ALBANY, NEW YORK

June 24, 1997

1:35 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

We're very pleased to have the Reverend Matthew Perkins from the Congregational Christian Church from Ravena, New York with us for the invocation.

Father Perkins.

REVEREND MATTHEW H. PERKINS: Let us pray. Almighty and most gracious God, grant us the sense of peace and of rest. We are tired. We want and hope for Your guidance and Your grace as we go about our work, our business and our busyness. Amen.

ACTING PRESIDENT KUHL: The reading of the Journal.

THE SECRETARY: In Senate, Monday, June 23. The Senate met pursuant to

adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. The Journal of Sunday, June 22nd, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, on page number 37, I offer the following amendments to Calendar Number 1252, Senate Print Number 5359, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 1252 are received

and adopted and the bill will retain its place on the Third Reading Calendar.

Senator Holland, we have a couple of substitutions from the Assembly, if we might read those.

The Secretary will read the substitutions.

THE SECRETARY: On page 37, Senator Maziarz moves to discharge from the Committee on Rules Assembly Bill Number 352-B and substitute it for the identical Third Reading Calendar 1331.

And on page 38, Senator Waldon moves to discharge from the Committee on Corporations, Authorities and Commissions Assembly Bill Number 3898 and substitute it for the identical Third Reading Calendar 1336.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Senator Trunzo, why do you rise?

SENATOR TRUNZO: Mr. President, would you please remove the star on Calendar Number 492.

ACTING PRESIDENT KUHL: The star on Calendar Number 492 is removed at the request

of the sponsor.

Senator Holland.

SENATOR HOLLAND: Mr. President, at this time may we please have the reading of the non-controversial calendar.

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

THE SECRETARY: Calendar Number 52, by Senator Goodman, Senate Print 419-A, an act to amend the Vehicle and Traffic Law, in relation to mandatory revocations.

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

THE SECRETARY: Section 2. This act shall take effect in 30 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 91, by Senator Cook, Senate Print 780-A, an act to amend the General Municipal Law, in relation

to county planning boards.

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

THE SECRETARY: Section 8. This act shall take effect on the first day of July.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 110, by Senator Present, Senate Print 765-A, an act to amend the State Administrative Procedure Act, in relation to compliance requirements.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 125, by Senator Maziarz, Senate Print 931-A, an act to amend the Education Law, in relation to prohibiting the direct merchandising.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

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 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 178, by Senator Leibell, Senate Print 2227-A -

SENATOR SMITH: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 193, by Senator Lack, Senate Print 1097, an act to amend the Labor Law, in relation to direct

sellers.

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 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 224, by member of the Assembly McGee, Assembly Print 1476, Senate Reprint 21001, an act to amend the New York State Urban Development Corporation Act.

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 37.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 280, by Senator Johnson, Senate Print 2514-A, an act to amend the Real Property Tax Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 329, by Senator Lack, Senate Print 1167, an act to amend the Election Law, in relation to polling places.

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 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 341, by Senator Johnson, Senate Print 2550-A, an act to amend the Insurance Law and the Vehicle and Traffic Law, in relation to motor vehicle

accident prevention courses.

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

THE SECRETARY: Section 3. This act shall take effect in 120 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36, nays 1, Senator Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 348, by Senator Padavan, Senate Print 3088, an act to amend the General Business Law, in relation to possession and sale of drug-related paraphernalia.

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 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 367, by Senator Farley, Senate Print 2734-A, an act to amend the State Finance Law, in relation to filing authorization.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 447, by Senator Padavan, Senate Print 3070, an act to amend the Penal Law, in relation to possession of gambling devices.

SENATOR SMITH: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 500, by Senator Leibell, Senate Print 2860-A, an act to amend the Private Housing Finance Law, in relation to extending the period of repayment.

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 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 501, by member of the Assembly Lopez, Assembly Print 6024-A, an act to amend the Public Housing Law, in relation to the procurement by housing authorities.

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 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 541, by Senator Levy, Senate Print 610-A, an act to amend the Vehicle and Traffic Law, in relation to the seizure of license plates.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 567, by member of the Assembly Eve, Assembly Print 6780, an act to amend Chapter 198 of the Laws of 1978.

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 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

574, by Senator Leibell, Senate Print 3674-A, an act to amend the Public Authorities Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 575, by Senator Leibell, Senate Print 3731, an act to amend Chapter 915 of the Laws of 1982.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 604, by Senator Meier, Senate Print 3937-A, an act to authorize the town of Paris to convey certain parklands.

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 37.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 625, by Senator Skelos, Senate Print 1023-A, an act to amend the Public Health Law, in relation to requiring hospitals.

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

THE SECRETARY: Section 2. This act shall take effect in 180 days.

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 36, nays 1, Senator Cook recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 636, by Senator Larkin -

SENATOR PATERSON: Lay it aside.

THE SECRETARY: -- Senate Print 2638, an act to amend the General Municipal Law.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Calendar Number 638, by Senator Larkin, Senate Print 4174, an act to amend the Business Corporation Law, in relation to requiring.

ACTING PRESIDENT KUHL: The Secretary will read the last section -- lay the bill aside.

THE SECRETARY: Calendar Number 663, by Senator Padavan, Senate Print 4047, an act to amend the Penal Law, in relation to the disposal of allegedly stolen motor vehicles.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 710, by the Assembly Committee on Rules,

Assembly Print 7640, an act to amend Chapter 514 of the Laws of 1983.

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 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 748, by member of the Assembly Weinstein, Assembly Print 7029, an act to amend the Family Court Act and others, in relation to powers of local Criminal Courts.

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 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 752 by Senator Goodman, Senate Print 3870, an act to amend the Domestic Relations Law, in relation to solemnization of marriages.

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 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 773, by member of the Assembly Gottfried, Assembly Print 7056-A, an act to amend the Public Health Law, in relation to the preparation and distribution.

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 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 784, by Senator Maziarz, Senate Print 5081-A, an act to amend the Social Services Law, in relation to establishing rates.

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 789, by Senator Goodman, Senate Print 5161, an act to amend the Arts and Cultural Affairs Law, in relation to including.

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 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 864, by Senator Padavan, Senate Print 4589, an act to amend the Penal Law, in relation to including police officers.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 906, by Senator Goodman, Senate Print 5209-A, an act to amend the Tax Law and other laws, relating to the reduction of rates, enhancement of credits and other matters.

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 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 907, by Senator Goodman, Senate Print 5213-A -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 956, by Senator Skelos, Senate Print 340-A, an act to amend the Vehicle and Traffic Law, in relation to the enforcement.

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 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 958, by Senator Goodman, Senate Print 411, an act to amend the Vehicle and Traffic Law, in relation to restricting.

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 41.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 969, by Senator Padavan, Senate Print 951, an act to amend the Public Authorities Law, in relation to providing.

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

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

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

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

THE SECRETARY: Section 2. This act shall take effect in 30 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1017, by Senator Levy, Senate Print 5051-A, an act to amend the Vehicle and Traffic Law, in relation to penalties for violating use restrictions.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1018, by Senator Levy, Senate Print 5134-A, an act to amend the Vehicle and Traffic Law, in relation to the cancellation.

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 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1045, by Senator Marchi, Senate Print 3649-B, an act to amend the Limited Liability Company Law and others, in relation to limited liability.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1128, by Senator Goodman, Senate Print 5367-A, an act to amend the Alcoholic Beverage Control Law, in relation to requiring notice to the State Liquor Authority.

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

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1134, by Senator Kuhl, Senate Print 1828-A, an act to amend the Judiciary Law, in relation to increasing the number of County Court judges.

ACTING PRESIDENT KUHL: The Secretary will call 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 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1154, by Senator Bruno, Senate Print 5254-C, an act to amend Chapter 987 of the laws of 1971.

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

THE SECRETARY: Section 4. This

act shall take effect on the 23rd day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1159, by Senator Skelos, Senate Print 317-A, an act to amend the Insurance Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1217, by Senator Stafford, Senate Print 4999-A, an act in relation to the extension of boundaries of fire protection.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1323, by Senator Seward, Senate Print 4240-A, an act to amend the General Municipal Law, in relation to the calculation.

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 43, nays 1, Senator Tully recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1331, substituted earlier today, by member of the Assembly Connelly, Assembly Print 352-B, an act to amend the Insurance Law, in relation to making insurance coverage.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 180th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1333, by Senator Maltese, Senate Print 1704, an act in relation to allowing certain Correction members.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1334, by Senator Libous, Senate Print 1914-A, an act to amend the Penal Law, in relation to the provision of large quantities.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1335, by Senator DeFrancisco, Senate Print 2430, concurrent resolution of the Senate and the Assembly, proposing amendments to Sections 13, 14 and 16.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1338, by Senator Trunzo, Senate Print 3190, 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 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1339, by Senator Skelos, Senate Print 3268, an act to amend the Retirement and Social Security Law, in relation to the retirement of ambulance medical technicians.

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 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1340, by Senator Libous, Senate Print 3620, an act to authorize the city of Binghamton to offer an optional 20-year retirement plan.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1341, by Senator Saland, Senate Print 4342, an act to amend Chapter 524 of the Laws of 1987, relating to establishing.

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 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1342, by Senator Meier, Senate Print 4583-A, an act to amend the Penal Law, in relation to permitting a court to impose a sentence.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1343, by Senator Farley, Senate Print 4624, an act to enable the county of Schenectady to

acquire, develop and distribute.

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 immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1344, by Senator Tully, Senate Print 4808-A, an act to authorize Stuart L. Ain to apply for retroactive membership.

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

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

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

SENATOR PATERSON: Mr. President, is there a local fiscal impact message on this bill?

ACTING PRESIDENT KUHL: Senator Paterson, there's no local fiscal impact note at the desk. There is a home rule message at the desk, if that makes a difference to you.

