ALBANY, NEW YORK

June 19, 1997

10:10 a.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

May we bow our heads in a moment of silence.

(A moment of silence was observed.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Wednesday, June 18. The Senate met pursuant to adjournment. The Journal of Tuesday, June 17, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from

state officers.

Senator Skelos.

SENATOR SKELOS: Madam President, there will be an immediate meeting of the Finance Committee in the Majority Conference Room and the Senate will stand at ease.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in the Majority Conference Room and the Senate will stand at ease.

(Whereupon, the Senate stood at ease from 10:15 a.m. until 10:32 a.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Skelos.

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

ACTING PRESIDENT KUHL: We will return to the order of reports of standing committees. There is a report of the Finance Committee at the desk.

The Secretary will read.

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

Senate Print 5549, by the Senate Committee on Rules, an act making appropriations for the support of government;

5550, by the Senate Committee on Rules, an act authorizing the Department of Health to establish certain payments to general hospitals;

5551, by the Senate Committee on Rules, an act making appropriations for the support of government.

All bills ordered direct for third reading.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message -- excuse me - the report of the Finance Committee. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The report is accepted.

The bills are ordered directly to

third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could stand at ease, Mr. President.

ACTING PRESIDENT KUHL: Stand at ease.

(Whereupon, the Senate stood at ease from 10:33 a.m. until 10:45 a.m.)

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, at this time with the consent of the Minority, we'll take up the non-controversial calendar.

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

THE SECRETARY: Calendar Number 693, by Senator Libous, Senate Print 654, an act to amend the New York State Medical Care Facilities Finance Agency Act.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 739, by member of the Assembly Sidikman, Assembly Print 1069-A, an act to amend the Real Property Law, in relation to acknowledgment forms.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 771, by Senator Cook, Senate Print 4578, an act to amend the Public Health Law, in relation to the testing of bottled water.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 820, by Senator Cook, Senate Print 3505, an act authorizing the village of Ellenville.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1058, by member of the Assembly Hoyt, Assembly Print 89-A, an act to amend the Education Law, in relation to the membership of the State University Trustees.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1111, by Senator Johnson, Senate Print 3950-A, an act to authorize the Iglesia Pentecostal Refugio De Salvation.

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 -

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

THE SECRETARY: Ayes 47, nays 1, Senator Cook recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1112, by Senator Johnson, Senate Print 3951-A, an act to authorize the Church of God of Brentwood.

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 and announce the results.

THE SECRETARY: Ayes 47, nays 1, Senator Cook recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1161, by Senator Spano, Senate Print 1407-A, an act to amend the Civil Service Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1247, by the Assembly Committee on Rules, Assembly Print 7602, an act to amend the Social Services Law, in relation to the pass-through of federal cost.

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

THE SECRETARY: Section 4. This act shall take effect on the first day -- this act shall take effect December 31.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1262, by Senator Trunzo, Senate Print 5476, an act to amend the Retirement and Social Security Law, in relation to providing.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, I was busy on another matter conferring with another member and on Calendar Numbers 1111 and 1112, were those both passed by the house?

ACTING PRESIDENT KUHL: Yes, they were.

SENATOR DOLLINGER: May I have unanimous consent to be recorded in the negative with my colleague, Senator Cook, on both of those bills.

ACTING PRESIDENT KUHL: Without objection, no objection, Senator Dollinger will be recorded in the negative on Calendar Number 1111 and Calendar Number 1112.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will continue to call the non controversial calendar.

THE SECRETARY: Calendar Number 1276, by Senator Volker, Senate Print 5218-A, an act to amend the Penal Law, in relation to criminal diversion of prescription.

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

THE SECRETARY: Section 8. 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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Marchi moves to discharge from the Committee on Civil Service and Pensions Assembly Bill Number 2433 and substitute it for the identical Third Reading Calendar 1282.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read.

THE SECRETARY: Calendar Number 1282, by member of the Assembly Sanders, Assembly Print 2433, an act to amend the Education Law, in relation to the placement of New York City school safety officers.

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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1283, by Senator Rath, Senate Print 2152, an act to amend the Criminal Procedure Law, in relation to designating.

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 and announce the results.

THE SECRETARY: Ayes 48, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1284, by Senator Stavisky, Senate Print 2516, an act to amend the Tax Law, in relation to taxation of lottery winnings.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1285, by Senator Larkin, Senate Print 2998, an act to amend the Criminal Procedure Law, in relation to peace officer status.

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: Announce the results after you record the negatives.

THE SECRETARY: Ayes 49, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1286, by Senator Farley, Senate Print 3011-A, an act authorizing the Trustees of the State University of New York.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1287, by Senator LaValle, Senate Print 3226, an act to amend the Criminal Procedure Law, in relation to the designation of peace officers.

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 50, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number -- excuse me. Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 5862 and substitute it for the identical Third Reading Calendar 1288.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read.

THE SECRETARY: Calendar Number 1288, by member of the Assembly Vitaliano, Assembly Print 5862, an act to amend the Civil Service Law, in relation to extending.

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 52.

ACTING PRESIDENT KUHL: The bill -

THE SECRETARY: 52.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1289, by Senator Volker, Senate Print 3851, an act to amend the Retirement and Social Security Law, in relation to options.

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 52.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1290, by Senator Tully, Senate Print 3927, an act to amend the Retirement and Social Security

Law, in relation to providing.

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

THE SECRETARY: Section 6. This act shall take effect January 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1291, by Senator Present, Senate Print 4116, an act to amend the Criminal Procedure Law, in relation to peace officer status.

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 51, nays 2 -- nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Finance Assembly Bill Number 8022 and substitute it for the identical Third Reading Calendar 1292.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read the title.

THE SECRETARY: Calendar Number 1292, by the Assembly Committee on Rules, Assembly Print 8022, an act in relation to designating the building housing the Bronx Children's Psychiatric Center.

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 52.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1293, by Senator Tully, Senate Print 4698 -

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 7626 and substitute it for the identical Third Reading Calendar 1294.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read the title.

THE SECRETARY: Calendar Number 1294, by the Assembly Committee on Rules, Assembly Print 7626, an act to amend Chapter 929 of the Laws of 1986.

ACTING PRESIDENT KUHL: 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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1295, by Senator Trunzo, Senate Print 4907-A, an act to authorize the Word of Jesus Outreach Center.

ACTING PRESIDENT KUHL: 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 52, nays 1, Senator Dollinger recorded in the negative.

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

THE SECRETARY: In relation to Calendar 1295, ayes 50, nays 3, Senators Cook, Dollinger and Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1296, by Senator Libous, Senate Print 5053, an

act to repeal paragraph 3 -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1297, by Senator Trunzo, Senate Print 5104-A, an act to amend the Retirement and Social Security Law, in relation to providing.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR LEICHTER: Mr. President.

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

SENATOR LEICHTER: Mr. President, when I was recorded in the negative, I thought I was voting on Senator Libous' bill. I see it was Senator Trunzo's bill. So will you mark me

in the affirmative on 1295 and I gather 1296 was laid aside.

ACTING PRESIDENT KUHL: Calendar Number 1296 was laid aside, Senator Leichter.

SENATOR LEICHTER: Thank you.

ACTING PRESIDENT KUHL: Senator -- without objection, hearing no objection, Senator Leichter will be recorded in the affirmative on Calendar Number 1295.

The Secretary will continue to read the non-controversial calendar.

THE SECRETARY: Senator Larkin moves to discharge from the Committee on Rules Assembly Bill Number 7784 and substitute it for the identical Third Reading Calendar 1298.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read the title.

THE SECRETARY: Calendar Number 1298, by the Assembly Committee on Rules, Assembly Print 7784, an act to amend the Retirement and Social Security Law and the Administrative Code of the city of New York.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1299, by Senator Marchi, Senate Print 5256, an act to amend the Real Property Tax Law, in relation to exemption.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Senator Leichter, you wish that bill to be laid aside?

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: The Secretary will lay Calendar Number 1299 aside and continue to read the non-controversial calendar.

THE SECRETARY: Calendar Number 1300, by Senator Johnson, Senate Print 5265, an act to amend the Criminal Procedure Law, in relation to designating.

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 52, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1301, by Senator Volker, Senate Print 5326, an act to amend the Civil Practice Law and Rules, in relation to neglect.

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

THE SECRETARY: Section 3. 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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1302, by Senator Saland, Senate Print 5356, an act to amend the Penal Law, in relation to non-support of a child.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Johnson moves to discharge from the Committee on Rules Assembly Bill Number 8129 and substitute it for the identical Third Reading Calendar 1303.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read the title.

THE SECRETARY: Calendar Number

1303, by the Assembly Committee on Rules, Assembly Print 8129, an act to amend the Environmental Conservation Law, in relation to the taking of menhaden.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

May we have it a little quiet in the chamber. It's getting very hard to hear.

Senator Leichter, Senator LaValle, Senator Stachowski, if you want to have a conversation, would you take it out of the room, please. Thank you.

The Secretary will continue to read the non-controversial calendar.

THE SECRETARY: Senator Meier moves to discharge from the Committee on Rules Assembly Bill Number 7936 and substitute it for

the identical Third Reading Calendar 1306.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read the title.

THE SECRETARY: Calendar Number 1306, by the Assembly Committee on Rules, Assembly Print 7936, an act to amend the General Municipal Law, in relation to games of chance.

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 -- ayes 52, nays 1, Senator Tully recorded in the negative.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Yes, Senator Leichter.

SENATOR LEICHTER: Could you tell us what happened to 1304 -- 1304 and 1305?

