ALBANY, NEW YORK

May 27, 1997

3:11 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 come to order.

Would everyone please rise and join with me in the Pledge of Allegiance.

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

The invocation today will be given by Reverend Peter G. Young from the Blessed Sacrament Church in Bolton Landing.

Reverend Young.

REVEREND PETER G. YOUNG: Let us pray. We pray then today for all New York State people, now that we have enjoyed the opportunity of having the Memorial Day behind us. We think of the wealth and the power that might then become a force for peace rather than conflict, a source of hope rather than discontent, and be an agent of friendship rather than enmity. May the actions of the Senate then be that example. Now and forever. Amen.

THE PRESIDENT: Amen.

The reading of the Journal, please.

THE SECRETARY: In Senate,

Saturday, May 24th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Friday, May 23rd, was read and approved. On motion, 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.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Tully.

SENATOR TULLY: Yes, Madam President. On behalf of Senator Trunzo, I wish to call up Calendar Number 792, Assembly Print Number 7594.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 792, by the Assembly Committee on Rules, Assembly Print Number 7594, an act to provide

for the adjustment of stipends of certain incumbents.

SENATOR TULLY: Madam President, I now move to reconsider the vote by which this Assembly bill was substituted for Senator Trunzo's bill, Senate Print Number 5237 on May 7th, 1997.

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 42.

SENATOR TULLY: Madam President, I now move that the Assembly Bill Number 7594 be committed to the Committee on Rules and Senator Trunzo's bill be restored to the order of the Third Reading Calendar.

THE PRESIDENT: The Senate bill is restored to the Third Reading Calendar.

SENATOR TULLY: Madam President, I now offer the following amendments.

THE PRESIDENT: Amendments received.

SENATOR TULLY: And adopted. No? No. O.K.

Madam President, on behalf of Senator Levy, please place a sponsor's star on Calendar Number 993.

THE PRESIDENT: So ordered.

SENATOR TULLY: Madam President, on behalf of Senator Volker, please place a sponsor's star on Calendar Number 656.

THE PRESIDENT: So ordered.

SENATOR TULLY: Madam President, amendments are offered to the following Third Reading Calendar bills:

Senator Tully, page 7, Calendar Number 184, Senate Print 2567-B;

Senator Johnson, page 11, Calendar Number 342, Senate Print 2684-A;

Senator Nozzolio, page 13, Calendar Number 377, Senate Print Number 177-B;

Senator Hannon, page 17, Calendar Number 493, Senate Print Number 1736;

Senator Hannon, on page 30, Calendar Number 770, Senate Print Number 4361;

Senator Hannon, page 30, Calendar Number 774, Senate Print Number 4959;

Senator Stafford, page 33, Calendar Number 801, Senate Print Number 5178;

Senator Alesi, page 33, Calendar Number 813, Senate Print Number 5122; and

Senator Holland, page 35, Calendar Number 841, Senate Print Number 4483.

THE PRESIDENT: Amendments received.

SENATOR TULLY: Madam President, I now move that these bills retain their place on the order of third reading.

THE PRESIDENT: So ordered.

Secretary will read.

THE SECRETARY: On page 28, Senator Saland moves to discharge from the Committee on Rules Assembly Bill Number 7029 and substitute it for the identical Third Reading Calendar 748.

THE PRESIDENT: Substitution ordered.

Senator Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Labor Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Labor Committee in the Majority Conference Room.

Senator Tully. Oh.

Senator Skelos. Oh, I'm sorry, Senator Paterson.

SENATOR PATERSON: Thank you. Madam President, on behalf of Senator Connor and Senator Smith, both of whom have two privileged resolutions at the desk, I would like to read the titles and move those resolutions at this time.

THE PRESIDENT: Secretary will read. The Secretary will read the resolution by Senator Connor.

THE SECRETARY: By Senator Connor, Legislative Resolution 1461, commemorating the 30th Anniversary of the South Street Seaport Museum.

THE PRESIDENT: On the resolution, all those in favor please signify by saying aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

The Secretary will read.

THE SECRETARY: Legislative

Resolution, by Senator Smith, commending Yvonne H. Davis upon the occasion of her designation as recipient of the Civil Servant Award by the African-American Customs Organization, Inc., on June 14, 1997.

THE PRESIDENT: On the resolution, all those in favor please signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The resolution is adopted.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: I believe there's a resolution at the desk sponsored by Senator Holland. I ask that it be read in its entirety and move for its immediate adoption.

THE PRESIDENT: Secretary will read. Senator Skelos, we have one more resolution by Senator Smith.

SENATOR SKELOS: O.K.

THE SECRETARY: By Senator Smith, Legislative Resolution commending Barbara Faison upon the occasion of her designation as

recipient of the Community Service Award by the African-American Customs Organization Inc., on June 14, 1997.

THE PRESIDENT: On the resolution, all those in favor please signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The resolution is adopted.

Secretary will read.

THE SECRETARY: Legislative Resolution, by Senator Holland: Legislative Resolution 1459 memorializing Governor George E. Pataki to proclaim May 26th through 31st, 1997 as Bone Marrow Donor Awareness Week.

WHEREAS, this legislative body is justly proud to memorialize Governor George E. Pataki to proclaim May 26 through 31, 1997 as Bone Marrow Donor Awareness Week, and

WHEREAS, bone marrow transplants now give people dying of blood-related diseases such as leukemia and aplastic anemia a chance to be cured if a donor can be found whose bone marrow matches their own; and

WHEREAS, an individual has only a 30 percent chance of finding a donor among his or her own family members; once family members have been tested and a match is not found, an individual is faced with only about a one in 20,000 unrelated people who will match closely enough to allow the opportunity for a bone marrow donation;

The National Donor Registry was begun in 1987 to assist finding suitable donors from a pool of "typed" readily available volunteers. To date over two and a half million volunteers are in the registry but more are needed;

Many people in the United States have died because their desperate searches have not produced a matching donor in time; it is vital, therefore, that every effort be made to assure that the donor pool is as large and diverse as possible;

Marrow transplants require matching tissue types which are characterized by complex genetic traits often unique to a particular race, and currently about 80 percent of the volunteer donors are Caucasian;

It is of critical importance that African-Americans, Hispanics, Asians and Native Americans, who are presently underrepresented on the registry, become volunteers so that the same hope can be offered to all Americans in need; and

WHEREAS, in observance of Bone Marrow Donor Awareness Week, several New York race car drivers will participate in a One Lap of America Road Race which will be held from May 31st through June 7th, 1997 and cover 5,725 miles;

A 1997 reincarnation of the famed "Cannonball Run" cross-country car race is a most unlikely setting for a Bone Marrow Donor Registration Drive, yet road racers Bob Kleinman, Gary Gerson and Cheryl Carl of the Dancing Bears Racing Team from Somers, New York, are embarking on a 5,725-mile high speed bone marrow registration drive while competing in the One Lap of America; starting at legendary Watkins Glen International Racetrack, 95 race teams will compete in the grueling seven-day One Lap with 12 competitive segments at racetracks throughout the United States;

Driving a state of the art Derek Daly Volkswagen race car, the racers have rallied to the cause of Project Share Life, a joint effort of the Leukemia Society of America and the National Marrow Donor Program; with 1-800-MARROW-2 emblazoned across the hood and rear bumper of their high speed billboard and the Leukemia Society of America logo along the sides, the team is running a high tech mobile media campaign to rally potential bone marrow donors to register with the National Marrow Donor Program registry;

This legislative body is proud to acknowledge the efforts of Bob Kleinman and the Dancing Bears Racing Team for their unique effort to raise awareness and solicit donors in participating in the race; and

WHEREAS, in memory of the late Senator Eugene Levy it is the intent of this legislative body to designate May 26th through 31, 1997 as Bone Marrow Donor Awareness Week in New York State, recognizing and honoring all of those who have selflessly donated marrow or have been tested as a potential donor, and to enhance public awareness of the desperate need for bone

marrow donors, particularly minority donors;

During Bone Marrow Donor Awareness Week, the Bone Marrow Resource Foundation will distribute educational material and conduct a donor drive to test individuals as potential donors on Tuesday, May 27th and Wednesday, May 28th on the third floor terrace of the Legislative Office Building; donors will be registered with the National Marrow Donor Program through a local donor center at the American Red Cross in Syracuse;

Funds to test individuals as potential donors during Bone Marrow Donor Awareness Week are to be raised through a Legislative Bowl-a-Thon on May 28th, 1997;

To date at least 1200 individuals have been tested and added to the registry as a result of funds raised through the Legislative Bowl-a-Thon and eight of these individuals have actually been matched with patients in need and donated their marrow to save a life; and

WHEREAS, everyone has the ability to give the gift of life by donating bone marrow to someone who faces imminent death from a blood-related disease;

Through its commitment to the preservation and enhancement of human life, Bone Marrow Donor Awareness Week so clearly advances that spirit of united purpose and shared concern which is the unalterable manifestation of our American experience.

NOW, THEREFORE BE IT RESOLVED that this legislative body pause in its deliberations to memorialize Governor George E. Pataki to proclaim May 26 through 31, 1997 as Bone Marrow Donor Awareness Week in New York State; and

BE IT FURTHER RESOLVED that copies of this resolution, suitably engrossed, be transmitted to the Bone Marrow Resource Foundation, the National Marrow Donor Program, the New York State American Red Cross of Syracuse, and the Dancing Bears Racing Team in recognition of their efforts in educating the public and assisting those in need of a bone marrow donation.

ACTING PRESIDENT MARCELLINO: The Chair recognizes Senator Holland.

SENATOR HOLLAND: Mr. President, I would like to thank everybody who has been

associated with bone marrow transplant and anybody who has had their blood tested and gone into the data bank. You have saved lives because of this data bank, and we are doing blood testing today and tomorrow on the third floor terrace. Anybody under 60 years of age who hasn't put their blood type in, we would appreciate you going down and being tested. You may save a life.

Also the Bowl-a-Thon that we have each year to raise money in order to pay for this, this year had to move because the Playdium was struck by lightning. We will return to that next year, but this year the Bowl-a-Thon will be at the Albany Bowling Center on Watervliet Avenue tomorrow night starting at 6:00 p.m., and I'd like to thank those Senators who were involved and have teams bowling and contributed money: Senators DeFrancisco, Johnson, Kuhl, Maltese, Maziarz, Rath, Skelos, Spano, and yours truly.

Thank you very much.

Senator, if anyone else would like to go on the resolution, the resolution is open.

ACTING PRESIDENT MEIER: Any other Senator like to be heard on the resolution?

We will open the resolution for the entire house, unless anyone does not wish to be on the resolution. All those in favor of the resolution, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

SENATOR SKELOS: Mr. President, I believe there is another resolution at the desk sponsored by Senator Holland. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: Resolution Number 1460, by Senator Holland, paying tribute to Neil and Ruth Luther for their generosity in donating their Playdium Bowling Center for the past annual Legislative Bone Marrow Bowl-a-Thons.

ACTING PRESIDENT MEIER: Question is on the resolution. All in favor signify by

saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a privileged resolution at the desk, by Senator Connor. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT MEIER: Secretary will read.

THE SECRETARY: By Senator Connor, Legislative Resolution honoring Paul O'Dwyer, President and Founder of the Mayo Foundation, upon the occasion of his designation for special commendation at a celebration to be held May 30th, 1997.

ACTING PRESIDENT MEIER: The question of is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time, if we could have the reading of the non-controversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 75, by Senator Skelos, Senate Print Number 179 A, an act to authorize the payment of transportation aid to the Baldwin Union Free School District.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 87, by Senator Velella, Senate Print 133, an act to amend the Insurance Law, in relation to expanding other expenses.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 126, by Senator Cook, Senate Print 1373, an act to amend the Executive Law, in relation to the task force on school-community collaboration.

ACTING PRESIDENT MEIER: Read the last section.

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

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 312, by Senator Tully, Senate Print 2625-A, an act to amend Chapter 693 of the Laws of 1996, amending the Social Services Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number

349, by Senator Volker, Senate Print 3358-A, an act to amend the Alcoholic Beverage Control Law and others, in relation to the enforcement of the prohibition on the sale of alcohol.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 456, by Senator Marcellino, Senate Print 3679-A, an act to amend the Environmental Conservation Law, in relation to Scup and black sea bass.

SENATOR PATERSON: Lay that bill aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 487, by Senator Holland, Senate Print 3029, an act to create the Piermont Library District in a portion of the town of Orangetown.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 576, by member of the Assembly Morelle, Assembly Print 937, an act to amend the Education Law, in

relation to the practice of speech-language pathology.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay the bill aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 620, by Senator Stafford, Senate Print 3765, an act to amend the Executive Law, in relation to standardizing and improving state agency permit applications.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Senator Paterson, did you say something? Read the last section.

SENATOR PATERSON: Lay the bill aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 686, by Senator Kuhl, Senate Print 4176, an act

to amend the Agriculture and Markets Law, in relation to payment.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 741, by Senator Stafford, Senate Print 1342-A.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 753, by Senator Meier, Senate Print 4110-A, concurrent resolution of the Senate and Assembly.

SENATOR PATERSON: Lay aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 778, by the Assembly Committee on Rules, Assembly Print 7700, an act to amend the Public Health Law.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 796, by Senator Saland, Senate Print 3939, an act to establish a public library district.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 816, by Senator LaValle, Senate Print 3062, an act to amend Chapter 246 of the Laws of 1916.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay it aside.

Senator Skelos.

SENATOR SKELOS: Lay aside for the day.

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

THE SECRETARY: 848, by Senator Rath, Senate Print 4852.

SENATOR VOLKER: Lay aside.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Bill is laid aside.

THE SECRETARY: Calendar Number 862, by Senator Volker, Senate Print 4478, an act to amend the Criminal Procedure Law, in relation to permitting certain electronically transmitted statements.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 869, by Senator Tully, Senate Print 5141, an act to amend the Penal Law, in relation to increasing the criminal penalties.

SENATOR PATERSON: Lay that bill aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 870, by Senator Volker, Senate Print 5180, an act to amend the Penal Law, in relation to

establishing.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay it aside.

THE SECRETARY: Calendar Number 886, by Senator Goodman, Senate Print 3651, an act to amend the Alcoholic Beverage Control Law, in relation to permitting.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 901, by Senator Cook, Senate Print 4568, an act to amend the Arts and Cultural Affairs Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 910, by Senator Marchi, Senate Print 4015-A, an act to amend the Navigation Law, in relation to the establishment.

SENATOR PATERSON: Lay aside,

please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 913, by Senator Nozzolio, Senate Print 1965, an act to amend the Executive Law, in relation to appeals.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 915, by Senator Nozzolio, Senate Print 2779, an act to amend the Correction Law, in relation to charging taxes on sales.

ACTING PRESIDENT MEIER: Read the last -

SENATOR PATERSON: Lay the bill aside.

ACTING PRESIDENT MEIER: The bill is laid aside.

THE SECRETARY: Calendar Number 920, by Senator Nozzolio, Senate Print 3429, an act to amend the Correction Law, in relation to requiring.

ACTING PRESIDENT MEIER: Read the

last -

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 993, by Senator Levy, Senate Print 4308, an act to amend the Public Authorities Law, in relation to authorizing the Metropolitan Transportation Authority.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1041, by Senator Marchi, Senate Print 3356, an act to amend the Not-For-Profit Corporation Law, in relation to the resale.

ACTING PRESIDENT MEIER: Bill is laid aside at the sponsor's request.

SENATOR PATERSON: Lay aside.

SENATOR SKELOS: Lay that aside. Lay it aside for the day, and also lay aside for the day Senate 1042.

ACTING PRESIDENT MEIER: Senate 1042 will also be laid aside at the sponsor's request for the day.

THE SECRETARY: Calendar Number 1055, by Senator LaValle, Senate Print 4431, an act to amend the Education Law, in relation to the sharing of information.

SENATOR PATERSON: Lay aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

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

SENATOR SKELOS: Mr. President, now that Senator Paterson is exhausted, could we take up the controversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 75, by Senator Skelos, Senate Print 179-A, an act to authorize the payment of transportation aid to the Baldwin Union Free School District.

SENATOR PATERSON: Explanation.