SENATOR PATERSON: Mr. President, we're not sure. We're not really even challenging the Chair. We would just like to know if there's a need for a fiscal impact message.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson, I'm being told by the Journal Clerk that the rules don't require one. Without exhausting that investigation myself, I have to go basically on their word. The standard practice has been, as I understand it, for a home rule message to be sufficient.

SENATOR DOLLINGER: Mr. President, a point of order.

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

SENATOR DOLLINGER: Just a point of order, Mr. President, to follow up on Senator Paterson's point. My understanding is a portion

of the cost of this will be borne by the New York State Assembly.

ACTING PRESIDENT KUHL: Senator Dollinger, if you have a question about the bill, why don't we lay the bill aside and continue to go on with the non-controversial calendar.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: We'll lay the bill aside. The Secretary will continue to call the non-controversial calendar.

THE SECRETARY: Calendar Number 1345, by Senator Meier, Senate Print 4846-A, an act to amend the Social Services Law and the Family Court Act, in relation to catastrophically maltreated children.

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 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1346, by Senator Saland, Senate Print 4893, an act to authorize the city school district of the city of Hudson.

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 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1347, by Senator Velella, Senate Print 5107, an act to amend the Public Authorities Law, in relation to increasing.

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 45.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1348, by Senator Trunzo, Senate Print 5159-A, an act to amend the Public Authorities Law and others, in relation to clarifying the status of employees.

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

THE SECRETARY: Section 11. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR LEICHTER: Mr. President -- Mr. President.

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

SENATOR LEICHTER: Is Calendar

1333 still at the desk?

ACTING PRESIDENT KUHL: 1333? No, it is not. It's out of the house, Senator.

SENATOR LEICHTER: May I have unanimous consent to be recorded in the negative on that bill, please.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Leichter will be recorded in the negative on Calendar Number 1333.

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

ACTING PRESIDENT KUHL: Calendar Number 1350, by Senator LaValle, Senate Print 5458-A, an act to amend the Mental Hygiene Law, the Social Services Law and the Education Law, in relation to transferring requirements.

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

THE SECRETARY: Section 8. This act shall take effect July 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1351, by Senator Spano, Senate Print 5461, an act to amend the Vehicle and Traffic Law, in relation to authorizing a residential parking system.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1352, by Senator Dollinger, Senate Print 5479, an act to ament the Vehicle and Traffic Law, in relation to providing for a distinctive United States Naval Armed Guard license plate.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

ACTING PRESIDENT KUHL: Record the negatives. 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 1354, by Senator Marcellino, Senate Print 5534, an act authorizing the assessor of the county of Nassau.

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: Senator

Cook, why do you rise?

SENATOR COOK: Mr. President, I inadvertently voted negative on the previous bill. I'm voting no on this bill.

ACTING PRESIDENT KUHL: Senator Marcellino's bill?

SENATOR COOK: Yeah, and I intended to vote yes on the previous bill.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 46, nays 2, Senators Cook and Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: Senator Cook, your request is to have unanimous consent to be recorded in the affirmative on the prior bill, Senator Dollinger's bill, 1352?

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Cook will be recorded in the affirmative on Calendar Number 1352.

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

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

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

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

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

THE SECRETARY: Calendar Number 1355, by Senator Goodman, Senate Print 5537, an act to amend the Alcoholic Beverage Control Law, in relation to creating.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1356, by Senator Saland, Senate Print 5563, an act to authorize the Commissioner of General Services to sell and convey a certain parcel.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1357, by Senator Farley, Senate Print 5581, an act to amend the Vehicle and Traffic Law, in relation to authorizing out of state recreational vehicle dealers.

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 49.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Saland, why do you rise?

SENATOR SALAND: Mr. President, have we completed the non-controversial?

ACTING PRESIDENT KUHL: We have not. We have not. We just passed Calendar Number 1357. We have one bill left to call.

The Secretary will read the non-controversial calendar remaining bill.

THE SECRETARY: Calendar Number 1358, by Senator DeFrancisco, Senate Print 5602, an act to authorize and direct the state Energy Planning Board to conduct a study.

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 49.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Libous.

SENATOR LIBOUS: Now, Mr. President?

ACTING PRESIDENT KUHL: Now.

SENATOR LIBOUS: Thank you, Mr. President.

I would like to have unanimous consent to be recorded in the negative on Calendar Number 752.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Libous will be recorded in the negative on Calendar Number 752.

Senator Smith, why do you rise?

SENATOR SMITH: On Calendar Number 636 and 638 that were laid aside earlier, I wish to let them go. The explanation has been satisfactory.

ACTING PRESIDENT KUHL: We'll return to Calendar Number 636. I'll ask the Secretary to read the title.

THE SECRETARY: Calendar Number 636, by Senator Larkin, Senate Print 2638, an act to amend the General Municipal Law.

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 49.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will read Calendar Number 638.

THE SECRETARY: Calendar Number 638, by Senator Larkin, Senate Print 4174, an act to amend the Business Corporation Law, in relation to requiring any foreign corporation.

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

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT KUHL: The bill is passed.

Senator Saland.

SENATOR SALAND: Thank you, Mr.

President.

Mr. President, I would request unanimous consent to be recorded in the negative on Calendar 752.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Saland will be recorded in the negative on Calendar Number 752.

Senator Maltese, why do you rise?

SENATOR MALTESE: Mr. President, I would request unanimous consent to be recorded in the negative on Calendar Number 752.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Maltese will be recorded in the negative on Calendar Number 752.

Senator Marcellino, why do you rise?

SENATOR MARCELLINO: Mr. President, yesterday when Senate 2057 was taken up, I was out of the chambers on Senate business. I wish the record to reflect that I would have voted no had I been here.

ACTING PRESIDENT KUHL: The

record will so reflect.

Senator Spano, why do you rise?

SENATOR SPANO: Mr. President, I would like the record to reflect my negative vote on Calendar 752.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Spano will be recorded in the negative on Calendar Number 752.

Senator Lack, why do you rise?

SENATOR LACK: Yes. I would request unanimous consent to be recorded in the negative on Calendar Number 752.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Lack will be recorded in the negative on Calendar Number 752.

SENATOR HOLLAND: Mr. President.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: I would also like to be recorded in the negative on 752.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Holland will be recorded in the negative on Calendar

Number 752.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we return to motions and resolutions and call up my privileged Resolution Number 1566 and have it read in its entirety, please.

ACTING PRESIDENT KUHL: We'll return to the order of motions and resolutions.

I'll direct the Secretary to read Resolution Number 1566 by Senator Holland in its entirety which was previously adopted by this body.

The Secretary will read.

THE SECRETARY: By Senator Holland, Legislative Resolution 1566, honoring the teams from Clarkstown North High School in Rockland County upon the occasion of placing First, Second and Third in the National History Day Contest, May 2 through 4, 1997;

WHEREAS, it is the sense of this legislative body to act in accord with its long standing tradition honoring the youth of today and leaders of tomorrow whose character and achievements best exemplify the ideals and values cherished by this great state and nation;

and

WHEREAS, this legislative body is justly proud to honor the teams from Clarkstown North High School in Rockland County upon the occasion of placing First, Second and Third in the National History Day Contest in Rochester, New York, May 2 through 4, 1997; and

WHEREAS, the National History Day Contest bring schools from all over New York State to compete in a variety of group and individual categories.

The Clarkstown team made up of Matt Lipsky, Stacey Rabinowitz, Steven Chao, Mark Cuccaro, and Steven Weintraub as the alternate, won first place in the History Bowl officially named "Yonkers History Bowl" modeled after Jeopardy and College Bowl, which tests students' knowledge of American history in the quick response format. 14 schools sent teams to compete and Clarkstown North also came in second with a team consisting of Zack Osofsky, John Sherman, John Spencer and Jay Suchotliff, as the alternate was Kevin McCabe;

WHEREAS, in group performance, a Clarkstown North team made up of Matt Lipsky,

Zack Osofsky, John Sherman and Steven Weintraub came in third in the state. Their dramatic performance was about the triumphs and tragedies of the building of the transcontinental railroad in the late 1800s. The same team of boys also placed third last year in the same category; and

WHEREAS, this legislative body, in full knowledge of the significance of this occasion, is moved to honor, commend and congratulate these young citizens and able scholars recognizing the value of their labors and the promise of their futures; now, therefore, be it

RESOLVED, that this legislative body because in its deliberations to honor the teams from Clarkstown North High School in Rockland County upon the occasion of placing First, Second and Third in the National History Day Contest May 2 through 4, 1997; and be it further

RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to members of the Clarkstown North High School First, Second and Third Place Teams.

ACTING PRESIDENT KUHL: Senator

Holland, on the resolution.

SENATOR HOLLAND: Mr. President, could I ask the members of the Clarkstown North to stand up, please. They're in the gallery up here on the right. Would you stand up, please.

Now, I want to read a section of the resolution in case everybody wasn't listening.

"WHEREAS, this legislative body is justly proud to honor the teams from Clarkstown North High School", which is in Rockland county, "upon the occasion of placing First, Second and Third in the National History Day Contest for the entire state of New York in Rochester, New York on May the 2nd through the 4th."

Gentlemen, congratulations to you. We expect you to do the same -- and ladies. I'm sorry, Stacey. We expect you to do the same thing next year. Congratulations. We're all very proud of you. (Applause)

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: Yes, Mr. President. If we could go to the Resolution

Calendar. I've had some requests if we could open up 1821, "Drug Abuse Prevention Week", for anybody who would like to be on that resolution or the entire house if so wished and also 1882, YM... "YWCA Week" I move the adoption.

ACTING PRESIDENT KUHL: We'll follow the procedure, Senator Holland, and place all of the members on the sponsorship on the two resolutions, 1821 and 1882, unless they indicate to the desk that they don't wish to be on the resolution.

