ALBANY, NEW YORK

May 29, 1997

10:06 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

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

(A moment of silence was observed.)

The reading of the Journal.

THE SECRETARY: In Senate, Wednesday, May 28th. The Senate met pursuant to adjournment. The Journal of Tuesday, May 27th, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, I have a question about the Journal. I just wanted to determine how many bills were passed in the house yesterday.

ACTING PRESIDENT KUHL: I'm informed by the Secretary that six bills were passed.

SENATOR PATERSON: Six?

ACTING PRESIDENT KUHL: Yes. Does that answer your question?

SENATOR PATERSON: Just one second, Mr. President. I'm just trying to compute my earned run average.

Would the Secretary read the bills that we passed.

SENATOR TULLY: Mr. President.

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

SENATOR TULLY: While we are waiting, could you tell me how many bills were laid aside by the Minority yesterday?

ACTING PRESIDENT KUHL: I'm informed 20 by the Secretary.

SENATOR TULLY: Thank you, Mr. President.

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

SENATOR SKELOS: Stretching my legs.

ACTING PRESIDENT KUHL: The bill titles that were passed yesterday, for your benefit, Senator Paterson, are not in the house. They're at the Journal Clerk's office. They're being brought down, if you would like us to do that, so we can read those titles to you.

SENATOR PATERSON: I'm sorry, Mr. President. Are the bills -- so you're saying that the bills are not in the actual Journal itself.

ACTING PRESIDENT KUHL: They are never included, I'm informed by the Secretary, in the Journal itself.

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: Mr. President, I, as one of your admirers -- and that is not said in jest; that is said in actuality -- I know you would not want to have an inaccurate statement that was attributed to you and, Mr. President, I think that not only do the Journals reflect the bill numbers but, as you and I both know, Mr. President, the Journals reflect the language that is uttered by each member of this

distinguished body from the time we start to the time that we end, and that is why we have the greatest respect for the young lady sitting here today and for her colleagues who take down these words very, very carefully. So it may be that the words that were uttered today by our distinguished Journal Clerk did not -

SENATOR SKELOS: Mr. President, if the request has been made of the bills listed in the Journal, we can stand at ease, get the Journal and we'll read the names of the -- the numbers of the bills that were passed yesterday, if that's the request of the Minority.

ACTING PRESIDENT KUHL: I have them now. They have been provided to me by the Journal Clerk.

Senator Paterson, would you like the numbers read?

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

ACTING PRESIDENT KUHL: The numbers of the bills that passed yesterday at session were Senate 1659-A, Senate 2648, Senate 3267, Senate 3679-A, Senate 4084-A, Senate 3479.

Now, does anybody have an objection to the Journal?

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, you have an objection?

SENATOR GOLD: Yeah, Mr. President. The -- having given Senator Paterson the information as to the bills that were passed, it's my understanding that the Journal would also include the votes on those particular bills and if we are being asked to approve the Journal, I know that's something that we all take seriously and -

ACTING PRESIDENT KUHL: Would you like to know the votes, Senator Gold?

SENATOR GOLD: I would be very grateful -- I would be very grateful, Mr. President -

ACTING PRESIDENT KUHL: Certainly.

SENATOR GOLD: -- if we could have the roll calls read for each of the bills we passed.

SENATOR SKELOS: No objection.

ACTING PRESIDENT KUHL:

Certainly, Senator Gold.

On the first bill, Senate 1659-A, the vote was 60 to 0.

On the second bill, Senate 2648, the vote was 60 to 0.

On the third bill, Senate 3267, the vote was 60 to 0.

On the fourth bill, Senate 3679-A, the vote was 60 to 0.

On the fifth bill, Senate 4084-A, the vote was 50 ayes, nays 8.

On the sixth and final bill that was passed yesterday, the vote was -- that was Senate 3479, the vote was 60 to 0.

SENATOR GOLD: Thank you, Mr. President.

With regard to, I think it was the sixth bill where the vote was 50 to 8, can we have a detailed statement so we can verify those votes?

ACTING PRESIDENT KUHL: The Journal would reflect that there were eight nays, those nays being Senator Leichter, Senator Mendez, Senator Montgomery, Senator Paterson, Senator Rosado, Senator Seabrook and Senator

Smith and Senator Waldon.

SENATOR GOLD: Thank you, Mr. President.

And, Mr. President, does the Journal indicate the debate that was had on that particular piece of legislation?

SENATOR PATERSON: Just one second, Mr. President. Those were nine nays that I counted.

ACTING PRESIDENT KUHL: We do have a remedial reading -- or arithmetic course out in the lobby, Senator Paterson, if you would like to partake in that. That is for members who can't count beyond or even on more than one hand the numbers of nays.

Senator Gold, did you wish to make another request or have another objection to the Journal?

SENATOR GOLD: Well, my objection to the Journal, Mr. President, is that the Journal has not been read and while there are amenities that sometimes go back and forth from one side of the aisle to the other -- the key words to that statement are "back and forth" - and when it stops going back and there's no

forth, that causes some problems.

So, Mr. President, I would like the -- if we're being asked to approve the Journal, I would like the Journal read. The Journal includes debate. It includes the votes, as you have just indicated, with detailed statements, not summary statements, and that is my objection.

My objection is that if we are being asked to vote, I would like the Journal read.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Majority Conference in the Majority Conference Room.

ACTING PRESIDENT KUHL: Immediate meeting of the Majority Conference in the Majority Conference Room, Room 332.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease from 10:20 a.m. until 11:00 a.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call for an immediate meeting of the Rules Committee in Room 332.

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

The Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease from 11:01 a.m. until 1:10 p.m.)

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

Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to motions of standing committees -- reports of standing committees.

SENATOR GOLD: Point of order, Mr. President.

SENATOR BRUNO: I believe there's

a Rules Committee report at the desk. I would ask that it be read.

SENATOR GOLD: Point of order, Mr. President.

ACTING PRESIDENT KUHL: What's your point of order, Senator Gold?

SENATOR GOLD: Yeah. I would just like the Chair to clarify something for me. We came into session today and following the order of business, the Journal had been offered and we were in the order of business of dealing with the Journal when there was a recess that was taken for a Republican Conference.

When we came back from the Republican Conference, I believe there was a call or an announcement that the Rules Committee would be meeting but I don't believe, Mr. President, we have ever left the order of business of dealing with the Journal, and I would -- my point of order, Mr. President, is that I believe we ought to be following the order of business as set forth in our rules and should conclude the first order of business dealing with the Journal before we go on to other orders of business.

ACTING PRESIDENT KUHL: Senator Gold, thank you for giving me the time to review the rules because I don't have these memorized and I have to refer to counsel and that sort of thing. Your recollection of the process that we had is absolutely in order and we were debating -- I shouldn't say debating. There was no motion. We were talking about corrections to the Journal. You had information -- you had not offered any corrections, but if you go to the rules and under Rule VII, paragraph (2), it talks about the Committee on Rules and what you will see is it says "The Committee on Rules may sit at any time" -- and I'm reading this. "The reception/consideration of its reports shall always be in order."

So it would be the ruling of the Chair that the report of the Rules Committee, which the Majority Leader has just asked be accepted, is in order at this time.

So I'll ask the Secretary to read the report of the Rules Committee. The motion has been made to accept that and certainly that's a question which could be debated.

So I'll ask the Secretary to read

the report of the Rules Committee and then, if you would like to make a further objection, I'll certainly recognize you for that.

SENATOR GOLD: Would the Chair indulge me in one question, please.

Mr. Chairman -- Mr. President, first of all, lest you misunderstand, I'm delighted you are in the chair because you do read the rules and I have some degree of comfort that, even though I may lose one here or there, I'm dealing with someone who will try to find a reason for my losing.

Mr. President, I think you're right. My question is, we read the Rules report and discuss whether it should be adopted or not. At that point, am I not correct, that, if we are going to do any further business, we are back with our Journal?

ACTING PRESIDENT KUHL: I think I would like to approach that, Senator Gold, when the issue comes rather than make a predetermined ruling.

SENATOR GOLD: All right. I don't have an objection to that, as long as you and I are on target as to where we were and

where we're going.

ACTING PRESIDENT KUHL: The Secretary will read the report of the Rules Committee.

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

Senate Print 898, by Senator Cook, an act to amend the General Business Law;

2068, by Senator Holland, an act to amend the Tax Law;

3188, by Senator Seward, an act to amend the General Municipal Law;

3596, by the Senate Committee on Rules, an act to amend the Tax Law;

3965, by Senator Johnson, an act authorizing the assessor of the town of Islip;

4473, by Senator Libous, an act to authorize the town of Richford, Tioga County;

4474-A, by Senator Libous, an act to legalize, validate, ratify and confirm;

4499, by Senator Tully, an act authorizing the assessor of the county of Nassau;

4522, by Senator DeFrancisco, an

act to amend Chapter 619 of the Laws of 1967;

4767, by Senator Marchi, an act to amend the Business Corporation Law;

4790, by Senator Seward, an act to amend the Real Property Tax Law;

4899, by Senator Saland, an act to authorize the town of Washington in the county of Dutchess;

4912, by Senator Alesi, an act to amend the General Business Law;

5125, by Senator LaValle, an act to amend the Town Law;

5212, by Senator Volker, an act to amend Chapter 309 of the Laws of 1996;

5277, by Senator Stachowski, an act to legalize, validate and confirm the validity of certain actions;

5280, by Senator Volker, an act to amend the Penal Law, in relation to causing the death of a peace officer;

5294, by Senator Nozzolio, an act to amend the Penal Law, in relation to the assault of bus drivers; and

52 -- 53... rather ...52, by the Senate Committee on Rules, an act providing for

the establishment of the New York State Commission.

All bills ordered directly for third reading.

ACTING PRESIDENT KUHL: Senator Bruno, the motion is to accept the report of the Rules Committee.