SENATOR SKELOS: Lay it aside for the moment.

ACTING PRESIDENT MEIER: Lay aside for the moment.

THE SECRETARY: Calendar Number

126, by Senator Cook, Senate Print 1373, an act to amend the Executive Law, in relation to the task force on school-community collaboration.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Explanation is requested, Senator Cook.

SENATOR COOK: Mr. President, last summer New York State was one of, I think, four states that successfully bid for a Danforth Foundation grant to go to St. Lawrence and talk about how to deal with problems of school community collaboration in a manner of trying to make the most efficient use of community human services programs to address some of the problems of youth that are showing up in our schools and to try to develop a preventive strategy so that, hopefully, we can help young people before they get into serious problems later on in life, by having concentrated human services counsel being available within the schools, both for the students and for the families.

The bill which is before us is the bill that was developed by that task force. The task force consisted of members of the

Assembly, Assemblywoman Clark was an active participant in this -- in that discussion. It is a joint Assembly-Senate bill. It's also - the task force had members from the Governor's office and also from the state Education Department who are involved.

This bill tries to -- actually uses the existing task force rather than creating a new one, but it does enlarge their mission. Then the effort is to try to get state agencies to get their policies lined up so that they will enhance the ability of localities which, in many cases, are already doing many of these collaborative efforts by changing the regulations in places where it is necessary so that the local agencies who are trying to work together will have an easier way of doing it.

Much of the time we find that the accountability requirements of the various state agencies actually get in the way of local people who are trying their best to do a good job with limited resources, and we have had in New York State a history over the past three or four years of many local agencies, many local counties, most of these regions which have

cooperated and done some very, very good things in this area of having social workers available in schools, of having schools who are talking with human services agencies who, in turn, are working with the families, and we've -- we've really made some good progress.

But again we still have that problem that the agencies are prohibited in some instances from talking among themselves about certain cases that need to get discussed where there need to be common understandings, and the requirement that narrowly focused agency policies and programs have to be complied with in order for this collaborative effort to take place.

Hopefully, this task force will be able to overcome some of those problems and we hope that New York State will move forward. I'm very proud of what we've done so far, but this bill will make it possible for us to do more and, incidentally, Mr. President, up to this point -- and I say this with some regret - most of the progress we've made in this area has been in the smaller school districts and many of the very serious problems in the urban areas

have not been addressed as well as they should have because of some of the very barriers which exist and one of the things that we hope this bill will do will be to get the entire state involved in this type of program.

SENATOR PATERSON: That's fine. Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 312, by Senator Tully, Senate Print 2625-A, an act to amend Chapter 693 of the Laws of 1996, amending the Social Services Law.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT MEIER: Senator Tully, an explanation has been asked for.

SENATOR TULLY: Thank you, Mr. President.

In 1996, this house passed the current Medical Assistance Presumptive Eligi bility program to permit ALC patients who are transferred to residential health care facili ties or hospices to be deemed presumptively eligible for Medicaid for 60 days. The Governor, in his approval message, raised some concerns about the fiscal impact of this legislation. In order to give patients, providers and the state an opportunity to see what happens, we agreed to a sunset which is the gravamen of the bill before us for two years.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you very much, Mr. President. If Senator Tully would yield for a question.

SENATOR TULLY: I will, Mr. President.

ACTING PRESIDENT MEIER: Senator Tully, will you yield?

SENATOR PATERSON: Senator Tully, I understand there was a concern, even one that

the Governor might have shared, but I don't want to put words in the Governor's mouth, but at least there was a concern about those patients that would not necessarily be Medicare-eligible who would then be discharged from nursing homes and then the state would be left with the bill. Is that accurate and, if so, how does the legislation you are proposing cure this?

SENATOR TULLY: Mr. President, the answer to your first question is yes, that is accurate and this would give the Governor an opportunity, it will give the state an opportunity over a two-year program to assess what happens as these patients are transferred from the hospital setting to a hospice or to a nursing home and these are really dealing with the ALC situations which sometimes change from day to day. You may have a patient who is ALC for one hour and two minutes later he becomes acute, so it becomes a difficult problem to assess, and that's the reason for this legisla tion, to give them an opportunity to study it.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Tully would continue

to yield.

ACTING PRESIDENT MEIER: Senator Tully, do you continue to yield?

SENATOR TULLY: Yes, I will.

ACTING PRESIDENT MEIER: Senator Tully yields.

SENATOR PATERSON: Senator, I'm actually quite impressed with this piece of legislation, and no one knows exactly what it does and do you think two years will be sufficient enough to get an idea of what the potential loss to the state might be and, of course, if there is none that I guess we would come back and try to do something about it, but do you think two years is enough of a period of time to make that assessment?

SENATOR TULLY: I think that's an excellent question, Mr. President. I wish that it could be for a longer period of time, but the need is now and this is the recommendation of the Governor, when he did approve it initially and that's the reason we're going with the two-year period.

SENATOR PATERSON: Thank you, Mr. President. On the bill.

ACTING PRESIDENT MEIER: Senator Paterson, on the bill.

SENATOR PATERSON: This is a need that probably is overdue, but there was a reasonable concern that was raised in this particular area. I agree with Senator Tully perhaps a little bit longer period of time would be better, allowing us to assess what the potential loss might be, but the again is undeniable, and I want to congratulate Senator Tully for introducing the legislation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is passed.

Secretary will read Calendar Number 75.

THE SECRETARY: Calendar Number 75, by Senator Skelos, Senate Print 179-A, an

act to authorize the payment of transportation aid to the Baldwin Union Free School District.

ACTING PRESIDENT MEIER: There is a local fiscal impact note at the desk. Read the last section.

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

SENATOR PATERSON: Explanation, please.

SENATOR SKELOS: Mr. President, this legislation, the original print passed earlier this year unanimously. The bill also passed last year unanimously. All the amendment does to this bill is change a date in the legislation which was incorrectly printed the first time and would authorize the state Education Department to apportion '93-94 transportation aid to the Baldwin Union Free School District for certain contracts which were not filed in a timely fashion, although the school district does indicate that the contracts were mailed in a timely fashion and the state Education Department is saying they did not receive the contracts.

ACTING PRESIDENT MEIER: Senator

Paterson.

SENATOR PATERSON: If Senator Tully would yield for a question.

SENATOR SKELOS: I'm Senator Skelos.

SENATOR PATERSON: Sorry.

ACTING PRESIDENT MEIER: Does the Senator yield?

SENATOR SKELOS: Do you want Senator Tully to yield?

SENATOR PATERSON: No, no.

ACTING PRESIDENT MEIER: Senator Skelos, do you yield for a question?

SENATOR SKELOS: Yes.

SENATOR PATERSON: Oh, Senator Skelos. I didn't know Senator Skelos' name, so I believed that I was Senator Skelos.

Senator, other than the fact that there is really kind of a ministerial problem between the Department of Education and the school board, I mean, and between the school district, is it clear what would be put in place so that we wouldn't have this problem with the date occurring again? What I'm really saying is the fact that the information came late was

ministerial, you said, didn't really change the outcome of anything, did it?

SENATOR SKELOS: No.

SENATOR PATERSON: And so what I'm just asking is there any discussion, other than the two sides blaming each other, of what might facilitate a solution where the situation might arise?

SENATOR SKELOS: Well, the school district now is sending it return receipt requested. There are a number of these bills, Senator Paterson, that you will see move through the process this year. I remember a couple of years ago when I was on the Education Committee, Senator Oppenheimer had a couple of bills, I believe, for the Mount Vernon School District, so when these errors occur, we're not looking to penalize the school district for the money that they deserve.

SENATOR PATERSON: Thank you very much, Mr. President and Senator Ski-los? .

SENATOR SKELOS: Skelos.

SENATOR PATERSON: Skelos. Thank you. Senator Skelos.

ACTING PRESIDENT MEIER: Senator

Oppenheimer.

SENATOR OPPENHEIMER: I would just like the record to show that I appreciate the reference made but I do not represent Mount Vernon.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Does the sponsor yield to a question?

ACTING PRESIDENT MEIER: Does the sponsor yield for a question? The sponsor yields.

SENATOR DOLLINGER: One of the issues that we dealt with when I first came here dealt with a number of pension bills which gave people the opportunity to buy back into the pension system and then I can't recall, maybe Senator Trunzo was the sponsor, we did a bill that said that the pension system can accept and resolve on its own the decisions of who is able to show through good cause that they're entitled to back pension benefits. We do a number of these bills each year. I know that both the Majority and Minority members carry these bills. Ours tend to get done later rather than

sooner, but nonetheless they get done.

My question is, has any consideration been given to setting up a system under which these types of bills don't have to come back to us that we could give the Commissioner of Education the ability for good cause shown to relieve school districts from default, very similar -- I know this school district says we sent it but you didn't get it. Is there any way we can put this in an administrative process or some other process so we don't have to do these bills in the future?

SENATOR SKELOS: Great suggestion. I'll suggest it to Senator Bruno; he can then suggest it to the Governor.

SENATOR DOLLINGER: Again through you, Mr. President, it just seems to me to make good sense. We do a lot of these bills. We take up our time doing them. It seems to me that Baldwin -- Baldwin Union Free School District has shown this was an inadvertent omission on its part in the delivery of the document and for the Department of Education to put in an absolute cutoff just means that we're spending extra time doing this stuff when they should be

able to resolve this administratively.

SENATOR SKELOS: Again, it's a suggestion I will convey to Senator Bruno.

SENATOR DOLLINGER: Thank you. No further questions.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 349, by Senator Volker, Senate Print 3358-A.

SENATOR LEICHTER: Explanation.

THE SECRETARY: An act to amend the -

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay aside temporarily.

THE SECRETARY: Calendar Number

456, by Senator Marcellino, Senate Print 3679-A, an act to amend the Environmental Conservation Law, in relation to scup and black sea bass.

SENATOR SKELOS: Lay aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 487, by Senator Holland, Senate Print 3029, an act to create the Piermont Library District.

ACTING PRESIDENT MEIER: Senator Holland, an explanation has been requested by Senator Paterson.

SENATOR HOLLAND: Yes, Mr. President. This bill creates the Piermont Library District and provides for its management and operation, and what it does basically is it allows the people of the village of Piermont to separate the budget of the library from the village budget to a separate budget when they vote in November, should the bill pass here and the Assembly. There is no additional cost to the taxpayers of the village, state, nation, et cetera.

ACTING PRESIDENT MEIER: Senator

Paterson.

SENATOR PATERSON: Mr. President, if Senator Holland would yield to a question. I'd ask if Senator Holland would do me a favor. I missed the last part of what he said. Would you mind restating it for me?

SENATOR HOLLAND: There is no additional taxes.

SENATOR PATERSON: I got that part.

SENATOR HOLLAND: To the village, county, state, nation, et cetera.

SENATOR PATERSON: Mr. President, I'm relieved. Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

576, by member of the Assembly Morelle, Assembly Print 937, an act to amend the Education Law, in relation to the practice of speech-language pathology.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Explanation.

SENATOR JOHNSON: Mr. President, I understand someone asked for an explanation. This bill would add one word to the practice of speech-language pathology; that is, the word "swallowing". Speech pathologists have long treated this type of disorder because they have the expertise in that field. They've done it in hospitals, nursing homes, and so on, and this is going to upgrade the statute to the current practice as it is across the nation. It will be covered by health insurance plans, malpractice coverage. Everything seems to be in order for this to pass as they've already done in the Assembly. If anyone has a question they would like to address?

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President,

if Senator Johnson would yield for a question.

ACTING PRESIDENT MEIER: Senator Johnson, do you yield for a question? Senator yields.

SENATOR PATERSON: Senator, I was just hoping that you would relieve my concern. I never knew that swallowing disorder was associated with speech pathology even though speech pathologists have treated it. I always thought it was more related to an ear, nose and throat problem, known as TMJ. Could you explain to me where I'm in error?

SENATOR JOHNSON: Well, speech language pathology, one of the -- they -- how will I say this? They're not surgeons, they're not doctors. They don't give pills. They teach a person how to use the muscles of their throat.

SENATOR PATERSON: Excuse me, Mr. President. Is Senator Johnson using a cellular phone?

SENATOR JOHNSON: Well, the door is open here, and there is a little noise.

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: I will talk to

the microphone instead of to you, Senator. I hope you can hear it that way. I tried to look at you when I did. The speech-language patholo gists are more or less therapists. They're not surgeons. They're not pill pushers; they teach a person how to use their throat muscles, their neck muscles, in their speech.

ACTING PRESIDENT MEIER: Will you just hold for a minute.

SENATOR JOHNSON: Can you hear me now?

ACTING PRESIDENT MEIER: Senator Johnson.

SENATOR JOHNSON: Senator, I don't know how much you heard of what I said except that these are not eye, ear, nose and throat people. These are people who teach people how to speak after they've had drugs or other diseases or removal of their vocal chords or voice box, and so on. These people already do that, and what we're saying is that the same muscles and the same activity takes place when you shorten your neck to swallow as when you speak because when you teach them how to speak you teach them how to swallow and we're only

legitimatizing, we're only doing what they're already trained to do and capable of doing in connection with speech disorders.

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

ACTING PRESIDENT MEIER: Do you continue? Senator yields.

SENATOR JOHNSON: Yes.

SENATOR PATERSON: Senator, how was the disorder originally omitted from the delineation of what was actually treatable?

SENATOR JOHNSON: Senator, I wasn't here when this went into effect. I couldn't tell you that. Maybe a lot of progress has been made in this field where people were not formerly treated at all and some of these disorders were merely left mute or left unable to swallow.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take -

ACTING PRESIDENT MEIER: I'm sorry. Senator Oppenheimer.

SENATOR OPPENHEIMER: Explain my vote.

ACTING PRESIDENT MEIER: Well, we have to read the last section. Secretary will read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: I would say that this is probably a new area of speech pathology, and one in which myself and my youngest child had some -- has had really the new area defined because of her problems, and she spent about three and a half years with speech pathologists trying to correct what Senator Johnson is discussing is a swallowing and a fright disorder of the muscles of the

throat and actually in time there was developed a procedure, an operation which did give her the gift of speech overnight. Because they have moved ahead with this area called velopharyngeal insufficiency, there is now a considerable cross-over in the last ten years, in six years of speech pathologists and people who actually do surgery and deal with the musculature of the throat. So this is a very good bill, and I'm very happy to vote against it.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR LEICHTER: Happy to vote against it?

SENATOR OPPENHEIMER: I'm voting for it.

ACTING PRESIDENT MEIER: Senator Oppenheimer voting in the positive. The Secretary will read.

THE SECRETARY: Calendar Number 620, by Senator Stafford, Senate Print 3765, an act to amend the Executive Law, in relation to standardizing and improving.

SENATOR GOLD: Explanation.

ACTING PRESIDENT MEIER:

Explanation has been requested by Senator Gold.

Senator Cook.

SENATOR COOK: Point of order. Was the vote announced on the previous bill?

SENATOR GOLD: I can't hear you.

SENATOR COOK: I was just asking whether the vote was actually announced on the previous bill?

ACTING PRESIDENT MEIER: No, it was not. Announce the results. Secretary will announce the results on Calendar 576.

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will resume the calendar. A request was made for an explanation by the sponsor.

SENATOR STAFFORD: Thank you, Mr. President.

Mr. President, this bill is a bill that the people who are working on regulatory reform have suggested. I didn't just take the bill without looking at it. I do think at times we say, let's do this, let's do that. Let's change this, let's change that. You know,

sometimes people say, let's have no taxes at all, and then I say, Well, let's do it. We'll just have no taxes. And how much sense does that make?

On the other hand, I do know that all of us have constituents and all of us at times get permits for various functions, busi ness and otherwise, and this would standardize, I was going to use the word "uniformity" but my counsel says "standardize", so I'll use the word "standardize".

Also what I like in this day when I'm in the dark ages, when it comes to FAXes, computers and the like, this will also make it possible to use technology to submit your applications and you will get it back by technology which I think does make sense. I'm even becoming a believer, Mr. President, in some of this.

