ALBANY, NEW YORK

April 2, 1997

11:07 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their places, staff to find their places. Ask everybody in the chamber to rise and join me in saying the Pledge of Allegiance to the Flag.

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

In the absence of clergy, may we bow our heads in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 1st. The Senate met pursuant to adjournment. The Journal of Monday, March 31st, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Secretary will read.

THE SECRETARY: Senator Saland, from the Committee on Children and Families, reports the following bills:

Senate Print 255, by Senator Rath, an act to amend the Family Court Act;

490, by Senator Saland, an act to amend the Family Court Act;

815, by Senator Saland, an act to amend the Family Court Act;

2716, by Senator Skelos, an act to amend the Executive Law;

3208, by Senator Skelos, an act to amend the Criminal Procedure Law.

Senator Marchi, from the Committee on Corporations, Authorities and Commissions reports:

Senate Print 1981, by Senator Velella, an act to amend Chapter 465 of the Laws of 1994;

2654, by Senator Kuhl, an act to amend the Public Authorities Law;

2849, by Senator Marchi, an act to amend the Not-for-Profit Corporation Law;

3672, by Senator Wright, an act

to amend the Public Authorities Law;

3691, by Senator Marchi, an act to amend the Business Corporation Law.

Senator Stafford, from the Committee on Finance, reports:

Senate Bill 3, by Senator Bruno, an act to amend the Education Law, and others;

331, by Senator Skelos, an act to amend the Executive Law;

3029, by Senator Holland, an act to create the Piermont Library District;

3425, by Senator Stafford, an act to amend the State Finance Law, and

3469, by Senator Volker, an act to amend the Executive Law.

All bills ordered direct for third reading.

ACTING PRESIDENT KUHL: Without objection, all bills moved directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: At this time, may we please adopt the Resolution Calendar in its entirety.

ACTING PRESIDENT KUHL: Senator Skelos, Senator Meier requested that we take his resolution separately. It's 849. So is that -

SENATOR SKELOS: No objection.

ACTING PRESIDENT KUHL: Motion is to adopt the Resolution Calendar excepting for Resolution Number 849. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Would you please recognize Senator Meier.

ACTING PRESIDENT KUHL: Let the Secretary read the title of the privileged resolution at the desk by Senator Meier.

THE SECRETARY: By Senator Meier,

Legislative Resolution 849, memorializing the Honorable George E. Pataki, Governor, to proclaim April 9th, 1997 as Prisoner of War Recognition Day in New York State.

ACTING PRESIDENT KUHL: Senator Meier, on the resolution.

SENATOR MEIER: Thank you, Mr. President.

Just briefly, I thought it would be appropriate for us to pause in connection with this resolution today which memorializes the Governor to proclaim April 9th as former POW Recognition Day in the state and requests that we fly the POW-MIA flag next to the state flag outside the Capitol.

The day, April 9th, is significant in connection with prisoners of war for it marks the beginning on April 9th, 1942 of the infamous Bataan Death March. Along that march, some 11,000 American soldiers, having surrendered to the Japanese Army at Bataan, were forced to walk some 60 miles to a concentration camp, and along the way some 2,000 of them lost their lives.

But this resolution also honors

all prisoners of war from all conflicts in which this country has engaged, but it focuses in on April 9th because those who participated in that march exemplified the valor and fidelity which those who were found captive while wearing the uniform of this country have shown throughout our history.

It's important today that we pause to remember those who, despite captivity and deprivation and even in some instances despite torture, kept faith with their country, kept faith with their values, kept faith with duty and honor and in doing so with all of us and with posterity.

Mr. President, I move the resolution's adoption, and I would also ask that it be opened to sponsorship to any other members wishing to do so.

ACTING PRESIDENT KUHL: Senator LaValle, did you wish to be on the resolution?

SENATOR LAVALLE: Yes.

ACTING PRESIDENT KUHL: We'll put you on the resolution. Senator Marcellino. O.K. All those members, I take it that most of the members are on it already. Senator Skelos,

if you'd like us to put all on except those who do not wish to be on?

SENATOR SKELOS: Any that do not wish to be on the resolution, if they could notify the desk within the next couple of hours.

ACTING PRESIDENT KUHL: 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 adopted.

Senator Farley.

SENATOR FARLEY: Yes, sir, Mr. President. I'd like to star some bills here. On behalf of Senator Padavan, would you place a sponsor's star on Calendar 359.

ACTING PRESIDENT KUHL: Calendar 359 is starred at the request of the sponsor.

Senator Farley.

SENATOR FARLEY: On behalf of Senator Saland, if you'd place a sponsor's star on Calendar 408.

ACTING PRESIDENT KUHL: Calendar

408 is starred at the request of the sponsor.

Senator Skelos.

SENATOR SKELOS: And if we could return to reports of standing committees, I believe there's a report of the Finance Committee at the desk. I ask that it be read and you recognize Senator Stafford.

ACTING PRESIDENT KUHL: Return to the order of reports of standing committees. Secretary will read the report of the Finance Committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the Life Care Community Council, Craig A. Duncan, of Averill Park.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT KUHL: Question is on the nomination of Craig A. Duncan, of Averill Park, to become a member of the Life Care Community 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.

Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the New York State Olympic Regional Development Authority, George J. Heim, of North River.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

ACTING PRESIDENT KUHL: Motion is to move the nomination of George J. Heim, of North River as a member of the New York State Olympic Regional Development Authority. All those in favor of the nomination, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Senator Skelos.