SENATOR HOLLAND: Thank you, Mr. President. I move the adoption -

ACTING PRESIDENT KUHL: I'll direct the Secretary to do that. You're proposing to adopt the Resolution Calendar at this time?

SENATOR HOLLAND: Please.

ACTING PRESIDENT KUHL: The motion is to adopt the Resolution Calendar which is on the members' desks. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Holland.

SENATOR HOLLAND: Could we return to the reports of standing committees for a report from the Finance Committee, please, Mr. President.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees. I'll ask the Secretary to read the report of the Finance Committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Commissioner of Environmental Conservation: John P. Cahill, of Yonkers.

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

SENATOR STAFFORD: Mr. President, today three excellent nominees appeared. The first excellent nominee, I will yield to the Senator from Westchester.

SENATOR SPANO: Thank you, Senator Stafford.

It is indeed my pleasure to

second the nomination of John Cahill as the Commissioner of the Department of Environmental Conservation.

I have known John Cahill for a long time and he has been a person who has contributed a great deal to his community and certainly to us in the city of Yonkers, as a matter of fact, volunteering his services to our city as a member of the Emergency Financial Control Board which was an appointment that required confirmation by the members of this Senate.

In a short time, he has demonstrated his commitment to his community, demonstrated his commitment to protecting the environmental concerns of the people of this great state and in following through on a commitment our great Governor has made to the people of this state in putting someone in place in the Department of Environmental Conservation who understands how to run an agency in an efficient way, in a way that properly requests the concerns, the environmental concerns of this administration, of the members of this house as well.

So it is my pleasure, Mr. President, to second the nomination and to congratulate the Governor in presenting someone who had tremendous credentials, as an attorney, as a litigator, as someone in his own education who has studied environmental law and who has already demonstrated that commitment as the Acting Commissioner in the Department of Environmental Conservation.

ACTING PRESIDENT KUHL: Senator Marcellino, on the nomination.

SENATOR MARCELLINO: Thank you, Mr. President.

I rise with great pride and pleasure to speak on the nomination fervently of John Cahill to be confirmed as Commissioner of the Department of Environmental Conservation.

As the Chairman of the Committee, John went through our process. It was almost a love feast. The accolades, good things were said and well deserved. John has done a fantastic job in a department that was under some stress before he got there and since he's gotten there has been running just beautifully. He's a pleasure to work with. He's a fine human

being, a great lawyer and a superb environment alist and I, with pleasure, recommend a unanimous vote on John's nomination.

ACTING PRESIDENT KUHL: Senator Leibell, on the nomination.

SENATOR LEIBELL: Thank you, Mr. President.

Briefly, if I may join my colleagues who have already spoken. As a member of the Environmental Conservation Committee, we were most pleased to see the commissioner come before us. I can tell you from my own personal experience and that of our staff in the Senate, he has been wonderful as a department to work with. They've done a tremendous job in a very short period of time. Without question, this will be one of the finest environmental departments anywhere in the United States, and I congratulate the commissioner.

ACTING PRESIDENT KUHL: Senator Oppenheimer, on the nomination.

SENATOR OPPENHEIMER: Thank you, Mr. President.

Well, it was a love feast in the Environmental Conservation Committee meeting

when we had John Cahill before us and that's because John, in the period that he's been acting commissioner, has done so much to improve the enforcement of our environmental laws.

There was a period there where I thought that an effort was afoot to get rid of environmental law and after that I thought, well, the opposite -- the alternative to getting rid of it seemed to be simply not to enforce the law that we did have and that was a direction that was very disturbing and I thought the Department was moving in but now many enforcers have been put on staff and we are seeing a vast improvement in the enforcement of our law.

John Cahill comes from a wonderful background. Not only has he proven himself on the job but his background couldn't be better. He comes out of the school where he took a Master's in environmental law that I have the highest respect for and that's the Pace University School of Environmental Law which was started by Congressman Richard Ottinger and is one of the greatly respected environmental schools in the country.

So we have talked about things

such as the Superfund, such as the emission reduction credits. Everything seems to be pulling together now under John and I am just very, very pleased that we have such a fine commission... commissioner candidate before us today.

ACTING PRESIDENT KUHL: Senator Libous, on the nomination.

SENATOR LIBOUS: Thank you, Mr. President.

I too want to rise and join my colleagues in saluting the Governor in making this very fine appointment in John Cahill, and I think what's nice about this appointment is Mr. Cahill brings a unique balance. You know, in the environmental field, while we all care very deeply about our state's environment and make sure that we're moving in the right direction, we also do care very deeply about economic development and growth in our state and making sure that we strike a balance, and I think John Cahill does strike that balance. Not only is he well respected by those who favor and work very hard on environmental issues but he's also respected in the business community.

So, Mr. President, I look forward to working with the new commissioner and I know that Yonkers for some is considered upstate but, Commissioner, hopefully we'll bring you to Binghamton, the Southern Tier and show you where the real upstate is.

ACTING PRESIDENT KUHL: Senator Mendez, on the nomination.

SENATOR MENDEZ: Mr. President, I also feel the need to stand up and congratulate the Governor for the appointment of John Cahill as the environmental commissioner.

I mean, the man is -- has done - will be doing an extraordinary job and as far as I'm concerned, this is the first candidate for this position that is thoroughly knowledgeable about the issue of environmental racism. He knows what occurred in the South Bronx when an incinerator that burns medical waste was placed in an area congested with people, many of these people suffering from asthma, and he's willing to revisit the issue.

So I think he is one of the finest appointments that the Governor has submitted for confirmation and we look forward

to work with him.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Maziarz, on the nomination.

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

Despite what we've heard today, the real upstate regions of New York are the Niagara region and the Adirondack region and Senator Stafford agrees with me on that particular comment.

Mr. President, the Niagara region is very proud to have two members on the Conservation Fund Advisory Board and those two members have indicated to me that when it comes to sportsmen's issues and the concern about the hunters and the sports people in the state of New York, that Commissioner Cahill is extremely impressive with his record with those individuals and I just want to congratulate and commend the Governor.

I think that Commissioner Cahill is going to be an excellent commissioner, and I look forward to working with him for a good long time.

ACTING PRESIDENT KUHL: Senator Johnson, on the nomination.

SENATOR JOHNSON: Mr. President, I would like to echo some of the fine sentiments which have been expressed so far on behalf of John Cahill as Commissioner. I think there's no question about his capability, his background but I'm most impressed with his performance while he's been Acting Commissioner.

He seems to have achieved a like balance of environmental sensitivity, economic alertness, awareness of the necessity of maintaining jobs and expanding opportunities in our state, and I think everyone is -- on all sides of the spectrum, environmental/economic activities, I think he has won friends and I think those friends are here today speaking for him and supporting him and wishing him well in knowing that the Governor has made a fine choice and he'll do a wonderful for the state of New York.

Thank you.

ACTING PRESIDENT KUHL: Senator Hoffmann, on the nomination.

SENATOR HOFFMANN: I join my

colleagues, Mr. President, in complimenting the Governor on the very excellent appointment of John Cahill as Commissioner of Department of Environmental Conservation.

I've had an opportunity to speak with Mr. Cahill on a number of times. I'm impressed with his breadth of knowledge of environmental issues as well as his grasp of the great difficulty posed by trying to balance environmentalism in its strictest sense with agricultural practices and enforcement of penalties against those who would pollute the land. These are not always clear-cut issues. They require a great deal of sensitivity, even handling and a willingness to seek out all of the facts.

That, unfortunately, has not always been the case in DEC in New York State, and I am convinced that we have in Commissioner Cahill somebody who will be fair, who will take the time to learn what the real issues are and as somebody who has been involved in agriculture herself and has served as the ranking member of my party on the Agriculture Committee for seven terms now, I believe that we have in John Cahill

an excellent person. For those who are engaged in agricultural practices in New York State, it's time that they had a friend and somebody who will be fair to farmers in this department.

So I join my friends in the Senate on both sides of the aisle in complimenting the Governor on this very excellent appointment and wishing John Cahill all the best in his new and very difficult position.

ACTING PRESIDENT KUHL: Senator Wright, on the nomination.

SENATOR WRIGHT: Thank you, Mr. President.

I too join with my colleagues in supporting John Cahill's nomination. I found it interesting the various definitions I've heard today of upstate New York.

Having served on the EnCon Committee, I had the opportunity to question the acting commissioner and representing an area of the state that is interested in sport fishing and hunting and agricultural interests, I found that the commissioner was not only conversant but very supportive on all of those issues and

that speaks to, I think, what we've all attested to this afternoon and that is the balance that the commissioner brings to that position and while all of us have various priorities within the influence of the Environmental Conservation Department, the commissioner balances those priorities, balances the regions of this state, balances the concerns.

John, we're very pleased to have you as commissioner. We wish you the best of luck.

Thank you.

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

(There was no response.)

Hearing none, the question is on the nomination of John P. Cahill to become the Commissioner of Environmental Conservation. 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 John Cahill in the gallery to your left with us today. Commissioner, congratulations. Good luck. (Applause)

Commissioner, we are also very pleased that you were able to fill the gallery for us, and I know that you have a large number of your family here with you. We would like to have the members see them also.

I know you're joined by your wife Kim, if she would stand, your four children. We have John, Jr., Meghan, Erin and James and your mother Margaret, your three brothers, James, Kevin and Tom are with us today, your two sisters, Mary and Eileen, your brother-in-law Bruce Hume, your sister-in-law Ann Cahill and your in-laws Beverly and Leo Magratten.

Thank you for all coming and sharing this wonderful moment in John's life with us. Thank you.

The Secretary will continue to read.

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

following nomination: Commissioner of Social Services: Brian J. Wing, of Rensselaer.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President.