I do have to point out, my -- one of my -- one of my sons noticed that I didn't have an address for my computer address when they put us up on the computer. I now have one, so I guess it's time that we all get into the, whatever century we're in, and I think this is a

good suggestion.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: Yes. Will my distinguished colleague yield to a question?

SENATOR STAFFORD: By all means.

ACTING PRESIDENT MEIER: Senator yields.

SENATOR GOLD: Senator, I don't think that anybody is arguing with the generalization you gave. Now I'd be very grateful if you could tell us what the bill does and with some specificity, because generally speaking, if you just say, you know, we want to do something, standardize or whatever, it doesn't tell me anything.

What does the bill do, if you don't mind?

SENATOR STAFFORD: Very, very valid point because I do tend to take sort of broad strokes with the conceptual brush, and I think sometimes very candidly more people should do that in here. I don't think sometimes we need some of the specifics that we get into, but I think Senator Gold has every right to ask

that, and I think it's a very fair question.

Apparently there's 38 state agencies that have jurisdiction over more than 1100 business permits. The application for these permits vary in color, size and composi tion, therefore, special printing, manuals, collating -- and, by the way, I looked up "collating". That means nothing more than putting things in order. I found that interesting in this new day and age. Varied filing; mailing systems are required to process and store applications.

This legislation would allow businesses to submit an application in the form of a photocopy that generally or in computer form is almost substantially identical to the original application. This would reduce paperwork, simplify the permitting work without changing any substantive criteria in the issuance of a permit. Further, it will reduce the cost for permit applications for both the state and the applicant.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: Yeah. Will the

gentleman yield to a question, please?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT MEIER: Senator Stafford, do you yield? He yields.

SENATOR GOLD: Senator, at the present time, the various agencies responsible for preparing applications at various times use differences of color or size or shape or things of that nature. I thought it would make it easier administratively for them to do the processing so that sometimes from the point of view of their employees or personnel, they know when things come in, for example, to the mail room or whatever, that something goes to a particular department. For example, I don't know whether it's a good example or not, Senator, but Fish and Wildlife, for example, they may have different departments that deal with hunting and with gun hunting versus long bow hunting or fishing licenses for in-state or out-of-state, et cetera, et cetera, and they may or may not be done in different ways to make it easier for them to handle them administratively.

I don't know, but are we now

perhaps going to be adding costs rather than saving costs if we make it more difficult for the agency to deal with the paperwork?

SENATOR STAFFORD: Well, Mr. President, I do not support Senator Gold's position, but let me give you an argument in support of what he's suggesting. I have been here long enough that it won't be long before when we have everything the same, we'll be passing a law to make it different so that we can differentiate. I know exactly what you're saying.

On the other hand, I too come down on the side of simplifying and making all applications the same and being able to send it by way of a computer and through technology. I get the gist of your argument and your concerns whenever this -- the role of this agency comes forth, but I think it is a step in the right direction.

I do think, when you see the various applications that have to be filled out, I think standardization to save paperwork requirements relating to permit applications will result in long-term savings to the state

including eliminating the need to purchase specialty paper as we were just talking, color, sizes and bonds, and unique size envelopes and we will minimize printing, postage and storage costs. I think it makes sense. Businesses will likely save significant time and expenses in obtaining and preparing permit applications and reduce the expenses associated with professional services for preparation of the many forms.

Simplifying a permitting process will encourage entrepreneurial activity and provide greater productivity. As agencies maintain increased numbers of applications on computer systems rather than paper copies this will reduce the cost of storing such records. It will also encourage networking and sharing information among permitting agencies and achieve greater efficiencies in the permitting process and, Senator Gold, if this just does one thing, how many times have you and I -- and we're in the Legislature, we both have law degrees. How many times do you pick up an application, they ask you a question and there isn't even room to put the answer. How many times do you see that? And you say to yourself,

what, you know, it doesn't even make sense and, you know, the person who isn't maybe in the loop -- of course, I'm not convinced we're that much in the loop sometimes, including me and both of us -- but those of us who are in the loop if we can start getting some of these applications and some of these papers uniform and make some sense out of some them, I want to try to do it.

SENATOR GOLD: Will the gentleman yield to a question?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT MEIER: Senator yields.

SENATOR GOLD: Senator, three questions based on what you just said. First of all, Senator -

SENATOR STAFFORD: Not going to use any of that against me.

SENATOR GOLD: First of all, Senator, when you say that some applications don't give you room for an answer, why doesn't this bill which deals with standardization not deal with that at all?

SENATOR STAFFORD: Because -

SENATOR GOLD: Excuse me, excuse

me.

The bill, as I understand it, Senator, doesn't tell the agencies they have got to change the question. It doesn't tell them that they've got to change the space for the answer. You're just talking about, as I understand it, the color of the paper, the size of the paper. I don't know what it's going to do.

SENATOR STAFFORD: Many times you ask questions that are very penetrating and it's difficult to have an answer. This one is not.

SENATOR GOLD: Good.

SENATOR STAFFORD: What I like is it says right in here you can put the application in computer form and answer it. In other words, you more or less make your own form, that's what I like, and you don't have a form that you have to fill out and you have three paragraphs with a little slot to put them in. That's really what I was driving at. I've found that, and sometimes it confuses me -- of course, that's not difficult.

SENATOR GOLD: Will the Senator yield to a question?

ACTING PRESIDENT MEIER: Senator Stafford, do you yield?

SENATOR STAFFORD: By all means.

ACTING PRESIDENT MEIER: Senator yields.

SENATOR GOLD: Senator, now you've really confused me on an issue. I thought that, when you -- when you were talking about standardization it was to help the process get a little easier. You now said that people can create their own form. Are you saying that if I wanted to apply for a certain license that as long as the information was in there that I FAXed over, even if it was in a different form, it would have to be acceptable?

SENATOR STAFFORD: No, I have the answer. I have the answer there. Now, you've often heard me say that one man's floor is another man's ceiling.

SENATOR GOLD: I remember often you've said that.

SENATOR STAFFORD: Now, the point here is that, when they provide the information in answering or sending in for this permit, they can put it in a form that is substantially

identical, and I like that and I think it gives them -- what's the word, leeway -- no, leeway is an upstate word; got to have a downstate word for him -- a flexibility that I think makes some sense.

SENATOR GOLD: Will the Senator yield to a question?

ACTING PRESIDENT MEIER: Senator Stafford, do you continue to yield?

SENATOR STAFFORD: By all means.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR GOLD: Senator, I think that it's getting more confusing, not clearer, because you started out by saying this is a bill that's going to make things easier because of the standardization. Now you're telling me that the bill makes it easier to be more flexible. Flexible takes it away from standardization. Flexible means that when the paper gets to the agency or the department, the person examining it is now going to see something which may be, quote, "substantially" similar to the other application forms but not identical to that form and, therefore, I would imagine they'll take

more time for the civil servant or the person dealing with it to have to deal with it because now it's a new form. It's a flexible Stafford form rather than a standardized form.

SENATOR STAFFORD: I'd rather you didn't put any surname with it. On the other hand, Mr. President, excuse me, through the Chair, I don't think -- but I would say -- let me say this. You know, don't -- you know, it's the trouble sometimes with our minds. For instance, if I say I like my hot dogs cooked, that doesn't mean I like 'em burned.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: That's the answer? That's the answer?

ACTING PRESIDENT MEIER: Senator Gold, are you asking the Senator to yield?

SENATOR GOLD: Yes, one more question.

SENATOR STAFFORD: By all means.

SENATOR GOLD: My question on flexibility only gets a hot dog as a response?

SENATOR STAFFORD: Hot dogs started in Brooklyn.

SENATOR GOLD: Yeah, but I'm from Queens, Senator.

SENATOR STAFFORD: Yeah, I know it; that's why I said it.

SENATOR GOLD: Will the Senator yield to a question?

SENATOR STAFFORD: Nathan's.

SENATOR GOLD: Yeah. Reading from your memo in support, you have made reference to, on page 3, where it says simplifying the permitting process will encourage entrepreneurial activity. Are you saying, Senator, that if we allow somebody to FAX in an application that is black and white rather than -- God bless you! -- black and white rather than on a green form, somebody might decide to do business in New York whereas otherwise they'll take their $5 million plant and put it in another state?

SENATOR STAFFORD: We're almost there, Senator. You are helping me. Now, with that, you're getting to the crux of it. Good for you! Yes.

SENATOR GOLD: Yes. If the Senator will yield to one more question?

ACTING PRESIDENT MEIER: Will the Senator yield to one more question?

SENATOR GOLD: Well, one more until the next one. On page 3, again it says this will reduce the cost of storing such records.

Senator, isn't it a fact that what reduces the cost of storing records is a process that almost all of the agencies are trying to get involved with now and that is scanning these records into computer disks and into computer materials, and that's where the real cost saving is, and if you're going to do that, it doesn't matter whether you scan something that's 8 x 10, 8 x 12 or 5 x 7.

SENATOR STAFFORD: Let me help you with something, Senator.

SENATOR GOLD: I wish you would.

SENATOR STAFFORD: Have you ever heard how many angels can dance on the head of a pin?

SENATOR GOLD: I have that answer. Yes, I've heard that, Senator.

SENATOR STAFFORD: Do you know that they can take some kind of a chip, a thing

-- do you know they can take a chip -- I read this in both TIME and NEWSWEEK, so it must be true -- and they can take a medium-sized law office and take a storage room and not fill up a -- what do you call it? No, a chip.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: Yeah. Will the Senator yield to a question?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT MEIER: Senator yields.

SENATOR GOLD: Senator, you're doin' great. We're getting there. That's my point, Senator. I assume you're agreeing with me. If we could take a medium-sized law office and put all the information in that law office in one little chip -- and, by the way, Senator, you know, we all are used to computerized mechanisms and I know you win the day when it comes to small phones -- yours is about half the size of mine -- but, Senator, do you realize that the reason that your phone is the size it is is because of the human hand? If it wasn't for the human hand being so big, that telephone

could be the size of -- a hundredth the size of your nail?

SENATOR STAFFORD: Will the Senator yield to one question?

SENATOR GOLD: Oh, my pleasure.

SENATOR STAFFORD: Do you know why the hand is so important? Because you can touch this finger (indicating the index finger) to the thumb. That makes all the difference.

ACTING PRESIDENT MEIER: Senator Gold.

SENATOR GOLD: I'm writing that down. Wait a minute. Yeah, that separates us from apes, I understand, right. But Senator, the point is -

ACTING PRESIDENT MEIER: Senator Gold, are you asking the Senator to yield?

SENATOR GOLD: Yes, I was in the middle of my question; thank you.

ACTING PRESIDENT MEIER: Senator Stafford, do you continue to yield?

SENATOR GOLD: But the point is, Senator, and what I'm getting at and you stated it so beautifully in the articulate way you always answer me, a chip -- an entire little

chip can do an entire law office, it's incredible, and the only reason our computer equipment, as I was saying, is the size that it is, is because of the size of our fingers. If we could get -- if our fingers were smaller, the chip capacity is extraordinary and much smaller; however, if that is true, Senator, and we all know that to be true, and we all know that throughout the court system and throughout the agencies, there are huge amounts of money that this Legislature has authorized for the specific purpose of computerizing our recordkeeping, so, Senator, all I'm saying to you is, I know that as much as you like to kid, Senator, you are a very successful businessman and a very sophisti cated citizen who the computer age has not left behind, and I know that. So, Senator, I'm sure you know that, if you take today's scanning devices -- and I'm not talking about very, very sophisticated and very expensive scanning devices, I'm talking about going to -- I don't want to give a store a plug, but any of the local electronic stores and for a few hundred dollars you can buy scanning equipment which will take your wallet-sized photograph, it will

take an 8 x 12 photograph, it will take an 8 x 10 page, an 8 x 12 page and that is basically the way recordkeeping is done.

So it seems to me, Senator, that if it's a question as you say here, of reducing the costs of storing records, that's what's going to reduce the cost of storing records on computerization, not whether or not we standardize a sheet of paper.

SENATOR STAFFORD: Well, I think that if we're better organized and it's standardized and it's methodical, I think it goes without saying that it also will make the storage simpler and more efficient. I would suggest that -

SENATOR GOLD: Well, will the Senator yield to one more question? We're down near the end now.

ACTING PRESIDENT MEIER: Senator, do you yield to one more question? The Senator yields.

SENATOR STAFFORD: Senator Marchi said res ipsa loquitur. That's a local thing.

SENATOR GOLD: Sic utere tuo ut alienum non laedas, Senator.

Senator, we -- I know we don't do things for no reason, and you were very, very smart to point out something, and I don't know whether it's smart as much as you and I have been around long enough to see these curves go up and down, Senator, so as you said we'll pass this law and then Gus will still be around in a few years when we pass the new law that says it's got to be green, red, yellow, back again.

But, Senator, do we have any idea what we're really talking about in money here? In other words, you as a businessman know that when it comes to buying in quantity, that there's still a bottom line, and if you're buying bulk, whether it's bulk green paper and red paper and white paper, when you get to a certain amount of that bulk, it's all the same price, whether it's red, green or white. There's no -- there's no cost savings. The only cost savings may be if you're dealing with limited quantities, so that's not a cost saving.

SENATOR STAFFORD: Senator, could I ask?

SENATOR GOLD: Yeah, go ahead.

SENATOR STAFFORD: I would just point out that you follow this type of thing, I don't know whether they're still the wealthiest or not, but there was the wealthiest on the list and then they divided it up four ways and there was still the wealthiest, what business they were in -- yeah, what business they were in was buying in bulk.

SENATOR GOLD: Right.

SENATOR STAFFORD: And interestingly enough, when you do that, it's saving, handling, negotiating, and, of course, that's been a secret of -- of that company and you look at some of these other companies that are booming, you look at the mergers, that's really what it's all about, and I would say it's indeed suggested that if -- when you get into buying more bulk, you save even more. That's what's the word ex... Go ahead, David. What is it? Expert...

SENATOR GOLD: Ex post facto.

SENATOR STAFFORD: No, no.

SENATOR GOLD: That's what he said.

SENATOR STAFFORD: Exponential,

in other words it multiplies.

SENATOR PATERSON: Oh, exponential.

SENATOR STAFFORD: Yes, all right.

SENATOR GOLD: Well, Senator, the last question really -- I'll come back to that paper stuff, but the last question I'd like to ask you, sir.

ACTING PRESIDENT MEIER: Senator, are you asking the Senator to yield?

SENATOR GOLD: Yeah, yes.

SENATOR STAFFORD: By all means.

SENATOR GOLD: When all is said and done, Senator -- when all is said and done, what is the state really talking about in saving money for this 1.8 million applications that we're talking about where we are actually just changing this whole process, and do you have any idea what we're talking about in cost savings?

SENATOR STAFFORD: I would -- I would say that it's going to be large because of just the principle again of buying in bulk when one department buys, another division buys, another department.

SENATOR GOLD: Is the savings in the paper costs, is that what you're talking about?

SENATOR STAFFORD: This will make a savings in everything. You can borrow from the permit and it will be personnel savings. I just think, Senator Marchi mentioned this -- now I'll use it, thank you, Senator -- but I believe res ipsa loquitur means the thing speaks for itself, is that correct? Well, it speaks for itself, that if you streamline things, buy in bulk, have the same people working on forms for every agency, have it centralized, have cost controls, have savings, I think it makes a great deal of sense, inventory control, that type of thing, and this is the type of activity that government has started to get into now, because again, they're finding that the people are demanding it for various reasons that we won't go into today.

SENATOR GOLD: Well, Mr. President, I hate to do this, but that answer did raise another question because I don't understand that answer. Senator Stafford -

ACTING PRESIDENT MEIER: Senator

Stafford, do you yield for one more question?

SENATOR STAFFORD: Sure.

SENATOR GOLD: Yes, Senator Stafford, when you're talking to me about bulk purchases, to me that's paper. But you also mentioned to me inventory control, I don't know what that has to do with anything, and you also mentioned personnel savings. Senator, it would seem to me that if the forms that are coming in to the various agencies now are different than what they're used to dealing with and they're not separated by color, it seems to me that you're going to have a slowdown of personnel, not because they are doing anything wrong and they would do anything wrong, but just in the natural course and flow of it and when you say standardization, Senator, the wording has to be different, that somebody applying for an exemption under a pollution code, it's not the same information as the guy that wants a fishing license or the same information as someone who wants to get copies of a birth record, so the information on all these forms is obviously totally different, and the only thing I've heard you talk about so far, Senator, is buying paper

in bulk. Other than that, I don't know what we're talking about.