SENATOR SKELOS: Are there any

substitutions to be made?

ACTING PRESIDENT KUHL: There are two at the desk.

SENATOR SKELOS: Make the substitutions.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: On page 27, Senator Libous moves to discharge from the Committee on Consumer Protection Assembly Bill Number 4205 and substitute it for the identical Third Reading Calendar 264.

On page 18, Senator Cook moves to discharge from the Committee on Agriculture Assembly Bill Number 4920 and substitute it for the identical Third Reading Calendar 388.

On page 18, Senator Kuhl moves to discharge from the Committee on Agriculture Assembly Bill Number 5409 and substitute it for the identical Third Reading Calendar 389.

And on page 25, Senator Skelos moves to discharge from the Committee on Insurance Assembly Bill Number 357-A, and substitute it for the identical Third Reading Calendar 466.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Skelos, that brings us to the calendar.

SENATOR SKELOS: If we could take up the non-controversial calendar, Mr. President.

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

THE SECRETARY: Calendar Number 259, by Senator Lack, Senate Print 2918-A, an act to amend the Family Court Act, in relation to appeals of cases.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

326, by Senator Levy, Senate Print 928-A, an act to amend the Railroad Law and the Penal Law, in relation to trespassing on railroad premises.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 386, by Senator LaValle, Senate Print 3173, an act to amend the Public Authorities Law, in relation to financing and construction of certain facilities.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 396, by Senator Marcellino, Senate Print 1133-A, an act to amend the Vehicle and Traffic Law, in relation to certificates of inspection.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 397, by Senator Kuhl.

SENATOR PATERSON: Lay aside.

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

THE SECRETARY: Calendar Number

398, by Senator Seward, Senate Print 3094, an act to amend the Tax Law, in relation to extending the expiration of provisions.

SENATOR PATERSON: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 401, by Senator Present, Senate Print 3248, an act to amend the Tax Law, in relation to extending the authorization of the county of Cattaraugus.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 402, by Senator Present, Senate Print 3290, an act to amend the Tax Law and Chapter 574 of the Laws of 1986.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 413, by Senator Johnson, Senate Print 2496, an act to amend the State Finance Law and the

Vehicle and Traffic Law, in relation to establishing a motorcycle safety fund.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 5. This act shall take effect April 1st.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 424, by Senator Velella, Senate Print Number 2601, an act to amend the Public Authorities Law, in relation to directing the Metropolitan Transportation Authority.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR SKELOS: Mr. President, if we could take up the controversial calendar, please.

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

THE SECRETARY: On page 19, Calendar Number 397, by Senator Kuhl, Senate Print 2219, an act to amend the Tax Law, in relation to extending the additional one percent rate of sales and compensating use taxes in the county of Steuben.

SENATOR PATERSON: Explanation.

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

SENATOR KUHL: Thank you, Mr. President.

This is a bill that is local to Steuben County. It's a county out in the Finger

Lakes area of New York State, for those people who don't know where Steuben County is. It's the home of major corporations like Corning, Incorporated, Dresser Rand. It's also my home county.

The county board of legislators several years ago made the determination that, in order for them to continue financing the programs that they were providing at the county level, be it transportation programs, public assistance programs and the basic county functions, they decided that instead of levying a real property tax, the most fair way of raising funds to support this program was by increasing the sales tax on non-exempt items in that county, so they elected at that time to raise the sales tax from the level of 7 percent to 8 percent, and this is, I believe, the second time that they have come back to us and asked us to extend the authority for them to continue that sales tax in place in order for them to finance their governmental operations; so this is a bill that is coming to us as a result of a home rule request from the Steuben County board of legislators.

ACTING PRESIDENT WRIGHT: Senator Paterson.

SENATOR PATERSON: Thank you very much, Mr. President, for Senator Kuhl's explanation.

Mr. President, Senator Kuhl made it clear that this continues the financing to Steuben County, and my question simply is, since that is the case, doesn't passage of this legislation require a three-fifths vote of the house?

ACTING PRESIDENT WRIGHT: Yes, it does, Senator Paterson. It requires a three fifths vote, and there is a home rule message at the desk.

SENATOR PATERSON: It is a three fifths bill. Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in

the negative.

SENATOR SKELOS: Lay the bill aside.

ACTING PRESIDENT WRIGHT: Lay the bill aside. Continue the controversial calendar. Secretary will read -

SENATOR SKELOS: Go ahead.

ACTING PRESIDENT WRIGHT: Secretary will read.

THE SECRETARY: Calendar Number 398, by Senator Seward, Calendar Number 3094, an act to amend the Tax Law, in relation to extending the provisions.

ACTING PRESIDENT WRIGHT: Senator Paterson.

SENATOR PATERSON: Is there a home rule message at the desk?

ACTING PRESIDENT WRIGHT: It's not required on this bill, Senator Paterson.

SENATOR PATERSON: Mr. President, may I ask why we would not have a home rule message at the desk on this type of legislation?

ACTING PRESIDENT WRIGHT: I'm advised, Senator Paterson, that it's not required under our rules.

SENATOR PATERSON: Well, Mr. President, this piece of legislation does exactly what the last piece does. It continues a tax. Under my understanding of the rules, it would require a three-fifths forum to pass and would also require a home rule message.

ACTING PRESIDENT WRIGHT: Senator Paterson, I'm advised that it does require a three-fifths vote, but does not require a home rule message.

SENATOR PATERSON: Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: Read the last section.

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

SENATOR PATERSON: Party vote in the negative.