ACTING PRESIDENT KUHL: It's the

noise, Senator Leichter. It's confusing everybody and even the Secretary and so Calendar Number 1306 was read out of order. It was just passed. So Calendar Number 1306 is passed. We're returning to Calendar Number 1305 -- 1304 at this time and we'll take up 1305 and we'll go to 1307 and finish to the conclusion of the non-controversial calendar.

The Secretary will read Calendar Number 1304.

THE SECRETARY: Calendar Number 1304, by Senator Marcellino, Senate Print 5400, an act to amend the Public Service Law and others, in relation to residential solar electric.

ACTING PRESIDENT KUHL: 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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1305, by Senator Kuhl, Senate Print 5438, an act to amend the Criminal Procedure Law, in relation to designating.

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 52, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1307, by Senator DeFrancisco, Senate Print 5448, an act to amend the Alcoholic Beverage Control Law, in relation to exemption.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1308, by Senator Holland, Senate Print 5450, an act to amend the Real Property Tax Law, in relation to subjecting.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1309, by Senator Wright, Senate Print 5459, an act to -

SENATOR PATERSON: Lay that aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1310, by Senator Maziarz, Senate Print 5460, an act to amend Chapter 906 of the Laws of 1984.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1311, by Senator Lachman, Senate Print 5463, an act to amend the Railroad Law, in relation to providing for posting of signs.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Rath moves to discharge from the Committee on Rules Assembly Bill Number 8066 and substitute it for the identical Third Reading Calendar 1312.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read the title.

THE SECRETARY: Calendar Number 1312, by the Assembly Committee on Rules, Assembly Print 8066, an act to amend the Local Finance Law and Chapter 413 of the Laws of 1991.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Rath moves to discharge from the Committee on Rules Assembly Bill Number 8068 and substitute it for the identical Third Reading Calendar 1313.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read the title.

THE SECRETARY: Calendar Number 1313, by the Assembly Committee on Rules, Assembly Print 8068, an act to amend Chapter 719 of the laws of 1980, amending the Local Finance Law.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1314, by Senator Holland, Senate Print 5482, an act to amend the Highway Law, in relation to

designating a portion of the state highway system.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR SKELOS: Mr. President, if we could just stand at ease for a moment.

ACTING PRESIDENT KUHL: The Senate will stand at ease.

(Whereupon, the Senate stood at ease from 11:08 a.m. until 11:11 a.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. Members take their places, the staff take their places.

Senator Skelos.

SENATOR SKELOS: Mr. President,

at this time if we could take up Calendar Number 1315.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1315, by the Senate Committee on Rules, Senate Print 5549, an act making appropriations for the support of government.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity and appropriation at the desk relative to Calendar Number 1315. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

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 54.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Calendar Number 1316.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1316, by the Senate Committee on Rules, Senate Print 5550, an act authorizing the Department of Health to establish certain payments to general hospitals.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1316. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

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 54.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Calendar Number 1317.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1317, by the Senate Committee on Rules, Senate

Print 5551, an act making appropriations for the support of government.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity and appropriation on Calendar 1317 which is at the desk. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The message is accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

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

THE SECRETARY: Those recorded in the negative on Calendar Number 1317 are Senators Alesi, Dollinger, Hoffmann, Maziarz and Nanula. Ayes 49, nays 5.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the controversial calendar at this time starting with Calendar Number 771 by Senator Cook.

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar beginning on page 26, Calendar Number 771.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, I was outside the chamber. I'd ask for unanimous consent to be recorded in the negative on Calendar Number 1315.

ACTING PRESIDENT KUHL: 1315, Senator Dollinger, yes, if I can just as a point of order make sure it's the budget extender

bill. Yes, it is one of those bills, yes.

SENATOR DOLLINGER: Yes, but is it -

ACTING PRESIDENT KUHL: That's the big one.

SENATOR DOLLINGER: The big one, thank you, Mr. President.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Dollinger will be recorded in the negative on Calendar Number 1315.

(Short pause)

Secretary will read the controversial calendar beginning with Calendar Number 771, by Senator Cook, page 26.

THE SECRETARY: Calendar Number 771, by Senator Cook, Senate Print 4578, an act to amend the Public Health Law, in relation to the testing of bottled water.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Cook, an explanation of Calendar Number 771 has been requested.

SENATOR COOK: This bill basically puts New York into conformity with the

EPA rules on this -- on this particular point of testing.

SENATOR LEICHTER: Senator Cook, will you yield for a question, please?

ACTING PRESIDENT KUHL: Senator Cook, do you yield?

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: Senator, as I read the current law, it requires that every third year testing for organic and inorganic chemicals show a curve on a yearly basis. We're talking now about the drinking water, and your bill eliminates the requirement.

SENATOR COOK: It's the bottled water sold in stores.

SENATOR LEICHTER: Right, so it would be less testing. Now, did I understand you to say by eliminating that requirement we would be in conformity with EPA rules?

SENATOR COOK: EPA rules will be in conformity as it's in the law.

SENATOR LEICHTER: Senator Cook, if you yield, my concern is we're seeing more

and more bottled water in stores and it's unclear to me how that is -- we had an instance many years ago where waters that came from France were understood to be contaminated. I'm just concerned that we not eliminate any requirement and any safeguards for the protection of people's health.

SENATOR COOK: Mr. President, the EPA rule requires that in sense each instance the water be tested. New York, even after this change, will continue to require that each bottle on the line be tested and that that will be wherever the water is produced, so the only thing we're requiring is that every third year, quarterly testing, but we do have a letter from the Health Department which says that we agree that the requirements of this section to test organic and inorganic chemicals on a quarterly basis from each production line every third year is overly burdensome and well beyond the FDA regulations.

SENATOR LEICHTER: Senator Cook, just one further question.

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

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR LEICHTER: This provision relating to testing, does that also apply to water outside the city of New York? I know Catskill water is great, no question about that, but do we require this testing for let's say Vermont water, Poland Springs?

SENATOR COOK: Well, Mr. President, my staff informs me that -- that in order for the water to be sold in New York it has to be licensed by the New York State Health Department, and that it's undergoing testing and that the testing of each bottling line has to be done by a laboratory that's certified by the state of New York regardless of wherever the water is produced.

SENATOR LEICHTER: All right. So we're -- if you just continue for a minute.

ACTING PRESIDENT KUHL: Senator Cook, you continue to yield?

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR LEICHTER: So we're also easing the requirements for bottled water sold outside the state, but it's your assurance that this in no way will affect the purity of the water that's sold or the protection or the health protection that we want to give our consumers.

SENATOR COOK: Mr. President, yeah, I think that basically in the conversations with the Health Department, the intent of this letter, they are not of the opinion that the quarterly testing serves a great purpose so long as we continue to, and we do, test every line, not just simply the source. We do test it as it's being bottled.

SENATOR LEICHTER: Thank you, Senator Cook.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 53, nays one, Senator Tully recorded in the negative.

ACTING PRESIDENT KUHL: The bill's passed.

THE SECRETARY: Calendar Number 1293, by Senator Tully, Senate Print 4698, an act to amend the Penal Law, in relation to the crime of failure to obey.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Tully, an explanation has been requested.

SENATOR TULLY: Thank you, Mr. President.

This bill deals with failure to obey a police officer while operating a motor vehicle and distinguishes between low speed pursuit and high speed pursuits. In the case of a low speed pursuit and failing to obey a police officer, it's a Class A misdemeanor. In the case of a high speed pursuit, it's a Class E felony.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr. President, if Senator Tully would yield to a question.

ACTING PRESIDENT KUHL: Senator Tully, do you yield to a question from Senator Leichter.

SENATOR TULLY: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: Senator, you and I had a discussion beforehand in which you suggested that I take a look at the explanation of this bill, and am I correct that this only applies with respect to a chase?

SENATOR TULLY: With respect to a high speed pursuit, it's an "E" felony that's true; with respect to the misdemeanor it's not true.

SENATOR LEICHTER: You see, Senator Tully, if I could just ask you as I did before, I certainly support the provision of the bill regarding failure to stop in a high speed chase, but as I read this bill, if I'm correct, this applies to any police officer, anybody who's acting as a -- well, I guess it's just police officers who's doing traffic control, and if you fail -- if you missread the sign that he

gives you and you go through that intersection even though you then stop, you'd be guilty of a Class A misdemeanor. Am I reading the bill correctly?

SENATOR TULLY: No, I think you're reading it incorrectly, Senator Leichter, and speaking to my counsel and reviewing the bill again myself, because it's a very exciting measure sponsored by Assemblyman Hoyt in the Assembly and requested by the D.A.s' Association and the Sheriffs' Association, I think in my original explanation to you, I misspoke. It's the reverse. With respect to the misdemeanor, both parties have to be in the vehicle. With respect to the felony, that's not the case, so with respect to the misdemeanor, the one you're speaking of if you will read the bill starting on line 5 -- it's line 6, while operating -- "a police officer, while operating a motor vehicle," so he has to be operating the motor vehicle, and then in relation to the person who is referred to on line 5, it says "a person, when he or she is operating a motor vehicle," so both parties are in a motor vehicle with respect to the misdemeanor and that's not so with

respect to the felony.

SENATOR LEICHTER: Well, then, Senator Tully, I think I -- if I understand your explanation and looking at the bill, I think I read it correctly. If I come to an intersection, it happens very often in the city of New York, there's a police officer and he's waving his hands and I may missread his sign, he says "stop" and I go through the intersection. Even if I then stop, he blows his whistle and yells, "What are you doing?" And I stop, but I've gone through that intersection, gone through what he thinks was his clear sign. I'm now guilty of a Class A misdemeanor?