SENATOR STAFFORD: Well, I've tried to say more. I'm sorry that I haven't gotten it across better. Let me try again. I'll start over. Maybe we're getting off base here by talking about saving funds which I think is something we're trying to do, but let's take this tack of being user friendly. That's something -- a term now that's used often like win/win.

Now, I think "user friendly" means, we want -- we want the state to be treating their people in a way that, as you mentioned, and by the way, you were getting right into the swing of things here when you - you know, you were saying it better than I, when people would want to do business here in the state if our permit system was organized, standardized, computerized and made -- set up in a way that made some sense, and then people could be entrepreneurial.

SENATOR GOLD: Thank you. Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator

Gold, on the bill.

SENATOR GOLD: I want to, first of all, thank Senator Stafford, who is not only bright but has his own way and really clarified this issue for me in a way that few others could.

I do have some questions about the bill. First of all, Mr. President, the agencies are run by the appointed representa tives of our former distinguished colleague, Governor George Pataki, and it seems to me, Mr. President, that it is not in the law that a particular application is green or pink or red or white or whatever. There are some places in the law where we require certain kinds of information but we do not tell any agency the size and shape or color of this applications or its permits.

It seems to me that for less money than the printing of this bill, Governor Pataki could call each agency head -- as a matter of fact, I don't suggest the Governor do it. He has more important things to do. We still don't have a budget. We're not supposed to talk about that but we don't, but it seems to

me somebody from the Governor's office could call each agency head and say, Look, guys. We're in the 20th Century, almost the 21st Century, and if somebody FAXes in an application, as long as they don't FAX in a check and the check is for real, you ought to really consider the application and we ought to make everything user friendly, and I would think that in terms of cutting the costs of government, that would have been one way to cut the cost of government rather than spend the government's money to print this bill. A simple phone call. All of those agency heads are controlled by the Governor.

As far as the issue of specialty paper and bulk purchases, Senator Stafford, as usual, when it comes to business issues, you are correct and, if I wanted to buy a ream of paper and you wanted to buy 1,000 reams of paper, you're going to get a good price but, Senator, you know as a businessman that that bottom - that paper company has a bottom line. That bottom line may be at 1,000 reams, it may be 2,000 reams. Whatever it is, the state of New York is well past those bottom lines. So that

if you placed an order for paper for the state of New York and you made it all white paper or you made it white, green, pink and zinc or whatever colors you wanted, the price wouldn't vary one iota because you've already reached that huge purchase allotment. So that is rather unpersuasive.

I am concerned, Senator, with the argument that we will, in fact, be helping personnel. It seems to me, Senator, that the Civil Service force in this state, extremely competent work force, has a tough job and as we consistently cut personnel, as we consistently have cutbacks, our job shouldn't be to make their jobs harder, and it seems to me right now they are used to dealing with certain documents. The documents are readily available. It's not like they are not readily available and those documents are handled in a way which seems to run very smoothly.

Now, you take somebody in Fish and Wildlife and you explain to them that they can't deal with the paperwork that they have been dealing with for a year or two because people over in the Health Department are used to

dealing with a different kind of paper and they'll look at all of us like we're a bit meshugge and David will explain what that means later, but they'll think we're nuts. Each department already has its paperwork.

Now, Senator, if the only thing your bill did was to say that if somebody has the form of the agency and they FAX it in, you don't need an original, I don't see anything wrong with that. I don't think anybody here would see anything wrong with that.

If your bill said, Senator, that you should be able to call up an agency and have them FAX an application to you and you could fill it out and FAX it back and they would, let's say, work some way that you could pay them so that they were comfortable with that, I don't see anything wrong with that either, but the "standardization" word, I think is just way out of proportion to what is necessary to handle a problem and, as I indicated to you, Senator, this is an interesting situation when you talk about storage costs and things like that because this -- that argument flies in contradiction to the way agencies are now being encouraged to

operate.

As far as the standardization versus flexibility, I just think, Senator, we have to know which way you're going. If standardization means that everybody uses the same form but you can FAX it in or not FAX it in, that's one thing. If it means that it's standardized to the point where you can be flexible, well, flexible is not standardization and I must tell you, Senator, I liked what you said about flexibility because obviously if an agency needs information it's more important that they get the information than the particular little itemization as to how they get it but, Senator, there comes a point where I know I've got to make a decision on this bill because we just can't spend the valuable time in this Legislature, you know, any more on this particular bill -- although I would like to because it's a fascinating subject and I have become riveted to it -- I know I've got to make up my mind as to which way to vote, and I say to myself, Senator Stafford, few times -- and you have never heard me say that -- that's your line, you have never heard me say this again

but, Senator, there are few times when members have gotten up on a piece of legislation with the degree of sincerity, the degree of clarity, the degree of desire for accomplishment as you have on this bill.

So I'm going to give you my vote.

SENATOR STAFFORD: Thank you.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 365th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 686, by Senator Kuhl, Senate Print 4176, an act to amend the Agriculture and Markets Law, in relation to payment by milk dealers.

SENATOR PATERSON: Explanation.

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

SENATOR KUHL: Yes, Mr. President. As many of the members here may remember, over the years we have tried to provide protections for our dairy farmers and particularly by establishing certain protection accounts which will guarantee the fact that there are fundings -- funds available to pay them and also we've tried to help them from a business standpoint by requiring that payments made to them by the purchasers of their milk at the farm level pay within a certain period of time.

What we're finding now is that there is a small community out in the western part of the state, mainly the Amish, who have been forced because of the criteria that we make a requirement for the sale of certain types of milk and for the payments, that are being forced to either sell their milk illegally under the system that we currently have or not sell it at all.

This is a very simple bill that would allow for the sale of what's called non-Grade A milk to be extended rather than being paid by the tenth of the month or by the

end of the month to have an extension of, I believe it's 90 days thereafter at the end of the month to have that payment made to them.

This is essentially a request coming from that segment of the agricultural community who envisions no market for the milk and being forced out of this business if this particular change is not made.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Kuhl would yield for a question.

ACTING PRESIDENT MEIER: Senator Kuhl, will you yield for a question?

SENATOR KUHL: Absolutely.

ACTING PRESIDENT MEIER: Senator, am I correct in assuming that since the milk is non-Grade A, therefore, the time in which it must be sold is extended to such an extent that it would accommodate what you're trying to accomplish in this bill?

SENATOR KUHL: I don't think I understood the question, Senator.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you.

Since -- Senator, what I'm saying is that since there is -- there are not the constraints that there would be if this was Grade A milk being sold and this is a small amount of the milk that's actually sold in New York State, therefore, that would make it feasible for this legislation to actually be passed and for this accommodation to be made to the Amish, the individuals who are most closely affected by the fact that the delay in paying the dealer is something that they need?

SENATOR KUHL: Senator, the statistics I have is -- are that this is essentially an insignificant portion of the overall sale of milk in the state. It's less than two-tenths -- yeah, two-tenths of one percent of all the milk that's sold or purchased, however you want to look at it, in the state of New York. So it's a relatively small group of individuals. I think it's roughly 180 dairy farmers out of thousands that exist in the state.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Kuhl would continue to yield.

ACTING PRESIDENT MEIER: Senator, do you continue to yield?

SENATOR KUHL: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

Senator Paterson.

SENATOR PATERSON: Senator, who are the dealers that would actually be affected by this? You said there would be 180 farmers but -

SENATOR KUHL: Primarily these are what we call the manufactured milk dealers; in other words, people who produce cheese.

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

ACTING PRESIDENT MEIER: Does the Senator continue to yield?

SENATOR KUHL: Yes.

ACTING PRESIDENT MEIER: The Senator continues to yield.

SENATOR PATERSON: Then, Senator,

are they on the record in terms of what they would consider this delay in the payment to be?

SENATOR KUHL: I don't have any memo but they're kind of put in a position that either they purchase the milk illegally under the current requirements relative to payment, which means they cannot provide payment because what they're doing is they're buying the milk currently on contract. The law of the state of New York requires a payment within a very short period of time, yet they're not able to sell their product because of the length of time for production of the cheese, so they don't have the revenues to pay the farmers. What the farmers are saying is that we don't mind waiting that 60, 90, 120 days for them to get the money to be able to pay us for the milk because if we don't do that, then we won't be able to sell our milk and we will be totally out of business.

SENATOR PATERSON: Senator -- Mr. President, now I understand exactly what it is you're trying to accomplish, the point being that the real reason that they can't pay is that unless there was some great surplus that obviously from your explanation does not exist,

there are no resources to actually make those payments, rendering them in a position of - being in a position of not being able to pay and so that's the reason for the legislation?

SENATOR KUHL: That's the reason for the legislation, Senator.

SENATOR PATERSON: Senator, now I have understanding.

SENATOR KUHL: Thank you.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT MEIER: The bill is passed.

The Secretary will read Calendar 349.

THE SECRETARY: Calendar Number 349, by Senator Volker, Senate Print 3358-A, an act to amend the Alcoholic Beverage Control Law and others, in relation to the enforcement of

the prohibition.

SENATOR VOLKER: Mr. -

ACTING PRESIDENT MEIER: Read the last section.

SENATOR VOLKER: Hold it. Hold it. Are we waiting for somebody or -- Franz? Okay.

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: Mr. President, let me explain the bill. Do you want me to explain it?

SENATOR PATERSON: With Senator Volker's permission, could we hold this just for a moment? Senator Leichter had a question on it.

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: Mr. President, this bill would increase the penalties for persons under the age of 21 who purchase alcoholic beverages and basically who have previously been convicted.

There is presently in the law a statute that speaks of the use of false or

fraudulent identification and allows the possibility of the use of suspension of licenses. This would broaden that use upon a second offense of illegal purchase of alcoholic beverages and additionally for a third or subsequent violation, the offender, which would be the person who bought under 21, would have to submit to an evaluation to determine whether the person is suffering from alcoholism. In other words, following the manner in which we deal with DWI statutes, this would further deal with people who, on a number of occasions, purchase alcohol illegally under the age of 21.

Finally, the bill would authorize the State Liquor Authority to develop and establish a minimum criteria for a training awareness program which would give employees of these establishments, of the people who sell on and off premises an opportunity to have their employees trained to -- as far as alcoholic beverage sales are concerned and the completion of the program could provide an affirmative defense by the licensee in a proceeding, revoke his license or suspend it. Of course, if there was a showing of deliberation or that the owner

even or the person involved deliberately sold it to a person under age and knew that they did, then they could still be -- the Liquor Authority would still proceed under the Alcoholic Beverage Control Law.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT MEIER: Senator Leichter.

SENATOR LEICHTER: Mr. President, if Senator Volker would please yield, please.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR LEICHTER: Senator, let me say that I certainly applaud your effort to try to deal with the problem of under age drinking, and I'm sure that all of us are grateful for an effort to try to deal with what is a serious problem. I'm just concerned about certain of the provisions here and I wanted to ask you a couple of questions, if I may, about them.

One concern I have is you provide for an evaluation for a third offense.

SENATOR VOLKER: M-m h-m-m.

SENATOR LEICHTER: And that

evaluation is to be paid for by the offender, is that correct?

SENATOR VOLKER: M-m h-m-m.

SENATOR LEICHTER: Now, what happens if the offender is incapable of paying for the evaluation?

SENATOR VOLKER: Senator, what normally happens in any of these is, as you know, if the person is unable to pay for something, then the court would order the evaluation to be done at the expense of the - of the county, basically, because that's a system now that would be considered a poor defendant and, therefore, they would be considered -- by the way, this happens very infrequently because the numbers of these multiple offenses are fairly infrequent because they only obviously go to the person that is under 21. So when they become 21, then the whole system changes, but it is presumed that what would happen is that then any evaluation would be paid for by the local jurisdiction.

SENATOR LEICHTER: Again, if Senator Volker would be good enough to continue to yield.

SENATOR VOLKER: Certainly.

SENATOR LEICHTER: Senator, that's certainly a perfectly reasonable way of doing it, but while you infer that or imply that, it's certainly not stated in your bill and I don't know whether necessarily the courts or the counties would accept your interpretation in the absence of the bill being silent as to the procedures that would be applied where somebody is incapable of paying.

SENATOR VOLKER: Senator, I think under -- I would accept that except for the fact that we generally -- there's other areas of the law where we don't do that either because the so-called poor persons provisions of both the County Law and I believe of the State Law provide that where you are unable to pay for not only just an attorney but are unable to pay for some services, that the local jurisdiction has to foot the bill if it's part of a penalty that is pursuant to a -- to a statute.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT MEIER: Senator, do you continue to yield?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR LEICHTER: Senator, I think the instances which you're referring to are services that are rendered by the county. Here it could well be argued that this is a service or, if you will, a requirement of the state. At the very least, I think you'll have to agree with me that it's an unfunded mandate to put this cost on the -- on the counties and I'm concerned that we may find ourselves in a situation where these evaluations -- that are not inexpensive, by the way, Senator -- are going to be required to be done. Counties are going to refuse to do it or certainly is going to refuse to bear the costs, and I think that you would have a better bill if you provided that this was going to be a state charge.

SENATOR VOLKER: I don't know. We can certainly look into that. I think that the reason that we really haven't gotten into that is the numbers of people, as I understand it, that are in this sort of a position are so small that we're really talking about comparatively a handful of people, as I

understand it.

I think you're aware probably, Senator, that the numbers of people who are even charged under the previous section, what is it, 65, I think, of the -- I forget the number. I think it was 65 of the -- S. 65(b) of the Alcoholic Beverage Control Law are, I believe less than 50, if I'm not mistaken, but they're very, very small and one of the things I think there's hope for is that there will be a little more diligence by the local authorities in dealing with these kinds of cases if we upgrade and improve the law, but the chances of getting very many three-time violators that will be subject to this evaluation, frankly, is very, very slim and -- but that's something certainly, Senator, that we can look at in terms of whether just to be safe, and I certainly would address that if you think it is a problem.

SENATOR LEICHTER: Mr. President, if Senator Volker would continue to yield.

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR LEICHTER: Senator,

you're absolutely right that the number of three-time offenders is fairly low now but the reason is we have very poor enforcement of the under age drinking law. I think I've seen statistics that 75 to 80 percent of the people under the age of 21 do drink on occasion. I don't suggest that they're alcoholics. I don't believe they are, but I think we know that on colleges and high schools in our communities, we have a terrific amount of under age drinking that the authorities either are incapable of dealing with or haven't really paid that much attention, and I imagine one of the purposes of your bill is to make people more conscious of it to increase enforcement so those 50, if we started enforcing the law, are going to become 500, 5,000 and conceivably even more.

So I would suggest to you that I think some procedure whereby we provide for payment of these evaluations for those people who are indigent and I think a number of them, considering the fact that young children don't have -- young children -- youths don't have this amount of money, that I think this does present a problem.

Senator, if I may continue to ask you about other features of the bill.

SENATOR VOLKER: Sure.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR LEICHTER: I know you provide that for a first violation, there's an automatic three-month suspension of a driver's license.

Now, I understand we want to be very firm. On the other hand, it seems to me a question whether or not being in a certain sense counterproductive, and I frankly just raise a question. I don't know how I feel. On the one hand, I certainly want to discourage under age drinking. On the other hand, there's a lot of 20-year-olds who have jobs, who need their cars, who may stop off and have a beer. Are we now going to take away their driver's license? Are we going to make it impossible for them to earn a living? I think you sort of have to weigh the alternatives here and maybe, you know, this sort of tough love approach maybe may have more toughness in it than love.

SENATOR VOLKER: Yeah. I think

-- I think -- by the way, you probably have noticed that under the subdivision that's involved here, the subdivision of the Vehicle and Traffic Law, that the commissioner is allowed to issue restricted licenses even though there's a mandatory situation as far as the suspension is concerned. So you could have the same situation as you have with a first offense versus -- as far as DWI is concerned and that is that the commissioner could issue a restricted license to that person and when it gets to the second offense, of course, it gets into a little different situation, but that could happen.

