New York, to become a member of the Small Business Advisory Board. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Are there any reports of select committees?

Communications and reports from state officers.

Motions and resolutions.

Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

On behalf of Senator Holland, please remove the sponsor's star from Calendar Number 146.

ACTING PRESIDENT KUHL: At the request of the sponsor, the star is removed on Calendar Number 146.

Senator DeFrancisco.

SENATOR DeFRANCISCO: No. I'm just going outside.

ACTING PRESIDENT KUHL: Have a nice trip.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

I have a privileged resolution at the desk. I would ask that it be read in its entirety.

ACTING PRESIDENT KUHL: The Secretary will read the title to the privileged

resolution at the desk.

THE SECRETARY: Legislative Resolution 531, by Senator Wright, memorializing Governor George E. Pataki to recognize Tuesday, March 4, 1997 as "Small Business Day" in the state of New York;

WHEREAS, small businesses are vital to our nation's economy and our way of life, constituting the singlemost important segment of our free enterprise system; and

WHEREAS, small businesses generate virtually all new jobs arising in New York State.

The contributions made by small business owners are too often taken for granted even though they often risk their financial security to create jobs, pay taxes and produce goods and services for the people of New York State.

Small businesses are the source of many innovations in products and merchandising and have made significant contributions to our state and our society.

Small businesses in New York State exert a strong positive influence on the

political, economic and social development of the state, and the future welfare of the state depends on the continued development of small business; and

WHEREAS, the members of the New York State Assembly and Senate wish to proclaim their recognition of small business as a crucial element in the economy of New York State; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to congratulate all small business owners who operate in New York State on their achievements and to memorialize Governor George E. Pataki to recognize Tuesday, March 4, 1997 as "Small Business Day" in the state of New York; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Governor George E. Pataki.

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

SENATOR WRIGHT: Thank you, Mr. President.

First, let me begin by opening

the resolution for sponsorship to any member of the Senate, and let me also recognize a number of individuals who have joined us today that are in the gallery who are here at the Capitol meeting with their representatives in the Senate as well as in the Assembly, sharing their perspective on what is occurring in New York State and the business climate for small businesses.

I think we've all recognized the changes that have occurred in the last two years in this state and we've seen those very positive changes in terms of $3 billion in private sector investments that have been made in our state over the last two years in terms of $5.3 billion in payroll that have been created in the last two years in this state, and in many instances those investments and those increases in payroll have been made by men and women like those who are in our gallery who have made the commitment to New York State, to its people, who have stayed here, who have weathered the storm historically and now are creating the jobs and driving this economy and the growth that New York State is seeing.

So we're very pleased to welcome them to the Capitol today to take the opportunity to listen to their concerns, to spend the day meeting with them and their representatives from the Business Council and the National Federation of Independent Businessmen.

I would also, briefly, Mr. Chairman -- Mr. President, take the opportunity to recognize one of those individuals, Jerry McDonald, who has been selected as the advocate for small business in New York State by both the Business Council and the NFIB.

Jerry is -- started in 1991 as an advocate for small business in the Broome County area, serving as the first chairman of the Small Business Council in Broome County, having taken those skills, advanced them to the state level, being a founder of the first state Council on Small Business, and has demonstrated over the last 20 years that commitment to small business and to this state.

He has also been active in numerous organizations throughout Broome County and he's typical of the type of individual who

has committed himself to New York State and to this business climate that we're starting to see.

So I would like to recognize Jerry and ask him to stand and be recognized by the chambers.

Jerry McDonald.

(Applause)

SENATOR WRIGHT: Mr. President, if I may at this time, I would like to defer to my colleague, Senator Libous, from Broome County.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

And thank you, Senator Wright, and, Senator Wright, let me first applaud you for recognizing small business here in the Senate chamber today. I think all too often we tend to look at accomplishments in New York State, when it comes to business, in large numbers and talk about large companies, but it is the little company, the little business, the one, two, three, four, five and fifty and on up,

those are the companies that actually fuel the engine in New York State, and I want to applaud you for recognizing small business today and it is an honor for me to stand on this floor and talk about Jerry McDonald.