I know I sound like a broken record and I should because, again today, as I mentioned earlier, I just want to second what's been said about now Commissioner Cahill. Is he Commissioner before he's sworn in? No. I guess you're Commissioner now -- Commissioner now.

Brian Wing who's being considered again is an example of the system really working. We all go way back. Commissioner Wing -- and I call him Commissioner because he is a commissioner -- he has his Bachelor of Arts, cum laude from Buffalo, an Associate in Arts, which I think is tremendous, from Fulton-Montgomery Community College and then his Master's in Public Administration from the State University of New York.

Now, I for one can remember -- I don't think it's coincidental -- that he graduated from Buffalo and the office of the

commission studying the welfare laws was in Buffalo. As a matter of fact, his former boss was in town last evening and had breakfast with him today, Senator Smith and, Mr. President, Brian Wing was out of school, cum laude graduate and he was on the ground floor of making changes in revising and reforming some laws that needed to be reformed and, as I say often on this subject, we all have our personal experiences and I can say that I should relate to this issue and I do my best to from my own experiences.

I will share with you, Mr. President, that Commissioner Wing is a professional. He was before the Finance Committee today and he did an excellent job. He didn't necessarily, I think, tell everybody exactly what they wanted to hear. On the other hand, he was very open. He shared with them his professional views and I don't think there was anyone who really -- and I don't want to speak for anyone, but I don't think there was anyone that took umbrage, although probably on every specific issue we were not in all complete agreement but it was a good meeting, a good dialogue, and I compliment the Governor on this

appointment.

I think this should be mentioned for the record, the work that the commissioner has done through the years. I mentioned earlier in '74-'75, he was senior research analyst on the Commission to Revise the Social Services Law.

'75 to '79, he was director of research on this Commission to Revise the Social Services Laws.

From '79 to '82, he was executive director of the New York Public Welfare Association, and again, he was questioned about the entire state and he made it a point that he realizes this is a diverse state, a complex state and there are various interests in areas, and I could go on and on.

He was a regional administrator in the Department from 1982 to 1983.

From 1983 to '93, he was director/local district liaison in the Office of the Commissioner.

From 1993 to 1995, he was executive assistant to the executive deputy commissioner in the Office of the Commissioner

and from April 1995 to the present has been the acting commissioner.

Again, Mr. President, here's an example of a professional who does a job, a difficult job but he cares. He's concerned. He has the ability. He has a proven record and on behalf of Senator Bruno -- and he is -- the commissioner is very fortunate to live in the correct districts in this house, in the county of Rensselaer, and for those who are wondering what I'm saying, he lives in Senator Bruno's district and Senator Bruno could more eloquently state what I'm trying to state here today but, on behalf of Senator Bruno, I move the confirmation of a gentleman who has proven himself and will continue to make New York State a better place in which to live.

Thank you.

ACTING PRESIDENT KUHL: Senator Holland, on the nomination.

SENATOR HOLLAND: I would like to also speak about Brian because I've worked with him for a long time and some of the things I'll repeat, Brian, but you don't care. It's PR.

I'm happy to support the

nomination of Brian J. Wing as Commissioner of the state Department of Social Services. My staff and I have had the privilege of working with Brian since I became chairman of this committee in 1991.

We were pleased when Brian Wing was named Acting Commissioner on April the 21st, 1995 and doubly pleased when the Governor nominated Brian to serve as the official Social Services Commissioner, although we had called him that for years, earlier this month.

Brian Wing has demonstrated that he has the experience, wisdom and skill to be a great Social Services Commissioner.

For those of you who have not had the privilege as I have to get to know Brian Wing, let me tell you a little bit about him. Brian is a lifer, an insider, someone who has committed his career and most of his adult life to improving the social services programs here in the state of New York.

Prior to his designation as Acting Commissioner, Brian worked at the Department of Social Services in various capacities since 1982. He served for ten years

as the Department's local liaison director, maintaining essential relationships between DSS, state and local social services agencies.

Before becoming -- before coming to DSS, Brian was executive director of the New York Public Welfare Association. He began his public service career in 1994 as executive administrator in the Assembly and later served in several capacities on the Senate's Commission to Revise the Social Services Law.

Brian earned his Master's in public administration degree from SUNY in Albany and received a Bachelor of Arts degree cum laude from SUNY at Buffalo.

As Acting Social Services Commissioner, Brian Wing has presided over the state's welfare reform efforts with a hands-on commitment to implementing the most sweeping overhaul of the social services system ever in New York State's history without compromising the state's tradition of providing comparative services to those in need.

During Brian's tenure as Acting Commissioner, the welfare case load has dropped to its lowest level since 1969. More than

340,000 have been removed from New York City's welfare rolls. Child support collections are coming in at record levels, increasing 13 percent in 1996 and bringing in an additional $83 million helping families to leave the welfare rolls behind and finger imaging and other anti-fraud measures are restoring integrity to public assistance.

Finger imaging alone has been responsible for removing 43,000 welfare cheats from the system. The dramatic improvement of child support statistics is the result of new innovative programs successfully implemented by the Department of Social Services during Brian's tenure. They include suspension of driving privileges for dead-beat parents, employment tracking for those who owe child support payments, bank account seizures and creation of partnerships with tax departments to increase support payments.

As a result of Brian's tenacity in improving child support enforcement, more than 26,000 AFDC families have been able to leave the welfare rolls. No one who I have worked with during my tenure as Social Service

Chairman is more qualified for the position of Social Services Commissioner than Brian Wing.

His long-time dedication and hard work in building a social service administration we can be justly proud of says it all.

I know you will all join in supporting Brian Wing's nomination for the position of Chairman of the New York State Department of Social Services, and I congratulate you, sir.

ACTING PRESIDENT KUHL: Senator Libous, on the nomination.

SENATOR LIBOUS: Thank you, Mr. President.

I too want to rise to join my colleagues, Senator Stafford and Senator Holland, as they talked about the qualifications of Brian Wing.

I just want to say that from a different perspective, not being either Finance Chairman or the Chairman of Social Services, I have had the pleasure of working with Brian on a couple of issues and I want to say this to my colleagues. He has been -- not only is he very knowledgeable and he understands the entire area

of social services, but he has been extremely responsive to me and my constituents, and I think that he would treat anyone in this room in that same manner and that's really what's critical in our positions when sensitive issues, changes that are taking place like in the area of social services and there are ongoing changes and they affect the lives of all of our constituents in this state.

I have to say that whenever I've called on Brian Wing as Acting Commissioner and soon to be Commissioner, he has always been responsive, and I want to again applaud the Governor. We have several excellent nominees before us today and I know that Mr. Wing will carry out his responsibilities and be an excellent commissioner, and I look forward to continuing our working relationship.

ACTING PRESIDENT KUHL: Senator Mendez, on the nomination.

SENATOR MENDEZ: Mr. President, I also want to rise to support the nomination of Brian Wing for Commissioner of Social Services of the state of New York.

I have never seen -- in so many

years that I have served here, I have never heard of a commissioner who is so thoroughly knowledgeable of the entire system -- welfare system of the state of New York. He's a true professional and mostly he's the kind of a guy, as Senator Libous mentioned, that if you have a problem and you call, he is there and he is very rational and sensitive about the needs that our constituents do have. From the early stages of planning through implementation and policy making in the area of social welfare, he is the finest.

So, Mr. President, this is indeed a wonderful day. He's done a great job as a commissioner -- as Acting Commissioner in the past two years. So it's a very -- it's very gratifying to move his nomination.

Mr. Chairman, since I have the floor, I really must also for the record mention the following: I was out of the chambers when a resolution was read for -- memorializing Matthew Lipsky for his -- and his class for his performance in the contest, the national and state level, and I want to mention for the record that I am so sorry that I wasn't here

because Matthew's mother Dorothy, as well as his father Richard, they are personal friends of mine and I want to join my colleagues in also telling Matthew that we are all very proud of him.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Thank you, Senator.

Senator Farley, on the nomination.

SENATOR FARLEY: Yes. Thank you, Mr. President.

I rise to second and support the nomination of Brian Wing. As Senator Stafford said, it's so interesting that so many people are moving to Rensselaer County but where somebody came from is terribly important also, and I know that he's got a lot of roots in Amsterdam, New York, as does your wife, I understand too and Amsterdam, New York is in my district and a lot of great people have come from there and Brian Wing is certainly among them.

I think the important thing is I want to congratulate the Governor on choosing

somebody for this very, very difficult job, one that has always been one of the most difficult commissionerships in the government but one that you have served so well and you have earned your stripes as a commissioner. You've earned your stripes as a great public servant. We're grateful for that, and I commend the Governor on this appointment.

Brian, I wish you well.

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

SENATOR GOLD: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Wright, on the nomination. Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

I join my colleagues in supporting the nomination of Brian Wing. Brian and I go back in terms of our prior lives in local government and Brian spent a great deal of time working with the counties of this state and working through the Association of Counties and the Public Welfare Association, as well as his

responsibilities with the agency itself, and I think particularly as we move ahead with continuing changes within the field of social services, it's important that we have someone at the helm that is conscious of the role that county governments play and the partnership that county governments play as we develop the appropriate social service responses to the needs of our state and we maintain the integrity of that partnership between state and local government.

Brian is somebody who knows the role of county governments, knows what they're capable of doing, knows that the state needs to maintain its full partnership in working with him.

So we're very pleased to see the Governor nominate someone who has that back ground and that experience, that knowledge to blend with the knowledge that he has acquired within the agency.

So I too join my colleagues, extend my best wishes and congratulations to Brian and look forward to completing the confirmation today.

ACTING PRESIDENT KUHL: Senator Gold, on the nomination.

SENATOR GOLD: Yeah, Mr. President. Thank you.