I think the issue that you have to deal with, I guess, is whether you're either going to deal with this kind of an issue on a firm and yet not overly tough way or, I guess, whether you're going to leave such flexibility that what continues to happen is what's happened in the past and then you and I, I think, know, Senator, that there's virtually no enforcement now of the alcohol beverage laws for young people other than suspending your license - suspending or revoking the license of the establishment. Almost no one is ever charged or

convicted -- much less convicted of youthful violations of this statute, and I think the attempt is being made here to set up some sort of standards that will be useful in enforcing this statute.

SENATOR LEICHTER: Senator, if you continue to yield.

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

SENATOR VOLKER: Certainly.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR LEICHTER: Senator, one approach that I don't see in your bill and some efforts have been made at it and maybe your bill, frankly, would be a more effective approach to dealing with under age drinking, if it also addressed the problem of education, provided some money for schools to give courses or have instruction on the pitfalls of drinking, alcoholism, and so on.

I mean, one of the difficulties we have, we have a society where young people, they're watching a football game. They'll see

advertisements about beer, drinking and the good life if you drink beer and they see commercials or they see billboards. They see their parents, their friends who are over age drinking. There's an awful lot of temptations and maybe what we need to do besides saying to them, We're going to wrap your knuckles if you drink, is also to give them a greater incentive and a greater awareness of what responsible drinking is about and the importance of obeying the law. Have you considered that approach?

SENATOR VOLKER: Senator, the problem with that approach is we are already spending a great deal of money, frankly, in the DWI area and, as you well know, there is enormous advertising in the DWI area and, in fact, we are developing a number of courses at different schools, specifically and admittedly designed to DWI but it's primarily designed - aimed at young people and the problem of drinking and driving, but I think the problem is, Senator, that if we try to develop a program on under age drinking on alcohol itself, we could expend a tremendous amount of money on such a program and it may be something we can

think about, but I suspect strongly if you talked to any local authorities, they will tell you that we already have one of the most effective education programs around, which is the programs that deal with youthful drinking as far as driving is concerned and I just don't think that at this point that we would be very successful with a bill of this nature if we tried to fund it thoroughly as far as an education program is concerned.

SENATOR LEICHTER: Mr. President.

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

SENATOR VOLKER: Yep.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR LEICHTER: Senator, I'm not sure that you would have to spend a great deal of money. You would have to spend some money but, as you know, the costs of alcoholism in our society are enormous and an investment in better education might make a great deal of difference and end up saving us large sums of money and all of the costs that are associated with alcoholism, all the damage that alcoholism

does.

Senator, you referred to programs that are being developed by some schools but do you know whether there's a statewide program to deal with alcoholism in the schools and all of the high schools maybe have one or two courses or lectures during the course of the year, show pictures, not just the DWI because the DWI, obviously it affects young people but it affects all people and that program is not one that's specifically geared to young people and deals with under age drinking.

SENATOR VOLKER: Yeah. I think, though, Senator, that you'll find, as far as the State University is concerned, there are programs that are aimed at under age drinking. As a matter of fact, most of the state universities now have been looking at some of the drinking problems on their campuses and not only the public campuses but also the private campuses have been doing a lot of soul searching as far as such programs because of problems that have occurred because of drinking.

As far as high schools are concerned, I think you're right that, although

the programs are not being provided in general but virtually every school that I'm aware of, certainly in my district, provides some sort of program that deals with the dangers of drinking and driving and youthful drinking in general. I think the Commissioner of Education, in fact, is looking at such programs right now.

SENATOR LEICHTER: Mr. President, on the bill.

I think this is a very, very tough bill and let me say we're dealing with a very serious problem. On the other hand, there's -- and I'm not suggesting this in one moment on the part of Senator Volker but I think more on part of our society, there's a little hypocrisy because, you know, we say, Oh, my goodness. We have under age drinking and at the same time we provide so many stimulants to young people and so many examples that leads them to drink and the real problem of alcoholism is really throughout our society. It's not limited to people who are under the age of 21. The problem of DWI is not limited to people under the age of 21.

So while we crack down very hard

on the under age drinkers, we ought to realize that it's a societalwide problem that I don't believe can be dealt with just by saying to young people, We're going to take away your license. We're going to have you evaluated. We're going to be really tough, but once you reach the age of 21, and so on, you know, in our society, drinking is quite celebrated.

So while I'm going to support the bill, I think it could be made a much better bill if it also dealt with the whole problem of education, if we maybe provided incentives to young people not to drink, if we made them understand some of the risks of starting drinking at an early age, the risks of alcoholism, how to distinguish between what is really recreational drinking and what becomes a dangerous form of alcoholism.

I also pointed out I think some ways that Senator Volker can improve the bill, certainly as far as the evaluation is concerned because, while providing that evaluation, Senator, it's not clear to me who's going to do it, who's going to pay for it. I think if it's a worthwhile effort, than we ought to make sure

that it's done in a responsible, effective way. It should be paid for by the state. We shouldn't have an unfunded mandate. There's a lot of talk in this chamber about unfunded mandates, but every week I see one or two or sometimes more bills coming -- sponsored by the very same people who talk about we've got to get rid of unfunded mandates.

So, Senator, I think you've addressed an important problem, a very serious problem, and I want to support you in that effort. I think there's provisions in there that are good but tough love is fine as long as there isn't just toughness, there's also love, and I don't find that sort of support and that sort of direction and that sort of aid that we want to give young people that I think is going to make for a more effective program to reduce under age drinking.

ACTING PRESIDENT KUHL: Is there 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 9. This

act shall take effect on the first day of January.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: I'm going to vote in the negative. Senator Leichter mentioned about the hypocrisy of this particular bill. In one respect, I think it's a bill that has a lot of hypocrisy in it for another reason. You know, yesterday we were at a lot of events for Memorial Day, many of whom -- many of which dealt with young people who died for their country. If we have an alcohol problem in this country or in this state, we should have laws that apply to everybody across the board. If you vote and if you're 18 years of age, you should be able to do the same things as anyone else in that -- of this society and to suggest that because there's a huge alcohol problem in this state, that we're going to penalize a young

person who's between 18 and 21 years old by not only fining them but also taking away their driver's privileges for one drink, I think is a little bit overboard, to say the least and if it's a great idea, and if it's a wonderful idea that we want to embrace in this conference, in this body, then why don't we make it across the board so it deals with everyone of all ages if it's such a great problem.

So for those reasons, I'm going to vote no on this bill.

ACTING PRESIDENT KUHL: Senator DeFrancisco will be recorded in the negative. Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 349 are Senators Cook, DeFrancisco, Montgomery and Stavisky. Ayes 56, nays 4.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, Calendar Number 456, would you lay that aside for the day.

ACTING PRESIDENT KUHL: Calendar

Number 456, laid aside for the day at the request of the sponsor.

SENATOR SKELOS: And also at the request of the sponsor, if you would lay aside for the day Calendar Number 869.

ACTING PRESIDENT KUHL: Calendar Number 869 will be laid aside at the request of the sponsor.

Senator Skelos.

SENATOR SKELOS: We're waiting for -- Senator Stafford's bill is next.

ACTING PRESIDENT KUHL: The Secretary will call the controversial calendar, regular order, Calendar Number 741.

THE SECRETARY: Calendar Number 741, by Senator Stafford, Senate Print 1342-A, an act to amend the Family Court Act, in relation to providing for a Family Court judge in Clinton County.

SENATOR DOLLINGER: Explanation.

SENATOR SKELOS: Lay that aside temporarily. Would you please take up Senator Meier's bill, Calendar Number 753.

ACTING PRESIDENT KUHL: Calendar Number 741 is laid aside temporarily. The

Secretary will read Calendar Number 753 by Senator Meier.

THE SECRETARY: Calendar Number 753, by Senator Meier, Senate Print 4110-A, concurrent resolution of the Senate and Assembly, proposing an amendment to Section 6 of Article V.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Meier for an explanation.

SENATOR MEIER: Mr. President, as you know, the Constitution, in setting up the Civil Service system in this state, provides for additional credit to be given to people who have been discharged honorably from the Armed Forces after serving during a time of war.

This resolution proposes a constitutional amendment which basically clarifies at what point those qualifications must be possessed.

The present provisions of the Constitution are unclear as to whether a veteran must qualify at the time of taking the examination or at the time of receiving the appointment or promotion.

If we read the Constitution to require that the qualifications must attach at the time of taking the examination, then the effect of that is to deny to people who are presently in the Armed Forces but preparing for a post-military service career the opportunity to have the benefit of those additional credits.

The amendment would make it clear that all of the qualifications mentioned in the Constitution and in the Civil Service Law must be possessed at the time of actually receiving the appointment which then assists those people in the Armed Forces preparing to leave for a civilian life. It assists them by permitting them to take the examination and to have the benefit of those additional credits.

This is particularly useful at a time when we are experiencing military downsizing.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Meier would yield for

a question.

ACTING PRESIDENT KUHL: Senator Meier, do you yield to a question from Senator Paterson?

SENATOR MEIER: Yes, I do.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Thank you, Senator.

In amending the Constitution, I note that there's a -- well, maybe I'll just ask you. Is there any proposal to make the appropriate amendments to the Civil Service Law?

SENATOR MEIER: Mr. President, the -- this would, if it were to be passed, would require amendments to the Civil Service Law. So this would then require, of course, passage by the voters and at that time it would be appropriate for the Legislature to continue -- or to consider, rather, amendments to the Civil Service Law. Such amendments prior to the constitutional amendment being passed would not be constitutional.

ACTING PRESIDENT KUHL: Senator

Paterson.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Meier would yield for another question.

SENATOR MEIER: Of course.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: Actually, one final question, Senator. Specifically, an individual who is currently in service to this country is eligible now for what while they are still serving this country prior to leaving to take the Civil Service exam? In other words, at the point that they leave, there would be almost automatically the ability to transfer that service credit right into the Civil Service process.

SENATOR MEIER: Well, if you're talking about additional credits in terms of competitive exams for purposes of appointment or promotion, the problem is exactly, Mr. President, that it is unclear at what point the right to receive those credits attaches. It is beyond dispute, as Senator Paterson suggests,

that one earns those credits by serving during time of war, by being honorably discharged, by being a citizen or a person otherwise lawfully in the country. That's not under dispute and those rights attach.

The question that this amendment seeks to address is at what point do they attach and it is in that sense really clarifying language rather than something that opens new ground.

SENATOR PATERSON: Thank you, Senator, and at this juncture, at what point does it attach?

SENATOR MEIER: Mr. President, as I believe I've stated a couple of times earlier, it is unclear at this point at what point it attaches and so, therefore, most civil service authorities around the state will err on the side of caution and take the position that it attaches at the point of administering the examination which, as I said, has the effect of foreclosing the ability of people currently serving in the Armed Forces but preparing for discharge, to take the exam and have the credits attach at that point when they go forward.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you.

Senator Meier, I'm sorry. It must have been my error. What I'm really asking you is, as a result of the passage of this legislation, we've now clarified it to what extent? In other words, at what point does two attach, assuming we pass this constitutional amendment in two consecutive sessions, put it before the voters and we make this law?

SENATOR MEIER: Mr. President, should this constitutional amendment pass, the right to receive the credits would attach at the time of -- would attach at the time of -- will attach at the time of receiving appointment or the promotion.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Okay. Thank you, Senator.

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

(There was no response.)

Hearing none, the Secretary will

read the last section -- excuse me. This is a resolution. The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you lay aside Calendar Number 778 by Senator Hannon for the day.

ACTING PRESIDENT KUHL: Calendar Number 778 is laid aside for the day.

SENATOR SKELOS: And if you would take up Calendar Number 741 by Senator Stafford.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 741, Senate Print 1342-A, by Senator Stafford.

SENATOR DOLLINGER: Explanation.

THE SECRETARY: Calendar Number 741, by Senator Stafford, Senate Print 1342-A, an act to amend the Family Court Act, in relation to providing for a Family Court judge in Clinton County.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation of Calendar Number 741

has been requested by Senator Dollinger.

SENATOR STAFFORD: Thank you, Mr. President.

This legislation would provide for a Family Court judge in Clinton County. The county has grown. It's one of the counties that has increased in population.

From firsthand knowledge, I can share with you that OCA is correct that an additional judge is necessary. They have to call in judges from other areas now and I think also this work is very difficult. It's very challenging, and I think the work would be served better by having a person who would be responsible for this work.

I reviewed the matter completely before we supported this legislation. As I say, it has the support of the Office of Court Administration and the support of the Clinton County Legislature.

Thank you.

SENATOR DOLLINGER: Mr. President, would the sponsor yield to a couple questions.

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield to Senator Dollinger? The Senator yields.

SENATOR DOLLINGER: Senator, this bill seeks to amend Section 131 of the Family Court Act, is that correct?

SENATOR STAFFORD: Read it.

SENATOR DOLLINGER: Okay. My understanding is that it does.

SENATOR STAFFORD: Good.

SENATOR DOLLINGER: Okay. Are you familiar with Section 131 of the Family Court Act?

SENATOR STAFFORD: Yes.

SENATOR DOLLINGER: Does that - that includes a listing of all the subdivisions of the Family Court judges that are created in each county, isn't that correct?

SENATOR STAFFORD: Right.

SENATOR DOLLINGER: Okay. What is the propo... again through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR STAFFORD: Yeah.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: What's the total cost of the addition of the Family Court judge in Clinton County? Do you know what the cost would be?

SENATOR STAFFORD: The cost, of course, would be picked up by the Office of Court Administration. I can get that for you. I will just have to add it up. It will be the salary, the secretary, personnel. I can get that for you.

SENATOR DOLLINGER: Again through you, Mr. President, since we're on the floor in this debate. Is it fair to say that that cost is somewhere between -- with all the amenities and the courtroom space and everything is somewhere between 350- and $500,000?

SENATOR STAFFORD: I think you're high.

SENATOR DOLLINGER: Okay. Again, Mr. President, if the sponsor would yield for a question. My understanding is that this judge ship -

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

(Senator Stafford nods head.)

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: My understanding is that this judgeship in Clinton County -- and you explained the reason why it's needed -- that this judgeship is also included in the list of Family Court and other judgeships that OCA believes are needed in this state this year.

SENATOR STAFFORD: I believe I said that.

SENATOR DOLLINGER: Yes. Okay.

Mr. President, I believe there's an amendment at the desk to Senator Stafford's bill. I would ask that the amendment be waived -- the reading of the amendment be waived and that it be considered now at this time.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: There is an amendment to Senator Stafford's bill at the desk, Senator Dollinger, but, Senator Skelos, why do you rise?

SENATOR SKELOS: Mr. President, I have had the opportunity to review the amendment. I would ask the Chair to rule that under Rule 6, Section 4(b), this amendment is not germane.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Did you wish to be heard on that?

SENATOR DOLLINGER: Yes, I do, Mr. President, and I am not sure the Deputy Majority Leader -- I believe that the discussion about whether it's germane would precede a ruling of the Chair and then the ruling of the Chair would follow.

On the ruling of the Chair, Mr. President, I would point out that this amendment amends the exact same section of the Family Court Act of the laws of the state of New York. I would point out that the cost of a Family Court judge, since that's set by statute, is exactly the same in Monroe County as it is in Clinton County.

I would point out that the reason that Senator Stafford gave for adding a judge in

Clinton County is exactly the same reason, Mr. Chairman, that I would propose an additional Family Court judge is needed in Monroe County, that is, the number of complaints have grown. I have a statement here from the administrative judge of the Family Court in Monroe County which says that their case load was up 11 percent in a single year. He describes this court -- and he provides the same rationale and explanation that Senator Stafford does. He says "This court is already strained to the limits by complex and emotionally charged cases which require considerable time and effort. Unfortunately, given the enormous volume of cases, it is not always possible to give sufficient time to a particular matter. This often results in repeated appearances on the part of the litigants and delayed justice. It must be remembered that the necessity for appearances in Family Court are usually the result of family discord or malfunction and, therefore, have a widespread effect on the family and children of the community."