SENATOR BRUNO: So moved, Mr. President.

ACTING PRESIDENT KUHL: Okay.

SENATOR GOLD: Mr. President, on the motion -

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Can I have an explanation of why we need to accept the Rules Committee report from the Temporary President?

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

SENATOR BRUNO: Mr. President, I believe there is a motion on the floor. I would like to dispense with the motion and then we would be happy to answer whatever questions that we -- are appropriate.

SENATOR DOLLINGER: Mr. President, the motion is a debatable motion, is it not?

ACTING PRESIDENT KUHL: Yes.

SENATOR DOLLINGER: Can I ask the Temporary President then why we need to accept the Rules Committee report at this time?

ACTING PRESIDENT KUHL: And the way I interpreted the Majority Leader's answer was that he did not wish to yield.

SENATOR DOLLINGER: Is there anyone on the Rules Committee -- in the Majority on the Rules Committee or in support of the Rules Committee -- perhaps even Senator Gold - who participated in the Rules Committee deliberations who can inform me as to why - would Senator Gold yield then?

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Excuse me, Mr. President. If you have a question -- I understand that the motion on the floor -- the Minority has a half hour to debate and it's apparent that they want to run the clock rather than do anything constructive. So we'll start

running the clock as of three minutes ago, and I would be happy to answer your question.

ACTING PRESIDENT KUHL: The Senator yields, Senator Dollinger.

SENATOR DOLLINGER: I'll rephrase the question I asked earlier. Could someone explain to me why we need to accept the Rules Committee report at this time.

SENATOR BRUNO: Mr. President, we're accepting it at this time so that we can proceed with the -- with a vote and a discussion of each of the bills that will be reported and is being reported out of the Rules Committee. That's the purpose of accepting the motion.

SENATOR DOLLINGER: Again through you, Mr. President, if the Temporary President would continue to yield.

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

SENATOR BRUNO: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Is there any reason why these bills couldn't be dealt with in

the normal course of our procedure, that they couldn't be referred to first reading, why they would have to all be referred to third reading, through you, Mr. President?

SENATOR BRUNO: Because that's our preference for the day, Senator, and we're trying to move towards some orderly adjournment in the house and we're trying to dispose of bills as they come before us as efficiently as we can.

SENATOR DOLLINGER: Again through you, Mr. President, if the Temporary President would yield just to one question. Were there any Minority reports filed with any of the bills that came through the Rules Committee?

SENATOR BRUNO: I'm told by those that were in attendance that there was much discussion by the Minority on a number of the bills that are about to be before us, if that answers your question. So whatever discussion was appropriate took place, as I understand it, and at the conclusion of the discussion, votes were taken and that's why we have an agenda before us.

SENATOR DOLLINGER: Okay. Mr.

President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: I would be glad to yield the floor, I believe to Senator Gold or anyone else who would like to address this issue. I just don't understand -- I know there was a lengthy series of deliberations in the Rules Committee about these bills. I understand that there may be several very controversial bills, that there were questions raised and questions asked about these bills. I wish that we could hear a greater report of what actually happened in the Rules Committee so that we would be enlightened and perhaps the debate on the bills when they come to the floor would be enhanced. We would perhaps save some time if we knew what went on before and ideally would facilitate the process rather than slow it down.

So from my point of view, I would hope that there would be some explanation. Perhaps Senator Gold or someone else who participated might give us some explanation about what happened and why we need to accept

the report at this time.

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

SENATOR DeFRANCISCO: Would Senator Dollinger yield to a question?

SENATOR DOLLINGER: Sure.

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

SENATOR DeFRANCISCO: Senator Dollinger, were you in the chambers when -

ACTING PRESIDENT KUHL: Senator DeFrancisco, let me just find out if Senator Dollinger yields.

SENATOR DOLLINGER: I would be glad to, Senator.

ACTING PRESIDENT KUHL: Senator Dollinger yields.

SENATOR DeFRANCISCO: Were you in the chambers when the Rules Committee meeting was called?

SENATOR DOLLINGER: Actually - through you, Mr. President. I'm not sure why that relates -- that question has any relation to the debate about whether to accept it or not,

but I'd be glad to answer it anyway.

I was in the Rules Committee and listened to part of the debate in the Rules Committee. I was in the chamber for most of the period of time awaiting the Rules Committee report. I'm simply trying to find out -- since I didn't stay there for the whole time and I didn't hear all the discussion, I'm simply trying to find out what happened -- trying to find out what happened in the Rules Committee. Maybe that will enlighten us here, those who weren't members of the Rules Committee and will be able to better debate the bills when they actually come to the floor.

SENATOR DeFRANCISCO: Would you yield to another question?

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Again through you, Mr. President, assuming it's relevant to the issue on the floor, I would be glad to.

ACTING PRESIDENT KUHL: I assume the Senators yields with that response.

SENATOR DeFRANCISCO: So I assume that that answer means that you knew that there

was a Rules Committee meeting. You could have attended the Rules Committee. You chose to attend part of it and listen to the debate but you chose not to attend the balance of it.

SENATOR DOLLINGER: I think that's probably a fair characterization, Mr. President, of my choice in the matter. That's correct.

SENATOR DeFRANCISCO: So you could have been there for the whole meeting, had you chose to get all the information that you wanted to get firsthand rather than secondhand through this procedure that you're now calling upon.

SENATOR DOLLINGER: Well, again through you, Mr. President. That's entirely true. I think any member in the chamber could go to every single committee meeting and learn -- on every single bill that's going to come before the floor and we could all participate in the committee process. I think that would be a wonderful thing to do. Maybe we should all be members of the standing committees so that we can all go to committees and all vote on that. I think, Senator, that that may actually have

some validity.

Why don't we just take the whole chamber and put it in every committee room and then every member can go and listen to every single debate in committee so that we're fully informed before we come before the floor.

I think that suggestion may have some merit and maybe we should just dismantle the whole committee approach and make everybody a member of every standing committee. I assume that's what you're suggesting we should do.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would the Senator yield to one last question?

ACTING PRESIDENT KUHL: Senator Dollinger, do you yield to one question?

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

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DeFRANCISCO: Senator Dollinger, isn't it true that you were evoking this procedure today merely to delay the process today so that we will do nothing productive?

SENATOR DOLLINGER: Through you, Mr. President. I always find it interesting that when you ask questions and you give answers and you ask further questions, the only reaction or apparently the reaction is, Gee, there's some reason -- there's some other reason than gaining knowledge and information. It seems to me that that's what we're here for.

I was on the floor, I think a couple days ago when I wanted to put an amendment to Senator Stafford's bill and, my gosh, it couldn't get to the floor. It was impossible to get it to the floor. A vital issue to my community, critical to my community, couldn't make it to the floor. So I decided that I would step up and try to interject in the proceedings the passion, the commitment that I bring to this chamber representing the 300,000 people in Monroe County that I was elected to represent.

I brought it to this chamber. I made every effort that I could to get that bill heard to try to make sure that the people in my district got what I thought they needed. It didn't work. It didn't work.

Was I stalling that day? Was I delaying that day? I don't think so. I think I was representing the people of my community in doing what they sent me to Albany to do.

Today, by asking this question of why do we suddenly have to take a Rules Committee report today -- today, in late June, suddenly we have to bring a Rules Committee report to the floor of this chamber, bills that we could have dealt with at any other time, bills that we could have done during the course of the last couple weeks, bills that, in my judgment, we could have done in January and February when we were doing five bills a day. For some reason we had to take a Rules Committee report, bring it to the floor today and all of a sudden do these 20 bills which are now vitally important to the people of the state of New York.

Before I vote to accept that motion, before I decide that that's the right thing for me to do on behalf of my constituents, I think the rules of this house, which I have been quoted ad nauseam in my career in this house, provide me with the opportunity to ask

why. What's the big deal? Why does this all have to be done now? Why couldn't it be done in February when we were doing five bills a day or March when we were doing six bills a day or April when we were doing six bills a day?

For some reason it wasn't important to do it then but it's vitally important to do it now and when we ask why, we're told, You must be stalling.

I don't know. What did we do in January, February, March and April, Senator? What did the Majority do? Were you stalling? I don't know. I'm trying to find out today what's going on.

If somebody will give me an answer, a straight answer, I would be glad to take it back home to the people that I represent. I'll give them the message and then I'll make up my mind as to what I ought to do.

That's what I'm trying to do, trying to find out what's happening. I don't know why we're accused of stalling when for months we did five bills a day. I mean, that's a question you have to ask yourself.

SENATOR DeFRANCISCO: May I ask

Senator Dollinger another question?

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

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

SENATOR DeFRANCISCO: I would wonder if you could answer a question simply yes or no without the lecture of seven weeks of the sessions of the New York State Senate.

Now, very simply, can you do that? Can you answer this next question yes or no and the question is simply, is the reason you are asking for this procedure today to delay today's proceedings?

SENATOR DOLLINGER: Mr. President, through you, the answer to that is clearly no. I'm not doing it for that reason.

SENATOR DeFRANCISCO: You answered it. Thank you.

SENATOR DOLLINGER: But I'm not -- certainly I've got the floor right now. You asked a question. Let me tell you why "no" is the right answer, because -- and I'll remind you that the people of this state are wondering, what's going on in the Senate chamber? I'm

talking to people out and they're wondering what's happening? We're now talking about locking up the Senate chamber. We're going to go behind bars. We're going to cut the public out. We're going to -- somehow there's some reason, there's some urgency created today. All of sudden these Rules bills have to come to the floor. They couldn't have come to the floor the day before or the day before that or weeks before that but they're vitally important today.

Well, I don't know. I sit here and say, why are they that important to come today? Why do these bills have to come today? I asked that question. I haven't gotten a straight answer yet. I'll continue to ask it until I do.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator -- excuse me, Senator Dollinger.