SENATOR TULLY: No, Mr. President. If he's on his bicycle or he's on his motorcycle or in his vehicle, that's the case. If he's not, you're not. You're guilty of failing to obey a police officer's direction.

SENATOR LEICHTER: Senator, where is -

SENATOR TULLY: I'll refer you again to lines 5 and 6, "a person shall be guilty of unlawful failure to obey a police

officer while operating a motor vehicle when he or she is operating a motor vehicle," so the police officer is operating a motor vehicle and the individual is.

In the case that you just described, the police officer is there directing traffic; he's not in a vehicle.

SENATOR LEICHTER: O.K. I -- I see what you're trying to accomplish. The language may not be that felicitous, but the police officer or the peace officer has to be in a vehicle in order for this provision to apply.

SENATOR TULLY: That's correct.

SENATOR LEICHTER: Thank you.

SENATOR TULLY: You're welcome.

ACTING PRESIDENT KUHL: 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 53, nays one, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1296, by Senator Libous, Senate Print 5053, an act to repeal paragraph 3 of subdivision (a) of section 3-9.05.

ACTING PRESIDENT KUHL: Senator Libous, an explanation has been requested by Senator Paterson.

SENATOR LIBOUS: Thank you, Mr. President.

As the clerk read, this is a repeal of section 03 of 9.05 of the Mental Hygiene Law and basically what it does, at the present time a psychiatrist who is working at a private hospital cannot actually admit a patient to the facility, and what this will do is correct the Mental Hygiene Law to allow that.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Libous would yield to a question.

ACTING PRESIDENT KUHL: Senator

Libous, do you yield to a question?

SENATOR LIBOUS: Senator Paterson, Mr. President, I would be honored to.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Thank you, Senator.

Senator, this certificate which I think is known as a 2-7C, two-physician certificate, how long is the period in which the hospital might hold the individual? I believe it's 15 days, is that the case?

SENATOR LIBOUS: That's correct.

SENATOR PATERSON: All right. If the Senator would continues to yield?

ACTING PRESIDENT KUHL: Senator Libous, you continue to yield?

SENATOR LIBOUS: Sure.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR PATERSON: After the 15 days have elapsed, if there is a need to continue the hospitalization of the individual is there, at that time, any need for two physicians to be involved? What's the procedure

at that point?

SENATOR LIBOUS: Mr. President, this is no different than the present procedure that takes place at the state psychiatric facilities or any of the not-for-profit psychiatric facilities. The only difference is that under present law, Mr. President, the psychiatrists are not allowed to admit patients on a non-voluntary basis in the private facilities, so they would be governed under all of the same rules, regulations, timetables that presently exist.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you. Would Senator Libous mind repeating the end of his answer? I just missed it; it's my fault.

ACTING PRESIDENT KUHL: Senator Libous, would you repeat your answer. He didn't hear it.

SENATOR LIBOUS: Sure. Maybe I need to speak a little louder, Mr. President. They presently -- under present law, a psychiatrist at a state hospital or a not-for-profit hospital can -- can do admissions

on an involuntary basis. It is not allowed in private hospitals. This would allow it to happen in a private hospital. They would still fall under the same rules and regulations that the state facilities and the not-for-profits fall under.

There are no -- we are not making any special rules. They will still be under the guidance of the patients' bill of rights under agencies like the Commission on Quality of Care, and on every other oversight agency, so they would be allowed to just do something that they can't do now, and that is to allow a psychiatrist who is at a facility that is a private facility to make that decision. Everything else would remain the same.

SENATOR PATERSON: Thank you very much, Senator Libous.

Mr. President, if the Senator would continue to yield.

ACTING PRESIDENT KUHL: Senator Libous, you continue to yield?

SENATOR LIBOUS: Sure.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator, I have a concern of a potential conflict of interest particularly when it comes to profit making or so-called private hospitals, the fact that if the physician was on the staff of the hospital, it might be a good way to keep the beds filled. I mean I'm not -- full. I'm not saying that this would be the notion of the psychiatrist. I'm just saying when you are facing a situation where you are having a diminished number of uses of beds, it's certainly easier to see it that way, and -- but if I were going to make that allegation in this -- in this discussion, I would have to be able to establish that there would be some continuing period of time and so that's why I asked the question, because for 15 days, I think we'd be willing to take the chance, but what I wanted to know is, after the 15 days has elapsed, what is the procedure; what is the procedure that would keep involuntarily a patient in the hospital who his physician feels needs -- physicians feel needs greater care. How long a period of time can they keep them, and what's the process for keeping someone who after 15 days is determined

to need more care?

SENATOR LIBOUS: Mr. President, let me try to again answer Senator Paterson's concern, and it is a legitimate concern and I believe we have safeguards in place to answer that.

Mr. President, and Senator Paterson, at one time if we were to go back 50 years ago, I too would be concerned about potential conflicts and situations that could have existed then.

What we are trying to do under this change in law and change in provision is to allow a psychiatrist to make a determination and get someone help who has mental illness, someone who needs help. Now, under present law, under present times, we have a number of oversight agencies that would review and actually correlate activities just like they would for a state facility or a not-for-profit and they do this presently in our private facilities. For instance, you have the state Mental Hygiene Legal Services Organization. You have the state Commission on Quality Care for the Mentally Disabled. You have any persons hospitalized for

mental illness also protected under a patient's bill of rights. Those kinds of oversights are there, and to specifically answer the 15-day question that Senator Paterson has, Mr. President, again it would work the same as for any other patient. Due process rights, you know, would require hearings, appeals and whatever would need to take place if there was some question as to the diagnosis of anyone with mental illness.

ACTING PRESIDENT KUHL: Senator Paterson.

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

Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Paterson, on the bill.

SENATOR PATERSON: I'm going to vote for the bill, Mr. President. I think that quite often there are situations where there are extenuating circumstances and one psychiatrist might suffice, and I think that we have dedication and certainly integrity on the part of even those psychiatrists who would be staff members of the hospital that we would not have

the conflict of interest or the attempt to, in many ways, hospitalize patients that might not need care. I think we can rely on the professionalism and the judgment of the psychiatrists in these particular cases.

All I would suggest is that because of the fact that this original hospitalizations is so important and that the - I guess the public policy that was formulated by the original legislation to have two physicians sign the certificate is borne out by the fact that after 15 days in the facility and certainly borne out by sections 9.43 and 9.35 of the Mental Hygiene Law, there is certainly an opportunity to continue the hospitalization with less documentation and less examination than that which originally got the patient in the hospital.

So even though I'm going to vote for the bill, I would just want to admonish all of us that we keep an eye on this situation because the real critical decision is made almost at the outset of the beginning of care, and as long as that is very scrupulous in its direction, I can live with it; but we did have,

I thought, a pretty good policy now, and if Senator Libous wants to change it, he certainly could have some good reasons for doing so.

I just with caution suggest that we keep tabs on this situation.

ACTING PRESIDENT KUHL: Secretary -- Senator Dollinger.

SENATOR DOLLINGER: Senator Libous yield to a question?

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

SENATOR LIBOUS: Be happy to, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: As I understand this legislation, it would put those private physicians on a level with-for profit facilities and not-for-profit facilities and will give them the ability on their own to admit someone to a facility that they have an association with, and it will facilitate the treatment for the mentally ill that are facing crisis situations; is that correct?

SENATOR LIBOUS: That is correct.

SENATOR DOLLINGER: Absolutely great reason to vote for the bill.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1299, by Senator Marchi, Senate Print 5256, an act to amend the Real Property Tax Law, in relation to the exemption.

ACTING PRESIDENT KUHL: Secretary will read the last section.

SENATOR LEICHTER: No.

ACTING PRESIDENT KUHL: Senator Marchi, an explanation of Calendar Number 1299 has been requested by Senator Leichter.

SENATOR MARCHI: Mr. President, this property was purchased by Wagner College in Staten Island in an FDIC foreclosure sale, and last year we accorded Wagner College exemption from taxes as an educational institution because

they intend to use the existing buildings for scholastic and academic purposes, and there is sufficient land also to -- to put an athletic facility on the property.

Wagner College is an expanding institution, but it's not heavily funded by funds that normally accrue to the major institutions. Nevertheless, it has a very high scholastic performance. Nevertheless, this - all these aspirations would be dashed to the ground. The -

SENATOR LEICHTER: Mr. President, can I just, Senator, cut to the quick if I ask you to yield to a question.

SENATOR MARCHI: Certainly.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: I do know that Wagner College is an excellent educational institution. I certainly don't want to do anything that would impose a financial burden on it.

SENATOR MARCHI: No, I understand.

SENATOR LEICHTER: I'm just

surprised at this bill because we have, of course, innumerable -- or not innumerable but very many educational institutions in the state. We never have a bill or I -- at least I've never seen a bill before saying the educational institution need not pay taxes on a particular property because under the Constitution, as an eleemosynary institution dedicated to education, it's not required.

Why -- can you explain why we need a bill in this instance?

SENATOR MARCHI: There is a - you're perfectly correct in what you've stated. What -- what developed and for some reason they missed the fact that prior to the FDIC foreclosure there were existing taxes owed the city of New York, and I can't criticize the City for saying, well, I want my money, but on the other hand, their -- their means are very, very slender and any -- any utilization of Wagner College in development would be arrested and they would be put in straitened circumstances if they were compelled to pay the tax preceding the foreclosure by the FDIC.

SENATOR LEICHTER: Mr. President,

if Senator Marchi will continue to yield please.

SENATOR MARCHI: It's a tough question.

SENATOR LEICHTER: Right. I understand the situation. Now, we're not talking about taxes while the institution owned the property.