I would point out that that's the exact same justification that Senator Stafford

put in and finally, Mr. Chairman, I would point out that consistent with the bill that I submitted which this amendment incorporates, this is also one of the judges that OCA has agreed is on the list of judges that need to be created in New York State.

So, Mr. President, with all due respect, I understand Senator Skelos' motion but this couldn't be more germane. This is exactly the same section of law, the exact same rationale, the exact same costs and it amends the exact same section.

Finally, Mr. President, I would point out the last time I was able to get an amendment on the floor because it was determined to be germane, it was because it amended the exact same section of the Penal Law as the proposed bill before, that the rationale was exactly the same. It was exactly the same kind of situation. I would ask the President, for purposes of consistency, to remember that decision and to ask the President, the very same Senator in the Chair, that consistency would require that since this is the exact same section of the law, the exact same

justification, this amendment ought to be heard by the chamber today.

ACTING PRESIDENT KUHL: Thank you, Senator Dollinger, and that's one of the reasons I am here is so that we can provide some consistency to the chamber.

SENATOR DOLLINGER: Mr. President, nobody appreciates that more than I.

ACTING PRESIDENT KUHL: If you were, Senator Dollinger, to talk today to my children, you would find out that they know that I'm consistent and being consistent, you would also know that the rules, of course, have changed. They were significantly adopted last year in alteration of what the previous rules of this chamber were, which changed the methodology by which we proceed in this chamber.

Under the former rules of the house, Senator Dollinger, you would be correct, and the ruling of the Chair would be that the issue -- the amendment is germane but under the current rules of the house, it's the determination of this Chair that the specific and original object of Senator Stafford's bill is to create one position to the Judiciary in

Clinton County. It has nothing to do with Monroe County, even though it's contained in the same section of the law. That's where an amendment would have to occur.

So I will rule that your amendment is out of order and not germane.

SENATOR DOLLINGER: Mr. President.

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

SENATOR PATERSON: Mr. President, I'm not sure where we are in the discussion. I would like to appeal the ruling of the Chair.

ACTING PRESIDENT KUHL: The Chair recognizes you, Senator Paterson, on an appeal of the ruling of the Chair.

SENATOR PATERSON: Thank you, Mr. President.

The germaneness of a topic is not one that involves geography. It involves thought. It involves really what the thrust of the legislation addresses and, in this particular case, there is a need for a Family Court judge in Clinton County and there's certainly no disputing that.

There's also a need, according to the Office of Court Administration for a long period of time -- it's on the 14 issues that they feel must be addressed immediately. It's certainly one of them -- for a Family Court judge to be implanted in Monroe County and both of these counties are important. In fact, Monroe and Clinton were both Presidents. In fact, Monroe came before Clinton.

So what we are trying to suggest here, Mr. President, is that the citizens of these different counties have the same needs. So when Senator Dollinger, who otherwise might go through a committee process and not see his bill out here because I don't see any Dollinger bills on this current calendar, nor do I see any of my own -- not to in any way diminish Senator Dollinger, but he seems to be suffering from the same affliction that I am -- the point really is that while we may have these somewhat intemperate differences here in Albany, that the residents of these different neighborhoods in our state, of which we're all one people that live in New York, are having the similar problem and, therefore, it is the similarity of

circumstance, not the contrasting geography, which I think would be the preferred issue and, Mr. Chairman -- Mr. President, if you would review the issue, I would feel that you should favor the value of need which is really what government's credo is, over the delineation of lines of demarcation that separate counties.

With that, Mr. President, that concludes my appeal. I'm sure you not only found it interesting but persuasive, and if you would be so kind as to change your ruling, you would spare us all from hearing Senator Dollinger's appeal.

ACTING PRESIDENT KUHL: Senator Nozzolio, did you wish to be heard on the appeal of the ruling of the Chair?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I wish to indicate that this measure is not only not germane under the rules of this house, it is also not appropriately connected to a measure that is brought forth by a sponsor of the main

bill who has done his homework.

Senator Stafford has appropriately taken steps in presenting this bill before us that appropriately recognizes not some oblique Office of Court Administration but the county -- the county government and elected leaders locally who are entrusted with bringing these types of measures before their appropriate state representatives.

Senator Dollinger, the author of the amendment, whatever his intentions, has neither checked with the local legislature or the local county executive of Monroe. The county legislature has no support or documentation for this amendment, and I want to point out to you, Mr. President, and to my colleagues, that neither has the county executive or county legislature of Monroe supported this amendment.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Why do you rise?

SENATOR GOLD: Would the gentleman yield to a question?

SENATOR NOZZOLIO: I have, Mr.

President, no desire to yield to Senator Gold on this matter.

ACTING PRESIDENT KUHL: The Senator refuses to yield, Senator Gold.

SENATOR NOZZOLIO: Senator Dollinger has not done his homework, purely and simply, and has tried to use the parliamentary machinations to present a measure before us -

SENATOR LEICHTER: Mr. President.

SENATOR NOZZOLIO: -- that has no legitimacy presented.

SENATOR LEICHTER: Mr. President.

SENATOR NOZZOLIO: -- under - Mr. President, if I may continue my comments. I wish not to yield.

ACTING PRESIDENT KUHL: Excuse me just a minute.

SENATOR LEICHTER: Mr. President, I realize -

ACTING PRESIDENT KUHL: Senator, why do you rise?

SENATOR LEICHTER: I realize Senator Nozzolio is talking very loudly and you obviously had trouble in hearing me, but I did seek the floor on a point of order, Mr.

President. I wanted to know whether we are now debating the merits of Senator Dollinger's amendment or we're debating the issue of a ruling of the Chair.

ACTING PRESIDENT KUHL: We're debating the issue of the ruling of the Chair at this moment.

SENATOR LEICHTER: May I suggest then, Senator -

ACTING PRESIDENT KUHL: Yes.

SENATOR LEICHTER: -- I mean, Mr. President, that Senator Nozzolio is out of order since he's clearly addressing the merits of Senator Dollinger's amendment.

ACTING PRESIDENT KUHL: Well, Senator Leichter, I was having a hard time trying to gauge in or cue in your conversation because you were interpreting him and he wasn't able to complete his thoughts. So I wasn't sure whether he was leading to the appeal of the ruling of the Chair or what. I would so prefer to let Senator Nozzolio at least complete his thought, until I find if, in fact, you have objections not relevant, you can raise the issue then.

SENATOR LEICHTER: But, Mr. President, I'm delighted that Senator Nozzolio had a thought but I don't think that's really the issue. I believe under our rules if a member gets up, he is entitled or she is entitled to be recognized. I don't think that we have to wait until some member finishes his or her thought.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Unless I'm wrong on that.

ACTING PRESIDENT KUHL: Senator Leichter, I think that's up to the discretion of the Chair as to when to intercede and recognize a person or not and certainly without some sort of orchestration and some organization and some control, there would be chaos, which it appears by your jumping up on the heels of Senator Gold without even Senator Nozzolio having a chance to think, that that may be the purpose behind your standing.

So the Chair now gives the floor back to Senator Nozzolio and I would ask you for the common sense and decency of maintaining some

kind of control of this chamber that you would just sit down and wait your turn, sir.

Senator Nozzolio.

SENATOR LEICHTER: Have you ruled on my point of order, Mr. President? Excuse me, Mr. President. I suggested that Senator Nozzolio -- and I certainly don't want to prevent him from thinking as you suggest but, Mr. President, I made a point of order suggesting that Senator Nozzolio was out of order based on your ruling that we're not discussing the merits of Senator Dollinger's -

ACTING PRESIDENT KUHL: Your point is not well taken, Senator.

SENATOR LEICHTER: Not well taken.

ACTING PRESIDENT KUHL: Not well taken.

SENATOR NOZZOLIO: Thank you, Mr. President.

If I may conclude. This measure -- this amendment is not germane for the reasons I suggested and I wish that this house, when Senator Dollinger characterizes this amendment as being requested from appropriate

representatives in Monroe, that the record is set straight, that the legislature has not spoken from the county of Monroe on this issue, nor has the county executive.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Would Senator Nozzolio yield to a question?

ACTING PRESIDENT KUHL: Senator Nozzolio, do you yield to a question from Senator Dollinger?

SENATOR NOZZOLIO: From the sponsor, yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Is it your position, Senator -- through you, Mr. President. Is it your position, Senator Nozzolio, that in order to create a judgeship, that we are going to pay for entirely with our tax dollars, that we need a local home rule message from a county executive and a county legislature in which that county occurs? Is that your opinion? Is that the rule of this

house, as you understand it?

SENATOR NOZZOLIO: As I understand it, Senator Dollinger, the cost of the judgeship may be borne totally by the New York State taxpayers. However, there are many other costs entailed in running a Family Court judge, additional court attendants, additional office space, additional other support that's necessary for that judge and that support is paid for by the taxpayers of Monroe, just as the bill before us, that additional support would be paid for by the appropriate counties impacted by Senator Stafford's bill. The county legislature needs to address -- if we're talking about judicial adds, Senator, I would think that at the very least you should follow the proper procedure of getting the support of the county legislature because they are going to have to bear additional costs as a result of this measure -- of your amendment.

SENATOR DOLLINGER: Just so I understand, Mr. President, if Senator Nozzolio would yield to another question.

ACTING PRESIDENT KUHL: Senator Nozzolio, do you yield to another question? The

Senator yields.

SENATOR DOLLINGER: Do you understand the rules of this house to require a home rule message before we create this judgeship?

SENATOR NOZZOLIO: I didn't suggest, Senator, that a home rule message was necessary. That -- I never said that. I only said Senator Stafford did his homework, that I wish that you, in presenting this amendment, would also do your homework.

SENATOR DOLLINGER: Let me just ask one final question, Mr. President.

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

SENATOR DOLLINGER: Senator Nozzolio, do you support the -

ACTING PRESIDENT KUHL: Senator Dollinger -- Senator Dollinger.

SENATOR DOLLINGER: Excuse me.

ACTING PRESIDENT KUHL: Just let me find out if the Senator continues to yield first.

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Senator Nozzolio, in your position as a member of the state Senate, do you support the creation of a sixth judge in the Family Court in Monroe County? Do you do it?

SENATOR NOZZOLIO: Not at this time, Senator. That is an issue -

SENATOR DOLLINGER: No final questions, Mr. President.

SENATOR NOZZOLIO: If I may finish my answer, Senator.

SENATOR DOLLINGER: That's fine.

SENATOR NOZZOLIO: Senator, I am waiting for appropriate guidance from the county of Monroe, from the duly elected representatives at the county legislative level, as well as the county executive, to decide the appropriateness of this issue and to bring it before us as is, I believe, the proper procedure.

SENATOR DOLLINGER: On the issue of germaneness, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: I expressed my concern about the germaneness issue. I appreciate the update. I sometimes wish, I guess, that consistent with Senator Paterson's argument, maybe we could add a Family Court judge in Jefferson and Madison County and we would cover all the Presidents and we could do it that way but, frankly, your Honor, I reject the notion that we haven't done our homework on this motion.

I filed this amendment when I became aware of Senator Stafford putting the amendment in for Clinton County. His justification for Clinton County is exactly the same justification for Monroe County. It's been on the table and talked about in Monroe County for the better part of the decade. One reason why it isn't done is because this chamber hasn't been willing to do it. Here is the chance for this chamber to stand up and say let's overrule the decision of the Chairman -- of the President of the issue of germaneness. Let's put the amendment before and let's analyze the objectives that this amendment seeks to achieve and why this would be a good thing for the

people of the state of New York.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: My understanding is -

ACTING PRESIDENT KUHL: Excuse me just a minute.

Senator Nozzolio, why do you rise?

SENATOR NOZZOLIO: Mr. President, would Senator Dollinger yield?

ACTING PRESIDENT KUHL: Senator Dollinger, do you yield to a question from Senator Nozzolio?

SENATOR DOLLINGER: I would be glad to yield, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: I'm willing to yield most all of the time.

SENATOR NOZZOLIO: Thank you, Mr. President.

Senator, do you have in your records a resolution passed by the Monroe County Legislature requesting this judgeship?

SENATOR DOLLINGER: I don't, but I have the authority, the same authority that Senator Stafford does, that OCA believes that this job is necessary. This job has been talked about in the Family Court judges. I've got a letter from every single member of the Family Court suggesting that this job is necessary. I think that I was given the responsibility by the people that live in my district to appropriate state monies where they are needed to pay for judicial appointments. This is one.

SENATOR NOZZOLIO: Mr. President.

SENATOR DOLLINGER: I agree with Senator Stafford. This is entirely appropriate that we create one in Clinton County. This is my vehicle to create one in Monroe County, part of which I know, Senator Nozzolio, you represent. So that the people in Webster, just like the people in Brighton and Greece, can get the same kind of Family Court attention that they need. That's what this amendment is all about. We have the authority to do it. We don't need a family -- we don't need a home rule message from the county of Monroe in order to do it. We can do it ourselves. That's what the

people elected us to do, to find out what the need was, to address the need and to spend the peoples' money if -- in our judgment which should be spent there. We've got that opportunity now. Overrule the Chair and we'll have a debate about it. It's that simple.

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

SENATOR NOZZOLIO: Will Senator Dollinger continue to yield?

ACTING PRESIDENT KUHL: Senator Dollinger, do you yield?

SENATOR DOLLINGER: I will, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR NOZZOLIO: Senator, the sum and substance of your amendment, as I see it, does not reimburse the county of Monroe for any additional costs that may be incurred as a result of the creation of this judgeship.

Senator, I think it's in error for you to say that the state is picking up the total cost to Monroe County to afford this new additional Family Court judgeship as sponsored

by your amendment.

My question to you is how can your amendment -- how can you say that your amendment picks up the total cost of this judgeship when it, in fact, does not?

SENATOR DOLLINGER: Mr. President, through you, to respond. All of the personnel that would be hired with the Family Court judge are all paid for by the state of New York. They're employees of the Office of Court Administration. The judge is paid. His secretary is paid by us. The court personnel are all paid by us. They're all state employees. They're not county employees. The only cost to the county -- the only possible cost to the county would be a facility's cost to find a courtroom. They've got a building there. They're building a new Family Court right next door. They're building a courtroom in anticipation of another judge and all we have to do is create the judgeship and we'll fill it and they've got the courtroom ready to go.

The county, in its planning, my understanding is, has already anticipated that there will some day be a sixth Family Court

judge. They've already built the cost in. All we have to agree to do -- and this is where Senator Stafford -- our costs may be slightly higher in Monroe County but when we cost out this, the total cost to the state of New York for benefits, for salaries, for staff is about $425,000 a year.

My request is if we overrule the ruling of the Chair in this instance, we can allocate $425,000 for the people of Clinton County who need a Family Court judge and we can take $425,000 for the people of Monroe County who have been waiting for a decade to get a Family Court judge.

I know Senator Lack has been dealing with this issue. He knows it's on the OCA list. Here's our chance to create it. Let's stop the politics and let's just get down to business. This has been talked about in Monroe County for a decade. This is the only tool that I can find to bring it to the floor. I can't get it out of committee. I understand why I can't. It's my only opportunity to put it on the floor.

The Chairman now rules it out of

order even though under my view of the definition of "germaneness", there is nothing that is germane any more unless I pick apart the specific language of this amendment.

I regret those are our rules, Mr. Chairman, but I've got to play by them. I'm simply playing by your rules.

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

SENATOR STAFFORD: Mr. President, to discuss your ruling.

ACTING PRESIDENT KUHL: Senator Stafford, on the appeal of the ruling of the Chair.

SENATOR STAFFORD: I think a great deal of you, Senator Dollinger. I mentioned the other day we're friends. We're going to remain friends. I don't think I would be doing my job, though, if I didn't share this with you today.

Everybody does their job differently here. I compliment you for whatever, but I also want to share this with you. I think it's understood and I think we all realize and whether it's tradition or whatever,

I think what Senator Nozzolio, the point he raised -- and I think I should say this, that obviously the local government should pass a resolution supporting this. I don't want to interrupt you. Go ahead. Finish and then I'll finish speaking.