SENATOR SKELOS: Lay the bill aside.

ACTING PRESIDENT WRIGHT: Bill is laid aside.

THE SECRETARY: Calendar Number 401, by Senator Present, Senate Print 3248, an act to amend the Tax Law, in relation to

extending the authorization of the county of Cattaraugus.

ACTING PRESIDENT WRIGHT: Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the negative.

ACTING PRESIDENT WRIGHT: Bill is laid aside.

THE SECRETARY: Calendar Number 402, by Senator Present, Senate Print 3290, an act to amend the Tax Law and Chapter 574 of the Laws of 1986, amending the Tax Law.

ACTING PRESIDENT WRIGHT: Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Mr.

President.

ACTING PRESIDENT WRIGHT: Senator Paterson.

SENATOR PATERSON: Party vote in the negative.

SENATOR SKELOS: Lay it aside.

ACTING PRESIDENT WRIGHT: Bill is laid aside.

SENATOR SKELOS: Mr. President, at this time, may we please take up Senate 3, which was reported earlier from the Finance Committee. It's Calendar Number 485.

ACTING PRESIDENT WRIGHT: The Secretary will read.

THE SECRETARY: Calendar Number 485, by Senator Bruno, Senate Print 3, an act to amend the Education Law and others, in relation to enacting the New York State College Choices Act.

ACTING PRESIDENT WRIGHT: Senator LaValle, an explanation has been requested.

SENATOR LAVALLE: Mr. President, I rise to talk about this bill and explain some of the provisions in the legislation and hopefully answer some of the questions that

Senator Paterson might have, but I think we have to start by once again congratulating our Majority Leader for his wisdom and foresight.

This bill, as you look at it, is Senate Number 3, so that it holds a very, very high priority and will send out a very strong signal because it, by its definition, "college choice program", will allow families and individuals with a methodology, a very simple and dependable way to prepare for their children's college education.

Provisions -- if we look at the purposes, and I'm going to read right from the bill because I think it will give you very clearly what we're talking about. We are encouraging individuals to save to help pay the cost of higher education, to help make the benefits of higher education located within the state available to the people of this state, promote the economic development of the state by creating opportunities for a highly educated work force, enable residents of the state to take advantage of the tax incentives and lastly, attract students to public and private colleges and universities within the state.

During a press conference earlier in this year that Senator Bruno and I had, I had indicated that this bill is truly a "I Love New York Colleges" legislation because it will help New Yorkers send their students to New York colleges and it will hopefully provide a dependable future source of students to our colleges.

This legislation sets up two programs. One is the family college account, the FCA. This will allow individuals to plan to save for the future of sending their child to a public or private institution. They can save up to $5,000 each year in this account and that the annual state tax exemption contributions would be available up to the $5,000 and over the course of the contributions up to a maximum of $100,000. The interest earnings are state tax-exempt.

The second account is the prepaid tuition account, and this will be used to -- for an individual that knows that they want their son or daughter to attend a public institution, whether it be a two-year or a four-year program, they can lock in -- they have the ability to

guarantee the tuition costs at the current price, whatever the tuition is in the year the account is open. It would also have unlimited annual state tax-exempt contributions up to a maximum value of four tuition units and also the interest earnings are state tax-exempt and federally tax deferred.

The notion of planning and saving for the future in these kinds of accounts has become more available because of actions that have been taken in Congress that allow the states to move into this area. Myself and other individuals have sponsored legislation in previous years, and last year we came very, very close to having a Senate-Assembly bill. This year, I am very confident with Senator Bruno's leadership and the hard work that went into this bill to make it probably the best of all the bills that were put in.

This bill also is distinguished from some of the other bills in that, while there is a board that would be selected, the board would oversee and select a financial institution that would actually market and invest the monies in this account so that it is

not government run; it is government as an oversight board of some other financial entity that would actually market the program and invest the funds in the program, and this differs very, very differently.

This bill again differs from any of the bills, we believe, that have been filed because the interest on the earnings are tax-exempt as well as the contributions being tax-exempt, and so we've taken the best parts of ideas that have been put forth over a period of time, we have embellished upon them and I think it is certainly the best bill, and again I congratulate our Majority Leader for bringing this bill to the floor so early in the session and for the hard work of the staff that went into this legislation.

ACTING PRESIDENT WRIGHT: Senator Paterson, why do you rise?

SENATOR PATERSON: Thank you, Mr. President.

We'd like to congratulate Senator LaValle. His explanation was quite sufficient. We had similar proposals, one offered by Senator Stavisky, which really goes back nearly a decade

in which he's talking about basically the same things, and I just wanted to point out that there is such a rich opportunity for our state to benefit from what Senator LaValle and Senator Stavisky are talking about that this is probably the most apt legislation before hopefully our conference committees in the Legislature, and it would enure to our benefit to make new law hopefully in the near future.

I'll be voting aye, Mr. President.

ACTING PRESIDENT WRIGHT: Read the last section.

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

ACTING PRESIDENT WRIGHT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT WRIGHT: The bill is passed.

ACTING PRESIDENT KUHL: Senator Skelos, that completes the reading of the controversial calendar.

SENATOR SKELOS: Yes, if we could

call up Calendar 469, by Senator Maziarz.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar 469, by Senator Maziarz.

THE SECRETARY: Calendar Number 469, by Senator Maziarz, Senate Print 3888, an act to amend the Insurance Law, the Tax Law and the Administrative Code of the city of New York in relation to long-term care insurance.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Maziarz, an explanation of Calendar Number 469 has been requested by the Acting Minority Leader, Senator Paterson.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, this is a chapter amendment to properly implement Chapter 81 of the Laws of 1995, wherein it was granted a tax deduction for premiums paid for long-term care insurance. The tax deduction was based on a sliding scale.