SENATOR MARCHI: No. No.

SENATOR LEICHTER: They went and they bought subject to taxes that were owed to the city of New York, and I assume also maybe the federal government, and you're trying to say, well, even though they bought subject to the taxes, you want to excuse them from the payment of those taxes, is that correct?

SENATOR MARCHI: Well, at that time, the question of -- there was a presump tion, undoubtedly erroneous in view of the circumstances because the taxes were in fact owing, but when the FDIC foreclosed, the assumption was that the FDIC had -- they gave a conveyance without restriction that that answered the problem.

It did not because the city of

New York still had some pre-existing taxes going back, and so we're now faced with the expenditure of very slender reserves for the expansion of Wagner College, and -- and the - Senator, so we're weighing equities and I submit that at this point it would be -- it would be a very severe blow to the expansion of that college. I don't think they could resume that for a good long time if they had to invest in the -- if they had to pay the taxes; so that we're looking for this relief.

SENATOR LEICHTER: Senator Marchi, if you would continue to yield. What is the amount that's involved; what are the amount of taxes owing to the city of New York that we're seeking to excuse here?

SENATOR MARCHI: It's between 2 and $3 million, Senator.

One additional piece of information that I had not supplied and counsel reminded me of it, that this does not mandate that the City do this, but it gives them the option of doing it, so that having that option the presumption is that it would be -- it would raise some problems, I guess, if the City

asserted it, not legal problems but discretionary problems.

SENATOR LEICHTER: So, as I understand it, this bill would authorize the city of New York to say -

SENATOR MARCHI: Yeah.

SENATOR LEICHTER: -- we'll forego that $2 million.

SENATOR MARCHI: Yes, but it doesn't mandate that they do that. It does - they're better off without that, but -- but that is the extent of the problem.

SENATOR LEICHTER: Can I just ask you one final question, if you will yield.

SENATOR MARCHI: Sure.

SENATOR LEICHTER: I assume that when they went into the sale, I mean they weren't buying a single little lot or a one family house. I mean this is a sophisticated buyer. I would assume the FDIC must have said we're selling this subject to certain encumbrances, tax liens and encumbrances, so they must have bought this with their eyes open, unless there was some real carelessness on the part of the people who were acting for the

institution.

SENATOR MARCHI: The assurances given at that time were that since they were an eleemosynary institution or a non-profit institution, that they could apply for exemption and -- and they did this and spent -- spent certainly more than the amount of the taxes here to -- to purchase the property at the time. I -- it would be a severe setback to an educational institution which the City can, I suppose, very legally say, no, I won't do anything about it, but I -- I rather doubt it and I think the City at that point feels that they have an obligation to proceed and in the absence of the latitude which this bill would afford it.

SENATOR LEICHTER: Mr. President, if Senator Marchi -- I just want to say one thing that concerns me is that there were other bidders for this property. Those bidders obviously had -- had in mind and must have considered in their bid the fact that they would have to pay 2- or $3 million in -- I think you said $2 million in real estate taxes, so that really in effect what we're now giving is an

unfair advantage to one particular bidder, although it's a wonderful institution.

I mean it certainly affected the -- the price that was secured on the sale of this particular parcel. That is correct in my understanding.

SENATOR MARCHI: Well, I think you have stated the question correctly, but there was no design or it was happenstance. It is the property of Wagner College. Our failure to give the City discretionary authority to - to exercise what is their right to do, I mean they have the right to do it and say, Well, we still want to go ahead and try to collect them but they now have the authority without being - being held irresponsible because they -- this is a discretionary matter at the point of the approval of this legislation to open it up to educational opportunity.

It's a bargain in the sense that we are purchasing additional space in a -- in a college of modest means, but great accomplishments academically and also not a heavy tuition college and we're serving beyond the borders of the City but principally local

students, so it's a -- again, I can't fault you.

SENATOR LEICHTER: Right.

SENATOR MARCHI: But I would urge all of you to exercise, you know, your equitable judgment on a matter such as this.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President. I certainly understand what Senator Marchi is doing. He is supporting a very fine educational institution. I understand this is certainly going to be a burden on it. I -- I'm just troubled by the fact that, one, they didn't understand that they were buying subject to this lien, and while it's perfectly true that an educational institution need not pay real estate taxes, obviously we're talking now of taxes prior to the time that they acquired the property and it's hard for me to understand how they could have made such a gross error, but you say they made it in good faith and I accept that. I certainly wouldn't want to establish a precedent because it would seem to me to be an open invitation for educational institutions or

other charitable institutions to go in, buy distressed property that's subject to lien and say, Well, we don't have to pay the taxes. We have the precedent. Take a look at what happened to Wagner College.

Having said this, Senator, I understand that you're leaving it up to the city of New York which essentially means the city of New York is going to make a $2 million contribution to Wagner College.

Knowing how kind the mayor has been to the good people of Staten Island, he's eliminated your charges for ferry service, a lot of other things, he's closing your landfill, I would imagine he'll -- he'll respond. He'll look at the calendar and say it's 1997, what happens in November. Oh, yes, sure, we'll - we'll be happy to give $2 million to Wagner College. But I will leave that to the good mayor to decide what's right for the people of the city of New York.

It is a substantial amount of money and, as you point out, you're weighing equity, money that's due to the people of the city of New York as against a very fine

educational institution which, as you rightly point out, doesn't have a great deal of resources.

Having said this, I'll leave it for the mayor to decide what's right.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, Wagner College is a long ways away from Monroe County, but I join in the sentiments of my colleague from Manhattan.

Frankly, Senator Marchi, I don't understand why, when bidding on a foreclosure, 2- or $3 million in real property taxes owed to the city of New York, a lawyer on behalf of the college says, or on behalf of the FDIC, whoever is the seller of this piece of property, says we don't have to worry about the 2- or $3 million owed to the city of New York.

What I assume happened, and I agree with Senator Leichter, I'm not a real property lawyer but I know enough about real property to know that, when you buy a property subject to taxes, you pay less for the property with the understanding that you're going to pay

the taxes. The property is worth $5 million and it's encumbered by $3 million in real property taxes, you pay $2 million for it. Then you've paid $5 million.

You take the $3 million, pay it to the city of New York, give the seller $2 million you've given the seller $5 million for a $5 million property. What I think happened here is that Wagner said, Gee, we're stuck with these taxes. What we'll do is ask the state Legislature and the city of New York in that somewhat quadrennial mood that mayors may be in every now and then when the right odd numbered year rolls around. They decide to come to the state Legislature.

I have one concern about this: Is this a gift, an outright gift of $3 million to a college in violation of the state Constitution? We're as good as giving the college $3 million with no stated purpose attached, no publicly demonstrated need other than they don't want to pay the real property taxes that accrued on a piece of property that they bought and paid cash for and that they paid -- when they paid for it, they knew they

were undertaking a 2- or $3 million obligation.

So I'm concerned that this may violate the constitutional ban on gifts and, Senator Marchi, I say this with all respect, I don't understand why, if a bill for Wagner College which sits in Senator Gentile's district, why his name isn't even on the bill.

I don't hold -- Senator Marchi, I say this with all due respect to you, I know it doesn't originate with you, but it seems to me that on a matter like this that involves something right in the heart of the district of a state Senator, that his name ought to be on this bill.

We live in this Alice in Wonderland world here somehow in the 2-, the 400 yards between these two houses where the benefits to particular Senators for things that happen in their districts seem to never get recognized. They never seem to be a part of the process. I still don't understand it. I've never understood it, why Senator Gentile's name couldn't be on a bill for Wagner College which is right in his home district.

I guess that's part of what we do

around here. I hope, I pray, for the day when that kind of foolishness is a part of the distant past.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section -

SENATOR MARCHI: Just one more statement because I -- Senator Gentile has been very supportive of efforts to help in these situations. The whole thing started before we were involved in an election and his presence was here, but I have no doubt that he stands forthrightly in favor of this legislation. Not -- and he has been -- he has been included in those situations that have matured since, as he will attest to.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section -

SENATOR DOLLINGER: I have a follow-up on Senator Marchi's comments.

I understand because I've had a private conversation with Senator Gentile. I know he's a strong supporter of this bill. Despite my reservations about it, I'm going to

vote for it because he told me to vote for it but it seems to me that the whole notion of somehow putting his name on this bill would somehow change something in the big picture, I don't quite understand, never understood it, and I, frankly, think it's unfortunate to my colleague to my left.

SENATOR GOLD: Mr. President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: Thank you so much. Would my dear friend, Senator Marchi, yield to one question?

SENATOR MARCHI: Yes.

ACTING PRESIDENT KUHL: Senator Marchi, you yield? Senator yields.

SENATOR GOLD: Yes, Senator, there was just one part of your last answer I didn't understand. Senator Gentile and you and I and every other member of the Senate was elected last year, and this bill and every other bill was introduced anew after that election, so Senator Gentile was certainly a part of this body at the time that the bill was introduced, so I don't understand when you said it started before him. I would imagine that, you know, at

the time the bill was introduced, he was the member duly elected. Even as we stand here right now, there is something called "buck slip" and it seems to me, Senator, that in the fairness which under oath I would have to admit you have, Senator, it seems to me that Senator Gentile could be put on the bill right now as a co-sponsor to show his support and show your appreciation of his support.

SENATOR MARCHI: Well, let the record show that the Senator is wholeheartedly in support of this bill. I certainly, Senator, can attest to the fact that I have made that response on numerous occasions when people have asked me, and I think that the Senator knows that.

SENATOR GOLD: Well, Senator, will you yield to one more question?