Mr. President, I just wanted to make the point that the Finance Committee probably spent more time on this nominee than it has on any nominee I can remember for a long period of time.

The time that was spent was not an indication that anything was troublesome or worrisome about this nominee but just that the Minority was -- is concerned about the issues involved with this department, particularly issues that are raised by a rather awkward and backward budget offered by the Governor and where we're going to go from here.

His answers, I thought were excellent and in a time when there is so much turmoil as to, number one, how to control costs to the state and, on the other hand, how to provide properly for people who are in need, we need people with experience and with innovative ideas, and I want to thank the nominee for his patience at the Committee and I want to say that

from my point of view, the Democratic members of that committee did themselves proud this morning in the way they handled the whole nomination.

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

Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Mr. President.

I too rise and second the nomination for Brian Wing, Commissioner Wing. I think that as part of the dialogue that took place -- but I'm always in dialogue with him and he has always been there working hard. He's a great public servant, and I congratulate the Governor on his nomination and I wish him well.

Thank you, Mr. President.

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

(There was no response.)

Hearing none, the question is on the nomination of Brian J. Wing, of Rensselaer, to become the Commissioner for the Department of Social Services. 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 Brian Wing in the gallery to your left with us today.

Commissioner, congratulations. Good luck. (Applause)

Brian is also joined by several members of his family. His wife Katie is with him, his mother Jacqueline and his daughter Renee. Thank you, Commissioner.

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

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the state Board of Parole: Lawrence P. Ibsen, of Bronxville.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Stafford.

SENATOR STAFFORD: Mr. President, again, the third very fine, excellent nominee to appear today and he was very patient. He had

appeared a year ago and did an excellent job when he came before us and gave us an opportunity again to discuss the issues with him and Commissioner Ibsen is very, very capably represented by again the Senator from Westchester.

ACTING PRESIDENT KUHL: Senator Spano.

SENATOR SPANO: Thank you, Senator Stafford.

It was just a year ago I had an opportunity to get up and speak about the credentials of Larry Ibsen and his background of over two decades in corrections and in parole that have really been proven out with the recognition of Brian Travis as Director of Parole, when he very quickly elevated Commissioner Ibsen to a position of responsibility within the Division of Parole.

So it is my pleasure to stand today to second the nomination and urge the unanimous nomination of Mr. Larry Ibsen to the Division of Parole.

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

nomination?

(There was no response.)

Hearing none, the question is on the nomination of Lawrence P. Ibsen, of Bronxville, to become a member of the state Board of Parole. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

We're also very pleased to have Larry Ibsen with us today. Congratulations on your nomination. Good luck. (Applause)

The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Small Business Advisory Board: Clarence A. Price, of Harpursville.

ACTING PRESIDENT KUHL: The question is on the nomination of Clarence A. Price of Harpursville to become a member of the Small Business Advisory Board. All those in

favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Banking member of the State Banking Board: George J. Vojta, of Bronxville.

ACTING PRESIDENT KUHL: The question is on the nomination of George J. Vojta, of Bronxville, to become a member of the Banking -- excuse me -- a Banking member of the State Banking Board. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, report the following nomination: Member of the Board of

Trustees of the State University of New York College of Environmental Science and Forestry: Thomas Burkly, of Cazenovia.

ACTING PRESIDENT KUHL: The question is on the nomination of Thomas Burkly, of Cazenovia, to become a member of the Board of Trustees of the State University of New York College of Environmental Science and Forestry. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Battery Park City Authority: James F. Gill, Esq., of Rockville Centre.

ACTING PRESIDENT KUHL: The question is on the nomination of James Gill, of Rockville Centre, to become a member of the Battery Park City Authority. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Metropolitan Transportation Authority: James S. Simpson, of Staten Island.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Lachman.

SENATOR LACHMAN: Yes. On the appointment, Mr. President, of Mr. Simpson as a member -- reappointment to the membership of the -- on the Metropolitan Transportation Authority, I must admit that when I came to Albany yesterday morning, I wasn't quite sure how to vote on this appointment and the reason is that the Metropolitan Transportation Authority voted for an increase in fares for the subways and trains of New York City, which I think, even though it has led to an increase in ridership, has not led to an improvement in service, especially on the elevated lines in my

district and the "B" Train service in New York City, there are fewer cars and there are - there's a longer time period between trains throughout the city of New York, and I would like to have the opportunity of speaking to the commissioner in the near future about service on the Metropolitan Transportation Authority.

However, I am going to support the nomination of Mr. Simpson. In keeping with the admonition of Ralph Waldo Emerson that foolish consistency is the hobgoblin of small minds, I'm going to support his reappointment for two major reasons.

One, it has been brought to my attention that he has had a distinguished record as a member of the MTA since his appointment and that is very important to me and equally important to me, especially today, is that he has had the unqualified support of one of the most distinguished members of this chamber, the Chairman of the Transportation Committee, Senator Norman Levy, and for those two reasons, I am proud to add my vote to the reappointment of Mr. Simpson to membership on the Metropolitan Transportation Authority.

Thank you.

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

(There was no response.)

Hearing none, the question is on the nomination of James S. Simpson of Staten Island to become a member of the Metropolitan Transportation Authority. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the New York State Bridge Authority: Roderick O. Dressel, of New Paltz.

ACTING PRESIDENT KUHL: The question is on the nomination of Roderick O. Dressel, of New Paltz, to become a member of the New York State Bridge Authority. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Allegany State Park, Recreation and Historic Preservation Commission: Ralph James Vanner, Jr., of Buffalo.

ACTING PRESIDENT KUHL: The question is on the nomination of Ralph James Vanner, Jr., of Buffalo, to become a member of the Allegany State Park, Recreation and Historic Preservation Commission. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following nominations: Members of the Advisory Council on Alcoholism and Substance Abuse Services: Richard G. Dobell, of Endwell; Mitchell S. Rosenthal, M.D., of New York City; John W. Russell, Jr., of Staten Island and John B. Wingate, of Huntington.

ACTING PRESIDENT KUHL: The question is on the nomination of several members to become members of the Advisory Council on Alcoholism and Substance Abuse Services. All those in favor of the nominees signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: Members of the Mental Health Services Council: Steven Friedman, of Yorktown Heights; Leslie Franklin Major, M.D., of Binghamton and Barry Bruce Perlman, M.D., of New York City.

ACTING PRESIDENT KUHL: The question is on the nomination of several to become members of the Mental Health Services Council. All those in favor of the nominations signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Passenger Tramway Advisory Council: Ray Allard, of Rensselaer.

ACTING PRESIDENT KUHL: The question is on the nomination of Ray Allard, of Rensselaer, New York, to become a member of the Passenger Tramway Advisory Council. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

ACTING PRESIDENT KUHL: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Board of Visitors of the Bronx Children's Psychiatric Center: Harriet Parness, of the Bronx.

ACTING PRESIDENT KUHL: The question is on the nomination of Harriet Parness, of the Bronx, to become a member of the Board of Visitors of the Bronx Children's Psychiatric Center. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

ACTING PRESIDENT KUHL: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Board of Visitors of the Brooklyn Developmental Disabilities Services Office: Arlene Cohen, of

Great Neck.

ACTING PRESIDENT KUHL: The question is on the nomination of Arlene Cohen of Great Neck, New York to become a member of the Board of Visitors of the Brooklyn Developmental Disabilities Services Office. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: Members of the Board of Visitors of the Buffalo Psychiatric Center: Morris Raiken, of Buffalo, and Garnet Hicks Wallace, of Buffalo.

ACTING PRESIDENT KUHL: The question is on the nomination of several to become members of the Board of Visitors of the Buffalo Psychiatric Center. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The Secretary will continue to read.

ACTING PRESIDENT KUHL: Senator Stafford, from the Committee on Finance, reports the following nominations: Members of the Board of Visitors of the Capital District Developmental Disabilities Services Office: Linda S. Rippel, of Scotia and Joan D. Taylor, of Schenectady.

ACTING PRESIDENT KUHL: The question is on the nomination of several to become members of the Board of Visitors of the Capital District Developmental Disabilities Services Office. All those in favor of the nominations signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following nomination: Member of the Board of Visitors of the Central New York Developmental Disabilities Services Office: Eleanora L. Collins, of Rome.

ACTING PRESIDENT KUHL: The question is on the nomination of Eleanora L. Collins, of Rome, New York, to become a member of the Board of Visitors of the Central New York Developmental Disabilities Services Office: All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Board of Visitors of the Creedmoor Psychiatric Center: Hector Battaglia, M.D., of Centerport.

ACTING PRESIDENT KUHL: The question is on the nomination of Hector Battaglia, M.D., of Centerport, to become a

member of the Board of Visitors of the Creedmoor Psychiatric Center. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Member of the Board of Visitors of the Elmira Psychiatric Center: Marion S. Lagonegro, of Elmira.

ACTING PRESIDENT KUHL: The question is on the nomination of Marion S. Lagonegro, of Elmira, New York, to become a member of the Board of Visitors of the Elmira Psychiatric Center. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following nominations: Members of the Board of Visitors of the Long Island Developmental Disabilities Services Office: Eleanor Schoen, of Halesite and Reverend James Stringfield, of West Babylon.

ACTING PRESIDENT KUHL: The question is on the nomination of several to become members of the Board of Visitors of the Long Island Developmental Disabilities Services Office. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: Members of the Board of Visitors of the Mohawk Valley Psychiatric Center: Josephine M. Alexander, of Whitesboro and James Blackshear, of Utica.

ACTING PRESIDENT KUHL: The question is on the nomination of several to

become members of the Board of Visitors of the Mohawk Valley Psychiatric Center. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: Member of the Board of Visitors of the Sagamore Children's Psychiatric Center: William P. Barrett, of Huntington Bay.