The 1995 law established stringent standards for long-term care insurance, policies that qualify for this new

tax deduction. Unfortunately, these standards were so stringent that only one company offers a long-term care insurance policy that qualifies for the tax deduction. The standards included limitations on the inflation rate provision of managed care and length of time for convert ability.

Eventually, what this legislation hopefully will do, Mr. President, is lower the state's expenditures on Medicaid by encouraging citizens in their late 40s, mid-50s, 60s, to purchase long-term care insurance and, there fore, when these individuals may be required to have some long-term -- to be admitted to long-term health care facilities that rather than the state taxpayers picking up the tab, that private insurance companies would be supplementing our expenditures.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

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

ACTING PRESIDENT KUHL: Senator Maziarz, do you yield for a question?

SENATOR MAZIARZ: Certainly, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator, I'm not certain whether the legislation is requiring the long-term care or whether it is in a sense enhancing the opportunity for it. Would you enlighten me on that?

SENATOR MAZIARZ: Senator, the legislation, I can tell you, does not require long-term care. What it does is it gives an individual, say, in your age bracket, Senator, and my age bracket, the ability to go out there to purchase affordable insurance so that some day when I may require the services of long-term health care facilities -- nursing home, if you will -- that rather than either my family - ending up as a financial burden on my family or ending up as a financial burden on the taxpayers of the state of New York, that we would have this insurance policy; but it doesn't require people to buy it. All it does is, it makes it available.

ACTING PRESIDENT KUHL: Senator

Paterson.

SENATOR MAZIARZ: And, Mr. President, if I could just note, my understanding is that this bill is going to pass in the other house today also. I just wanted to note that, Senator Paterson.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. If the Senator would continue to yield.

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

SENATOR PATERSON: Senator, I'm sorry. I wasn't sure, and you allayed my anxiety on this issue, that it will not be required.

If you will yield to another question. The question is simply how do you feel this will lower the cost of health care over a prescribed period?

SENATOR MAZIARZ: Well, as I stated, rather than -- well, what it will lower is the amount of money that the state provides

for long-term health care insurance by making the private insurance companies pay as opposed to an individual ending up on the Medicaid rolls.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you. If the Senator would yield to another question.

SENATOR MAZIARZ: Certainly, Mr. President.

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

SENATOR PATERSON: What would be the actuarial figures that you would use to actually determine what the insurance would be? Isn't it possible that the rate that would be charged would be far in excess of what good care would actually be worth, and in that respect the private insurance company has an opportunity to establish a windfall from this kind of procedure?

SENATOR MAZIARZ: Policies, of course, are regulated by the Insurance Department, Senator, and also competition. I

mean there are a lot of private insurance companies out there that offer these types of policies throughout the country, but un fortunately, because of some technical problems with this legislation that was passed back in 1995, almost all these policies that we've had come before the Aging Committee -- and I know that Assemblyman Grannis in the other house faced the same problem -- that almost all these policies are stamped "not available in New York," so I think the answer to your question is two-fold.

I think both a regulation from the Insurance Department and also the competitive insurance market will make -- will ensure that these policies are, in fact, available and affordable.

SENATOR PATERSON: Thank you again, Mr. President. If Senator Maziarz would yield to one more question?

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

SENATOR MAZIARZ: Certainly.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR PATERSON: Senator, what in the legislation prevents there, in fact, being little competition that once a decision is made to purchase this kind of policy that the subscriber is locked in and, therefore, if there is any -- if there are any competitive rates on the market over a period of years, that the individual is now, in a sense, locked into a policy that may actually cost a lot more than what the rate might be down the road?

SENATOR MAZIARZ: Well, I think certainly the purchaser of the insurance company -- I'm sorry, the purchaser of the policy can certainly change companies if he likes, much the way that we do with insurance that we purchase today for homeowners or car insurance, or so forth, that the insured can go out -- he certainly has the ability to go out there and purchase insurance from another company.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Senator.

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

SENATOR ONORATO: Mr. President, would the Senator yield to a question?

ACTING PRESIDENT KUHL: Senator Maziarz, do you yield to a question from Senator Onorato?

SENATOR MAZIARZ: Certainly.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ONORATO: Senator, I'm very concerned about long-term care for the older individuals, and I'm interested in the rates. We just heard the bill for college tuition. If I were to purchase such a policy, am I locked in now for the duration to ensure that I don't get increased premiums as I get older? If I elect to go in now and the rate is $3,000 a year to purchase it, when I become 60, will the rates become $5,000, or do I -- am I guaranteed the same premium from the date of purchase?

SENATOR MAZIARZ: There is an inflation protection written into this legislation, Senator.

ACTING PRESIDENT KUHL: Any other Senator -- Senator Dollinger.

SENATOR DOLLINGER: Yes, if the Senator would yield to just a couple quick questions.

ACTING PRESIDENT KUHL: Senator Maziarz, do you yield to a couple questions from Senator Dollinger?

SENATOR MAZIARZ: Certainly, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: Senator Velella, I think, carried the bill that created this program, and it's absolutely a great program. I supported it strongly. I continue to support it strongly, and I'm aware, Senator, that a number of my constituents called me to say, I bought the premium in 1966 when it was available, I filed my tax return and asked for the deduction and I can't get the deduction and the preparers are telling me that it's because of the technicality that the Department of Insurance has been aware of, so my assumption is that this is the bill that corrects that technicality as you described it, Senator.