Jerry McDonald has been a friend of mine for a number of years and, as Senator Wright mentioned, he was one of the first to chair the Small Business Council of the Broome County chamber and, Mr. President, back about 15 years ago when I was working in the private sector, I served on a number of those committees, and I see Jerry kind of smiling. I hope my service was a good service at the time, but he was always there for the small business person. Always pushing, always trying to get the point across that what's important, not only in the Broome County area but also throughout New York State, is that it's small business people that really make this state go. It's the small business people who dedicate their entire lives, and coming from a family of small business people, I recognize that because as growing up, Jerry, like you and many of your colleagues that are joining us here today, my

father put in 14 hours a day at the grocery store seven days a week, and it was very seldom that we saw him. As a matter of fact, the only opportunity I got to see him was if I joined him in stocking shelves and had the opportunity to spend some time with him, because that's the kind of commitment that small business people make and, you know something, they don't ask for a lot.

Jerry McDonald has worked over the last 15 years in Broome County and statewide. His recognition today is certainly proper and, you know, he's done so much in working with our community, with the Broome County Board of Realtors. He serves and works tirelessly on the BC Open, which is a golf tournament we have in Broome County which is on the PGA tour. He has been a very active leader when it comes to our library system, in talking about the Broome County library system, and he also serves with CEP, which is a non-private provider of housing for the elderly.

Mr. President, it is, indeed, an honor for me to salute Jerry McDonald this afternoon, and I too would like to recognize

that many of his colleagues in small business have joined him today and they're up in the gallery, and I would ask if they would just stand for a moment because they recognize the hard work and the perseverance that Jerry McDonald has put in. These are all the people that Jerry has worked with in the Broome County area and he has taken this group with him statewide when they try to push for what's right for small business.

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

(There was no response.)

Hearing none, the question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is unanimously adopted.

Senator Meier.

SENATOR MEIER: Mr. President, on behalf of Senator Levy, I announce an immediate

meeting of the Transportation Committee in Room 332.

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

Senator Wright has left - Senator Wright, you wanted to open up that resolution to everybody, is that correct?

SENATOR WRIGHT: That's correct.

ACTING PRESIDENT KUHL: Senator Meier, we had an indication from several members at the desk that they would like to go on that resolution. Following past practice, if we could put everybody on -- if that's okay with you -- except those who indicate they don't want to be on the resolution, that would serve save the desk a lot of time.

SENATOR MEIER: That would be acceptable.

ACTING PRESIDENT KUHL: That's what we'll do. I'll direct the Secretary to do that.

The Chair recognizes Senator

Meier. We're still on motions and resolutions.

SENATOR MEIER: Mr. President, may we at this time adopt the balance of the Resolution Calendar, and would you then please recognize Senator Goodman.

ACTING PRESIDENT KUHL: If it's all right with you, Senator Meier, the motion is to adopt the Resolution Calendar excepting Resolution Number 533, the resolution by Senator Goodman. We'll return to that in a minute.

All those in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

We'll return to Resolution Number 533. I'll ask the Secretary to read the title.

THE SECRETARY: By Senator Goodman, Legislative Resolution 533, saluting Arts Day in New York, 1997, to be held on March 4, 1997.

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

SENATOR GOODMAN: Mr. President, this has, indeed, been a festive and very special day because it's Arts Day 1997.

The state Senate has a special identification with this day because, as all of my colleagues will recall, the Senate has always taken a great initiative in doing everything within its power to advance the arts and cultural affairs in the state of New York. This day was quite remarkable in several respects.

First of all, we had a glorious meeting and a press conference with the Governor, who announced a new educational and arts initiative which links arts awareness with education in some several very unique ways which have not heretofore been part of the state's education effort, and this was a signal and in every way a pioneering venture furthered by the new chairman of the Council on the Arts, Mr. Earl Mack.

We then proceeded to a rally at Hearing Room A, in which I'm delighted to report that none other than Lauren Bacall and several other noted celebrities were together for the purpose of extolling the virtues of the arts.

These celebrities include Kitty Carlisle-Hart, Mr. Jeffrey Holder, Miss Betty Comden, Miss Martha Stewart, Miss Brett Sommers and Mr. Al Levin, and the message which all united to convey is one which I very succinctly remind the house that is highly important to all of us; namely, the arts are not only significant for their spiritual and cultural upliftment but they also are our mighty economic engine which helps to drive the state's economy in very significant ways.

A recent study by the Port of New York Authority has indicated that in the greater New York City area alone, the arts account for some $9 billion of commerce. This makes the arts probably the third largest revenue producer in the state and is in no small measure responsible for the prosperity which New York is enjoying under this administration.