Senator Gold, why do you rise?

SENATOR GOLD: Would Senator Dollinger yield to a question?

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

SENATOR GOLD: Senator Dollinger, are you aware of the fact that there is a bill on the Rules agenda, Senate 3596, which is sponsored by the Rules Committee -- apparently nobody wanted to put their name on it -- and that this bill would extend the sales and use taxes for the city of White Plains and that apparently tomorrow the city of White Plains has to do something with regard to their budget and the existing sales tax, I'm told runs out, I believe on August 31st of this year and, therefore, the city of White Plains has to know that this passes in order to do their budget.

Having said that, do you know that this bill was introduced by "Senator Rules" on March 14th? Can you tell me why the Majority in this house has found it necessary to hold the city of White Plains hostage from March 14th through the end of March, through the entire month of April, now through the entire month of May so that they could get to the Rules Committee today shivering and say to people, Don't hold up the session. White Plains needs this.

Well, maybe the people in White

Plains ought to know that they didn't have to be held up. We didn't need Senator Spano to do his lobbying today, which I admire because you're worried about that city, Senator, and I congratulate you, but if it wasn't for your Majority Leader, who you voted for and I didn't -- I'll remind him of that -- the city of White Plains would not have been held hostage.

So do you know of any reason, Senator Dollinger, why the city of White Plains couldn't get this bill passed on March 15th or 16th or 17th or 18th, et cetera?

SENATOR DOLLINGER: Senator -

ACTING PRESIDENT KUHL: Senator Dollinger, before you answer, Senator Libous, why do you rise?

SENATOR LIBOUS: Senator, point of information. I believe the Majority Leader had a motion on the floor. I'm not clear as to whether or not the Majority Leader had yielded the floor to either one of the Senators who are now debating.

ACTING PRESIDENT KUHL: Senator Libous, the procedure is that there was a motion to accept the report of the Rules Committee.

That motion is debatable. It has a one-hour time limit. A half hour is dedicated to the Minority. A half hour is dedicated to the Majority. At this point the Minority is debating that motion. They are now into it about 16 minutes and so there's about 14 minutes left to debate that motion.

So, Senator Dollinger, you now can answer Senator Gold's question.

SENATOR DOLLINGER: In response to Senator Gold's question, I don't know why that bill introduced in March suddenly became important today and why we had to wait three months but, Senator, I get the feeling that that's a trend around here. There's a trend developing.

As I recall, Senator Connor introduced a bill relatively early in this session that would extend the rent controls in New York City and that bill hasn't found its way to the floor yet. That bill hasn't been here and I just get the sense that maybe I detect some kind of pattern as far as bills being filed and then all of a sudden we wait until the last second deadline before we do anything.

I don't know about you, Senator Gold. I won't attribute any extra legislative motivation to that. I assume that there's a very good reason why White Plains couldn't have its sales tax done in March and it couldn't have it done in April and it couldn't have it done in early May and, frankly, I think it would be wonderful if someone would explain to me in the course of this -

SENATOR SALAND: Mr. President, would Senator Dollinger yield to a question?

SENATOR DOLLINGER: Mr. President, I decline to do that until I finish my response to Senator Gold. I -

ACTING PRESIDENT KUHL: Senator Saland, the Senator refuses to yield at this moment.

SENATOR DOLLINGER: So I think, Senator Gold, I'm waiting for someone to give me that explanation. I don't know the answer to your question. I'm intrigued by it, as I think you are, and frankly, for some reason these bills are -- these 20 bills, how many bills come out of Rules are suddenly extremely important today and before we accept the Rules Committee,

we ought to judge whether or not they're really that important and, frankly, Senator Gold, I'm willing, if what you say is true -- I mean, I don't know that you're the sponsor of that bill but if what you say is true that White Plains needs this to get its fiscal house in order and needs an indication from this Legislature today that that sales tax will be extended, that would be a reason, in my judgment, to vote to accept that portion of the Rules Committee report because that's something we ought to do, but the rest of the bills, I'm not quite so sure.

So I'm willing to let anyone give me further edification as to why I ought to accept the report on that basis.

SENATOR GOLD: Will the gentleman yield to a further question?

SENATOR DOLLINGER: I will, Mr. President.

SENATOR GOLD: Thank you.

Senator Dollinger, you -- I want the record clear on one item. I know, Senator Dollinger, that from my point of view, whatever else happens today, I am certainly prepared to support the bill dealing with the White Plains

issue. I was ready to support it all along if that's what they want. It's my understanding that there are other members on this side who are willing to support it.

My question, so I understand it, to you, Senator, is that if we were to go to the White Plains bill, for example, which has been a captive of the Republican Party in this house since March 14th, do I understand from your comments you would support it?

SENATOR DOLLINGER: Through you, Mr. President. I'm frankly not sure. I would like to hear the sponsor explain why it's needed. As you may know, Senator, I have voted against sales tax extensions for the most part because I don't think it's good public policy to do that in many cases. So I have been consistent -- I think Senator Gentile and I have been leading the fight to try to reduce taxes across the state by voting against those sales tax extensions, so -- but I would like to hear the explanation before I elect to do that.

SENATOR GOLD: Will the Senator yield to a question?

ACTING PRESIDENT KUHL: Senator

Dollinger, do you continue to yield to Senator Gold?

SENATOR DOLLINGER: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Senator, in that particular one instance, you would have no objection to the Senate taking up that bill today.

SENATOR DOLLINGER: Absolutely not. Absolutely not.

SENATOR GOLD: Thank you.

SENATOR DOLLINGER: It should be taken up. As I said, even though I have a personal opinion -- and I think Senator Gentile and I have demonstrated by voting against those sales tax extenders. Even though I'm not inclined to do it, I think the Majority of this house, consistent with its usual rules, should adopt that bill if it deems it to be appropriate but, again, Senator Gold, I still -- I still haven't heard an explanation from anyone as to why it was held captive for so long. I assume you're not the sponsor of the bill. Maybe the

sponsor can tell me why it needs to be done today. What is there about May 29th that suggests that a tax that expires -- I recall you said April -- or August 31st -- what is there about May 29th that makes this the day that it has to be done? I don't quite understand.

I will now yield to Senator Saland, if he's so inclined.

ACTING PRESIDENT KUHL: Senator Dollinger, do you have any further statements on the motion?

SENATOR DOLLINGER: I have none, Mr. President.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah. If -- if Senator Dollinger is finished, I would like to make some comments, if I can, and I want the record to be very clear on this.

The debate, as you know, Mr. President, under the rules, indicates a half hour for each side, and I think we ought to stay by that, but that's why I am standing up to throw my support for the acceptance of the Rules

report. So please attribute my time, not along with those who may be opposed but for those who are in support, which is a different half hour.

ACTING PRESIDENT KUHL: Senator Gold, the Chair would beg to differ with you. You are on the Minority time. So don't be under the impression that simply making a statement that you're altering the rules. The Chair is logging your time against the Minority's time, of which there are about 13 minutes left.

SENATOR GOLD: Mr. President, I know, as you said before, that you are not conversant by memory with all of the rules - none of us are but you are better than most, but I would refer you to Rule Number II, which says that one half hour for and one half hour against. It does not say that it is -- it does not say that it's one side or the other.

Now, it is true that the Majority Leader has a right to attribute some time and so does the Minority Leader. So maybe I ought to ask the Acting Temporary President whether I can help in this thing and get some of your time to convince them we ought to approve it.

SENATOR SKELOS: Senator Gold,

when you're speaking, the eloquence of your remarks are sufficient and I will sit here and enjoy them for the next 20 minutes.

SENATOR GOLD: Thank you. I now have been allocated 20 minutes by the Majority Leader.

Mr. President, let me tell you, every one of us -- every one of us is not one thing. We're a mixture of things and I was very, very hurt to find out that, in voting against Senator Bruno to be the leader of this house, he took that personally and felt offended, and the reason that I was hurt is because my vote against him as a leader was not a vote against him to play golf with him or to have dinner with him or to spend time with him because, as everyone in this house will attest, Senator Bruno, when he wants to be, is a very charming and delightful gentleman, intelligent and bright.

My vote against him as a leader was for different reasons and obviously Senator Goodman and Senator Padavan had a different feeling, but when I heard that Senator Bruno was going to destroy the tenant population of my

city, I couldn't vote for him for leader because I'm voting for him to carry out an agenda and so when Senator Spano and others who were in that predicament with their tenant population gave up the ball game to Senator Bruno, it was too late, but that wasn't a personal vote on my part at all.

The other thing which amazes me a little bit -- and I have this in a newspaper story in Queens last week -- I always get amazed that Republicans get offended when you tell the truth about them.

Now, Senator Dollinger was asked whether or not he was doing anything to delay the session and, as a matter of fact, I think Senator DeFrancisco said, Are you trying to stop us from doing productive things.

The answer is, Senator DeFrancisco, even though you didn't ask me the question, I would never stop this chamber from doing productive things but what you think is productive and what I think is productive may differ. I don't think one-house bills are productive. I don't think holding hostage the municipalities of this state who happen to be

represented by Democrats is productive. I think it's kindergarten. I think some of the things that happen in this house are kindergarten.

Whenever we get into this discussion, there's always a Republican who stands up and says, Well, you know, I was in the Minority in the Assembly and I know what can happen and all of this.

I want to give you an example of something. I want to tell you class versus kindergarten. When the Yankees came up here - the Yankees don't belong to anybody and the Speaker of the Assembly invited the Republicans in with the Democratic members to meet the Yankees. In this house, you scurried the Yankees into your little conference room, kept it quiet and when you came out to the floor, some of you were giggling like babies about how you had created a coup.