SENATOR MAZIARZ: I'm sorry.

Could you repeat the question.

SENATOR DOLLINGER: This is the bill that would allow full deduction under New York law for the premiums paid for long-term care insurance, is that correct?

SENATOR MAZIARZ: I'm sorry, Senator. I wasn't able to hear.

SENATOR DOLLINGER: I apologize. The purpose of this bill is to provide for full deduction to the amount permissible by each taxpayer, of the premiums paid for long-term care insurance.

SENATOR MAZIARZ: Yes.

SENATOR DOLLINGER: O.K. My question, again through you, Mr. President, if the Senator will continue to yield, is the way that it's done here in this bill, it refers to a very specific section of the Internal Revenue Code. My question is, why do we attach it to a specific section of the Internal Revenue Code when Congress could change the Internal Revenue Code and we end up bollixing up the whole thing? Is there any way we can do this by generic reference rather than by specific reference, so that we don't run into a problem of running into

a technicality at some time in the future if the federal code is changed?

SENATOR MAZIARZ: That's apparently what we ran into in 1995, and I think, you know, the only answer is, Senator, that we would have to come back and do another technical amendment. I don't know that we could leave it without that -- without that specificity in the legislation.

SENATOR DOLLINGER: O.K. I guess, Mr. President, on the bill.

I'm surely going to vote in favor of this bill. This is a good correction. I know that it's been needed. A number of my constituents, as I mentioned a minute ago, have contacted me and said, We can't get the benefit of the deduction, and I'm pleased to hear that the Assembly has a comparable bill that will also pass because I think we need to put this in place now.

One of the questions, is it going to be effective for this tax filing period? Will they be able to get the deduction for premiums that they purchased in 1996? I don't know whether either Senator Velella or Senator

Maziarz may be able to answer that, but by correcting it today do we give them the benefit of that deduction for last year?

SENATOR MAZIARZ: Well, I'm assuming you're asking me to yield.

SENATOR DOLLINGER: Yes.

SENATOR MAZIARZ: I'm assuming he would allow me to do that. So the answer to your question is yes, we're trying to work that out. We're trying to work that out with Tax and Finance right now.

SENATOR DOLLINGER: O.K.

SENATOR MAZIARZ: The answer is yes, it is effective and applicable for the 1996 tax year.

SENATOR DOLLINGER: A final question.

SENATOR MAZIARZ: Yes.

SENATOR DOLLINGER: Thank you, Mr. President.

I'll be voting yes on the bill.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the bill? Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Santiago, why do you rise?

SENATOR SANTIAGO: Mr. President, for the record, had I been in the chamber yesterday when the vote was taken on Calendar Numbers 273, 295 and 365, I would have been recorded in the negative. Thank you.

ACTING PRESIDENT KUHL: The record will so reflect, Senator Santiago, that had you been in the chamber yesterday, that you would have voted in the negative on Calendar Numbers 273, 295 and also 365.

SENATOR SKELOS: Can we stand at ease for a moment.

ACTING PRESIDENT KUHL: Senate will stand at ease for a moment.

(The Senate stood at ease from

11:50 a.m., to 12:02 p.m.)

ACTING PRESIDENT KUHL: Senate will come to order.

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to Calendar Number 397.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 397, by Senator Kuhl, Senate Print 2219, an act to amend the Tax Law, in relation to extending the one percent rate of sales and use taxes.

ACTING PRESIDENT KUHL: Secretary will read the last section. There is a home rule message at the desk.

Senator Dollinger?

SENATOR DOLLINGER: Mr. President, just to record my vote.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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: Record the negatives and announce the results.

THE SECRETARY: Ayes 52, nays 2, Senators Dollinger and Gentile recorded in the negative.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, can we take up Calendar Number 398.

THE SECRETARY: Calendar Number 398, by Senator Seward, Senate Print 3094, an act to amend the Tax Law, in relation to extending authorization.

ACTING PRESIDENT KUHL: Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President. Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson, excuse me just a minute. Can we have a little order in the house, please. If you have conversations that you need to carry out, please take it out of the chamber. Have the staff please take their seats. Pretty noisy in

here. Thank you, Senator Paterson.

Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. I appreciate the order, because I have a guilty conscience, Mr. President. You know, I was thinking that it really wasn't three-fifths of the vote of the house, it was three-fifths of the quorum present, to allow us to take this bill up, so I just want to let you know, Mr. President, that as soon as I realized that that I let the Majority know, and they have always understood my integrity on this floor and that I would want the right thing to prevail and so they need only three-fifths of the quorum of the members present, so I just wanted to offer that; but, Mr. President, there is just one other thing. This bill really needs a home rule notice, and I know that none of us would want to leave here today without a home rule because we couldn't go home without a rule and, therefore, we shouldn't leave this chamber without a home rule and, therefore, I think, Mr. President, this bill has got to be ruled out of order at this time because this is a continuation of a tax just like the bill we just passed, 397, the

one to a great place in Steuben, a place I'm sure you're familiar with, and it's my opinion that we've got to lay this bill aside right now until we have an established home rule message at the desk.

ACTING PRESIDENT KUHL: Senator Bruno, on that point?

SENATOR BRUNO: Mr. President, my very learned colleague, once again demonstrates his awareness, his knowledge of the Constitution and the laws of this state, and he recognizes that a quorum is all that was necessary to move legislation.