ACTING PRESIDENT KUHL: Senator Marchi, do you yield to another question from Senator Gold?

SENATOR MARCHI: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GOLD: Can we have a buck

slip, or is that what you call it, and have it executed right now and make him a co-sponsor of the bill?

SENATOR MARCHI: I have no objection.

SENATOR GOLD: All right. Thank you very much. If I could have the Clerk prepare it for Senator Gentile and we'll get it signed and have it done right now. Senator Marchi, I've always said you are a gentleman, and you continue to be.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will continue to call the controversial calendar.

Senator Cook, do you wish to be recorded in the negative on the last bill?

Without objection, hearing no objection, Senator Cook will be recorded in the negative on Calendar Number 1299.

Secretary will continue to read.

THE SECRETARY: Calendar Number 1309, by Senator Wright, Senate Print 5459, an act to amend Chapter 533 of the Laws of 1993.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR SKELOS: Can we stand at ease.

ACTING PRESIDENT KUHL: The Senate will stand at ease.

(The Senate stood at ease from 11:55 a.m., to 12:16 p.m.)

SENATOR SKELOS: There will be a Majority Conference at 12:30 in the Majority Conference Room.

(The Senate stood at ease from 12:17 p.m., until 12:59 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT VOLKER: Senator Skelos.

Senator Lack?

SENATOR LACK: Mr. President, there will be a meeting of the Committee on the Judiciary at 5:00 o'clock this afternoon in Room 332 for the purpose of considering one nomination. Committee on Judiciary in Room 332 at 5:00 o'clock.

ACTING PRESIDENT VOLKER: Committee on Judiciary 5:00 p.m., this afternoon, this date.

SENATOR SKELOS: Mr. President, there will be a Majority Conference at 5:30, and the Senate will stand at ease.

ACTING PRESIDENT VOLKER: Senate will stand at ease until 5:30 when the Senate Majority will have a Conference in the Majority Conference Room. We'll be at ease until at

least that time.

SENATOR CONNOR: Minority Conference at 5:30 this evening.

(Whereupon at 1:01 p.m., the Senate stood at ease.)

(The Senate reconvened at 9:38 p.m.)

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

Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to reports of standing committees. I believe there's a report at the desk from the Judiciary Committee.

ACTING PRESIDENT KUHL: Return to reports of standing committees. I believe there's a report from the Judiciary Committee at the desk. I'll ask the Secretary to read.

THE SECRETARY: Senator Lack, from the Judiciary Committee, reports the following nomination: John A. Lahtinen, of Clinton County, as a Justice of the Supreme Court for the Fourth Judicial District.

ACTING PRESIDENT KUHL: Chair

recognizes Senator Lack.

SENATOR LACK: Thank you, Mr. President.

It's my pleasure to rise to move the nomination of John A. Lahtinen to the position of Supreme Court Justice in the Fourth Judicial District. Mr. Lahtinen has been examined by the Governor's new screening committee, was unanimously moved to the Senate. We have checked into his credentials; he appeared before the Senate Judiciary Committee earlier in the day, was unanimously endorsed by that committee, moved to the floor of the Senate for consideration tonight, and it is with utmost pride that I yield to Mr. Lahtinen's partner, our Honorable Ronald Stafford, the Senator from Plattsburgh.

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

SENATOR STAFFORD: Mr. President, I thank the Majority Leader, the Chairman and the ranking member of Judiciary, Senator Leichter. Due to certain personal circumstances, it was agreed upon to move Mr. Lahtinen's nomination due to a serious situation

in his family. His daughter is not with us this evening here but she's not that far away from here, and we know she's with us in spirit, Melissa, and we're certainly with her.

I'd share with all of you that we're confirming a gentleman who has distinguished himself in the practice of law; he's distinguished himself as a citizen. He was educated in the mining town of Port Henry, graduated from public school, and we're not going to hold it against him that he graduated from Colgate, even though they beat Boston College his senior year when he was quite involved in it.

He then went on and graduated from law school, and he was Norm Harvey's clerk, law secretary, whatever you want to call it. In other words, he did the research, was his assistant, and Judge Harvey who served in the Appellate Division was a friend of many of us. Anyone who worked for him for one minute you can be sure knew and knows what he's doing as far as the law is concerned.

John Lahtinen has been very involved in his community, in his church. He

has done a great deal of volunteer work. I might, add those who have worked with him, I'm sure none of you would believe this here today but Mr. Lahtinen and I always haven't agreed. I'm sure you can't believe that working with me but, on the other hand, we've respected one another, and I just would share with you that, very frankly, this is an example of a system really working, getting a person who is qualified, a person who is his own person, who'll call it as he sees it, and believe me he will, and he certainly has the temperament, the ability to serve on the Supreme Court and once again, I want to thank the leader, the Majority Leader, want to thank the chairman of Judiciary and, as I say, the ranking member on judiciary, Mr. Lahtinen is qualified. He is an exemplary candidate, but due to certain circumstances in his family, we very much wanted to do that this week, and we thank you all and, Mr. President, I, together with Senator Lack, certainly am honored to join in the confirmation.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? Hearing none, the question is on

the nomination of John A. Lahtinen, of Clinton County, to become a Justice of the Supreme Court for the Fourth Judicial District. All those in favor of the nomination, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The nominee is unanimously confirmed.

We're very, very pleased to have Judge Lahtinen with us in the chamber tonight along with his wife Eleanor. Judge, congratulations, good luck and nothing but great decisions.

(Applause)

Senator Bruno.

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

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

Senator Bruno.

SENATOR BRUNO: Mr. Bruno, can we return to motions and resolutions. I believe Senator Lack would like to be recognized.

ACTING PRESIDENT KUHL: Return to motions and resolutions. Chair recognizes Senator Lack.

SENATOR LACK: Thank you, Mr. President.

On behalf of Senator Nozzolio, I wish to call up his Calendar Number 608, Assembly Print Number 4808.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 608, by member of the Assembly Crowley, Assembly Print 4808, an act to amend the General Business Law.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: I now move to reconsider the vote by which this Assembly bill was substituted for Senator Nozzolio's bill, Senate Print Number 2775, on June 16th.

ACTING PRESIDENT KUHL: Secretary

will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: I move that Assembly Bill Number 4808 be recommitted to the Committee on Rules and that Senator Nozzolio's bill be restored to the order of Third Reading Calendar.

ACTING PRESIDENT KUHL: The Assembly bill is recommited, and the Senate bill is restored.

Senator Lack.

SENATOR LACK: I now offer, on behalf of Senator Nozzolio, the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Cook.

SENATOR LACK: Uh-uh-uh. I got a zillion. You want to -

ACTING PRESIDENT KUHL: Senator Lack, we're trying to mix it up a little bit

this evening.

Senator Cook, would you like to make a motion.

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Yeah; why not!

SENATOR COOK: Madam President, Mr. President, after recognition by the Chair, I wish to call up my bill, Print Number 1373, recalled from the Assembly which is now at the desk. Secretary will read the title of the bill. Oh, I'm sorry.

ACTING PRESIDENT KUHL: Thank you. Thank you. We ought to change places, Senator Cook. Secretary will read the title.

THE SECRETARY: Calendar Number 126, by Senator Cook, Senate Print 1373, an act to amend the Executive Law.

SENATOR COOK: I now move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT KUHL: Secretary call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: I offer the following amendments, with my thanks.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Holland.

SENATOR HOLLAND: Mr. President, for Senator Johnson, on page 12, I offer the following amendments to Calendar Number 341, Senate Print Number 2550, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar 341 are received and adopted and the bill will retain its place on the Third Reading Calendar.

Senator Lack.

SENATOR LACK: I in my way, Mr. President, because I would just like to call up Senator Bruno's bill, Print Number 5550, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary

will read.

THE SECRETARY: Calendar Number 1316, by the Senate Committee on Rules, Senate Print 5550-A, an act authorizing the Department of Health.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Did you say something? I'd like to move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Well, now that it's been to its place on the Third Reading Calendar, I'd like to offer on behalf of Senator Bruno the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Lack.

SENATOR LACK: Let's see. Mr.

President, on behalf of Senator Goodman, I wish to call up his Calendar Number 371, Assembly Print -

ACTING PRESIDENT KUHL: Senator Lack. Senator Lack, excuse me the interruption momentarily.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT LACK: Senator Bruno.

SENATOR BRUNO: Mr. President, before that, can we at this time call up Calendar 1316.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1316, 1316.

THE SECRETARY: Calendar Number 1316, by the Senate Committee on Rules, Senate Print 5550-A, an act authorizing the Department of Health.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is a message at the desk, Senator Bruno.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message on Calendar Number 1316. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The message is accepted. 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 60.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Lack.

SENATOR LACK: On behalf of Senator Goodman, I wish to call up his Calendar 371, Assembly Print Number 5036-A.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 371, by member of the Assembly McLaughlin, Assembly Print 5036-A, an act to amend the

Transportation Law.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Move to reconsider the vote by which this Assembly bill was substituted for Senator Goodman's bill, Senate Print Number 416-A, on June 16th.

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

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Now move that Assembly Bill Number 5036-A be recommitted to the Committee on Rules and that Senator Goodman's bill be restored to the Third Reading Calendar.

ACTING PRESIDENT KUHL: The Assembly bill is recommitted and the Senate bill is restored to the calendar.

Senator Lack.

SENATOR LACK: I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Lack.

SENATOR LACK: On behalf of you, Mr. President, I wish to call up your Calendar Number 389, Assembly Print Number 5409.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 389, by member of the Assembly Parment, Assembly Print 5409, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: I now move to re consider the vote by which the Assembly bill was substituted for your bill, Print Number 3158 on April 2nd.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: I now move that Assembly Bill Number 5409 be recommitted to the Committee on Agriculture and that your bill be restored to the order of the Third Reading Calendar.