I think that to introduce an amendment to a bill that has been requested by the county -- I had various words I was going to use that I'm not because I think it would be better not to, but I think, yes, let's take the politics out of it. I can argue that it is not being taken out of it by the way you are doing, but I would be less than candid, Mr. President, if I didn't say that no matter what we do in this chamber, we have to have some sensitivity and this goes to exactly what you're going to be ruling on and we all know, as Senator Skelos so -- pointed out so well, that this piece of legislation that's been requested by the local government that Senator Nozzolio has pointed out, is something -- yes, it is on the OCA list but together with the OCA, we always do look to the local governments.

I could argue, Mr. President,

that this is something that is less than what should be done in this house and the reason I'm not going to say any more is because I don't think Senator Dollinger intends it to be taken the way it can be taken when you're in my position here, but I'd leave it at that, Mr. President, that we support your ruling and I think we should get on with it.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, when we opened session today, there were a number of amendments offered up from the floor to pieces of legislation and having taken a look at some of those amendments, what some of those amendments did was actually to expand the jurisdiction of the legislation from one area to another. That's exactly what Senator Dollinger did later on.

Now, there's no prerequisite that Senator Dollinger get any home rule message or home rule approval from his particular area since by the nature of his representation, he's entitled to introduce the legislation. So since you were kind enough and gracious enough to

listen to an appeal of a ruling that you already made, obviously you were inviting those of us who are members of the Senate to give information that would perhaps persuade you that your original ruling might be better served by another ruling.

Senator Nozzolio, with all due respect, never debated the issue of germaneness. He debated the amendment. So if all else is lost, we've debated the amendment here today. He never discussed one issue that related to germaneness. He just didn't like the bill, which he would be invited to vote against the amendment.

Senator Stafford's point was more relative to the issue of germaneness but where I respectfully disagree with Senator Stafford, who has been here for a much longer time and has a much greater understanding of this chamber and its workings than I, is just my assertion that the issue of germaneness is not one that relates to many of the legislative issues that we debate every day.

If Senator Dollinger got up and offered an amendment to this legislation that

called for -- let me think of something -- like a ban of assault weapons or something, if he did that, that would not be germane under the new rules of -- that we adopted in 1995 through Majority Leader Senator Bruno, but since what the Senator was introducing was an amendment to a piece of legislation which calls for the exact same action and is buttressed by the same type of research, it was, in my opinion, within the threshold of what would be considered germaneness and exactly the same thing that the Chair accepted earlier in this session when it accepted a variety of amendments from legislators that wanted to expand the jurisdiction of the legislation.

So with all due respect, Mr. President, I would ask you to reconsider your previous ruling.

ACTING PRESIDENT KUHL: Does Senator Dollinger wish to be heard further?

SENATOR DOLLINGER: On the issue of germaneness, Mr. President. I appreciate the words of Senator Stafford in his restraint. He has a long tenure in this chamber and one that I respect but, quite frankly, I don't write the

rules. In fact, I think every year I vote against the rules when we do the rules and all I can do, Senator, as a member of the Minority - my bills don't come out of the committee. I've carried the bill for a sixth Family Court judge. I swear if I changed my party affiliation, there would probably be a Family Court judge in 20 minutes in Monroe County. I won't change my party registration to do that. I don't think that's any way to do the business of government.

So I sit here on the Minority side. I don't write the rules. I don't interpret the rules. I don't have the votes to overturn the interpretation of the rules but when I look at a rule like germaneness and I look at the needs of my community as the people elected me to determine them, I try to do whatever I can.

I apologize, Senator Stafford, if that seems like too aggressive. I apologize if that seems like it's not in the tradition of this house but, unfortunately, not one of my 60 colleagues votes for me. 300,000 people do. They sent me here to do a job and sometimes

doing that job means that I'm going to disagree sharply with you, Senator Stafford. I may disagree sharply with Senator Nozzolio. I may disagree sharply with anyone, but I look at that as my job in coming here.

I'm proud to be here. I'm proud to stand up and ask that this ruling of the Chair be overturned because I believe that a Family Court judge in Monroe County is germane to the creation of a Family Court judge in Clinton County and more importantly, it's the right thing to do for the people in both counties. That's what the business of government ought to be about. It shouldn't be about silly parliamentary rules. I understand why they're necessary, why a chamber can't run without rules but sometimes we've got to sweep away all the rules to do the right thing. That's all I'm trying to do.

ACTING PRESIDENT KUHL: The question is on the appeal of the ruling of the Chair. A vote in the affirmative is a vote to overturn the ruling of the Chair as to germaneness. A vote in the negative is a vote to sustain the ruling of the Chair.

The Secretary will call the roll.

SENATOR SKELOS: Party vote in the negative.

SENATOR PATERSON: Slow roll call.

ACTING PRESIDENT KUHL: Are there five Senators in the chamber requesting a slow roll call? I see five standing.

The Secretary will call the roll slowly. Ring the bells.

THE SECRETARY: Senator Abate.

SENATOR ABATE: Yes.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: No.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: Yes.

THE SECRETARY: Senator Bruno.

SENATOR SKELOS: No.

THE SECRETARY: Senator Connor.

(There was no audible response.)

THE SECRETARY: Aye.

Senator Cook.

(There was no response.)

Senator DeFrancisco.

SENATOR DeFRANCISCO: No.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Yes.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: No.

THE SECRETARY: Senator Gentile.

SENATOR GENTILE: Yes.

THE SECRETARY: Senator Gold.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold to explain his vote in two minutes.

SENATOR GOLD: Thank you, Mr. President.

Does the "Thank you, Mr. President" come off the two minutes? Yeah.

Mr. President, I think that it's unfortunate that we have these situations, except I find something interesting.

For years we've made points on this floor and I read the newspapers and it seems to be above the heads of most people that write for the papers except that we maybe are getting a new crop because all of -- I didn't say "crock". I said "crop" -- because all of a

sudden I start to see some of this creeping into the newspapers. Now, I'm telling my very distinguished Republican colleagues, the press is starting to understand.

Now, Senator Nozzolio spoke about procedures but what I get out of it is that Senator Nozzolio believes that there is not the need for a Family Court judge in Monroe County. Now, he may or may not be right. He has the right to have that opinion and I respect it, but the press is starting to understand that the procedural business is just -

SENATOR SKELOS: Excuse me, Senator Gold. Could we have some order, please.

ACTING PRESIDENT KUHL: Your point is very well taken, Senator Skelos.

SENATOR GOLD: This isn't out of my two minutes.

ACTING PRESIDENT KUHL: You're on pause, today's world. Can we take the conversations out of the chamber.

Senator Larkin, Senator Cook, Senator Dollinger, shhh! Senator Nozzolio. Just please take your chairs. Senator Lack.

Senator Gold.

SENATOR GOLD: Thank you.

ACTING PRESIDENT KUHL: You have three seconds left.

SENATOR GOLD: How much? So, Mr. President -- as I was saying, Mr. President, everything is procedure. Procedure gets things to the floor. Procedures are how we operate. So offering an amendment is as legitimate as anything else. If Senator Nozzolio is opposed to the judgeship, I respect that. I think his constituents will give that whatever value it is.

I believe that since we are dealing in this fantasy land -- because I will remind you that I vote against judgeships unless they come through the Office of Court Administration and unless they are funded because I think it is a fraud on the public if we put these things out there and they're only one-house situations, but I will support the fact that the Chair, while being a much better putter than I am and much better out of sand traps than I am, is wrong on this issue.

So on the issue before us, I will vote yes.

ACTING PRESIDENT KUHL: Senator Gold will be recorded in the affirmative. Continue to call the slow roll call.

THE SECRETARY: Senator Gonzalez.

(There was no response.)

Senator Goodman.

SENATOR GOODMAN: No.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: No.

THE SECRETARY: Senator Hoffmann, excused.

Senator Holland.

SENATOR HOLLAND: No.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: No.

THE SECRETARY: Senator Kruger.

(There was no response.)

Senator Kuhl.

SENATOR KUHL: No.

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: Yes.

THE SECRETARY: Senator Lack.

SENATOR LACK: No.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: No.

THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: No.
THE SECRETARY: Senator Leibell.
SENATOR LEIBELL: No.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: Mr. President, to explain my vote.
ACTING PRESIDENT KUHL: Senator Leichter, to explain his vote.
SENATOR LEICHTER: It's important that issues affecting people in this state, counties, have an opportunity to come to this floor. You bottle up the bills and now you interpret the rules in such a twisted manner that you make it impossible to bring matters that are important to this state to the floor.
Mr. President, you would be the last person I would accuse of partisanship, but I question and I have to ask you, that when you take that chair, there's got to be a certain impartiality, and I certainly hope that nothing will be done that whoever is up there, whether it's the Lieutenant Governor or somebody who takes her place, that debases the chair by making blatantly partisan rulings.

Take a look at the rules. The rules say that "no amendments shall be allowed to any bill which is not germane to the original object or purpose." What could be more germane than in the bill creating a judgeship in one county to have an amendment which creates a judgeship in another? I'm afraid what we're seeing here -- and I want to say, you know, there's a certain jocular quality to this and we are all old friends, but there are some important principles and the important principle is democracy, which I realize is of a very scarce quality in this house, but I think to shut off debate in this fashion -- and, Mr. President, it almost seems that maybe you're following a precedent that any Dollinger amendment is not germane. I would ask you to give a more considerate attention to the rules of this house than you have.

I vote yes.

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

Continue to call the slow roll call.

THE SECRETARY: Senator Levy.

SENATOR LEVY: No.
THE SECRETARY: Senator Libous.
SENATOR LIBOUS: No.
THE SECRETARY: Senator Maltese.
(There was no response.)
Senator Marcellino.
(There was no response.)
Senator Marchi.
SENATOR MARCHI: No.
THE SECRETARY: Senator Markowitz.
(Affirmative indication)
THE SECRETARY: Senator Maziarz.
(There was no response.)
Senator Meier.
SENATOR MEIER: No.
THE SECRETARY: Senator Mendez.
SENATOR MENDEZ: Yes.
THE SECRETARY: Senator Montgomery.
SENATOR MONTGOMERY: Yes.
THE SECRETARY: Senator Nanula.
SENATOR NANULA: Yes.
THE SECRETARY: Senator Nozzolio.
SENATOR NOZZOLIO: No.

THE SECRETARY: Senator Onorato.
SENATOR ONORATO: Yes.
THE SECRETARY: Senator Oppenheimer.
(There was no response.)
Senator Padavan.
(There was no response.)
Senator Paterson.
SENATOR PATERSON: Yes.
THE SECRETARY: Senator Present.
SENATOR PRESENT: No.
THE SECRETARY: Senator Rath.
SENATOR RATH: No.
THE SECRETARY: Senator Rosado.
(There was no response.)
Senator Saland.
(There was no response.)
Senator Sampson.
(There was no response.)
Senator Santiago.
SENATOR SANTIAGO: Yes.
THE SECRETARY: Senator Seabrook.
SENATOR SEABROOK: Yes.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: No.

THE SECRETARY: Senator Skelos.
SENATOR SKELOS: No.
THE SECRETARY: Senator Smith.
SENATOR SMITH: Yes.
THE SECRETARY: Senator Spano.
SENATOR SPANO: No.
THE SECRETARY: Senator Stachowski.
SENATOR STACHOWSKI: Yes.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: No.
THE SECRETARY: Senator Stavisky.
SENATOR STAVISKY: Aye.
THE SECRETARY: Senator Trunzo.
SENATOR TRUNZO: No.
THE SECRETARY: Senator Tully.
SENATOR TULLY: Nope.
THE SECRETARY: Senator Velella.
(There was no response.)
Senator Volker.
SENATOR VOLKER: No.
THE SECRETARY: Senator Waldon.
(There was no audible response.)
THE SECRETARY: Senator Wright.
SENATOR WRIGHT: No.

ACTING PRESIDENT KUHL: Call the absentees.

THE SECRETARY: Senator Cook.

SENATOR COOK: No.

THE SECRETARY: Senator Gonzalez.

(There was no response.)

Senator Kruger.

(There was no response.)

Senator Maltese.

(There was no response.)

Senator Marcellino.

SENATOR MARCELLINO: No.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: Yes.

THE SECRETARY: Senator Maziarz.

(There was no response.)

Senator Oppenheimer.

(There was no response.)

Senator Padavan.

(There was no response.)

Senator Rosado.

SENATOR ROSADO: Yes.

THE SECRETARY: Senator Saland.

SENATOR SALAND: No.

THE SECRETARY: Senator Sampson.

(There was no response.)

Senator Velella.

(There was no response.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 22, nays 31.

ACTING PRESIDENT KUHL: The appeal of the ruling of the Chair is lost and the ruling of the Chair is sustained.

SENATOR STAFFORD: Last section, please.

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: Ayes -

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

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

SENATOR DOLLINGER: Mr. President, my temptation would be to vote no on this as a form of protest, but I'm not going to

do that because I believe that Senator Stafford has established a case for the creation of a judgeship in Clinton County.

What I'm disappointed at is that having established the same case for Monroe County, the people that I represent won't get one as a result of the shenanigans in today's debate.

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

THE SECRETARY: Ayes 59, nays 1, Senator Gold recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to call the regular order of the controversial calendar.

THE SECRETARY: Calendar Number 796, by Senator Saland, Senate Print 3939, an act to establish a public library district to be known as Blodgett Memorial Library.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT KUHL: Senator

Saland, an explanation of Calendar Number 796, Senate Print 3939, has been requested.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this is a bill which has been requested by the village of Fishkill and the town of Fishkill which would permit the creation of the Blodgett Memorial Library which would be a public library -- I'm sorry -- the Blodgett Memorial Library District would be a library as distinguished -

ACTING PRESIDENT KUHL: Excuse me, Senator Saland. It's getting awful noisy again, awful noisy.

Senator Gold, take the conversations outside, please. The staff, take their places.

Senator Saland, pardon the interruption but I think it's now a little quieter so they can hear the explanation.

SENATOR SALAND: Thank you, Mr. President.

Again, what this bill would do would be permit these two municipalities to create this public library district which would

be defined by the boundaries of the two municipalities exclusive of the city of Beacon School District.

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

SENATOR PATERSON: Mr. President, I'm sorry. I'm still a little hurt over that last ruling of the Chair, but -

ACTING PRESIDENT KUHL: You'll get over it, Senator.

SENATOR PATERSON: Thank you. I always do.

If Senator Saland would yield for a question.

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

SENATOR SALAND: I certainly would. He sounds as if he's in pain and anguish and I wouldn't want to be responsible for somehow or other expanding that hurt.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Well, I just have one question, Senator, and it pertains to

whether or not there would be any additional tax to the local counties as a result of passage of this legislation.

SENATOR SALAND: I don't believe there will be any additional tax to the county. What this would enable to occur would be the creation of a district which would have the authority to raise its funds by way of a tax as would any other improvement district. I would not imagine there would be any great difference in its budget or the types of dollars that would be raised.

However, the people in the district would first have to agree that this would be appropriate to create the district and then would have the ability to vote on those budgets.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Stafford would continue -- I'm sorry -- if Senator Saland would continue to yield.

Senator, in the event there is not a tax, could it still be said that there would be an increase in the budget that would be

required to execute this?

SENATOR SALAND: I could not say that with certainty, although it certainly is a possibility. Right now the library is receiving funds by budget lines from each of the municipalities, both the village and the town and in addition raises monies privately. I'm assuming it will continue to raise monies privately.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson, any further questions?

(There was no response.)

Hearing none, the Secretary will read the last section.

THE SECRETARY: Section -

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just -- I apologize. I didn't listen to Senator Paterson, but if Senator Saland would just yield to one question. Is there a home rule message on this bill?

SENATOR SALAND: This bill does not require a home rule message. I have resolutions passed -- copies of resolutions passed by each of the two municipalities endorsing and supporting this bill by bill number.

SENATOR DOLLINGER: Thank you.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 848, by Senator Rath, Senate Print 4852, an act to amend the State Administrative Procedure Act,

in relation to public hearings on proposed rules.

SENATOR GOLD: Explanation.

SENATOR DeFRANCISCO: Lay it aside temporarily, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 860, by Senator Volker, Senate Print 4307, an act to amend the Penal Law and the Criminal Procedure Law, in relation to criminal diversion.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Volker, an explanation of Calendar Number 860 has been requested.