Gentlemen and lady, we are not kindergartners. We are all 21 and older. I mean, to get a kick out of the concept that you can take a couple of Yankees and bring them in a room and do that is infantile and then when it came out here to who would speak -- well,

Senator Velella does represent part of the Bronx and part of another county but there's a lady by the name of Olga Mendez who represents the area where Yankee Stadium is. You don't think that granting the simple courtesy to let that lady say some words was nothing more than infantile conduct? I mean, is the ego so elitist on your part of the aisle that you think any bit of credit that you give to this part of the aisle diminishes whatever you have left? That is just nonsense.

SENATOR DOLLINGER: Mr. President.

SENATOR GOLD: I won't yield right now, sir.

My position is a simple one, Senator DeFrancisco. I know a lot about you. You are a businessman who wants to get things done and I respect that. I also happen to think, Senator DeFrancisco -- and it's not for me to get involved in the politics of your party -- that if you were the leader, you would have enough respect for yourself and your people not to have to hold other parts of the state hostage to get your work done.

Senator Dollinger, you may not remember this -- some of you may not remember, but we have had other leaders in this house as Republicans and during the term and the reign of an Earl Brydges and Warren Anderson, there were years when there were Democratic members with 10 chapters, 5 chapters, 15 chapters, 19 chapters and you want to know something interesting? The Republican Party didn't seem to fall apart. The Republican Party didn't lose its majority and what happened from the point of view of the people? Hundreds of ideas, good ideas that came from Democrats went into the law and helped your people as well as our people.

Now, I've told you fellows this informally a number of times. I think your politics are ridiculous. If you let Democratic bills out and you want to pick on a few of what you think are marginals, gee, you would make them look bad. All you're doing is making heroes out of all of our marginals because they're saying, what are you looking at me for? These childish Republicans won't let out any good ideas, such as "A", "B", "C" and "D".

So, Senator DeFrancisco, I don't

want to hold up the productive work of this chamber. It is not Manny Gold responsible for the fact that the Republicans in this house have not put out a budget. It's not my fault at all.

Somebody made the point that it's interesting, isn't it, if the Governor doesn't give a darn about the budget, nobody in the state seems to care the budget. When the Governor was excited his first year in office, everybody got excited. Where's the damn budget -- darn budget, excuse me. Now nobody seems to care because the Governor doesn't care, but at least the Governor put out a budget as bad as it is and, again, Senator DeFrancisco, I don't mean to pick on you but you answered a question from me a week or so ago and you admitted on the floor of this chamber you wouldn't vote for the Governor's budget and I respected that, Senator, and some of you have told me you won't vote for the Assembly budget, but why don't you at least tell the public what you will vote for? Have enough guts to stand up and tell the public, This is the report of our Finance Committee. We say these are the monies. These are the expenditures. You won't do that.

The fact is there's a Majority in the Assembly that would restore rent regulation to every tenant just the way it is and there's a Majority in this house who says they will do it but not when the votes come and the Majority Leader says that he's opposed and whatever, but I don't see a bill.

The Majority Leader, who has raved time and time again about making this process open and having joint committees of the houses, let the people see us work, has backed away from that because it's not convenient anymore. Why isn't it convenient? Because the positions of your party are so out of step with the public, you're ashamed to put them out.

The only way you'll put them out is by agreement. You hope that in the end there will be a tenant bill that's agreed to so now your people can vote for it because everybody else is voting for it, they'll be in agreement but you're ashamed to pass a bill that sets forth your position and how can you govern without shame? That's no way to govern.

Senator DeFrancisco, I'm prepared to support every municipality in this state, but

I say "all" and "every". I don't say I'll support the ones that are represented by Democrats or represented by Republicans, and I thought we ended this nonsense years ago.

We went through it once. Senator Anderson had enough class to realize that it was a losing battle from the Republican Party's point of view and we had a truce and we didn't do this kind of thing. Not only that, as I indicated to you before, Senator Anderson had enough class to -- not yet -- Senator Anderson had enough class to even allow substantive bills to come out and some of them were terrific.

SENATOR SKELOS: Will Senator Gold yield?

SENATOR GOLD: In one minute.

Not only that, a guy by the name of John Marchi, in 1970, had enough class to even let a Minority Democrat in the Assembly have his name on a piece of legislation and that's what we're talking about. We're talking about the stature of this house and putting it on a level where everybody participates and who wins and who loses? The people win, and that's what I thought this process was all about.

Yes, Senator. You want me to yield?

SENATOR SKELOS: Professor Gold, I appreciate the lecture.

SENATOR GOLD: Any time.

SENATOR SKELOS: Just one question for clarification.

SENATOR GOLD: Sure.

SENATOR SKELOS: You know, I can understand you perhaps disagreeing the way the house is managed and that's your right, and when you talk about Warren Anderson, you mention a man of class and he certainly is. Are you indicating in your opinion that Senator Bruno is not a man of class?

SENATOR GOLD: Oh, Senator, if that's the -- if that's -

SENATOR SKELOS: You're talking about leadership, Senator Gold, and in my opinion -

SENATOR GOLD: I thought you asked me a question.

SENATOR SKELOS: -- you're insinuating that Senator Bruno is a man not of class, and I want to say to you, in my opinion

-- and I know of the Majority members here - Senator Bruno has brought more reform to this chamber. Our conferences were open. I have never seen one of your conferences open to the press -- to the public. We've had conferences opened up with the Speaker, with the Minority Leader there, with the Governor there. These are all reforms that I think are class reforms by a class Majority Leader and that's Senator Bruno.

So perhaps you just want to clarify that you're not indicating that Senator Bruno does not have class because I know there would certainly be 34 members here that would disagree with you and I would expect an awful lot of members in the Minority that would disagree with you.

SENATOR GOLD: Thank you.

I would be glad to answer that question. Senator, as you and I know, if you take a look at that clock in here, you and I don't know whether that is solid wood or veneer until you make a closer inspection. The reforms that have been made in this house are nothing but veneer. When you get past the surface, they

are nothing because the fact of the matter is that this Majority in this house at this time has done more to be regressive towards the rights of Minority members in this house than anyone ever was and for no reason. It gains you nothing. As a matter of fact, it lost you two seats last time around and counting.

So when you say to me, does -- am I implying that Senator Bruno doesn't have class, I would say to you, Senator, that the world is not black and white. It is gray.

Senator Anderson had class. In saying that, I don't have to say anything about Senator Bruno. We'll make our own judgments as to whether on a scale of one to ten where he fits in. I don't have to comment about him. I told you before, I think he's a lovely gentleman. If he gets me a horse that won't kill me -- which is an issue right there -- I would be glad to go horseback riding with him, but that's just not the issue.

One thing which I think you may want to do, Senator Skelos, because I know you are a power in your party, is you might want to read the papers. We have, in the 26 years I

have been a member of this house, said a lot of things over the years and the gentlemen and ladies of the press have taken that as political stuff because that's what Minorities say. Not this year. Why don't you read the papers. They're printing it this year. They're starting to understand it, Senator. They're starting to understand how the Majority in this house warps the process.

There was -- and I've told you this before -- the very -

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

SENATOR SKELOS: Have there been Joint Conference Committees appointed in the Legislature with Minority representation where we've had results of the breast cancer pesticide bill resolved, we've had the speed limit issue resolved, small city school issues resolved?

Senator Gold, you know, when you're speaking, I'm generally attentive because your comments are always riveting and I never know what to expect from you, and certainly I think when myself or any other member is speaking, especially if they've asked you to

yield, that similar courtesy could be extended.

SENATOR GOLD: You haven't missed a word.

SENATOR SKELOS: Thank you very much.

So I think that with the Majority Leadership of Joe Bruno, there have been many wonderful reforms instituted as have been written by the press, Joint Conference Committees, all night sessions have been eliminated, starting on time, many, many reforms which I think have been significant and Senator Bruno has indicated that these reforms will continue, but it's interesting how, when I bring up the one issue -- the one issue of a Democrat Minority Conference open to the press, it's never happened. It's never happened and we've had our conferences open. We've had the conferences or the leadership meetings which Senator Connor has attended, with the Governor, with the Speaker, Minority Leader in the Assembly. They have been open to the public and to the press. Our Joint Conference Committees are open to the public and the press but we have not seen one of your conferences open to the

public and the press.

SENATOR GOLD: Mr. President, Senator Connor will have something to say in a moment on that because it just isn't true in terms of our conference but, Senator Skelos, I listened to the question and I'll answer the question, and I say to myself, who are you talking to? Who are you talking to? The press knows what you've done and what you haven't done. In the three-year period, there were three bills out of 3- or 4,000 where you called Conference Committees. Where is the Conference Committee on rent? Where is the Conference Committee on the budget? These things are big issues. Where's the Conference Committees on some of the crime bills where this house and the other house has a differential? Where is the Conference Committees on education funding formula? Where is the Conference Committee on anything?

This is nonsense. You do it once and you call it a reform because you can put that notch in there? Conference Committees mean we do it. It's a regular course. We get work done and as far as the fact of your open

conference on one day or whatever that was -- I think we opened it up once also -- that's not reform. I don't know who you're kidding. You and I are not debating in the middle of Europe where nobody knows what's going on. The reporters who hear this know what's going on. Our members know what's going on. Your members know what's going on. So just standing up and saying the reforms have happened doesn't make anything the truth because all of us know the truth.

Senator Connor, I'm sorry. I yield to Senator Connor.

SENATOR CONNOR: Thank you, Mr. President, just to set the record straight.

I'm enjoying this debate, particularly hearing Senator Dollinger oppose the motion and Senator Gold support it, but I did want to point out that Senator Skelos was in error. The day, the one day, the one occasion when the Majority Conference was open to the press here, at the very same time we had our conference and it was open to the press. They all went to yours, including some of our members.

SENATOR SKELOS: May I add that Senator Dollinger attended also.