ACTING PRESIDENT KUHL: The Assembly bill will be recommitted. The Senate bill is restored.

Senator Lack.

SENATOR LACK: On your behalf, I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Lack.

SENATOR LACK: On behalf of Senator Meier, on page number 30, I offer the following amendments to Calendar Number 855, Senate Print Number 3307-A, and ask that said bill retain its place on Third Reading Calendar.

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

Senator Lack.

SENATOR LACK: Mr. President, on behalf of Senator Skelos, on page number 21, I offer the following amendments to Calendar Number 625, Senate Print Number 1023, and ask that the bill retain its place on the order of Third Reading.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 625 are received and adopted and the bill will retain its place on the Third Reading Calendar.

Senator Lack.

SENATOR LACK: On behalf of Senator Spano, on page number 15, I offer the following amendments to Calendar Number 452, Senate Print Number 3483, and ask that that bill also retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 452 are received and adopted and the bill will retain its place on the Third Reading Calendar.

Senator Lack.

SENATOR LACK: On behalf of Senator Tully, I offer, on page number 39, I offer the following amendments to Calendar

Number 1100, Senate Print Number 5005-A, and ask that that bill too retain its place.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 1100 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Lack.

SENATOR LACK: I wish to call up my bill, Print Number 2918-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read the title.

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

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration. )

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Lack.

SENATOR LACK: On behalf of Senator Goodman, I wish to call up his bill, Print Number 419 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 52, by Senator Goodman, Senate Print 419, an acted to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: I now move to re consider the vote by which the bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Lack.

SENATOR LACK: On behalf of Senator Velella, I wish to call up his bill, Print Number 18-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 232, by Senator Velella, Senate Print 18-A, an act to amend the Insurance Law.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: I now offer the following amendments.

ACTING PRESIDENT KUHL: Amend ments are received and adopted. Senator Lack.

SENATOR LACK: Mr. President, amendments are offered to the following Third Reading Calendar bills:

By Senator Present, on page 5, Calendar Number 110, Senate Print 765;

Senator Volker, page 10, Calendar Number 284, Senate Print 365-B;

By Senator Farley, on page 12, Calendar Number 367, Senate Print Number 2734;

By Senator Marchi, on page 15, Calendar Number 454, Senate Print Number 2921-A;

By Senator Skelos, page 15, Calendar Number 439, Senate Print Number 589-A;

By Senator Alesi, page 24, Calendar Number 733, Senate Print Number 3573-A;

By Senator Wright, page 25, Calendar Number 734, Senate Print Number 4224;

By Senator Cook, page 28,

Calendar Number 793, Senate Print Number 3426;

By myself, on page 28, Calendar Number 803, Senate Print 1603-B;

By you, Mr. President, on page 40, Calendar Number 1135, Senate Print Number 2244;

By Senator Leibell, on page 19, Calendar Number 574, Senate Print 3674; and

By Senator Bruno, on page 40, Calendar Number 1154, Senate Print Number 5254 B.

ACTING PRESIDENT KUHL: The amendments are received and adopted. Bills will retain their place on the Third Reading Calendar.

Senator Rath.

SENATOR RATH: Mr. President, on page 48, I offer the following amendments to Calendar 1216, Senate Print 4851, ask that the bill retain its place on Third Reading Calendar. Please remove the sponsor's star.

ACTING PRESIDENT KUHL: Amendments to Calendar 1216 are received and adopted and the star will be removed from the bill at the request of the sponsor.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. I wish to call up Senator Saland's bill, Print Number 2703-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 982, by Senator Saland, Senate Print 2703-A, an act to amend the Vehicle and Traffic Law.

SENATOR MARCELLINO: Mr. President, I now -

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: I now offer

the following amendments, Mr. President.

ACTING PRESIDENT KUHL:

Amendments received and adopted.

Senator Holland.

SENATOR HOLLAND: Mr. President, on behalf of Senator Maziarz, on page number 17, I offer the following amendments to Calendar Number 498, Senate Print Number 403, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL:

Amendments to Calendar Number 498 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Holland.

SENATOR HOLLAND: On behalf of Senator Tully, on page number 31, I offer the following amendments to Calendar Number 869, Senate Print Number 5141, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL:

Amendments to Calendar 869 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Holland.

SENATOR HOLLAND: Mr. President, on behalf of Senator Farley, on page number 34, I offer the following amendments to Calendar Number 976, Senate Print Number 1816, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 976 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Holland.

SENATOR HOLLAND: Mr. President, on behalf of Senator Larkin, on page number 8, I offer the following amendments to Calendar Number 199, Senate Print Number 1724-A, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar 199 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Levy, please

remove a sponsor's star from Calendar Number 376.

ACTING PRESIDENT KUHL: The star is removed on Calendar Number 376 at the request of the sponsor.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: On behalf of Senator Goodman, Bill Number 3658.

ACTING PRESIDENT KUHL: All right. The Assembly bill will be recommitted and the Senate bill is restored.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I move to amend Senate Bill Number 476-A by striking out the amendments made on 6-18 and restoring it to its original Print Number 476, Calendar Number 223.

ACTING PRESIDENT KUHL: The motion is granted.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator

Oppenheimer.

SENATOR OPPENHEIMER: I'd like unanimous consent to be recorded in the negative on 1317, please.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Oppenheimer will be recorded in the negative on Calendar Number 1317.

Senator Marcellino.

SENATOR MARCELLINO: On a positive note, on behalf of Senator Skelos, Mr. President, on page number 46, I offer the following amendments to Calendar Number 223, Senate Print Number 476, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 223 are received and adopted. The bill will retain its place on the Third Reading Calendar. The clerk will read the substitutions at the desk.

THE SECRETARY: Senator Hannon moves to discharge from the Committee on Rules Assembly Bill Number 7056-A and substitute it for the identical Third Reading Calendar 773,

and on page 36, Senator Levy moves to discharge from the Committee on Rules Assembly Bill Number 6095 and substitute it for the identical Third Reading Calendar 1003.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Bruno.

SENATOR BRUNO: Can we return to reports of standing committees and at this time accept the report of the Rules Committee.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees. There is a Rules report at the desk. I'll ask the Secretary to read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct for third reading:

Senate Print 5553, by the Senate Committee on Rules, an act to enact the Rent Regulation Reform Act of 1997.

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

(Response of "Aye.")

Opposed nay.

(There was no response. )

The Rules report is accepted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1318.

ACTING PRESIDENT KUHL: Secretary will read the substitution which is at the desk.

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 8346 and substitute it for the identical Third Reading Calendar 1318.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 1318, by the Assembly Committee on Rules, Assembly Print 8346, an act to enact the Rent Regulation Reform Act of 1997.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Is there a message of necessity at the desk, Mr. President?

ACTING PRESIDENT KUHL: There

is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1318. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

The message is accepted. The bill is before the house.

Secretary will read the last section.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT KUHL: Senator Bruno, an explanation of 1318 has been requested by the Minority Leader, Senator Connor. To whom would you like the explanation directed?

SENATOR BRUNO: Mr. President, I believe the chair of the Housing Committee in the Senate, Senator Leibell.

ACTING PRESIDENT KUHL: Chair recognizes Senator Leibell for an explanation.

SENATOR BRUNO: Thank you for (unintelligible) -

SENATOR LEIBELL: Thank you very much, Mr. President.

This session has been dominated by only a couple of issues. We are here to night to conclude business on one of those issues.

Some months ago, in the time frame of last December and January, the Senate Majority Leader, Senator Bruno, brought to the floor an issue that has been before this body in the past, and an issue that involved a great deal of controversy.

I initially start by commending our leader, Senator Bruno, for bringing this issue to the attention not only of this legislative body, but to all the people of the state of New York. Of course, I'm talking about rent regulations.

This is a critically important issue because it affects the quality of life of millions of New Yorkers. We have been plagued in this state over many years now by a grossly inadequate supply of housing. We have the lowest percentage of home ownership in the nation. We have a housing supply that is

rapidly deteriorating.

Many of us have searched for reasons as to why this has occurred and similarly sought solutions as to how we could cure this great ill. There are many areas of our cities, especially our largest city, where you will find housing that is reminiscent in squalor to what existed one hundred years ago.

We have been greatly concerned with the impact of our regulatory system, our laws and those regulations that control housing throughout much of our urban areas, especially New York City.

Tonight we are here for some dramatic changes in the existing laws, changes that probably satisfy almost no one, but changes that are nonetheless dramatic and reflect an opportunity for us and for our great state to move ahead into a new future and create a new and better housing supply for all of New Yorkers.

The legislation we have before us tonight has not been easily achieved. It is only just now passed in the state Assembly. It is legislation which has been the result of many

hundreds of hours of work by our leadership, our members, and our staff. There are numerous key areas that have been changed.

Initially I should note that there are a number of extenders and, in fact, this legislation will extend, if enacted, for six years. We have expanded luxury decontrol. We have provided for rent adjustments, establishing new and enhanced rent adjustments for owners upon vacancy.

We have amended the rules of succession. We have provided limits on regulating new construction. Most significantly and as proposed by our Governor, we have a new section of the Penal Law providing for harassment of a rent-regulated tenant.

We have also seen enacted here and included in this legislation proposals concerning a deposit of rent, which is an issue we have debated in this chamber previously. We also have a variety of regulatory reforms which hopefully will make it easier not only for those who own buildings to operate, but also will make it easier for those who live within those units.