ACTING PRESIDENT KUHL: The question is on the nomination of William P. Barrett, of Huntington Bay, to become a member of the Board of Visitors of the Sagamore Children's Psychiatric Center. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following nomination: Member of the Board of Visitors of the South Beach Psychiatric Center: Robert S. Flanzer, D.D.S., of Brooklyn.

ACTING PRESIDENT KUHL: The question is on the nomination of Robert S. Flanzer, D.D.S., of Brooklyn, New York, to become a member of the South Beach Psychiatric Center. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: Members -- Member of the Board of Visitors of the Sunmount Developmental Disabilities Services Office: William A. Hughes, of Malone.

ACTING PRESIDENT KUHL: The question is on the nomination of William A. Hughes, of Malone, New York, to become a member of the Board of Visitors of the Sunmount

Developmental Disabilities Services Office. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: Member of the Board of Visitors of the Western New York Children's Psychiatric Center: Anthony V. D'Amore, of Lancaster.

ACTING PRESIDENT KUHL: The question is on the nomination of Anthony B. D'Amore, of Lancaster, New York, to become a member of the Board of Visitors of the Western New York Children's Psychiatric Center. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: Members of the Board of Visitors of Western New York Developmental Disabilities Services Office: Louis J. Billittier, of Hamburg; Kay F. Cook, of Batavia; Mary Ellen Murphy, of West Seneca and Jessie B. Wells, of Buffalo.

ACTING PRESIDENT KUHL: The question is on the nomination of several to become members of the Board of Visitors of Western New York Developmental Disabilities Services Office. All those in favor of the nominations signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

Senator Johnson, that brings us to the controversial calendar.

SENATOR JOHNSON: Mr. President, at this time please take up Calendar Number 1344.

ACTING PRESIDENT KUHL: The

Secretary will read the title to Calendar Number 1344.

THE SECRETARY: Calendar Number 1344, by Senator Tully, Senate Print 4808-A, an act to authorize Stuart L. Ain to apply for retroactive membership.

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

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

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

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 53, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the controversial calendar at this time.

ACTING PRESIDENT KUHL: The

Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 110, by Senator Present, Senate Print 765-A, an act to amend the State Administrative Procedure Act, in relation to compliance requirements.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Present, an explanation of Calendar Number 110, Senate 765-A, has been requested by Senator Paterson.

SENATOR PRESENT: Thank you, Mr. President.

Mr. President, this is a bill that passed, the original version, on March 12th of this year. We've amended it. It amends the Administrative Procedure Act and the Executive Law, in relation to compliance requirements.

The bill is meant to assist small businesses, individuals and municipalities who have to abide by state regulations which are often vague and require arbitration.

Under the provisions of this bill, agencies will be required to provide information to assist individuals, businesses in satisfying the many compliance requirements

imposed by the state agency.

Under the amendment, we've deleted -- it would not apply to the Office of Mental Health, Department of Motor Vehicles, Department of Social Services or the Division of Criminal Justice Services.

ACTING PRESIDENT KUHL: Senator Leichter.

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

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

SENATOR LEICHTER: Senator, do you still include among those agencies covered by your bill the Department of Taxation and Finance?

SENATOR PRESENT: Yes.

SENATOR LEICHTER: Well, Senator -- if you would continue to yield -- I'm concerned. Suppose I write a letter to the Department of Taxation and Finance and ask them all the kinds of information necessary to -- for me to satisfy my obligation to file a tax return. Would they -- which I would assume for

them to comply with, they would have to tell me how to make out the form and all sorts of other information. Do you intend to include that within the confines of your bill?

SENATOR PRESENT: I think they would send you the form that they send us all with the packet of documents and the information as to how to fill it out.

SENATOR LEICHTER: And, Senator, would that satisfy the requirements of your bill? That's really my question.

SENATOR PRESENT: I believe it would.

ACTING PRESIDENT KUHL: Senator Leichter, did you have something further?

SENATOR LEICHTER: No, if that's the legislative intent. I just want to make sure, Senator Present, that we don't impose a requirement on the agencies that really is going to make it impossible for them to enforce any particular rule as to any individual by that individual writing and tell me, Well, you tell me exactly what I need to know. I mean, there are certain obligations and requirements that we have to inform ourselves of the law, to comply

with the law, to furnish information that's required that we should not have the ability to put on the agency.

Now, I have no problem in saying to an agency at least, you know, tell us exactly what it is that we're required to provide. If you feel your language is clear enough and it doesn't cover the Department of Taxation and Finance in the instance -- in the example that I just gave you, I have no problem with the bill.

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.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 125, by Senator Maziarz, Senate Print 931-A, an act to amend the Education Law, in relation to prohibiting the direct merchandising.

SENATOR PATERSON: Explanation.

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

Senator Paterson, did you wish an explanation?

Senator Maziarz, an explanation of Calendar Number 125 has been requested by Senator Paterson.

SENATOR MAZIARZ: Excuse me, Senator Paterson. I was taking an aspirin now. You wanted an explanation?

SENATOR PATERSON: Yes.

SENATOR MAZIARZ: Senator Paterson, this bill would prohibit the merchandising of credit cards on SUNY and CUNY campuses. It would not prohibit a student from obtaining a credit card. It would only prohibit the merchandising of those credit cards.

What we are seeing today is banking institutions and credit card institutions setting up tables, if you will, in student centers and giving out mostly water bottles or CDs or some type of incentive for young people to obtain a credit card with an extremely low line of credit. Generally it's

around $500.

The student obtains the credit card because they want the merchandise and what we are finding is that many students, in addition to the normal expenses of the education, their tuition and fees for dormitory facilities and food, and so forth, are finding after four years that they're graduating with enormous debt not only related to school and education expenses but related to credit card purchases because, as what is often the case, once a credit card company has you as a customer, they continually increase your level of expenditures, and I can tell you one example, a letter that I received from a young student who had graduated whose credit card limit was raised eventually up to $10,000 and she was employed as a part-time pizza delivery person. Now, I'm sure that that may be an abnormal example, but I think it goes to show the extent that some companies will go to get business.

I also found it very interesting that some educational institutions, particularly, I believe it was SUNY-Albany that I read about, is adding credit counseling to

their freshman orientation program and at the same time they're allowing these private institutions to set up in their student centers and I think enticing students to get behind the financial eight ball before they can have a chance.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Senator Maziarz, if you would yield for a question. Would you yield for a question?

SENATOR MAZIARZ: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Many times I've thought about the issue that you've raised with this piece of legislation. Sometimes I feel that half of the mail that I receive comes from credit companies and there's a big zero percent interest or something about loans that they're promising to make and certainly younger people often do not fully weigh the responsi bilities of running credit, and I received a letter, I guess much the same that you have from a younger person who now owed $50,000 to

different credit card companies and this person couldn't have been older than 25 and they were saying that part of the problem they saw is that they didn't understand what the ramifications were, and what the refinancing of some of these cards was going to be.

So I think this is a good effort. However, one question immediately comes to mind is why you chose to regulate just the state universities and not all of the colleges in the jur... in the -- in the boundaries of New York State.

SENATOR MAZIARZ: Well, most of the private colleges that we contacted already have this prohibition -- already have this prohibition in their -- for their institutions, Senator. And also because these are publicly funded by tax dollars.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, I think I'd feel a little better voting for the bill knowing that the private colleges have done that and that it's part of the legislation, but if the Senator would continue to yield for

another question?

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

SENATOR MAZIARZ: Yes, I will.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR PATERSON: Senator, what some of the credit card companies and what the banks are saying in their response to this legislation is that they're going to find a way, and maybe this is an audacious point of view that they are averring, but they're basically pointing out that they're going to find these students anyway. They're going to get their address. They're going to mail to them. They're going to find out what their home addresses are and that they'll mail to them there. They'll make telephone calls to their home numbers to talk to them and at least when they come on the campuses, they feel that the supervisory capacity of the institution will probably be better for the student.

Are you aware of any supervisory activity other than credit counseling courses that the institutions, meaning the colleges, are

involving themselves in?

SENATOR MAZIARZ: Absolutely no supervision that I'm aware of whatsoever, and I -- and I went out to three SUNY campuses and observed this practice going on. There was no supervision. In fact, if anything, Senator, it was just the opposite. There were all these enticements. In one instance, I witnessed a student being told, you know, apply for the credit card we'll give you the CD. When you get the credit card, simply tear it up and don't ever use it, and that I'm sure is never going to happen.

Now, you've mentioned earlier about enticements through the mail and by telephone. Of course, that is still going to be acceptable, but I think there is a large difference between getting something in the mail, being able to examine what the interest rate is going to be, and so forth, as opposed to having someone stand there with a free CD or a free water bottle and tell you, if you just sign your name here, you'll get this.

ACTING PRESIDENT KUHL: Senator Paterson.

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

There are probably some other efforts that we can think of toward -- that would be directed not only toward providing protection for younger people who are in this situation but probably providing protection for the public as well. This is obviously a choice that people make, but sometimes there is really a connection between the -- the advertisement and the choice, particularly individuals who are in school and may work as pizza delivery, sales persons, or they are people who actually deliver products. They don't make much money on those jobs. They're working their way through school and the inducement and almost at times the seduction of putting money or goods in front of them with an understanding that one can pay for it later when in all reality the individual wouldn't be able to accumulate the resources in a reasonable enough time to actually pay for the products that they receive, is a very fair point.

I would like to see the bill be specific to all of the schools in New York, but

I do feel persuaded by Senator Maziarz who I hope I didn't provide him with too much of a headache asking him all of those questions, but I'm sure he'll get over it because I'm going to vote for the bill.

ACTING PRESIDENT KUHL: Senator Lachman.

SENATOR LACHMAN: Will the distinguished Senator yield for another question?

SENATOR MAZIARZ: Sure.

ACTING PRESIDENT KUHL: Senator Maziarz yields.