SENATOR CONNOR: That was their choice. Some of our members attended yours. You were all invited to ours as was the press. They all chose to go there. We had a nice quiet, small conference but it was open, in fact, and I would point out about the reform of the Conference Committees, Senator Skelos very correctly articulated the only three times in the last two and a half years when these Conference Committees were used, on the breast cancer legislation, the small cities school budget vote and the speed limit bill, and I would point out that this year the Speaker has been repeatedly calling for Conference Committees on the budget and for Conference Committees even on the rent issue and that requires this house to take some action to pass a bill which the Majority hasn't even brought a bill on any of those topics to the floor, but if you do and you pass those bills, then hopefully we would have Conference Committees again, but I did want to set the record straight. Our conference was certainly open to the press on

that very same occasion.

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

SENATOR DOLLINGER: May I just be heard against the -- I want to argue against the point that Senator Gold talked about about productivity.

I would simply point out -- and Senator DeFrancisco raised the same issue and, again, I'm speaking against the acceptance of the Rules Committee report. The notion that we have to do something productive today, when we're doing three or four bills all through February, March and April, when we were doing nothing, I would simply point out the other fact.

As of May 1st, we had been in session, I believe 44 days. There have been 44 chapters created. We have been doing one law a day and for that, the people of the state of New York are paying about $1 million a day. So for all of a sudden somebody to say to me, Well, it's time to get productive, we got to do all these bills that were printed in March that need to be done on the 29th of May, I think is quite

foolish. We had all that time in January and February and March and April when the people were paying us -- the people were giving us per diems, the people were paying our travel expenses, we could have done any one of these bills on that day -- on those days. Instead we did nothing, nothing, nothing and for someone to now suggest that the reason we're stalled is because today in this chamber we've decided to debate these issues and bring them to the floor, to say it's our fault, it seems to me is equally as foolish.

We had 44 chapters in 44 days. I didn't control that agenda. I don't set the Rules Committee agenda. I don't set the agendas of all those committees that were suggested that I should attend. I don't get to do that. Somebody else gets to do that. Why didn't we get anything done? Why haven't we done anything this year? I would suggest that perhaps you not cast your glance over to this side of the aisle but instead look some place else for that explanation.

I don't understand why we would suddenly be accused of doing nothing. We would

be accused of being obstructionist when the people of this state have had four and a half, almost five full months of doing nothing from this house.

That's the reason why I'm opposed to the acceptance of the Rules Committee report.

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

(Response of "Aye".)

Opposed, nay.

(Response of "Nay".)

The Rules report is accepted.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I would like to proceed with a bill but before I do, I just wanted to give an indication to my colleagues here in the Senate that Monday - whenever we adjourn today at whatever hour -- I would suggest that we be prepared to spend some time here in the chamber because we are contemplating, as the Senator referred to,

having a closed call of the house and that will help us ensure that members come here, stay here and we do the work that has to be done because we are going to move in an orderly way towards recessing some time hopefully, according to our calendar, by June 25th.

So today we were contemplating doing that but without previous notice, I think it would be a great inconvenience, not to the Senators who are paid to be here and do this work but to the constituents that many of them had appointments with and had to be back in their own districts on both sides of the aisle.

So, Mr. President, we will on Monday see where we are and what has to be done then and make that judgment accordingly.

At this time I would ask that we take up Senator Cook's bill, Number 898.

SENATOR GOLD: Point of order, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, point of order. State your point of order, please.

SENATOR GOLD: My point of order is very simple. I believe, Mr. President, we

were in the order of business of doing the Journal, as I reiterated earlier.

Now, just to make the record clear, I believe there is one bill on the Rules report which is a bill for White Plains and if the Majority Leader, in his sole discretion, wanted to pull that bill and get that done because that bill apparently has a time limit, I certainly would make no objection and I'm told that the Minority on this side would be very supportive for the most part -- I can't speak for every member, be supportive.

So the record ought to be very clear, if we don't do that bill today, it's strictly up to the Majority, but I would object to any other bills being called until we finish with the Journal, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, I would again refer to the section of the rules that I referred to earlier when I made the ruling that I did, that being Rule VII, Subdivision (2), and if you look specifically at the last sentence of that rule, it does say "If the report be adopted", which it was, "all inconsistent rules of the Senate shall be

automatically suspended until the subject of such report has been disposed of, including final action thereon" and it is the ruling of the Chair that "final action thereon" includes the adoption of those bills on the Rules report.

So we will -- all of the bills that were reported coming from Rules are properly before the house for action thereon. That's what Senator Bruno has asked for and so we will be taking up Senator Cook's bill first.

SENATOR GOLD: Could I ask you for an indulgence for a minute or two? I just checked that so I may not have to go through an appeal of the Chair. If you're right, I'll be the first one to admit it. (Pause)

Mr. President.

ACTING PRESIDENT KUHL: Yes, Senator Gold.

SENATOR GOLD: Yes. I have reviewed the rule and I have determined that you are correct.

So I thank you for your -

ACTING PRESIDENT KUHL: Did the stenographer get that statement by Senator

Gold?

SENATOR GOLD: And as has been done in the past by your side of the aisle, why don't we amend the record to change that.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: Calendar Number 1074, by Senator Cook, Senate Print 898, an act to amend the General Municipal Law, in relation to fees of justice courts.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to read the report of the Rules Committee.

THE SECRETARY: Calendar Number 1075, by Senator Holland, Senate Print 2068, an

act to amend the Tax Law, in relation to providing for business tax credits.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1076, by Senator Seward, Senate Print 3188, an act to amend the General Municipal Law, in relation to intermunicipal agreement.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number -

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: Yeah. The Rules agenda which I have does not have calendar numbers on it, so it's hard for me to make the adjustment, but I'm looking at the agenda here and it has Senator Cook's bill, 898, which I think we have done.

The next one I have is 2068, which is Senator Holland, which I believe we have done. Is that correct?

The next one -

ACTING PRESIDENT KUHL: Let me check.

SENATOR GOLD: The next one it shows is 3188 by Senator Seward. I think -- did we just do that?

ACTING PRESIDENT KUHL: That's correct.

SENATOR GOLD: The next one is 3596. Have we done that?

ACTING PRESIDENT KUHL: No. We have only done three bills at this point, Senator Gold.

SENATOR GOLD: Okay. Can I ask what was the next bill called?

ACTING PRESIDENT KUHL: There hasn't been a bill called.

SENATOR GOLD: Thank you, Senator.

ACTING PRESIDENT KUHL: I have been busy signing them.

SENATOR GOLD: Thank you, Senator.

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

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 4796 and substitute it for the identical Third Reading Calendar 1073.

ACTING PRESIDENT KUHL: The substitution is ordered.

THE SECRETARY: Calendar Number 1073, by the Assembly Committee on Rules, Assembly Print 4796, an act to amend the Tax

Law, in relation to extending the sales and use taxes by the city of White Plains.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1077, by Senator Johnson, Senate Print 3965, an act authorizing -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I was out of the chamber. I apologize, but could I be recorded -- unanimous consent to be recorded in the negative on Calendar Number 1073 which is the sales tax bill

I believe I discussed before.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Dollinger will be recorded in the negative on Calendar Number -- well, it's actually Senate Print 3596.

The Secretary will continue to call the report of the Rules Committee.

THE SECRETARY: Calendar Number 1078, by Senator Libous, Senate Print 4473, an act to authorize the town of Richford, Tioga County.

SENATOR PATERSON: Lay it aside.

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

THE SECRETARY: Calendar Number 1079, by Senator Libous, Senate Print 4474-A, an act to legalize, validate, ratify and confirm.

SENATOR PATERSON: Lay it aside.

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

THE SECRETARY: Calendar Number 1080, by Senator Tully, Senate Print 4499, an

act authorizing the assessor of the county of Nassau to accept an application.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: The Secretary will lay the bill aside.

THE SECRETARY: Calendar Number 1081, by Senator DeFrancisco, Senate Print 4522, an act to amend Chapter 619 of the Laws of 1967.

SENATOR PATERSON: Lay it aside.

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

THE SECRETARY: Calendar Number 1082, by Senator Marchi, Senate Print 4767, an act to amend the Business Corporation Law, in relation to the organization of professional service corporations.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Minority Leader.

THE SECRETARY: Calendar Number 1083, by Senator Seward, Senate Print 4790, an act to amend the Real Property Tax Law, in relation to the definition of real property.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Minority Leader.

THE SECRETARY: Calendar Number 1084, by Senator Saland, Senate Print 4899, an act to authorize the town of Washington in the county of Dutchess.

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Minority Leader.

THE SECRETARY: Calendar Number 1085, by Senator Alesi, Senate Print 4912, an act to amend the General Business Law, in relation to criminal and monetary sanctions.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Minority Leader.

THE SECRETARY: Calendar Number 1086, by Senator LaValle, Senate Print 5125, an

act to amend the Town Law, in relation to increasing the number of and the length of the terms of office.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Minority Leader.

ACTING PRESIDENT KUHL: Calendar Number 1087, by Senator Volker, Senate Print 5212, an act to amend Chapter 309 of the Laws of 1996.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Minority Leader.

THE SECRETARY: Calendar Number 1088, by Senator Stachowski, Senate Print 5277, an act to legalize, ratify and confirm.

SENATOR BRUNO: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Majority Leader.

THE SECRETARY: Calendar Number

1089, by Senator Volker, Senate Print 5280, an act to amend the Penal Law, in relation to causing the death of a peace officer.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Minority Leader.

THE SECRETARY: Calendar Number 1090, by Senator Nozzolio, Senate Print 5294 -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1091, by the Senate Committee on Rules, Senate Print 5322, an act providing for the establishment of the New York State Commission.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside at the request of the Minority Leader.

The Secretary will call the controversial calendar on the Rules Committee agenda, beginning with Senate Print 3965.

THE SECRETARY: Calendar Number 1077, by Senator Johnson, Senate Print 3965, an act authorizing the assessor of the town of Islip.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT KUHL: Senator Johnson, an explanation has been requested on Senate Print 3965.