ACTING PRESIDENT KUHL: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

We have seen these past months in this Capitol a struggle not about philosophy because, as I made it plain here on April 7th, when the Democrats in this house moved to extend the rent law so we could study them further and we could reject what was viewed by tenants as a threat to back them up against the deadline, I pointed out that I, too, and Democrats in general believe that a true free market system with protections for safety against harassment would always be preferable to some sort of system of regulation, but that there was really no supply that would allow someone to wave a magic wand and end rent regulation.

We now have before us a bill that's a product of this struggle, and I would like to, first of all, Mr. President, thank all of my colleagues on the Democratic side of the aisle for holding fast, standing tall and remaining committed to ensuring that the tenants in New York State continued to be protected and

had our support against the threats laid down as early as December to simply end all rent regulation and let all laws expire. I appreciate that support.

I know in the other house, I'm sure, the leadership there, the Speaker, appreciates that unified effort. I'd like to thank the tenant organizers who did such an effective job not only in getting bodies and picket lines and all that, but in making the case on the merits, in pointing out the real facts, because at some point, at some point, this struggle became a battle between extremist ideology, the idea that ideology said do this, so ignore the fact and do it, and the reality and we owe those tenant leaders and the many tenants we heard from, our thanks for bringing to the public fore, the realities of life in New York City, Westchester, Nassau County and elsewhere, the reality of life for tenants in a scarce housing market.

I'd like to thank Mike McKee and Billy Easton and Martin Brennan for their efforts in participatory democracy in getting the tenants involved. I'd certainly like to

congratulate Speaker Silver, my partner in representing the Lower East Side, and our leader, in standing fast against the threats to eliminate all protections.

This bill that's before us, Mr. President, is important, yes, for what it contains, but it's more important for what it is not.

It is not an end to protection for our tenants. It is not an end to standing against the greed that can sometimes - sometimes affect some people who find themselves the owners of a scarce commodity, in this case certainly one of the necessities of life, rental housing, shelter in a large metropolitan area.

Mr. President, the public in this state knows, the public in this state knows well that those things in this bill that might disadvantage tenants are there because of the Governor and the Republican leadership in this house, and the public in this state, Mr. President, knows that the reason we have protections at all, the reason there is a bill is due to the Democratic leadership in the Assembly and indeed to the Democrats in this

house, who stood unified. That's the reality of this struggle.

As our own Governor Pataki said when finally seeing the light, this bill is a victory over the extremists who would have ended all rent protection and we know, Mr. President, from what quarters those extreme threats have emanated in these past months.

Yes, Mr. President, there are winners and losers, but the biggest winners are the tenants in New York State. They're winners for what did not happen as well as for what did happen with respect to this bill.

Mr. President, there are good things in this bill. There are things that are balanced, things that Democrats urged. We urged early on, let's look at specific things to help small, struggling landlords and there are things in here. That's a good thing.

There are other things in here, when I spoke to this issue in April I said there's more wrong with the New York City housing market than simply rent regulation. Maybe -- maybe 50 years ago they went down the wrong road, but the fact is, the reality today

is we need more housing units and indeed as we all know, you could build new housing, you could build new rental units and have it totally free from rent regulation, but one of the things I encountered in talking to developers around New York City -- and indeed I did go, I talked to them -- was that the problem with that is you couldn't get financing. You couldn't get financing, not because the building they wanted to build would be subject to present rent laws but the fear that somehow or other a later edition of the rent laws would cover them and, therefore, make their investment less secure for the financers.

There's a provision in here, Mr. President, that I think is good, permitting developers to have a 50-year contractual relationship guaranteeing that for that new construction there won't be rent regulation for 50 years. That's good. Let them take that contract. Let them borrow millions. Let them build housing. Let us create enough units that we don't have to worry about anything other than good strong penal laws against harassment or other laws in favor of fairness and a truly

competitive market that's indeed a tenants' market, not a landlords' market.

Mr. President, as we conclude now with this bill, this struggle, it's clear who the winners were. It's clear who the losers were. I look at the roll call in the Assembly. I see that most Republicans were against this law. That assures me that voting in favor of this is the right thing to do.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: Mr. President, my colleagues, this is a rare exception for me when I can stand up and ask my Republican colleagues to join with me and those in the Democratic Conference in doing the right thing. It is clearly evident that the tenants won. They have been held in hostage for a long time, but it appears that Speaker Silver, as did Moses centuries ago, went down into the valley and told Pharaoh to let his people go, and we have a bill, a bill which reflects the needs and the interests of the tenants of New York City and its environs and, in fact, the entire state of

New York.

I'm going to be brief, and I'm going to be gone. We have a train acoming. The number on that train is 1997. It is not the Orient Express, which is for those who have great wealth and luxuriate themselves. The name of this train is the People's Express. Most of the ridership are tenants. The supporters of those tenants as conductors, the people who load the baggage for the Democratic Senators in this house, and I think this train is going to travel the breadth of this state, and what it is saying as it passes from town to town is, Do not forget who held you hostage. Do not forget who caused you to come to Albany. Do not forget who threatened you in such a sense that people even made death threats surrounding this issue.

My colleagues on the other side of the aisle, I welcome you with open arms to join me on this issue and vote as my conscience will allow me to vote this time and vote for this bill.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Any other

Senator wishing to speak on the bill?

Senator Markowitz.

SENATOR MARKOWITZ: Let me -- let me just say that this experience has been like -- an experience like when you need a root canal. It's not something you ask for. You go through a lot of pain. It could have been worse, I guess. They could have pulled our tooth, so the tooth was saved.

Let me just say that perhaps from this evening on, the Republican Majority that seems so overwhelmingly interested in the problems of rental housing in New York City that perhaps you might continue to show your interest in some other concerns that face New York City residents, the problems of homelessness and poverty, the problems of race relations, the problems of sexual biases, the problems of medically underserved, of schools that are over crowded and bursting at their seams where too many of our kids are left behind. Those are the kind of concerns that your biggest city in this state needs.

Senator Kuhl, you've got a piece of legislation that I never paid attention to

before this effort this year, but I think I'm beginning to see more and more that that piece of legislation that you offered has a tremendous amount of wisdom, because I'm not convinced that those from regions outside of the city and their city really understand what our problems are, really understand the kind of life we lead in a city where we live close to each other as opposed to having the -- the ability, the luxury whatever, of living in an area where you're not up against each other but have some property between each other.

I think there's a real difference and it's hard for you to understand what we face every day in our lives as for some of us it's hard for us to understand what you face every day of your lives, and so maybe there's a lot of good in the legislation that you have proposed to this state.

Insofar as campaign reform laws, that movie where Mr. Cuba Gooding said, "Show me the money." I'm concerned that we need real campaign reform laws, and this is true on this issue and who knows what future issues may come before us. We need real campaign finance laws

so that when we vote on issues that affect people across the state that we do so out of a conviction of our faith, out of a conviction of our beliefs and out of our consciousness at all times when we vote on issues.

I'm going to follow my Senate Minority Leader; I'm going to follow him and his recommendations. I'm going to follow Vito Lopez who worked very, very hard in the New York State Assembly and Sheldon Silver, let's face it, for all the tenants in New York City, and I'm one of them proudly. This is the best under the conditions that we have in this government today. This is the best they could do for us. And so, Marty Connor, this is a victory, it is a victory because it leads for the greatest numbers of us that are tenants in New York City that pay what I consider to be rents that are almost affordable, this will allow us to continue to at least have the assurance that we'll continue to be able to live and be able to pay the rent to the best way we can.

But I hope, Senator Connor, I hope that tenants will not forget why we're here and what we're doing this evening. Never

forget, and perhaps we'll be able to say in the future, never again.

ACTING PRESIDENT KUHL: Senator Abate.

SENATOR ABATE: Because of the lateness of the hour, I will explain my vote.

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

Senator Bruno to close for the Majority.

SENATOR BRUNO: Thank you, Mr. President.

Mr. President, we are about to take a vote on something that will change the complexion of the housing stock in New York City. It will change it in a very positive way. It's a fair and balanced approach.

I am sorry to hear my colleagues talk about winners and losers, and I'm sorry to hear about the politics of an issue as serious as this one as far as the people of the city and the state.

This was not about politics. This was not pandering to any particular

constituency. This was about fixing something that needs and needed to be fixed. I am proud of my colleagues; I am proud of our Governor and I am proud of what we are doing here because we are creating balance. We are creating equity and we have not politicized the process, and I think it's very unfortunate that my colleagues here, Democrats on this side of the aisle, see fit to use this issue in a political way, panicking tenants, scaring tenants for months.

Mr. President, what we do here tonight, we could have done months ago, and I want to make that clear, months ago. We didn't have to wait until this law had been expired for four days. We didn't have to do that. The Governor suggested and recommended a program that would protect every tenant in the City in regulated housing except for about one percent of the population who are the wealthy.

We adopted that stance and that posture to protect all of the tenants in the City. So let's not hear about scaring people out of their homes, forcing people out of their homes, politicizing an issue going forward, because it is not appropriate; it is not proper

and it is not true. And we for months have said that we wanted to pass legislation that would protect every tenant except for a few of the very wealthy that shouldn't be subsidized, don't need to be subsidized by other people in the City or in this state.

So I make this statement, Mr. President, and I wasn't going to speak on the issue because enough has been said. And the hour is late, but I just want to conclude by saying that we are doing something here and we're doing it together. We're doing it on both sides of the aisle, and we're doing it with the Speaker and with the Governor. And what are we doing? We are doing something that will, short term and long term, improve the quality of life for the people in New York City and for the people of this state.