Now, let me point out that it was not so long ago -- it was only in the early 1980s -- that the state arts budget through the New York State Council on the Arts, was some $59 million. Today it stands at the level of approximately $30 million and change, which

represents a startling reduction in the amount that we commit to our arts.

I would like to remind you, ladies and gentlemen, that in Germany alone, $2 billion a year is spent simply for the subsidization of music. In the United States of America, we actually spend more on marine bands than we do on the whole commitment which we have to the subsidizing of the arts nationwide.

So that our priorities are not always in full recognition of the significance of this great area, and the importance of Arts Day here in the Capitol is that we declare ourselves in the fullest possible support of the arts and will seek to increase the arts budget by some $6.6 million, but let it be noted that under this Governor we have for the first time in many years a reversal of form in that the Governor has brought in an Executive Budget which has an arts commitment which is somewhat greater than that of last year.

This is a Governor who goes to the theatre, to the ballet, to symphonic and operatic performances. He not only speaks glowingly of the arts but he's actually a

participant, along with his gracious wife Libby, and so we're enormously pleased, Mr. President, that Arts Day this year has been a crashing success, that it has carried with it a clarion call to greater commitment to the arts for the Empire State which will bring countless benefits and good living to those of us who are fortunate to attend these concerts, and that includes the elderly and our students and many under privileged people who would in no other way have an opportunity to expand their horizons.

The arts provide us with a key to the gates of our slums. I'd rather put a piccolo in the hands of a youngster than a gun, and I'd rather put a crayon in the hands of a youngster than a packet of cocaine. These are the values for which we stand and these are the things which cause us to feel so deeply that the arts has a tremendous future in the Empire State.

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

(There was no response.)

Hearing none, the question is on

Resolution 533, by Senator Goodman. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

SENATOR GOODMAN: Mr. President, may I ask that the resolution be open to all members who wish to participate.

ACTING PRESIDENT KUHL: Are there any members who would like to be on the resolution before it's adopted?

Seeing several hands, Senator Meier, may we take the same process? We'll put every member on the resolution except for those who don't wish to be on the resolution.

SENATOR MEIER: Put all members on the resolution.

ACTING PRESIDENT KUHL: Okay. The resolution is adopted.

The Chair recognizes Senator Smith for a motion.

SENATOR SMITH: Thank you, Mr. President.

On behalf of Senator Stavisky, I move that the following bills be discharged from their respective committees and be recommitted

with instructions to strike the enacting clause, and that would be S.1361.

ACTING PRESIDENT KUHL: So ordered.

Any other motions and resolutions?

Senator Meier, that brings us to the calendar.

SENATOR MEIER: Mr. President, could we now take up the non-controversial calendar.

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

THE SECRETARY: Calendar Number 183, by Senator Tully, Senate Print 383, an act to amend the Public Health Law, in relation to public water supplies.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 189, by Senator Velella, Senate Print 1312, an act to amend the Transportation Law, in relation to application of Article IX of such law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 196, by Senator LaValle, Senate Print 1299, an act to amend the Town Law, in relation to lands within the Hampton Bays water district.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 202, by Senator Farley, Senate Print 1955 -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 203, by Senator Rath, Senate Print 2013, an act to amend the County Law and the Town Law, in relation to making corrections.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 208, by Senator Levy, Senate Print 72, an act to amend the Penal Law, in relation to including the theft of dogs and cats.

ACTING PRESIDENT KUHL: Senator Meier.

SENATOR MEIER: Mr. President, could we lay that aside at the request of the sponsor?

ACTING PRESIDENT KUHL: For the day?

SENATOR MEIER: Yes.

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

THE SECRETARY: Calendar Number 209, by Senator Johnson, Senate Print 501, an act to amend the Criminal Procedure Law, in relation to requiring certain persons committed to the custody of the sheriff.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 211, by Senator Marcellino, Senate Print 1135, an act to amend the Penal Law, in relation to criminally negligent homicide.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 212, by Senator Velella, Senate Print 1187, an act to amend the Penal Law, in relation to the crime of unauthorized use of a motor vehicle.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 214, by Senator Saland, Senate Print 1290, an act to amend the Penal Law, in relation to the minimum period of imprisonment.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 218, by Senator Volker, Senate Print 1466, an act to amend the Civil Rights Law, in relation to providing for limited immunity.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 56, nays 2, Senators DeFrancisco and Sampson recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 219, by Senator DeFrancisco, Senate Print 1537, an act to amend the Criminal Procedure Law, in relation to applications for recognizance or bail.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 57, nays 1, Senator Sampson recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 220, by Senator DeFrancisco, Senate Print 1538, an act to amend the Criminal Procedure Law, in relation to compliance with orders fixing bail.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 222, by Senator Larkin, Senate Print 1582, an act to amend the Criminal Procedure Law, in relation to security services in the courts.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 58, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator DeFrancisco, that completes the reading of the non-controversial calendar.