SENATOR JOHNSON: Mr. President, this bill will allow the aquarium in Bay Shore which is under -- which is going to be built - it is not been built yet -- which has acquired some land to apply for exemption from real property taxes as provided in the Not-For-Profit Law. They didn't file on times. This let's them file on time. It doesn't grant the exemption. It merely makes it possible to make the application for that.

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

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

ACTING PRESIDENT KUHL: Senator Johnson, do you yield?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator Johnson, is there a home rule message on this piece of legislation?

SENATOR JOHNSON: It's not necessary, Mr. -- it's not necessary, Senator.

SENATOR PATERSON: Senator, the delay -- are we regarding the delay as ministerial; it didn't affect any process by the fact that the -- the application was late?

SENATOR JOHNSON: Well, taxes already (inaudible) the bill, when it was acquired and not paid and, of course, another year has elapsed and they just noticed when they got their first tax bill that they did not file for an exemption.

SENATOR PATERSON: And, Senator Johnson, if you'll continue to yield. I am wondering about the consultation with local authorities on this. I assume you've done that. There's no need for a home rule message and so I'm hoping that you've checked to make

sure everybody in Bay Shore wants this.

SENATOR JOHNSON: Senator Paterson, the local town government is very enamored of this project. They're very happy that's it's happening and it's going to help to rebuild the downtown area of Bay Shore and they're not going to miss the $8,000. It's going to be a $40 million project right in their community.

SENATOR PATERSON: Well, thank you, Mr. President.

I'm sure they're also enamored of Senator Johnson. There are no further questions.

I'm going to vote in favor of this bill and I'm going to recommend that every member of this body vote for it as well.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Will Senator Johnson yield to a question?

ACTING PRESIDENT KUHL: Senator Johnson, do you yield to a question from Senator

Dollinger?

SENATOR DOLLINGER: Senator, as I understand it -- I assume that was a yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Johnson, do you yield?

SENATOR JOHNSON: Yes. I stood up and yielded, yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: As I understand this, Mr. President, the entity here, the Long Island Aquarium, acquired a piece of property after the tax rolls had already been set and, therefore, they weren't able to get the benefit of the not-for-profit exemption because the tax status of the property had already been declared for the entire year, is that correct?

SENATOR JOHNSON: It was taxable property while it was taken, yes, and I guess they paid that tax and now another year has come by and they want to eliminate the tax in this year and get last year's tax back which they shouldn't have paid.

SENATOR DOLLINGER: Again through

you, Mr. President, if Senator Johnson -

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

SENATOR JOHNSON: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Do I understand it, Senator, that they owned the property for a year, paid the taxes for a year and then didn't file for the exemption so they've had to pay taxes for the second year?

SENATOR JOHNSON: Just about, close enough.

SENATOR DOLLINGER: Excuse me, Mr. President. I didn't hear the answer. I apologize.

SENATOR JOHNSON: The answer is you're essentially correct.

SENATOR DOLLINGER: Okay. Mr. President, on the bill.

I voted against these kinds of measures in the Local Government Committee. Senator Cook and I have had this discussion in the Local Government Committee about what do we do for these entities that have not-for-profit

status that have the ability to get a tax exemption but they buy property halfway through the year and then they immediately come to their favorite state legislator -- Senator Johnson, I assume you're on the top of their list -- and say we shouldn't have to pay property taxes for any of that period of time in the single year, the half year, quarter of a year, two-thirds of a year, three-quarters of a year that the property was on the tax rolls as taxable property.

Senator Cook and I had this discussion with Senator Rath. We talked about whether this is fair, just and proper, and I voted against bills that would allow not-for profit entities to abate the taxes for a single year. When they buy the property one year, it's already on the tax rolls as taxable property. They've got to pay the tax for that year. There have been bills, as I recall them, in the Local Government Committee in which entities came in and said we want relief from that one year, the year we bought its taxes.

With all due respect to the Long Island Aquarium, they got that one year and now

they're looking to abate the second year of the taxes. Quite frankly, I don't think this is good public policy. We have to have a tax cut-off date in which we establish tax rolls for the purposes of collecting real property taxes.

It's not -- if somebody can come up with a better way to do it, then the arbitrary cut-off date that we have in law currently, which we have to have for the purposes of local government finance so they can count on anticipated revenues, it seems to me that that rule makes good sense. It's not perfect. It's one of those arbitrary things that government has to do in order for the government to have its reliability function achieved.

What we're doing here by saying to the Long Island Aquarium or any one of these other entities that have come before us, these bills all seem to have the same political affiliation of the sponsor on them and I understand they make everyone popular, but this is not good public policy for local communities. It's not good public policy to have these bills pass this house or for that

matter become law because what we're really saying is that the local communities can't count on their local property taxes and that we're going to cut out politically favored exemptions for the Long Island Aquarium, for religious organizations. I think this is bad public policy.

I urge -- contrary to my colleague, Senator Paterson, I would urge all my colleagues to vote against this to maintain the integrity of real property taxes for local communities.

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

(There was no response.)

There is a home rule message at the desk. The Secretary will read the last section. There is no home rule message at the desk. I was anticipating the next bill.

So the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives. Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1077 are Senators Cook, Dollinger and Mendez. Ayes 55 - those recorded in the negative on Calendar Number 1077 are Senators Cook and Dollinger. Ayes 56, nays 2.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1078, by Senator Libous, Senate Print 4473, an act to authorize the town of Richford, Tioga County.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Libous, an explanation of Senate Print 4473 has been requested by the Deputy Minority Leader, Senator Paterson.

SENATOR LIBOUS: Thank you, Mr. President.

This is a fairly simple piece of

legislation. It's an act that authorizes the town of Richford in Tioga County to discontinue and convey a small parcel of land to four residents. The parcel of land is one that the -- a very small strip that the DOT no longer wants to have upkeep on and at this present time, the local board felt that it was in the best interests to convey the land to the four homeowners.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, I understand.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1079, by Senator Libous, Senate Print 4474-A, an act to legalize, validate, ratify and confirm certain actions taken by the town of Maine.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: Senator Libous, an explanation of Senate Print 4474-A has been requested by Senator Dollinger.

SENATOR LIBOUS: Thank you, Mr. President.

Senator Dollinger, this is one of those unfortunate situations that comes up from time to time in local government. An official of the local town made some commitments to a company who does paving work and, unfortunately, he really didn't have the authority to make those commitments. However, the work was completed for the town and the town now feels an obligation to pay the contractor for the work.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah. Would Senator Libous just yield to one question?

SENATOR LIBOUS: Sure.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Senator Libous, in this particular situation, the only concern that some of us had in the Rules Committee -- and it's a concern which you and I will finish here in 35 seconds, I'm sure -- is the issue of whether or not we are authorizing bonds to be making payments which may be in excess of value. In other words, if there was some wrongdoing in the letting of the contract, it would make no sense to issue bonds to pay one of the wrongdoers extra money. Now, we don't know -- I'm not saying there are wrongdoers, don't get me wrong, but has that been accounted for in the considerations here?

SENATOR LIBOUS: The problem - as far as any criminal charges or any charges against anyone, those are still pending. Those decisions will have to be made.

The -- I'm not here, Senator Gold, to say who did the wrongdoing. The only thing the town is saying, they have an obligation. The work was completed and they need to pay for that work.

SENATOR GOLD: Senator, the only question I have -- and I'm serious. This is it -- is if there was a determination locally that the contract was not only done improperly but maybe wrongfully in other ways, we are not stopping the town from having any defense about paying if it turns out that they're being over charged.

SENATOR LIBOUS: No, we are not.

SENATOR GOLD: Thank you very much. Last section.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Just one quick question to Senator Libous.

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

SENATOR LIBOUS: Sure.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: The only thing that occurs to me, Senator, was the

highway superintendent bonded when he did this? Does the town of Maine have any recovery against the bonds that would have been posted by the superintendent when he acts outside his authority?

I'm going to vote in favor of this. I think we should do this. This is a problem that we should cure but is there any way that the town bought a bonding for the superintendent so that when this happened they have some recovery through their bond?

SENATOR LIBOUS: I don't believe they do, but that's something that they may want to consider in the future.

SENATOR DOLLINGER: Okay. Thank you, Mr. President.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1080, by Senator Tully, Senate Print 4499, an act authorizing the assessor of the county of Nassau to accept an application.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT KUHL: Is there some Senator wishing an explanation of the bill? Hearing none, the Secretary will read the last section.

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

SENATOR GOLD: Excuse me.

SENATOR PATERSON: I asked for the explanation, Mr. President. I'm sorry, Mr. President. I asked for the explanation.

ACTING PRESIDENT KUHL: Senator Tully, apparently an explanation was asked for by Senator Paterson.

SENATOR TULLY: Thank you, Mr. President.

This bill would authorize the assessor of the county of Nassau to accept an

application for exemption from real property taxes as though previously made in accordance with the assessment roll completed on August 1st, 1996.

What happened was the county of Nassau gave a grant of $250,000 to this Harvest House 3, which is a shared housing alternative for low income elderly and because of some delays, they closed on February 3rd, 1997, went to the assessor's office, sought an exemption and were advised that they can only make the exemption from September to December and this legislation would give them the authority to apply for it as though they made it timely and authorize the assessor to refund the taxes previously paid.

ACTING PRESIDENT KUHL: Senator Paterson.

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

ACTING PRESIDENT KUHL: Senator Tully, do you yield?

SENATOR TULLY: Yes, Mr. President.

ACTING PRESIDENT KUHL: The

Senator yields.

SENATOR PATERSON: Normally this would be an administrative procedure and if I understand you correctly, the reason that this situation at Harvest House 3 requires legislative action is the fact that by the time the settlement was made, the date had already expired. Is that correct assessment?

SENATOR TULLY: That's accurate, Mr. President.