So I think that's something that all of us can relate to and that all of us can be proud of.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

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

SENATOR LEICHTER: Mr. President, of course, the hour is late because whenever we take up a bill of some significance or importance, whether it be a budget or a bill of this sort, the hour is always late. It's after the deadline of the reporters. It's after many of us are exhausted, and it's presented to us with very little time to really look at and analyze.

The fact of the matter is that right now we have no protection for over 2 million tenants, and they deserve and they require protection and for this reason I'm going to support the bill.

But let me just say that when Senator Bruno says, don't politicize it, why are people scared. 2.4 million tenants were put up against the wall. Somebody said, ready, aim, but fortunately they were never able to pull the

trigger. They weren't able to pull the trigger because of the determined fight of the tenants, because of the stand that the Assembly Majority did and the Speaker. But the fact is that tenants were frightened, and they had every reason to be frightened because there was a determined effort fueled in large part by very substantial campaign contributions by landlords to push rent regulation over the brink.

The fact that not only are we protecting tenants, but we are saving affordable housing, and the Majority in this house with a few exceptions, never understood that it wasn't just protecting the tenants now in possession, it was a matter of protecting affordable housing, a very scarce commodity.

So, Mr. President, there are many things in this bill that I think are going to be harmful, harmful not just to tenants, harmful to the city of New York, harmful to other communities, harmful to the family of New York, but the main fact and the key fact is that those who wanted to destroy all rent protection failed. We do have rent protections substantially preserved in New York State.

For that reason, I vote in the affirmative. Thank you.

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

Senator Abate to explain her vote.

SENATOR ABATE: Yes. Tonight will be a night that I believe will be long remembered particularly as a night that I believe we averted disaster, particularly for New York City.

Those of us who fought hard to ensure, not to protect a system or protect a law but to ensure that there was decent and affordable housing in New York City, fought long and hard and those of you in this room know who was on the side of tenants, fought hard because we understood what it meant if vacancy decontrol came into place, or the Governor's plan became law, because it was not just about protecting those individuals who are currently in this housing, but it was to protect the next generation of seniors and of middle income people and working class people and young people and disabled, because we needed to ensure that

they remained a part of our rich and diverse fabric of our city.

We also understood that we had a commitment to support strong and stable neighborhoods so that people could live in those neighborhoods for a long period of time and invest in those neighborhoods. So I believe today, tomorrow will come, another issue will come before us, but the tenants will remember for a long time who fought for them, who made sure that affordable housing would remain constant in this city.

This is just a short-term fight. I believe there will be other tenants' issues and we need to remain vigilant so that working class and middle income people have economic opportunities as well as housing opportunities in every community around the city. We should not divert from our ultimate task, which is to build affordable housing.

We talk about economic development. We talk about jobs. We talk about opportunity for everyone. Let's not lose sight of the goal in mind and that is to build housing, and we must do that. I hope we discuss

it in this session and if not this session, as early as possible next year.

ACTING PRESIDENT KUHL: How do you vote, Senator Abate?

SENATOR ABATE: I vote yes.

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

Senator Goodman, to explain his vote.

SENATOR GOODMAN: Mr. President, I think it's generally known that there are a number of us on this side who had views that were not congruent with those of the Majority, and enough has been said to indicate the sincerity of purpose on both sides.

I would like to point out, however, that this bill does achieve a degree of protection for those of us who had great concern about the constituents within our own Senatorial Districts and within our city and, therefore, I think this is a step in the right direction; but I am reminded that it was Winston Churchill who said that democracy is the worst form of government known to man except for all the others, and in our own bizarre and curious

fashion we've gone a long route to achieve what I perceive as a bill essentially to preserve the status quo.

Let's make no mistake about it, what has been done tonight is no panacea. There are at this very moment 30,000 backlog requests for tenant adjustment of rents before DHCR in Albany. There are some $62 million of claims of tenants who believe that they've been improperly charged, which have, in some instances been pending for over ten years which have not been touched.

There is a housing stock which is in continuous decay and from which there can be no long-range recovery unless we do find the means by which to stimulate new housing construction. Government has the tools with which to accomplish this. We've proven in the past that with selective and targeted tax abatements, we can stimulate construction and help the middle class to survive in decency and in appropriate living conditions.

And finally, Mr. President, I'd like to say that there is still continuing concern about certain provisions of this bill

which surfaced, frankly, surprisingly to some of us, and to me in particular. In the year 1974 we created what was known as the Fair Housing Anti-Demolition Act, which is designed to prevent houses from being -- apartments from being demolished and yet without any prior discussion with any of us, to my knowledge, a proviso was put in this bill which permits the undermining of a portion of that bill.

This is regrettable and particularly regrettable is the way this seems to have dropped out of the sky without fair warning.

So let it be said there is still much to be done. We must build new housing; we must clean up the bureaucratic mess, and we must see that the rent laws which are now on the books as a result of this bill are properly carried out and justly handled in the interests of all of our citizens.

ACTING PRESIDENT KUHL: How do you vote, Senator Goodman?

SENATOR GOODMAN: I'm voting in the affirmative.

ACTING PRESIDENT KUHL: Senator

Goodman will be recorded in the affirmative.

Senator Oppenheimer to explain her vote.

SENATOR OPPENHEIMER: This is very important for Westchester, because we have a near emergency, I would say, in our county with moderate cost housing.

We have for a long time, for at least two decades, been talking about the urgent need to build housing of a moderate cost in our county. We find that most of the personnel that help us in our government like our firemen, our policemen, our teachers, they can not afford to live in our county because the stock is so limited in moderate cost housing, and we do have a problem in the county with -- with communities that do not want to offer a haven for modest cost housing. We call it NIMBY, "not in my back yard."

We have to do something to build housing now; otherwise I see that my county may become a county of extremes, of wealthy people and very poor people and no housing for the middle class. So I am looking to -- to -- for help in -- in obtaining assistance in building

this housing, but I am very thankful that we have this legislation tonight which will help us to maintain those units that we do have, however insufficient.

I would be remiss if I didn't mention one other thing. I feel very distressed at the way government has sort of come to a standstill because of this issue. It points to, that while I know Senator Goodman was saying democracy is the worst form of government but it's the only one we have that's the best of all governments. I'm not getting that right, but you get the clue.

The fact is -- it's getting late. The fact is that there were avenues. We could have moved to a conference committee. It would have assisted us, and I hope we will take that as a lesson for the future.

ACTING PRESIDENT KUHL: How do you vote, Senator Oppenheimer?

SENATOR OPPENHEIMER: Yes.

ACTING PRESIDENT KUHL: Senator Oppenheimer will be recorded in the negative. Announce the results.

VOICE: Affirmative.

THE SECRETARY: Ayes 59, nays one, Senator Gonzalez recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there are three resolutions at the desk. Can we have the titles read -- by some of our members and they are Senator Saland, Farley and Seward.

ACTING PRESIDENT KUHL: Return to the order of motions and resolutions. Secretary will read the title of the first resolution.

THE SECRETARY: By Senator Farley, Legislative Resolution 1835, congratulating Stanley and Frances Tonko upon the occasion of their 50th Wedding Anniversary.

ACTING PRESIDENT KUHL: Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response. )

Senator Rosado, why do you rise? Did you want to speak on the resolution, Senator

Rosado?

SENATOR ROSADO: No.

ACTING PRESIDENT KUHL: The resolution is adopted. Secretary will read the title of the second resolution.

THE SECRETARY: By Senator Seward, Legislative Resolution Number 1836, honoring the past and present members of the Oneida Fire Company for 150 years of fire protection to the citizens of Oneida -- Oneonta, New York, and its surrounding communities.

ACTING PRESIDENT KUHL: Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The resolution is adopted.

A little order in the house please. The stenographer is having a very difficult time recording all the statements and the proceedings this evening. So if we could just finish our business, it will only take a couple minutes.

Secretary will read the title of

the third resolution at the desk.

THE SECRETARY: By Senator Saland, Legislative Resolution commending Jane Diamond, principal of SFB, Morris Young Child Magnet School, upon the occasion of her 33rd distinguished year as an educator.

ACTING PRESIDENT KUHL: Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The resolution is adopted.

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On page number 17, I offer the following amendments to Calendar Number 500, Senate Print Number 2860, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 500 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Saland, I wish to call up his bill, Print Number 4899, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

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

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT KUHL:

Amendments are received and adopted.

Chair recognizes Senator Montgomery. Senator Montgomery waives.

Chair recognizes Senator Rosado.

SENATOR ROSADO: I'd like to be recorded in the negative on the Assembly Bill 8346.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Rosado will be recorded in the negative on Calendar Number 346.

SENATOR ROSADO: Thank you.

ACTING PRESIDENT KUHL: Senator Santiago.

SENATOR ROSADO: 8346, Assembly 8346.

ACTING PRESIDENT KUHL: Assembly Number 8346 is Calendar Number 1318. Thank you. Senator Rosado will be recorded in the negative on Calendar Number 1318.

Senator Santiago.

SENATOR SANTIAGO: Mr. President, I would like to state for the record that had I been in the chamber on Tuesday, June the 3rd, I would have voted in the negative on Calendar

Number 870, Senate Bill 5180, and Calendar Number 920, Senate Bill 3429.

ACTING PRESIDENT KUHL: The record will so reflect, Senator Santiago. Is there any other member wishing to make a statement or record a vote?

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time, since there is no further business to come before the Senate, I would move that we adjourn until Monday at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, the Senate stands adjourned until Monday, June 23rd, 3:00 p.m., intervening days to be legislative days.

(Whereupon at 10:41 p.m., the Senate adjourned.)