I almost hesitate under these circumstances to differ with my colleague in that our very learned Home Rule Counsel tells us that while it is nice to have a home rule message on this legislation, it is legally not required.

So since we are moving forward with a legal process, Mr. President, I would recommend that we are in order, that we are doing things legally, and that we should vote on the bill that is before us.

ACTING PRESIDENT KUHL: Senator

Paterson, you wish to be heard on that point again?

SENATOR PATERSON: Yes, Mr. President.

We will have to research the legality, and Senator Bruno was just thinking that he has a feeling that I might not agree with him, but that's what makes this country great, that we can disagree, but not be disagreeable; but, Mr. President, putting aside the legal test, there is still principle that guides us, and this is a tax. This bill is clearly the continuation of a tax.

Now, we know that there are many people in here who have bewailed repeatedly about how they don't like the continuation of taxes. In fact, sometimes they would have us believe that lowering taxes alone will re-ignite the engine of our economy, that just lowering taxes is going to deliver prosperity to this state. So I don't know whether that's true or not, but certainly I wouldn't want to go through with this without a home rule message because that is the way that we, through our Constitution, establish that we are continuing a

tax, by having the local government give us, in a sense, the explanation for why this process is needed; and so, this will be my last plea, I really would like to ask the Majority Leader to think it over just for a moment, consult with counsel, and to consult with personal principle, before taking us through this inexorable tax escalation without proper procedure.

All right, Mr. President. Therefore, I move that we adjourn to April the 7th at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT KUHL: Senator Bruno, having had a moment to reflect on that, did you want to comment?

SENATOR BRUNO: I wanted to know what he had for breakfast. I want the same tomorrow.

The memo that we have before us indicates that the local county -- the legisla ture requests in a memo the passage of this legislation so that they can go on with their business; so we are again deferring to the locality. Senator Seward has gone to just double check, but if you take a look at the

memo, maybe you could share it with our colleagues, this is at the request of the legislature. The formality of a message is something that some legislatures forward gratuitously and others just send a letter making a note through a memo, in this case it was a memo, at the bottom of their request.

So having shared these different points of view, I see Senator Seward back smiling, so I'm sure he is about to concur in everything that we have had to say.

Senator Seward, do you have something to add to enlighten these colleagues that need enlightening?

SENATOR SEWARD: Well -

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: I think Senator Bruno has been doing a masterful job of explaining this bill, but I would leave the strictly legal questions to the Home Rule Counsel and others, but I can report to my colleagues that the Cortland County Legislature had, in fact, passed a resolution requesting this -- that this legislation be passed, so

certainly the -- the legally constituted voice of the people of Cortland County, through their legislature, is requesting that action be taken on this legislation.

ACTING PRESIDENT KUHL: Senator Marchi.

SENATOR MARCHI: I just wanted to add here that we're extending an authorization. There is no pistol at anybody's head that they have to vote it, so that the simple fact that we're doing this is to enhance their power to do it if they want to, but the action really rests in the hands of the people that are going to be affected. So I don't think it rises to the objection in this case.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the point of order?

The Chair will be consistent with the prior chairman who ruled that the bill was in order, and so the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives and announce the results.

SENATOR GOLD: Mr. President, if I may explain my vote.

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

SENATOR GOLD: Mr. President, while there was some, I think, important legal issue that was raised by Senator Paterson, and I think that the response that was given by Senator Bruno is dignified, and I also took that while we've been casual with each other, it's a serious answer and I appreciate that. I also appreciate the fact that Senator Seward went out to check on the legality, and my feeling is that at this point the people of that locality apparently are interested in us taking certain action, and I think I'm going to respect that as I would with Senator Kuhl and others, and I know I do this with a sense of great pride knowing that in the next three, four, five days, Senator Bruno, your actions on this floor and the actions of many of the others on this side will

be respectful of my constituency in their desires and needs.

Now, I don't know whether this tax is the perfect thing for that locality. I'm not being asked to know that. I'm being asked to respect their wishes. I'm being asked to give them the right to basically run their community, so whereas I'm not sitting in judgment of them as to what's best for them, Senator, I know that this same respect will come back to us maybe Monday or next week or whoever knows, when we tell you what our constituents want and what they think is the best for them.

I'm going to vote in the affirmative.

ACTING PRESIDENT KUHL: Senator Gold will be recorded in the affirmative. Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 398 are Senators Breslin, Connor, Dollinger, Gentile, Kruger, Montgomery, Paterson, Santiago, Seabrook and Smith. Ayes 43, nays 10.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, in the lightness of the moment, Senator Paterson had placed a motion to adjourn on the floor. I am, for the record, just judging that that was done lightly and since there was no second we will, for the record, just move forward with the business that's before us, and I would then consequently call up Calendar Number 401.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 401, by Senator Present, Senate Print 3248, an act to amend the Tax Law, in relation to extending the authorization of the county of Cattaraugus.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives and announce the results.

THE SECRETARY: Ayes 52, nays 2, Senators Dollinger and Gentile recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 402.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 402, by Senator Present, Senate Print 3290, an act to amend the Tax Law and Chapter 574 of the Laws of 1986.

ACTING PRESIDENT KUHL: 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.)

ACTING PRESIDENT KUHL: Record the negatives and announce the results.

THE SECRETARY: Ayes 52, nays 2,

Senators Dollinger and Gentile recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time proceed with the motions to discharge that are scheduled?

ACTING PRESIDENT KUHL: We'll go to the order of motions to discharge. Senator Paterson.