SENATOR LACHMAN: In follow-up to Senator Paterson's questions dealing with the private colleges and the private universities, Senator Maziarz, I believe you said that most of the private colleges have already laws against merchandising of credit cards, and anyway you weren't sure that this would be applicable to them because they're not part of the State University and the City University of New York.

Would it not be possible, sir, to look into this further after we pass this legislation today -- and I am in favor of this

legislation -- to make certain that this is applicable to all the colleges and universities in the state of New York, since there will be a consistency, and furthermore, in response to your response to Senator Paterson, all colleges now in the state of New York receive state funding, not just the SUNY and CUNY campuses but almost all, if not all of the private colleges and universities receive some type and form of state funding.

SENATOR MAZIARZ: The answer to your question, Senator, is yes.

SENATOR LACHMAN: Thank you.

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

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 178, by Senator Liebell -- by Senator Leibell, Senate Print 2227-A, an act to amend the Private Housing Finance Law, in relation to the powers of the New York City Housing Development Corporation.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Might we hold that bill for just a minute for Senator Smith? She's out of the chamber on other business and we'll get her in.

ACTING PRESIDENT KUHL: Senator Liebell, will you lay that bill aside temporarily?

SENATOR LIEBELL: Yes.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

Continue the controversial calendar.

THE SECRETARY: Calendar Number 341, by Senator Johnson, Senate Print 2550-A, an act to amend the Insurance Law.

SENATOR SKELOS: Lay aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

Secretary will continue to call the controversial calendar.

THE SECRETARY: Calendar Number 367, by Senator Farley, Senate Print 2734-A, an act to amend the State Finance Law, in relation to filing.

ACTING PRESIDENT KUHL: Senator Leichter, did you want an explanation?

SENATOR LEICHTER: I have an explanation, but I have an amendment we're serving at this time.

ACTING PRESIDENT KUHL: Senator Farley -

SENATOR LEICHTER: We haven't filed it, but I did mention it to my good friend.

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

SENATOR FARLEY: Yes, I'll give you just basically. I'm aware of this amendment and I'll speak to that too because it's not a

bad idea, frankly.

Currently state employees may choose to have their paycheck deposited in a bank and credit union, their entire paycheck. However, if the employee wants the direct deposit, only a portion of his or her paycheck, let's say a car payment or something, this can only occur through payroll deduction to a credit union.

Now, this bill would provide the state employees with an additional option. It would allow them to choose to have only a portion, if they wished, of the paycheck directly deposited into a banking institution; in other words, it kind of levels the field. It's a bill that has had no objection by anybody, but if you don't want to put your whole paycheck in, you can put a portion in.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr. President, just -- I believe the amendment is at the desk and I'd like to call it up, please.

ACTING PRESIDENT KUHL: Just a minute, Senator Leichter. Let me check.

Senator Leichter, you moving to offer up the amendment, waive its reading and have an opportunity to explain it?

SENATOR LEICHTER: If I may.

ACTING PRESIDENT KUHL: Chair will recognize you for that purpose.

SENATOR LEICHTER: All right, Mr. President.

This is a very simple amendment, and it's not a hostile amendment. I have no problem with Senator Farley's bill. I really just wanted to put this particular proposal in front of the body because it's a matter that came to my attention, where somebody, an employee who had arranged direct deposit, then got into a dispute with her employer, and her employer not only canceled her direct deposit, but actually had the bank refund to the employer the last deposit that had been made and this was done without any notice to the employee and, when I called the bank on behalf of this constituent, the bank said, that's what the contract of direct deposit provides.

If you take a look, and I assume many of you have direct deposits, I don't think

it's the case with the direct deposit of our Senate checks, but other instances of direct deposits provide that the depositor can notify the bank to return the money, and the bank is obligated and will do so, but no notice whatsoever is given to the person in whose account the money has been deposited.

You could be writing checks thinking, well, I've got this money in the bank, and all my amendment does is say that before that is done, notice has to be given that the - that a request has been made to return the money and I would hope my good friend, the chairman of Banks -- and he puts out a number of bills that make the banks very happy -- maybe he'll put out a bill that will make the consumers happy.

SENATOR FARLEY: Thank you, Senator Leichter.

ACTING PRESIDENT KUHL: Senator Farley, you wish to be heard on the amendment?

SENATOR FARLEY: This guy is agreeing with you. I'm in trouble here. Actually, we could make legislative history. I'm willing to -- incidentally, you know as well as I do, and I spoke to you about this, that an

amendment at this stage of the game would kill the bill. We couldn't do it. I -- I'm ready to make legislative history and it will be a Leichter-Farley bill, because I think it's wrong. This happened in your district where somebody, not only did the employer reach right into the bank account and pull back the employee's money, and I think that's improper and I think that they at least should have notified the employee.

I think your amendment is eminently sensible, and I'm willing -- I spoke with my director of Banks and we're willing to do something with you on that, and we'll put the bill in and I'll be happy to co-sponsor with you, Senator Leichter.

ACTING PRESIDENT KUHL: Senator Farley, are you asking that the bill be laid aside?

SENATOR FARLEY: No, I'm not. I want this bill passed.

ACTING PRESIDENT KUHL: Well, then are you speaking against the amendment or for it?

SENATOR FARLEY: I like the

amendment, but I wish that the amendment would fail. I would bet, if you were to ask, Mr. President, that the sponsor of that amendment might withdraw it.

ACTING PRESIDENT KUHL: Are you asking Senator Leichter to yield to a question?

SENATOR LEICHTER: Senator, I'd be -- I'd be happy in this instance, on your representation that you'd like to see a bill of this sort, I just suggest that it be a Farley Leichter bill. I think it will have clearer sailing, but irrespective of the name it has, it's something that we ought to do.

I withdraw the amendment. I look forward to this bill, if not done this session at least next session.

ACTING PRESIDENT KUHL: The amendment is withdrawn.

Secretary will read the last section on the bill.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will continue to read the controversial calendar.

Excuse me. Senator Skelos.

SENATOR SKELOS: Please recognize Senator Paterson.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, in this moment of legislative glee, I thought that we would call up Calendar 178 again because Senator Smith has come to an accommodation with Senator Liebell. We're all just getting along.

SENATOR SKELOS: Please call up Calendar 178.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 178.

THE SECRETARY: Calendar Number 178, by Senator Liebell, Senate Print 2227-A, an act to amend the Private Housing Finance Law.

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 55.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will continue to call the controversial calendar in regular order.

THE SECRETARY: Calendar Number 447, by Senator Padavan, Senate Print 3070, an act to amend the Penal Law, in relation to possession.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: With the kind permission of the Majority, might we temporarily lay this -- lay that aside.

SENATOR SKELOS: Please withdraw the roll call and lay the bill aside temporarily.

ACTING PRESIDENT KUHL: Roll call is withdrawn. The bill is laid aside temporarily.

Secretary will continue to read the controversial calendar, regular order.

THE SECRETARY: Calendar Number 574, by Senator Liebell, Senate Print 3674-A, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: 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 55.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR SKELOS: Mr. President, I

believe another accommodation has been made if you'd call up Calendar Number 447.

ACTING PRESIDENT KUHL: Calendar Number 574 was just passed.

Secretary will read Calendar Number 447.

THE SECRETARY: Calendar Number 447, by Senator Padavan, Senate Print 3070, an act to amend the Penal Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 575, by Senator Liebell, Senate Print 3731, an act to amend Chapter 915 of the Laws of 1982.

ACTING PRESIDENT KUHL: Senator Liebell, an explanation of Calendar Number 575

has been requested by Senator Leichter.

SENATOR LEIBELL: O.K.

This is -- Senator Leichter, this is a SONYMA bill that is made at the request of the agency.

The purpose of this bill is to accomplish three tasks. We extend the sunset date of SONYMA's mortgage financing and mortgage insurance programs. We increase the maximum amount of taxable exempt and taxable bonds which SONYMA is authorized to issue and we also increase the amount of taxes and bond proceeds that can be blended with taxable bond proceeds.

The extenders -- the extenders are for three years.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: If Senator Liebell would yield.

ACTING PRESIDENT KUHL: Senator Liebell, you yield to a question? Senator yields.

SENATOR LEICHTER: Senator, you

had a bill which you and I discussed on the floor, oh, maybe a few weeks ago which increased the bonding authority of the Housing Finance Agency. Does this bill cover that provision, authorization, that we have provided?

SENATOR LEIBELL: This is distinct from that bill.

SENATOR LEICHTER: O.K. You remember my concern was -

SENATOR LIEBELL: I do.

SENATOR LEICHTER: -- as far as funding mortgage insurance for luxury housing. Is that in any way possible in relation to the bonding authority that we're providing here for SONYMA?

SENATOR LEIBELL: I've been advised by counsel that it would not. Luxury housing would not meet the qualifications necessary.

SENATOR LEICHTER: Is this program mainly for one- and two-family homes?

SENATOR LEIBELL: That's correct, Senator.

SENATOR LEICHTER: All right, and the only thing we're providing is more bonding

authority for that program with all the income limitations that applies to that.

SENATOR LEIBELL: That's correct.

ACTING PRESIDENT KUHL: 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 55.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 784, by Senator Maziarz.

SENATOR MAZIARZ: Lay that aside for the day, please.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 907, by Senator Goodman, Senate Print 5213-A, an act to amend the Tax Law, in relation to tax on mortgages.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Goodman. Senator Leichter? Senator Leichter.

SENATOR GOODMAN: Can we just take a minute?

SENATOR LEICHTER: Could you lay this aside for just a little while?

SENATOR GOODMAN: Senator, that's going to be difficult because I have a scheduling problem. Would you mind if we tried to move it?

SENATOR LEICHTER: That's fine. I was just trying to obviate the necessity of discussing it on the floor.