SENATOR DeFRANCISCO: Can we have the reading of the controversial calendar, please.

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar, beginning with Calendar Number 202, Senate Print 1955, by Senator Farley.

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

SENATOR VOLKER: Could I interrupt just for one second? Could I call an immediate meeting of the Codes Committee in Room 332, please?

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President, would you please read the last section on this bill? Senator Leichter would like to be recorded at this time.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: Calendar Number 202, by Senator Farley, Senate Print 1955, an act to amend the Real Property Tax Law and the

Social Services Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR LEICHTER: No.

ACTING PRESIDENT KUHL: Senator Leichter will be recorded in the negative. The roll call is withdrawn.

We're on debate on Calendar Number 202, by Senator Farley.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Farley, an explanation has been asked for by Senator Paterson, the Acting Minority Leader.

SENATOR FARLEY: Thank you, Senator Paterson.

This particular bill permits counties the option to withhold social service rent payments to landlords who are delinquent in

their payment of real property taxes.

Currently, Section 159 of the Social Services Law allows landlords who have welfare recipients as tenants to receive rental payments directly from the county Department of Social Services. Problems develop when some of these same landlords are delinquent in their payment of real property taxes. Specifically, some counties are actually sending Department of Social Service checks to landlords when these individuals are failing to meet their financial obligations to pay their property taxes.

This bill would correct this inequity by giving counties the option of withholding the social service rent payments due landlords who are delinquent in their property taxes. Rental payments could be withheld until the amount of taxes plus any penalties is paid.

The local Department of Social Services would then resume sending payments directly to the landlord. If there were any overpayments of the tax bill, this amount would be returned to the landlord in the next rental payment when the direct payments resume. The landlord is not permitted to evict a tenant

whose rental payments are being withheld due to the landlord's tax delinquency.

This bill would not create a unique situation. Currently Section 149(b) of subdivision (2) of the Social Services Law gives public welfare officials the power to withhold rents to landlords if it is found that the living conditions of the dwelling are not in compliance with the local building codes.

Last year Senator Abate raised a concern, and we added a sentence to clarify the point that, if there are any conflicts, Senator Abate, between the new section and Section 149(b) of the Social Services Law -- that's the Spiegel Act -- the existing Social Services Law shall control it.

The city of New York is excluded from this legislation. The City, with its numerous rent controls and regulations, has a unique circumstance which would make the implementation of this legislation very difficult.

This bill originated in 1993 as a request from the county of Montgomery. It has passed the Senate. It is carried in the

Assembly by Assemblyman Tonko and Senator Rath -- I don't know; she's not here -- has always been a strong supporter of -- there you are - this bill and has had personal experience with this in Erie County, and I guess that's about my explanation.

Senator Rath, I think would like to add to it.

SENATOR RATH: Yes, Mr. President -

ACTING PRESIDENT KUHL: Senator Rath.

SENATOR RATH: -- if I can.

ACTING PRESIDENT KUHL: Senator Rath.

SENATOR RATH: This is one of those circumstances that you know somehow, if something is right, it will eventually surface and you will see it again, and it was a circumstance in Erie County where we knew if we could intercept the dollars that were going to the landlords on the vouchers that were going through, that we would be able to pay for some of the back taxes and get that money back flowing in Erie County, and we worked it through

with the city of Buffalo, with the comptroller, Joel Giambra, who is getting to be quite a well-known man around all governments. Be that as it may, we worked it with the city of Buffalo because that's where most of the delinquent properties were and it was called Project Intercept, and the vouchers were intercepted actually by the sheriff's office who had to deliver them to the Tax Department, and we were able to bring together -- I think it was something like 4- or $500,000. It was a sizeable amount of money, and we couldn't continue the project or go any further with it because of state regulations and state considerations, and so we tried to do it from the county level and we tried to get someone on the state level to pay attention and somehow it fell apart and it didn't happen, and when I got here, the first year I got here, I was sitting at my desk as I was just now, and all of a sudden I heard Senator Farley debating a bill and I looked in on it and I listened carefully again, and I thought, It's Project Intercept, and I asked Senator Farley, Where did it come from? and he said, sure enough, he had picked it

up from something, from the New York State Association of Counties who probably heard me pontificating about how important this was to make this happen, to get some of those dollars away from landlords who were irresponsible, not only in how they took care of their property but in how they paid their taxes, and I'll tell you, one of the things that got everyone's attention was when we went out with the TV camera and stood in front of some of those properties and said these are the properties who, the next time we come out with the camera, the names of the people will be announced.