SENATOR PATERSON: Mr. President -- Mr. President, we had scheduled for this afternoon seven motions to discharge offered by Senator Leichter. They were filed on March 24th and March 25th under Rule XI. The three intervening legislative days have expired and today was the day that we gave notice that Senator Leichter would be introducing those motions.

Senator Leichter, due to a transportation problem, was unable to get to the chamber on time, and I am advising the Chair that the motions that Senator Leichter would like to introduce will be delayed at this time

until a date in the future.

ACTING PRESIDENT KUHL: Senator Bruno, would you like to be heard on that statement?

SENATOR BRUNO: I'm a little puzzled by the statement, and that's why, Mr. President, I hesitate to get to my feet because we had been asked yesterday when these motions were scheduled, to please delay until today and so, in accommodating my colleagues, we, of course, deferred and scheduled for today and changed the time of the session to make it earlier rather than later so that we could hear what had to be said and then get on with the rest of the day for some people that will be traveling.

So I only make that comment and observation, Mr. President. I know you're listening to every word that I'm uttering, as others are, and I would just suggest that we proceed and get on with the business that is before us as expeditiously as we can.

ACTING PRESIDENT KUHL: Senator Paterson, would you like to be heard on that statement?

SENATOR PATERSON: I don't know if I'd like him to hear this, but I would just point out, Mr. President, that Senator Leichter is -- has a very interesting set of proposals that he'd like to bring before the Senate. He worked very hard on these motions to discharge. They relate to campaign financing around the state, and some measures that Senator Leichter and a number of groups that he's worked with have offered to try to level the playing field.

As you may be aware, New York City has a completely new campaign finance law which many feel has been particularly helpful. The state of Maine has a complete new finance law around that state which has given opportunities for candidates who may have not been able to compete before and certainly truncated the process that may have often led to excessive influence, and so the amount of work that he would like to have offered to the chamber was only really obfuscated by the fact that Senator Leichter was unable to be in attendance yesterday, and Senator Bruno was not only correct but quite gracious when he held over the schedule and shortened the time in

which we began session to try to accommodate Senator Leichter.

Unfortunately Senator Leichter was unable to be in attendance today and since we have 75 to 80 legislative days and there are only a couple to which we can add motions to discharge, these kinds of unforeseen circumstances do arise, and what we are just simply saying is that we understand the schedule. We understand the inconvenience. I know that Senator Leichter would be very disappointed to know that this situation would occur on this week or I'm sure he would have made such other arrangements.

And so, on behalf of Senator Leichter, I was just suggesting to the Chair that what we would simply do to accommodate one of our colleagues who is unable to be here with us is simply to put this over until some time that perhaps we have time and we can hear Senator Leichter's motions to discharge, and that was really all I was offering in good faith and with the understanding that the Majority has been quite cooperative in re-scheduling after the first day that Senator Leichter was unable

to be here and, if that sounds like it's sensible to Senator Gold -- does that sound sensible to you? And I'm sure -

SENATOR GOLD: Does the gentleman ask me to yield?

SENATOR PATERSON: Yes, I just wanted to know if you like the idea?

SENATOR GOLD: Senator, if you're asking me to yield, I say to myself the word "yes" and the word "no" are simple words and every time you ask somebody a question you can get a yes or a no, but the questions aren't always equal, and it seems to me that we have rules as to when bills are handled and the Majority is pretty lenient in terms of whether their members are here or not here on bills that they get reported out of committee. We have rules that, if it's on for so many days, it's supposed to be starred. I don't really know, Senator Paterson, when you keep jumping up and enforcing that -- I know you're not jumping - but the only issue here is whether or not this distinguished chamber will fall completely if a courtesy is given to Senator Leichter which is given to every single member of the Majority

when they decide that they will take their bill or their idea and have it debated on one day or another.

Senator Bruno gave a courtesy and we give him kudos for that. If we leave a little earlier today, everybody will be happy about that, and there's really no harm. If Senator Bruno wants to play hard ball, he's entitled, that's his role as our leader and as the President, but it seems to me that it's playing hard ball for a cause that really doesn't exist.

So, Senator Paterson, yes, I think you make a lot of sense. I think this chamber is not injured in the slightest, it's not inconvenienced in the slightest if it's put over and if Senator Leichter receives the same accommodation that 35 Republicans get every single day of the week.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Senator Paterson, Senator Gold, we are -- and we welcome visitors to our chamber. We are doing the best that we

can, Mr. President, under very difficult circumstances to govern. Sometimes the Minority makes it very, very difficult.

We do have rules. They are established. They have been voted on by the Majority in this house. We are trying to follow the rules. Senator Gold is right, we have flexibility, and we thought we were being very flexible, very accommodating by their own words, but when do you start to create disorder, and when do you start to create chaos in a legislative process?

Senator Paterson, I think we are very close to that in that now you're asking us to bunch all of these motions into when, Monday, Tuesday? We'll have as many as what, 12, 14 in one day?

Mr. President, for the record, I'd like to say I don't think that's orderly. I don't think that's good government. I don't think that's what we ought to be doing, but having said all of that, Senator Paterson, is that truly your wish that we take these up next week? And that's a question, Mr. President.

ACTING PRESIDENT KUHL: You only

get one wish, Senator Paterson.

SENATOR BRUNO: How about Monday, Mr. President? How about Monday, Mr. President? How about Monday, Mr. President?

SENATOR PATERSON: How about Tuesday, Mr. President?

SENATOR BRUNO: Now, why Tuesday, Mr. President, not Monday?