SENATOR VOLKER: Mr. President, this is a bill that was sent to us by the Attorney General's office that is a second of a bill -- we did a bill last week that related to possession of stolen prescription medications. What this bill involves is what they call a criminal diversion. It's actually the sale of prescription medication or medication devices and what the prime part of the bill says is that

the value for purposes of criminal conduct is the value -- the actual value, street value of the prescription rather than the discounted value.

In other words, the -- when this -- these prescriptions are stolen, they're usually stolen in bulk and sold off in pieces. For instance, the value of the prescription may be $100 and the person who is -- has stolen the property and is selling it off sells it for $20 because it's a discounted value. The result of that is that the degree of larceny that's involved or the degree of criminal conduct that's involved is lessened by the fact that it is sold for a lesser value, street value than the actual value that it was when it was -- when it was stolen.

The second part of the bill involves the specific authorization for the Attorney General to have enforcement jurisdiction and one of the reasons for this - this bill really is primarily involved in the issue of Medicaid fraud and the prosecution of Medicaid fraud for illegal transactions involving medical prescriptions and devices.

Thirdly -- and I suppose this is the area that has gotten some notice -- this would add another section to the RICO section because, whether we realize it or not, in the area of Medicaid fraud, the major criminal elements have moved into Medicaid fraud and there are millions and millions of dollars in prescriptions and prescription devices being sold out on the street and on the market that are costing the state of New York and various individuals huge amounts of money. So this would include this sort of action as criminal action that would be part of the so-called enterprise criminal acts or RICO acts under Article 700 of the Penal Law.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Volker would yield.

ACTING PRESIDENT KUHL: Does Senator Volker yield?

SENATOR VOLKER: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator, the companies that distribute a lot of these prescription medications report that they are losing millions of dollars as a result of this theft and resale.

My question is, in some ways, are not we as the state subsidizing the effort that the companies should be making themselves in fighting what is often a careless handling of these medications that allows them to be pilfered in the first place? Isn't it in many ways allowing them to relax the standards and in many ways diminish the resources that they are putting forth in order to try to fight it and if we were going to pass this legislation, would it not be better served if we were to insist that the drug companies and the companies that market these products were a lot more strenuous in their stand against the criminal element and in many ways exacted more protections against theft?

SENATOR VOLKER: Senator, I think you're absolutely right, although I don't exactly see where this legislation would do that. The companies stand at the present time

to lose an enormous amount of money in many cases, and I don't think making the penalty for sale of these prescriptions and these devices, I don't see where that would make the companies any less diligent in attempting to make sure that this sort of activity doesn't happen because they're still liable in a number of cases for the losses that occur when these prescriptions and these prescription devices are stolen or somehow fall into the hands of people who sell them.

It just seems to me that this would not at all lessen their desire to continue to attempt to save themselves enormous amounts of money because although the state, in some cases, if these -- if this material has been turned over to the state or to the individuals that are involved, obviously the state could be held liable but in some cases the company itself could be held liable if it is previous to getting to the ultimate people who are to sell it on the open market.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: The point is

well taken, Senator Volker, if you would continue to yield.

That brings me to the second part of my question. There's obviously an expansion in the powers vested in the Attorney General's office, I guess through Article 700 of the Criminal Procedure Law and at that, what we're really doing, I would imagine, is the Attorney General is making the argument that there's a compelling state interest vis-a-vis the theft and resale of these types of medications and their danger to the public and so the Attorney General, in a kind of broad way, probably through -- including sections of the -- 63 of the Executive Law, would come in at this point and perhaps supervise these types of prosecutions.

Number one, do you see this as a power grab on the part of the Attorney General's office and then suddenly, does this also, the fact that this is included in the legislation, in many ways relieve the drug company of their responsibility in allowing for the continually larger numbers of medications to fall into the wrong hands?

SENATOR VOLKER: Senator Calandra once said "No. No. Yes. Yes. No. No." Anyways, let me just say, first of all, that the Attorney General is already involved in this area because a great deal of the problems that are involved here are Medicaid fraud problems and one of the difficulties is that local prosecutors, although they are already involved in prosecuting Medicaid fraud and are very concerned about it because there are millions of dollars in counties, state and in local money that is involved, the trouble that many of the prosecutors have is sometimes difficult to determine the difference between Medicaid prescriptions that are sold and other prescriptions that are sold and the Attorney General's office has the competency in their prosecutorial operation to be able to determine where they came from and who was involved and has the expertise to do that.

I think it's one of the reasons why the local prosecutors are more than happy in this area, not always in other areas, to have the Attorney General's office doing many of these prosecutions because some of them are

across county lines and all the rest of the type things and this seems to be a perfect area for the Attorney General to get even more greater ability to do so.

As far as a power grab is concerned, there's a lot of money involved in the conversion of prescriptions now. I think there's probably enough trafficking in this area, unfortunately, so that all the prosecutors that wanted could get in, plus the Attorney General, but I think overall in the big numbers, it's important for the Attorney General to be involved.

Once again, let me just say, though, that when you talk about the drug companies here, actually the prosecution of these cases by the Attorney General, it seems to me, would put more pressure on the drug companies and the companies that are involved to be more careful in dealing with these sorts of things because the Attorney General's office has the ability to put direct pressure on the drug companies much more so than, for instance, a district attorney would have.

SENATOR PATERSON: Thank you, Mr.

President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: If Senator Volker would yield for one last question.

ACTING PRESIDENT KUHL: Senator Volker, do you yield for one last question?

SENATOR VOLKER: Why certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator Volker, would it be all right with you if Senator Gold asked you a few questions?

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah. Would the gentleman yield to a couple of questions?

ACTING PRESIDENT KUHL: Senator Volker, do you yield to Senator Gold?

SENATOR VOLKER: Sure.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Senator, when I - first of all, on page 3 of the bill where it

talks about third degree, second degree and all of that, that's all new classifications, am I right or am I -

SENATOR VOLKER: Yeah, I believe it is because it sets up separate classifi cations for prosecution. Although some of the sections, although these are new sections now, they're actually second and third degree sections under the old law but we're changing it to apply to these new sorts of criminal diversion language rather than the old larceny language.

SENATOR GOLD: All right. Well, Senator, if you would yield to one more question.

SENATOR VOLKER: Sure.

SENATOR GOLD: Just so we know what we're talking about, I have the memo in front of me and I'm not trying to be difficult, but the memo does not explain. I mean, what is the difference of the third degree and the second degree and first degree? What is the difference, because we're voting to create this and make a reference but there's nothing in the bill or the memo that tells me.

SENATOR VOLKER: The degrees relate to the value of the prescriptions sold and then to multiple sales after a person has been convicted of a previous criminal diversion.

SENATOR GOLD: All right. Mr. President, if the Senator will yield to another question.

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

SENATOR GOLD: The Senator, the valuation question is a question that I think is very important here. For example -

SENATOR VOLKER: Yes.

SENATOR GOLD: For example, there's something called wholesale and retail. If somebody is selling a prescription medication and it was stolen from a manufacturer, do you value it at the cost from the manufacturer and if somebody stole it from a pharmacy, is it valued at the cost that the pharmacist would sell it on the open market, or is the loss to the pharmacist what he paid the manufacturer? I mean, how are these values determined?

SENATOR VOLKER: As I understand,

the value would be determined basically and, of course, obviously you know that any defense attorney, I suppose would be able to challenge such a determination but it would be basically what the product is sold at from the place where it was stolen from. In other words, if it was stolen from a pharmacy and the value of the property would be -- on the open market would be $100, then that presumably would be the value that it would be valued at as far as the larceny is concerned, even though it was sold, discounted out on the street for $20, and I think that's the difference.

SENATOR GOLD: Well, Senator, if you would yield to another question.

SENATOR VOLKER: Sure.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR GOLD: And after all, Senator, I have no sympathy with the people who are selling illegal prescriptions. That's not the issue here, but I think that you and I both agree, Senator, that if we're going to clamp down -- and I'm proud of you that you're trying to clamp down -- at least let's have a section

that, you know, we don't wind up having problems with in the courts.

If for the sake of argument, Senator, somebody has something stolen from them that is of a -- what should I say? It's a work product of somebody. Let's say it's an artist. I don't know how those valuations get done. Let's say you steal something in a raw materials stage. What I'm concerned about is that the pharmacist may have a prescription which the pharmacist will sell for $100 but let's say it costs the pharmacist $60. The loss to the pharmacist at that point is $60. That's what his loss is. His loss is not $100, but what I'm getting from you is that -- and by the way, if it's stolen from the pharmacist, he paid $60 for it and it's sold on the street for $30, I agree with you that the value of the theft should not be $30. I think that's foolishness, but I don't have a problem if it's $60. I do have a problem if you're going to say that the value is now $100 because it was never $100. The guy who had the loss, the pharmacist or the company who had the loss is not out $100. They're out $60. Why do we want to make that inflation and perhaps

open up the question of the constitutionality of the statute?

SENATOR VOLKER: I don't think it would be the constitutionality of the statute, Senator. You can make that argument if you want, but the plain language of the statute says the value of the medication or the device is what it would be if purchased lawfully, and I think the argument would be that that would be the value that it is -- what it would be sold on the street at the time, and I think that seems to be the plain language of the statue. I think a defense attorney could probably argue otherwise, and I suppose that would be an interesting issue at some trial, but I think the language of the statute does suggest what I just said and I think that would be the price.

SENATOR GOLD: Fine. Will the Senator yield to one more question?

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

SENATOR VOLKER: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR GOLD: Senator, if you

had, as the test, the cost to the pharmacist from whoever it's stolen, nobody can argue that particular valuation.

On the other hand, you can have something that's sold at a certain cost to five different pharmacies and they have different pricings. They have different coverages. They have different values to what these medications are and that's why I'm raising the question.

If you are trying to find a value based upon an open market which is a varying open market, I think that's harder to deal with than if you deal by the valuation of what the individual lost out of pocket and, by the way, I'm agreeing with you, Senator. You're absolutely on target that the value should not be what the criminal got for it, which is way under value, but it seems to me that if you deal with the pharmacist's costs, you have a receipt. You know what the individual's loss is and they're out of pocket. If you're trying to deal with a market value, I think it's something which opens up the statute and causes a problem.

For example -- let me just go one step further. You're being very patient. This

is a long question, but let me say this. The pharmacist sells the prescription for $100 except if you're part of a union, you get it - the cost is 95 because you pay 8 and your union makes up the other, but if you're a state worker, the total cost is $90. I mean, it just seems to me that it opens it up to a situation where it's harder to deal with than if it was the out-of-pocket cost.

SENATOR VOLKER: Senator, I think you probably make a point. I think what -- as you know, the prosecutor would have to prove value and the proof of value would presumably come in an affidavit by the person who intended to sell the product, and I assume that that person would have to truthfully say what the value would be if it was sold from the pharmacy itself and that would be the proof that would be used. I think the defense attorney might argue that he only paid $60 for it and I guess that would be a proof problem, but I think -- I think this statute clearly states what the actual proof needs to be. I think the prosecutor could use that and get an affidavit from the person and then go on from there.

SENATOR GOLD: Mr. President, one last question.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Senator, this is the last question and I'm -

SENATOR VOLKER: Okay. Last question.

SENATOR GOLD: -- I'm giving Senator LaValle my word on that and I would hope that -- I give you my marker. I know you don't go back on a marker, right?

Senator, the -- I know what you're saying, it's a matter of proof, but I'm trying to think from the prosecutor's point of view now. A prosecutor has an easy situation. The medications were stolen. They're all marked. They identify the source of the theft. They call the pharmacist in and in front of a grand jury, the pharmacist can show his receipt. You've got a valuation. It seems to me that the way the statute is drawn now, a pharmacist at a trial, forget the grand jury now, in the one case that I'm presenting to you, he presents his receipt. In the case that

you're talking about, you hope that pharmacist could have all of his records subpoenaed on the basis of challenging -- and this is a valid challenge -- to challenge the valuation because the valuation might take the crime from one level to another and, therefore, the pharmacist's entire records are opened up and that could be two weeks of trial while they're trying to determine the value because, from the point of view of the criminal, who we want to get rid of anyway, it might make a difference as far as the valuation and that two weeks or a week or two days or whatever it is, of testimony and subpoenas, is not even an issue if you had one small amendment to this which said the cost to the pharmacist is the real value and, Senator, you and I both know that with pharmaceutical markups, which are probably not that big because they're not the ones that make it all, the value as set forth in the receipt is probably enough for the -- for the prosecution.

SENATOR VOLKER: Senator, I appreciate your input and I certainly will talk to the Attorney General about it. I strongly suspect that this is probably the best language

they could come up with, and I think very possibly hopefully this will be the language that will be enacted into law.

Thank you.

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

THE SECRETARY: Section 6. 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 60.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: The balance of the calendar will be laid aside at the request of Senator Gold.

SENATOR GOLD: No. That's not so.

SENATOR SKELOS: And Senator Paterson.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator

Tully -- we'll move to the general order of motions and resolutions.

The Chair recognizes Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

On behalf of Senator Alesi, on page 21, I offer the following amendments to Calendar Number 610, Senate Print Number 4060, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 610 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

On behalf of Senator Trunzo, on page 28, I offer the following amendments to Calendar Number 742, Senate Print Number 1523-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments are received and adopted. The bill

will retain its place on the Third Reading Calendar.

SENATOR TULLY: On behalf of Senator Maziarz, Mr. President, on page number 41, I offer the following amendments to Calendar Number 930, Senate Print Number 4709-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 930 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Alesi, I wish to call up his bill, Print Number 3525, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 405, by Senator Alesi, Senate Print 3525, an act to amend the General Business Law.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Mr. President, I

now move to reconsider the vote by which this bill was passed.

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

The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Tully.

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

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Lack, I wish to call up Calendar 739, Assembly Print Number 1069.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 739, by member of the Assembly Sidikman, Assembly Print 1069, an act to amend the Real

Property Tax Law.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Mr. President, I now move to reconsider the vote by which this Assembly bill was substituted for Senator Lack's bill, Senate Print Number 586 on May 7th, 1997.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Mr. President, I now move that Assembly Bill Number 1069 be committed to the Committee on Rules and Senator Lack's bill be restored to the order of the Third Reading Calendar.

ACTING PRESIDENT KUHL: The Assembly bill will be committed and the Senate bill is restored to the calendar.

SENATOR TULLY: Yes, Mr. President. I now offer the following

amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

SENATOR SKELOS: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT KUHL: There are.

SENATOR SKELOS: Could you make them, please.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: On page 52, Senator LaValle moves to discharge from the Committee on Rules Assembly Bill Number 89-A and substitute it for the identical Third Reading Calendar 1058.

On page 5, Senator Goodman moves to discharge from the Committee on Rules Assembly Bill Number 1552 and substitute it for the identical Third Reading Calendar 113.

On page 18, Senator Volker moves to discharge from the Committee on Rules Assembly Bill Number 4848 and substitute it for the identical Third Reading Calendar 522.

On page 45, Senator Maltese moves

to discharge from the Committee on Rules Assembly Bill Number 1124 and substitute it for the identical Third Reading Calendar 971.

On page 32, Senator Leibell moves to discharge from the Committee on Rules Assembly Bill Number 6890 and substitute it for the identical Third Reading Calendar 797.

On page 48, Senator Levy moves to discharge from the Committee on Rules Assembly Bill Number 7694 and substitute it for the identical Third Reading Calendar 1010.

On page 49, Senator Kuhl moves to discharge from the Committee on Rules Assembly Bill Number 7033-A and substitute it for the identical Third Reading Calendar 1023.

On page 50, Senator Maltese moves to discharge from the Committee on Rules Assembly Bill Number 5635 and substitute it for the identical Third Reading Calendar 1030.

And on page 52, Senator Meier moves to discharge from the Committee on Rules Assembly Bill Number 4552 and substitute it for the identical Third Reading Calendar 1057.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Wednesday, May 28th, at 3:00 p.m.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, the Senate stands adjourned until tomorrow, Wednesday, May 28, 3:00 p.m.

(Whereupon, at 6:29 p.m., the Senate adjourned.)