SENATOR PATERSON: So then resting assured that there is no fault on the part of Harvest House 3 and that there wasn't any other great activity at the other two Harvest Houses, I'll vote for the bill.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives. Announce the results.

THE SECRETARY: Ayes 56, nays 2,

Senators Cook and Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1081, by Senator DeFrancisco, Senate Print 4522, an act to amend Chapter 619 of the Laws of 1967.

SENATOR PATERSON: Mr. President.

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

SENATOR PATERSON: On this piece of legislation, I don't need as much an explanation as much as if Senator DeFrancisco would yield for a question.

ACTING PRESIDENT KUHL: Senator DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator, I can understand what the wishes of Onondaga County are in this situation that they want to be withdrawn from the Finger Lakes region. What I would like to know is what is the opinion of the adjoining counties about this -- about this

removal?

SENATOR DeFRANCISCO: This bill does not call for Onondaga County to be removed from the Finger Lakes region. It just declares the -- it follows through on the request of the county legislature that would give them that opportunity if they chose to.

Presently they are in the Finger Lakes region and they're mandated to be so by law. So by passing a bill such as this, the county of Onondaga now would have the flexibility to go to surrounding regions and have discussions with surrounding regions and if and when they work out a different partnership, they would have the authority to come up with an additional region. Right now when they go to adjoining counties, adjoining counties aren't interested in talking because the law mandates that they stay in the Finger Lakes region.

SENATOR PATERSON: Thank you, Mr. President.

If Senator DeFrancisco would continue to yield.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The

Senator yields.

SENATOR PATERSON: Senator, I'll take responsibility for assuming that their end objective was to remove themselves from the Finger Lakes region because I've thought that was probably why they raised the discussion and in the interest of expedience and speed, which everyone here knows that I'm working as hard to get out of here as anyone he is, I just thought I would skip over that point and just assume, which I never should have done, that that would be their end objective. Would there be any other reason other than that that they would be wanting to have that option?

SENATOR DeFRANCISCO: They have not been able to work on any partnerships - they haven't been able to work on any partnerships because no one wants to talk to them because they're currently mandated to be in the Finger Lakes.

There is another reason. The fact that Onondaga County as a whole is in the Finger Lakes region may not be their ultimate decision. They may decide that the westernmost towns, including the town of Skaneateles, which

is right on a Finger Lake, they may want to stay in the Finger Lakes region and they may be broken in parts, Onondaga County may be, where a part may be in one region, part would be in another.

So it's not only to give them the flexibility as a county to meet with other counties and possibly entirely get out of the Finger Lakes region but it will also allow them the flexibility to be part in and part out if they choose to.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Current law, Mr. President, through you to Senator DeFrancisco, is a bar to this kind of discussion or it's -- at least there's a perception among the other counties that there can't be any discussion until we resolve this issue?

SENATOR DeFRANCISCO: No. It's not a bar but -- as a matter of law. It's a bar as a matter of practical dealings.

SENATOR PATERSON: I was saying as a matter of perception.

SENATOR DeFRANCISCO: That's

correct. Why talk to Onondaga County as long as they're still required to be in the Finger Lakes.

SENATOR PATERSON: I understand. If the Senator will continue to yield for another question.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: This is actually a question that Senator Gold had, but he's a little shy and he asked me to ask it for him. What would be the benefit -- can you think of a benefit should the occasion arise when the entire county would like to be removed from the Finger Lakes region? How would that benefit the county? If -- in other words, it may not actually happen as you just stated but if it did, can you suggest to us how that would be beneficial to the county or even -

SENATOR DeFRANCISCO: As I mentioned, there is a division of feeling in the county depending on where in the county you are,

whether they want to stay in or get out but those that want this flexibility feel that they're being -- that Central New York may have a better identity by coming up with a different image rather than the Finger Lakes because I don't think many people think of Syracuse, New York as a Finger Lake area. They may think of Skaneateles because it's on a Finger Lake but - and I think that's the general idea to try to get a different identity, a better identity that's more appropriate for Central New York.

SENATOR PATERSON: Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Paterson, on the bill.

SENATOR PATERSON: I agree with Senator DeFrancisco and I thought his answer was quite sufficient. I don't know if it was sufficient enough for Senator Gold but it was for me and then after all, I asked it, so why would I care -- well, I do care but that's another issue.

I spent two summers in Syracuse. I never considered them part of the Finger Lakes region, and so I guess I'm in favor of the bill.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah. Would the gentleman from Syracuse yield to a question?

ACTING PRESIDENT KUHL: Senator DeFrancisco, do you rise -- do you yield? Excuse me.

SENATOR DeFRANCISCO: Yes.

SENATOR GOLD: Senator, I'm not sure how all this works but is it my understanding that if they are part of one of these regions, that when you put out, for example, the "I Love of New York" brochures or they do other things like that, you would find them listed under that region. So if somebody said they wanted to go to Central New York, they wouldn't find the events of Onondaga County listed there because they would be under the Finger Lakes. Is that the kind of thing we're talking about?

SENATOR DeFRANCISCO: That's correct, and plus state funding depends a lot upon regions for matching funds to the various regions to advertise their particular benefits

for tourism.

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

The question that Senator Paterson asked initially, which I don't think was really answered because maybe it wasn't spotlighted, if Onondaga County were to remove itself, is there financial lack of benefit or injury to the other counties that remain in the Finger Lakes area because of the fact that Onondaga pulls out?

SENATOR DeFRANCISCO: No, no, and the concept is just about every -- every area is not mandated to be in a region. The Finger Lakes, for some reason beyond my knowledge, became a region requiring the people to stay in that region. Onondaga County passed a resolution saying we want that region and we want to be part of that and that's how the law was drafted. Times have changed. They don't - some don't want to be in any longer and they want the flexibility to have -- to choose another reason possibly just like any other area of the state does.

SENATOR GOLD: If you'll answer

one more question.

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR GOLD: Are you saying - well, actually it's two. The first one is easy. Are you saying, Senator, that all of the regions are not defined in law. It's only the Finger Lakes region.

SENATOR DeFRANCISCO: That's correct. All the regions are not mandated to be in this region except for the Finger Lakes. It's the only one.

SENATOR GOLD: Yeah. My only question, Senator, is wouldn't it be then perhaps a situation where we should just eliminate these mandates from the law and let the various regions, as they want to, make their hookups and do the advertising that way instead of the Legislature being involved because from our point of view -- I mean, I'm going to support it because I couldn't care less. If they feel it's better for them economically, I want to support it, but it's just strange to me that it should be a matter where the Legislature

has to be involved.

SENATOR DeFRANCISCO: Well, I don't know the original reason why it was mandated for this region and not other regions but my concept here is that Onondaga County has chosen that they want to get out. If other Finger Lakes counties have that same feeling, I'm sure their Senators will bring that to the attention of the Legislature or me as Chairman of the Tourism Committee, I will be more than happy to look at legislation if that's what the individual counties want.

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

Senator Dollinger, do you wish to speak on the bill?

SENATOR DOLLINGER: Mr. President, just on the bill and this really just follows up a point that Senator Gold talked about some time ago.

This bill was authored on the 15th day of April. I think it's a good bill. It needs to be done today, the 29th March through a Rules Committee? It was in the Tourism Committee. The Tourism Committee, I'm

sure had ample opportunity to report this bill, could have reported it at any time. Senator DeFrancisco is the chair of that committee. It could have come right to the floor, nice bill. Does a good thing for the community that he represents.

I'm going to vote in favor of it but why we had to have it on the Rules Committee and why someone would suggest to us that we stalled -- that we stalled when here's a bill that was printed seven weeks ago that sat in the Committee that the chairman could have moved out to accomplish this beneficial purpose and it didn't happen today until the Rules Committee. I ask again, who's stalling?

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 1082, by Senator Marchi, Senate Print 4767, an act to amend the Business Corporation Law.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT KUHL: Senator Marchi, an explan... excuse me.

Senator Bruno.

SENATOR BRUNO: Can we lay that aside, Mr. President?

ACTING PRESIDENT KUHL: We'll lay the bill aside at the request of the Majority Leader.

The Secretary will continue to read the controversial -

SENATOR BRUNO: I would -- Mr. President, I would like to return to the order of the reading of the Journal.

ACTING PRESIDENT KUHL: Yes, Senator. Is there any objection to the Journal?

SENATOR GOLD: Can you hold it just one half a second?

ACTING PRESIDENT KUHL: Senator

Paterson, did you have an objection to the Journal?

SENATOR PATERSON: No. I just wanted to hear it, Mr. President.

ACTING PRESIDENT KUHL: It was previously read but I can ask the Secretary to read it again as we have traditionally done.

SENATOR PATERSON: Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will read the Journal then.

THE SECRETARY: In Senate, Wednesday, May 28th. The Senate met pursuant to adjournment. The Journal of Tuesday, May 27th, was read and approved. On motion, the Senate adjourned.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah. I think the point that Senator Paterson was making -- and by the way, before I -

ACTING PRESIDENT KUHL: Senator Gold, did you have an objection?

SENATOR GOLD: Yes. I have an

objection.

ACTING PRESIDENT KUHL: You have an objection to the Journal.

SENATOR GOLD: Yeah, and I would like to state it.

ACTING PRESIDENT KUHL: I will listen to it.

SENATOR GOLD: Thank you.

I would like to preface it by saying, by the way, that I am glad that while we have political work that unfortunately we have to do, I'm glad that our Majority Leader found a way to take care of the needs of White Plains and some of the localities in cooperation with our party. I think it would have been foolish not to do that but, Mr. President, I think the point that Senator Paterson is making is made if we take a look at what is traditional -- when we talk about traditional.