Now, you would have been surprised -- we were surprised in my community -- who came in and just put thousands of dollars down the next day just like that because they didn't want to have their names identified as people who were that delinquent and who were not taking care of their property and not taking care of their financial responsibilities.

I can't speak more highly than that for it. It was wonderful, but we need help from the state in order to make this available for the other -- all across the state for

counties to enact.

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

Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

Would the firm of Farley and Rath yield for a question?

SENATOR FARLEY: Certainly.

ACTING PRESIDENT KUHL: Senator Farley, do you -

SENATOR FARLEY: I'm the secondary partner. That's Rath and Farley.

ACTING PRESIDENT KUHL: Senator Farley yields to a question.

SENATOR PATERSON: Thank you, Senator.

Just for clarification regarding the question that Senator Abate raised last year, you're saying that Section 143(b) of the Social Services Law, more commonly known as the Spiegel Act, which allows for withholding of monies where there are damages to the actual property, you're saying that that would be the superseding section if there's any conflict with

the legislation that you're passing now?

SENATOR FARLEY: Yes. I amended the bill at the request -- at the suggestion of Senator Abate and the Spiegel Act would control it.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Farley would yield for another question.

SENATOR FARLEY: Certainly.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: Well, Senator, that's actually very helpful if it will alleviate the possibility of conflict of laws in these particular areas, and this is a very creative idea and one that is certainly understandable with respect to the situations where people do not pay taxes on their property and the government obviously is suffering for it, but I'm a little uninspired by what it may accord the tenants in buildings, particularly those who are on social services. Would it not

be very possible that landlords, knowing that they would be eligible to lose a lot of that money, would, therefore, discriminate and not rent to such tenants?

SENATOR FARLEY: I don't feel that that would be the case at all. You asked that question last year. Let me just check into that. Hold on. I want to get -- be consistent in the answer that I gave you last year.

SENATOR PATERSON: Well, Senator, I don't want you to necessarily be consistent. I just want you to respond.

SENATOR FARLEY: I know. I guess I didn't answer that last year.

I don't think that there would really be a discrimination in that regard. What it will do, in my judgment, is to have the landlord pay his taxes, and I think this is an appropriate thing that should be done. The counties are plagued with these -- with these people that are not paying their taxes on time, having to forego the money and put it up themselves, and yet the rents are being paid by the Department of Social Services. I think it's only fair that the landlord pay his taxes,

particularly when much of his rent is coming from Social Services.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you.

If the Senator would continue to yield.

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

SENATOR PATERSON: Mr. President and Senator Farley, I have the same concern that you have with respect to the landlord and to whatever extent this legislation will be helpful in that regard, I can see myself supporting it.

What I'm just saying is that these individuals, who we both agree have not complied with what their responsibilities, were as owners of property, certainly are in many ways either lacking the resources or the facility to keep the property at times in the condition that it should be in, and I'm afraid that the -- that the resources being taken away from the landlord would inure to the detriment of the tenants if the certain rehabilitation or

certain remedies to damages on the property are not made, and so I just wanted to add to that what is a concern regarding the fact that since the landlords know that this policy will be in application, that they would further be less willing to rent to individuals where there would be obviously some redress.

I'm not saying that this is right. I'm just saying that this is something that they would be likely to do, and I'm just wondering what the effect of the legislation is going to be if it actually denies the opportunity of individuals who are on social services and their particular cases, they have not -- the fact that they're on social services does not make them irresponsible. It just puts them in the position where they are requiring some assistance from the state, and if that is now withheld from the landlord and that becomes a policy that landlords know, particularly with this avoiding behavior of paying the taxes in the first place, I'm just concerned that there's a possibility that the prospective tenants would be hurt by passing this legislation.

SENATOR FARLEY: I truly do not

feel -- for instance, you're mentioning that that's a resource that the landlord needs to keep the building in repair. I don't feel that the real property taxes that are due and owing should be a resource that the landlord uses.