SENATOR PATERSON: Because these are campaign finance proposals and Tuesday is election day. That's always the day that we have for election day, and that's the day we should discuss campaign finances.

SENATOR BRUNO: In what country is that, Mr. President?

SENATOR PATERSON: My one wish, Mr. President, is Tuesday, and three more wishes.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, are there any motions before us on the floor presently?

ACTING PRESIDENT KUHL: We have not read in the first motion. We've just gone

to the order of motions to discharge. We have not read the first motion.

SENATOR BRUNO: I want to establish, Mr. President, truly for the record and in all seriousness, in that our rules dictate that if motions are scheduled for a particular time and a particular date and if those motions aren't acted on, then they pass and they don't get acted on. So I am just suggesting that, if these motions are not taken up in order as they were scheduled, then those motions are truly behind us and it isn't a question of Monday, Tuesday or any other day. Those motions would not be intended to be placed on this floor, so I ask the Minority to consider their own actions because I know that they'd want to review some of the motions that they have indicated to us that they would do yesterday, then indicated again that they would do today, so I am suggesting to them that if they feel strongly about this, then they ought to get on with the business of governing and do it today, and if not today then I would withhold any judgments and take a look next week at what our schedules look like and what happens and

just recognize that there will be no obligation to revisit these particular motions that were scheduled to be taken up today.

ACTING PRESIDENT KUHL: Senator Paterson, I take it from Senator Bruno's statement, that the genie will not appear and grant your wish.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Just if I might, and Senator Gold -- and that it is your determination to either proceed with the motions to discharge at this point or subject yourself to the determination by the Majority Leader as to whether or not he wishes to revisit these next week at his own, and with his own discretion.

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: I just wanted to ask Senator Bruno when it's convenient for him and I will take his math because I know that while he's fair about a lot of things, when it comes to gentlemanly situations like this, I can rely upon his integrity. If Senator Bruno would

make a list, Mr. President, let's take last year for an example.

ACTING PRESIDENT KUHL: Senator Gold, why don't we just pause for a moment. I notice that Senator -

SENATOR GOLD: I was giving him some compliments.

ACTING PRESIDENT KUHL: I know that Senator Bruno has many, many talents but I don't think one of them is listening to two or three people at the same time, and I notice that your respected leader is conferring with him, so why don't we just give him a minute to conclude that conversation.

SENATOR GOLD: On the other hand, we could do that too.

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

SENATOR PATERSON: Mr. President, just for the record, and we certainly in this quite long and often over-taxing legislative process, have engaged in a little mirth and good humor here on the floor, but very seriously just to conclude, there really is nothing in the rule that states that a date certain must be

scheduled for these motions for discharge.

The motion for discharge is actually something that theoretically would be possible at the end of every legislative session. What we have all done is worked together to accommodate the process so that we don't stay here for excessively long periods of time, but there's nothing in the rules that say that because Senator Leichter had scheduled this motion for April the 2nd -- well, it originally was April the 1st, and then changed to April 2nd -- that it necessarily expires because Senator Leichter was unable to attend.

In fact, what is actually the case is that three days that were -- would run during the introduction of the motion are all that the rules actually require. However, because of what Senator Bruno has pointed out, his own graciousness and his own personal attention to this matter, he's come out here on the floor when there are many other issues of the state that are important that he has to deal with, and he has come out here and talked about it, so we will certainly as individuals accept what the Majority Leader is saying but, for the

record, I would just like to point out that when Senator Leichter comes back, that I'm sure that he would -- may attempt at some point in the future to bring these motions before the full floor, but to close debate on this we certainly do understand the point that the Majority Leader is trying to make and we are as always trying to work cooperatively with the Majority.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, I want to thank Senator Paterson for his indulgence and his consideration and I would now ask if there's any housekeeping, other things at the desk that we should be attending to now?

ACTING PRESIDENT KUHL: Yes, we do have a report from the Health Committee which met earlier today. So if we could return to the order of reports of standing committees, Senator Bruno, I'd ask the Secretary to read the report of the Health Committee.

THE SECRETARY: Senator Hannon, from the Committee on Health, reports the following bills:

130-A, by Senator Tully, an act

to amend the Public Health Law;

479-A, by Senator DeFrancisco, an act to amend the Public Health Law;

708, by Senator Trunzo, an act to amend the Public Health Law;

1736, by Senator Hannon, an act to amend the Public Health Law;

2705, by Senator Kuhl, an act to amend the Public Health Law;

3000-A, by Senator Hannon, an act to enact the Cancer Research Improvement Act of 1997; and

3659, by Senator Hannon, an act to amend the Public Health Law and the Penal Law.

All bills ordered direct for third reading.

ACTING PRESIDENT KUHL: Without objection all bills ordered directly to third reading.

We might go to motions and resolutions standing order. We have one motion.

Chair recognizes Senator Farley.

SENATOR FARLEY: Thank you, Mr.

President.

On behalf of Senator Johnson, on page 27, I offer the following amendments to Calendar 307, Senate Print 2584, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar 307 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Bruno, that takes care of all the housekeeping at the desk.

SENATOR BRUNO: Thank you, Mr. President.

Then there being no further business to come before the Senate, I would move that we stand adjourned until Monday, at 3:00 p.m., intervening days to be legislative days.

Thank you.

SENATOR PATERSON: I second that.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Monday, April 7th at 3:00 p.m., intervening days to be legislative days.

(Whereupon at 12:35 p.m., the Senate adjourned.)