We start the session and are asked to approve a Journal. Sometimes -- a lot of times we do that just blindly and yet what happens is after we leave Albany, the Journal is printed and we find out we've approved it and hopefully it's accurate -- and I want to say

that lest anybody confuse anything, there is nobody who admires the Journal Clerk of this chamber more than I do, and the problem, Mr. President, is that people of great talent, people of great attentiveness, people who are well meaning still make mistakes sometimes. This particular Journal Clerk works very hard to make sure that doesn't happen and it really doesn't happen, I don't think, but I think our responsibility is such that we should make sure of what it is we are voting about.

Now, this is the 29th -- 29th of '97. To give you an idea, we just grabbed one, the 29th of May '95, and it's really very short, Mr. President, but it says "The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Sunday, May 28th, '95, was read and approved" but then it says "Introduction: Introduced business. The following bills were introduced, read first and second time, referred to their respective committees. Senate" and then it gives the Senate numbers and there happen to have been three bills that day and it's accounted for. It

then says "Senator Bruno moved that the Senate do now adjourn" and the President put the question, the Senate agreed, et cetera, and that, Mr. President, is a Journal.

Now, earlier today when the Journal Clerk read the Journal, he read the top few lines and that was done because that's what he was instructed to do. He certainly doesn't take it upon himself not to read the rest of it and many days those of us on this side of the aisle are content to let that go.

On the other hand, there are some days when we might decide that we ought to know what is in the Journal. We asked what bills - were there some bills passed and we were told that there were, I think six or eight bills that were passed and upon your instruction, Mr. President -- and we appreciate it -- those bill numbers were given to us. Upon your instruction, we also were given the votes which we also, by the way, appreciate very much and that's where it was.

Now, I don't know, Mr. President, from the information we have, whether that is what will be in the Journal that we are voting

to approve or whether there is other material that is necessary.

For example, when I read to you from May 29th, 1995, I get the impression - although I don't have that good a memory -- I have the impression that perhaps the only two people in the chamber were Senator Farley and Senator Bruno on one of our legislative days. That was a Monday and the reason I say that is on Tuesday, the following day, there is an attendance record which is set forth and we don't have that on Monday. Now, maybe that was Memorial Day Weekend that year, I don't know what happened but apparently nothing much.

ACTING PRESIDENT KUHL: Senator Gold, I -- I am still waiting for the correction -- or the objection that you have to the Journal.

SENATOR GOLD: I thought I was explaining.

ACTING PRESIDENT KUHL: And I'm trying to understand and be as easy going with the interpretation of the rules of the house as I can to give you as much latitude to state your point, but I don't sense that you have any

corrections to the Journal that was read to make. If you do, I would like to hear them so that we can then take a vote on whether or not those corrections are going to be included in the Journal.

So if we could move to that point that you would state your objection to the Journal, or your correction -- it's a synonymous term -- then I would appreciate that so we can move to the vote.

SENATOR GOLD: I think that's a fair comment, Mr. President, and as you can see, you have been making these terrific insights all day and I have been agreeing with you, but the only variance I have from what you just said, Mr. President, is that I am still allowed under the rules to explain my objection in my own way and I am sorry that I don't have the economy of words that you have, that method of putting words together succinctly and accurately so that one -- listening to just one or two minute words can grasp huge concepts and, therefore, I have to struggle with what little talent I have been given to try to get the point across -

ACTING PRESIDENT KUHL: You

appear to be in a lot of pain struggling to find that, Senator.

SENATOR GOLD: -- in the fewest words I can -- in the fewest words I can that, unfortunately isn't always few.

ACTING PRESIDENT KUHL: Could you state your objection, your correction?

SENATOR GOLD: Yeah, I'm trying to do that.

ACTING PRESIDENT KUHL: Okay.

SENATOR GOLD: So, Mr. President -

ACTING PRESIDENT KUHL: The other thing I should remind you, Senator Gold, is if I find your comments not to be germane to the point that's before us, I will rule you out of order and we will move on.

So with that in mind -

SENATOR GOLD: It will be the last day you ever get from me on a putting green.

ACTING PRESIDENT KUHL: That's right. Would you please state your correction or your objection.

SENATOR GOLD: Yes, I am.

SENATOR PATERSON: I'm -

ACTING PRESIDENT KUHL: Senator Paterson, did you have a correction to the Journal as it was read?

SENATOR PATERSON: No. I just wanted to ask you if you are contemplating ruling any of Senator Gold's remarks not germane to the discussion, I just want to know the basis because I have a feeling that I would want to appeal that ruling, and so I just want you to consider what would be really the parameters of what germaneness is so that I can prepare myself for that inevitable time.

ACTING PRESIDENT KUHL: I think after the session is over, Senator Paterson, you and I will adjourn to the lobby and we'll have that discussion. I'm not prepared to make any predeterminations on any rulings at this point. I would like to hear Senator Gold's objections. If he doesn't have an objection, then I would ask you to sit down and we'll move on in the course of business.

SENATOR GOLD: Thank you.

Mr. President, the only objection I would have -- and I will withdraw it as an

objection -- is I assume when the Journal is complete for yesterday, we will have things like attendance in it and things like bills that are introduced and having great faith in the Journal Clerk, I will remove any objection and allow it to be -

ACTING PRESIDENT KUHL: Then, without any 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 resolution.

The Chair recognizes Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Saland, on page 7, I offer the following amendments to Calendar Number 227, Senate Print Number 1289-A, and ask that said bill retain its place on the

Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 227 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Goodman, on page 38, I offer the following amendments to Calendar Number 907, Senate Print Number 5213, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 907 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. On behalf of Senator Libous, please place a sponsor's star on Calendar Number 822.

ACTING PRESIDENT KUHL: Calendar Number 822 is starred at the request of the sponsor.

Senator Skelos, we have a couple

of substitutions. Can we take those at this time? Senator Skelos, we have a couple of substitutions at the desk.

SENATOR SKELOS: Please make the substitutions.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: On page 23, Senator Holland moves to discharge from the Committee on Rules Assembly Bill Number 7767 and substitute it for the identical Third Reading Calendar 680.

And on page 51, Senator Present moves to discharge from the Committee on Rules Assembly Bill Number 8067 and substitute it for the identical Third Reading Calendar 1069.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Senator Skelos, that brings us to the calendar.

SENATOR SKELOS: Mr. President, if we could continue with the Rules Committee report, regular order.

ACTING PRESIDENT KUHL: The Secretary will continue with the controversial

calendar on the Rules Committee agenda, beginning with Senate Print 4767, Calendar Number 1082, by Senator Marchi.

THE SECRETARY: Calendar Number 1082, by Senator Marchi, Senate Print 4767, an act to amend the Business Corporation Law, in relation to the organization of professional service corporations.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1083, by Senator Seward, Senate Print 4790, an act to amend the Real Property Tax Law, in relation to the definition of real property.

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

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1084, by Senator Saland, Senate Print 4899, an act to authorize the town of Washington in the county of Dutchess.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1085, by Senator Alesi, Senate Print 4912, an

act to amend the General Business Law, in relation to criminal and monetary sanctions.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1086, by Senator LaValle, Senate Print 5125, an act to amend the Town Law, in relation to increasing the number of and the length of the terms of office.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1087, by Senator Volker, Senate Print 5212, an act to amend Chapter 309 of the Laws of 1996.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1088, by Senator Stachowski, Senate Print 5277, an act to legalize, ratify and confirm the validity of certain actions.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1089, by Senator Volker, Senate Print 5280, an act to amend the Penal Law, in relation to causing the death of a peace officer.

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

THE SECRETARY: Section 4. 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 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1090, by Senator Nozzolio, Senate Print 5294, an act to amend the Penal Law, in relation to the assault of bus drivers.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1091, by the Senate Committee on Rules, Senate Print 52... 5352, an act providing for the establishment of the New York State Commission.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT KUHL: We have one motion, if we might return to the order of motions and resolutions.

The Chair recognizes Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on behalf of Senator Stafford, please place a sponsor's star on Calendar Number 904.

ACTING PRESIDENT KUHL: Calendar Number 904 will be starred at the request of the sponsor.

Senator Skelos.

SENATOR SKELOS: There being no further business, I move we adjourn until Monday, June 2nd, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT KUHL: Senator Skelos, before that, Senator Waldon, why do you rise?

SENATOR WALDON: Mr. President, I apologize to Senator Skelos and to my colleagues but Calendar Number 1082, I was out of the room when that passed the house and that's the bill

which will allow attorneys and non-attorneys to enter into agreements to work as attorneys, which is really prohibitive in terms of the concept or philosophy of this state and in this station and, therefore, I respectfully request unanimous consent to be recorded in the negative, and I think my colleagues also ought to look at that. I think we made an egregious error by letting that fly through without taking the necessary action.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Waldon will be recorded in the negative on Calendar Number 1082, Senate Print 4767.

Senator Paterson.

SENATOR PATERSON: Mr. President, with the unanimous consent of the house, I would also like to be recorded in the negative -

SENATOR SKELOS: No objection.

SENATOR PATERSON: -- on Calendar Number 1082.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Paterson will be recorded in the negative on Calendar Number 1082.

SENATOR SKELOS: Mr. President, once again, this being no further business, I move -

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Senator Connor wishes to be in the negative on Calendar Number 1082. Without objection, Senator Connor will be recorded in the negative.

Senator Dollinger.

SENATOR DOLLINGER: May I also be recorded in the negative on 1082. I apologize.

ACTING PRESIDENT KUHL: 1082.

Senator Montgomery.

SENATOR MONTGOMERY: I would like to be in the negative on 1082.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Montgomery will be recorded in the negative on Calendar Number 1082.

Now, Senator Skelos.

SENATOR SKELOS: Motion to adjourn.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Monday, June 2nd -

SENATOR SKELOS: Intervening days to be legislative days.

ACTING PRESIDENT KUHL: -- at 3:00 p.m., the intervening days to be legislative days.

(Whereupon, at 3:08, the Senate adjourned.)