I'm sorry. I just have to disagree with that, Senator Paterson, and under this bill they cannot evict a tenant, and I'm confident that there would not be discrimination.

SENATOR RATH: Senator Farley - Mr. President, through you, if Senator Farley would yield.

Senator Paterson, when we were looking at the same issue at the county level, we were working at great length with the city of Buffalo, and the question came up about the pieces of property that were not up to the code level and what was our circumstance going to be when we were intercepting that.

Now, I don't mean to muddy the waters on this, Senator Farley, because it turned out, after much examination, that they are different issues, but the second one is valid and once we found that we had a piece of

property where the taxes were not being paid, the next question came about code enforcements and what kind of condition that building was being kept in, which was a very valid question and a very valid consideration but it was a separate question, and we knew if we could get the one answered, that we could move to the next one, but we never could get the one answered and this was why Senator Farley's legislation is like the first step in the process, the second step would come.

That was what we thought when we were dealing with this ten years ago at the county level, but your point is valid and it was the same question asked by the city of Buffalo.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Rath would yield.

ACTING PRESIDENT KUHL: Senator Rath, do you yield to a question? The Senator yields.

SENATOR PATERSON: Well, Senator, if we could get past that first step -- in other words, if we were to pass this legislation in

the Assembly and codify what Senator Farley is proposing, what would be your suggestion as to how we could maintain the building for the benefit of not just the tenants who were on social services but all the tenants with the landlord in arrears and we've diverted the social service money for taxes?

SENATOR RATH: I would think that we would have to take time and go to work with the Housing Committees in both houses of the Legislature and take a look at where the sticking point was in the buildings, whether it was a health code, whether it was an aesthetic kind of thing that people were saying, because this was, again, part of the discussions, and I'm trying to remember them because, for aesthetic purposes, if someone would rather have a green wall than a blue wall, I don't think, you know, we would certainly need to get in between the landlord and his tenants on items like this, but if there's a health or safety problem, I think, yeah, we do have something that we have to talk about, and sometimes these are the same properties that we're talking about.

Senator Farley's got something to add to it.

SENATOR FARLEY: I just want to say on this issue, if I understand the -- the debate that's going on here, currently Section 149(b) of the -- in subdivision (2) of the Social Services Law gives the public welfare officials the power to withhold rents already if it is found that the living conditions of the dwelling are not in compliance with the building code. So we can already withhold the rents if there's a code violation there.

What we're saying now is that if they're in arrears in taxes -- seriously in arrears in taxes, that social services can withhold the rents going to the landlord.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

The Senators have been very responsive and they've worked very well together and they have actually alleviated a couple of concerns.

Since we talked about the bill

last year, Section 143(b) of the Social Services Law, the Spiegel Act, would supersede in matters where it conflicts with the legislation that Senator Farley is proposing, and Section 149(d), I guess, would apply if you have a situation where the property falls into disrepair due to inaction on the part of the landlord after much of the money was diverted for tax purposes, and so two of the three concerns that we have really raised have been effectively answered and cleared up, but just this point, on the bill, is that we are still concerned that the landlord - that this is kind of what might be the natural response of the landlord at a point when this money that the landlord had an expectation of collecting for rent winds up going to pay the back taxes and that that might actually be the catalyst for the building falling into disrepair.

Now, I don't suggest that that is something that I can be sure would actually occur. It's just something that I would suggest might occur, but what I'm very sure of is that where landlords are aware that this process is in motion -- and with all due respect to

Senators Rath and Farley, who have made every effort to improve this bill such that everyone here might be able to vote on it -- I'm still not convinced that landlords who are exercising such avoiding conduct in paying the rent in the first place are not going to be very selective of who they rent to, knowing full well that if there's any kind of -- any kind of withholding of the property taxes, that there's going to be a -- this kind of response, and what I think is that it creates a sort of protected class for those who are tenants who are paying their own rent, and I'm just suggesting, and would be willing to work with both of the Senators, that there must be another administrative remedy that we can take against these landlords for not paying their taxes. They certainly deserve exactly what Senator Farley is proposing right here.

I think his proposal is quite creative, and it really would send a strong message to property owners who aren't paying their taxes. All our concern is for the individuals who would be bystanders to the process who might be injured by the action.

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

(There was no response.)

Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 202 are Senators Connor, Kruger, Lachman, Leichter, Markowitz, Montgomery, Paterson, Sampson, Santiago and Stavisky. Ayes 51, nays 10.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Marcellino, that completes the reading of the controversial calendar active list. What's your pleasure?

SENATOR MARCELLINO: Mr. President, can we call up at this time Calendar 240, Senate 2959, Senator Padavan's bill?

ACTING PRESIDENT KUHL: On page 13, at the bottom of the page, Calendar Number 240, by Senator Padavan, Senate Print 2959, I'll ask the Secretary to read the title.

THE SECRETARY: Calendar Number 240, by Senator Padavan, Senate Print 2959, an act to amend the Tax Law and the Administrative Code of the city of New York.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. Is there any Senator wishing to speak on the bill?

(There was no response.)

Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Yes, we do. We have a report from the standing Committee on Transportation we would like to read at this time.

SENATOR MARCELLINO: Have that report read, please.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees.

I'll ask the Secretary to read the report of the Transportation Committee.

THE SECRETARY: Senator Levy, from the Committee on Transportation, reports the following bill direct to third reading: Senate Print 706, by Senator Bruno, an act to amend the Vehicle and Traffic Law, in relation to the disqualification of a bus driver in certain instances.

ACTING PRESIDENT KUHL: On the motion of Senator Marcellino to accept the report of the Transportation Committee, all those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The report is accepted. The bill is reported directly to third reading.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, we're going to have to ask the Senate's indulgence to stand at ease until we get our report from the Codes Committee.

ACTING PRESIDENT KUHL: The Senate will stand at ease awaiting the report of the Codes Committee, which should be momentarily.

(Whereupon, from 4:03 p.m. until 4:15 p.m., the Senate stood at ease.)

ACTING PRESIDENT KUHL: The Senate will reconvene.

Senator Skelos.

SENATOR SKELOS: Return to reports of standing committees. I believe there's a report of the Codes Committee at the desk. I ask that it be read.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees.

The Secretary will read the report of the Codes Committee.

THE SECRETARY: Senator Volker, from the Committee on Codes, reports the following bill direct to third reading: Senate Print 1800, by Senator Maltese, an act to amend the Penal Law.

SENATOR SKELOS: Move to accept the report of the Codes Committee.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

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

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, was that a debatable motion, to accept the report of the Codes Committee?

ACTING PRESIDENT KUHL: Was it?

SENATOR DOLLINGER: Well, Mr. President, I was standing. I wanted to be recognized to be heard on that issue.

ACTING PRESIDENT KUHL: Well, the motion was adopted. I didn't see you, Senator Dollinger. I apologize.

SENATOR DOLLINGER: That's fine, Mr. President. I'll just explain my vote, if I may.

I would like to be recorded in the negative on accepting the report from the Rules Committee. I made my view of this issue known. I greatly respect the Chair of the Rules Committee and I know that this procedure -- this bill could have been brought to the floor even quicker but, nonetheless, Mr. President, I believe this is the wrong way to legislate.

I think that this is an area, in particular, where we need more information. We will probably have the debate some time next week about this bill. It will be a debate about rhetoric, it will be a debate about politics, it will be a debate about who's telling the truth and who isn't, but what it will not be a debate about is about scientific facts that were gathered by this chamber and the people in it and that, unfortunately, on this issue, in my opinion, will be a great disservice to the

public.

ACTING PRESIDENT KUHL: Senator Dollinger, the record will reflect that Senator Dollinger voted in the negative on the motion to -

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Wednesday, March 5th, at 10:00 a.m. sharp.

ACTING PRESIDENT KUHL: The motion is to adjourn -- it's non-debatable - 'til tomorrow. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

Senator Paterson, do you wish to explain your vote on the motion to adjourn?

SENATOR PATERSON: Mr. President, I just wanted to -- no. I'm very much in favor of adjourning, Mr. President, but I just wanted to point out that Senator Volker did inform the ranking member, Senator Waldon, that he did want to have that Codes Committee report. With all fairness to Senator Volker but on the rest of the issue of the seasonableness of the -- of

whether this report should be accepted, I agree with Senator Dollinger and with that, Mr. President, I bid you farewell for another day here in this chamber.

ACTING PRESIDENT KUHL: The Senate stands adjourned until tomorrow, Wednesday, May 5th, at 10:00. Note the time change, 10:00 a.m.

(Whereupon, at 4:18 p.m., the Senate adjourned.)