SENATOR GOODMAN: I appreciate that very much, if it's O.K.

SENATOR LEICHTER: Fine.

SENATOR GOODMAN: May I explain it to you, sir?

ACTING PRESIDENT KUHL: Senator Goodman, for an explanation.

SENATOR GOODMAN: Yes. The purpose of this bill is to modernize and clarify provisions of Article 11 of the Tax Law regarding mortgage recording taxes.

Many of the provisions of Article

11 were first enacted in 1906 or 1909, where the nature of the tax imposed was changed from a tax on the mortgage itself to a tax on the recording of the mortgage. The provisions of Article 11 have not been amended adequately to reflect this change.

This bill modernizes and clarifies the language in order to accurately represent the current nature of the tax, to modernize certain procedures and to make the provisions more readable, understandable, and equitable.

I would emphasize, Senator, in response to some questions I know or I believe you raised earlier, this does not affect any tax rates, nor is it a policy issue. It's simply an attempt to clean up some rather encrusted and ancient anomalies.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: If Senator Goodman would yield please?

ACTING PRESIDENT KUHL: Senator Goodman, would you yield to a question?

SENATOR GOODMAN: I will.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: Senator, my concern was what impact this would have on tax revenue, and your counsel was good enough to give me a letter and, frankly, what I wanted to do was just ask a question of you and I was ready to do that privately, about this letter, because I didn't understand it. So now let me do it on the floor since that's how you wish to proceed.

The -- and I'm reading a letter that was sent to your office by the Department of Taxation and Finance.

SENATOR GOODMAN: (Inaudible comment).

SENATOR LEICHTER: And it says, referring to one particular section, adds a new exemption for mortgages that were inadvertently discharged, and then it says, this is a policy change to exempt from tax those inadvertent recordings which are currently subject to tax.

Frankly, I have trouble under standing it. It was inadvertently recorded or if there should have been no tax paid, it would

seem to me something that could be corrected. I don't see why they call that an exemption from the tax. "Exemption" to me means that you're subject to the tax and now by virtue of the action we're taking, you're going to be exempted.

SENATOR GOODMAN: That's incorrect, Senator; it's not an exemption. It's a little bit confusing in the way it's been described.

SENATOR LEICHTER: So you're reading the letter that the Department, or the counsel to the Department somewhat misspoke and that we're not creating a new exemption?

SENATOR GOODMAN: That is precisely the position that I have taken, Senator.

SENATOR LEICHTER: O.K. And then this counsel finishes that paragraph, says it is likely that this provision will have a minimal negative effect on mortgage recording tax revenue. So it seemed to me that they do assume that there will be some fiscal impact, although counsel says, well, it's likely to be minimal, but it doesn't seem to speak with any great

certitude about it, and maybe what counsel thinks is minimal is not something that you and I would think is minimal, and I was trying to see whether we could get some idea of actual figures that we may be talking about.

SENATOR GOODMAN: Senator, I think that what they have really indicated to us in conversation is that they do not know how to calculate the impact. They believe it to be de minimus.

SENATOR LEICHTER: Well, all right. It would be -- it would have been helpful to have had some figures on this. Senator, I -- I accept your explanation or correction of what the Department explained as far as it was doing in the bill.

I see there's another provision in here where taxpayers have to produce only one appraisal of fair market value rather than two. As you and I know, it's really not very difficult to get an appraiser who tends to look at matters the way your client or her client wishes them to look at it so I'm not so sure that two wouldn't be better, but I guess you could find two appraisers who would do exactly

what you want, so maybe that doesn't have that much of an effect.

Let me just say on the bill, if I may, Senator -- thank you for your explanation. I guess one of the problems we have is, I mean here we have a very lengthy bill that really may not make any great substantive changes in the law. The difficulty is that it springs upon us. It's very hard to try to get information in the closing days or maybe in the closing days of the session. There's a lot of activity going on, and my belief is, and this is not addressed to Senator Goodman because certainly he didn't delay this bill but it was a bill that was put in on April 11th. We're dealing with it now. We've had so much dead time in April and in May and even dead time in June where we could have taken up these bills, where we would have had more time to look at it, where we could have had sufficient time to get explanation and be sure what we're doing, and I guess maybe it's -- I'm a voice crying in the wilderness, although I think everybody feels the same thing.

Why can't we handle these bills in regular course during the year when we're

here, when we have time instead of having everything compressed at the end and when we have such great time pressures and when we don't have the opportunity to look into these bills as carefully as we should?

I accept what Senator Goodman says, and I just hope that we find out that this bill will not have a significant impact on the revenue from mortgage taxes.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 31. This act shall take effect on the first day of the fourth month.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Would you call

up Calendar Number 1335 by Senator DeFrancisco.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 1335, by Senator DeFrancisco, Senate Print 2430, concurrent resolution of the Senate and Assembly proposing amendment to Sections 13, 14 and 16.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator DeFrancisco, an explanation of Calendar Number 1335 has been requested.

SENATOR DeFRANCISCO: Yes. This is a bill that, if passed and it became law, it would be the first passage towards a Constitutional Amendment which would indicate that, if the Legislature and the Governor were late beyond April 1st in a budget cycle, we would automatically have a budget of the prior year, a base line budget from the prior year.

The Senate has passed other bills similar to this that have been criticized as one-house bills and that they never went anywhere in the Assembly and in the Assembly there's been some bills that they have passed that they claim will resolve this budget crisis

where we're late in budgets.

The significance of this particular bill is that there is an identical bill in the Assembly sponsored by 34 Majority members, and earlier this year we had a news conference with the sponsor, Sandra Galef, Assembly Majority member, so there is an identical bill with many, many Majority members in the Assembly, and it's a bill whose time has come to have a remedy for the late budget process.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Mr. President, here we stand a day before we've been told by the leader of this house we're going to adjourn and we do not have a budget. While there are people to blame, I'm not prepared to blame Senator DeFrancisco, personally. I don't think it's all on his shoulders. I think it's interesting that in an earlier debate I asked Senator DeFrancisco whether he would vote for the Governor's budget as the Governor proposed that budget this year, and he told me no, which

I thought was an honest answer, and I won't give any more meaning to it other than to make reference to it.

This so-called reform package, to me, is just an admission that the Pataki-Bruno team can't abide by -- can't get a budget together, and so we look for other mechanisms. This is the third year when the Governor of this state has attempted a budget. The first year the Governor offered a budget and this Senate, this house passed its own version of a budget which -- which spent about a half a billion dollars more than the Governor, and there was an immediate recognition that, if the Governor's budget passed, we would have havoc in certain areas of this state.

Eventually, there was a budget enacted and that spent a total of $700 million more than the Governor, but in that first year, Senator Bruno said that the Senate must act. We have a constitutional obligation to act and we did, in fact, pass a budget and I know that every member of this house remembers the finger pointing by Senator Bruno across the building to Assembly Speaker Silver, saying, Where is the

budget? Where is the budget? Where is your idea of a budget? Give us your idea of a budget. We can have conference committees and we could have a budget.

Last year, thanks to Wall Street primarily, money seemed to be flowing and the Governor submitted a budget in December and immediately in January he added 86 million more and then since the Legislature couldn't agree on a budget, the Governor added another 355 million, and it wasn't until some time in July that we actually managed to pass the budget and that budget totaled over a billion dollars more than Governor Pataki suggested.

That budget was agreed to by the Majority in this house and the Majority in the other house and by many of us, but again the Legislature rejected any leadership at all from Governor Pataki and instead he has shown no leadership at all when it comes to the budget.

But last year the Assembly at least tried to get this body to pass a budget, and Senator Bruno resisted. Now, Senator DeFrancisco, I don't think that we should be doing what we do and then ask that we reform

ourselves by way of your particular legislation. As you know, the Assembly has passed what would be real budget reform, and they can't get out in this house, Truth in Budgeting, responsible timely open budget process, require the governor create a current services budget, require that the public hearings on agency budgets be held, et cetera, et cetera. This house won't pass that.

This house specializes in veneer. Senator Bruno talks about reforms of legislative procedure. He talks about all things. These are a veneer because the bottom line is that this Legis... this house of the Legislature is probably run more strictly, more tightly than it's ever been, with less democracy. That's the real world from day to day.

But, Senator DeFrancisco, there is nothing in the law today that prevents George Pataki from holding meetings -- five-way meet ings, by the way, which he promised when he was elected but which he forgot about very quickly. I feel badly for Assemblyman Reynolds. I don't know why they want to exclude him from these

meetings. I don't know why they degrade him constantly, but the Governor promised five-way budget meetings. He doesn't do that. He doesn't even have three-way budget meetings and we are a day away from adjournment, and somebody ought to call downstairs to the second floor and remind the Governor that we're supposed to be passing a budget. He's pretty good at diversions, but he's not so good at passing budgets, and one of the reasons he's not so good at passing budgets is that the Majority in this house does not want to stand in line with the Governor and his budget and, Senator DeFrancisco, when you answered me a few weeks ago that you wouldn't vote for his budget, I respected that. I respected that. I look at the budget that would do havoc at City University, that would do havoc at State University, a budget which tells people that they are -- they can't get services they need because they ought to be working and then the budget doesn't provide them with a job. I mean it's a hoax on our people.

But the way to get a budget, Senator DeFrancisco, is to do it. The only way

to do it is to do it and we're not doing it. Now, you will say to me, Senator Gold, isn't that then a good reason to vote for my bill? If we're not doing it, let's have something in place. And I say to you, I don't agree with that, Senator DeFrancisco. I say we do our jobs. If we don't want to do our jobs, get new leadership that will do the job.

Now, this year the Assembly passed its own version of the budget. I understand that's probably not agreeable to the Majority in this house because you haven't passed it. I guess if you liked it, you would have passed it. But pass something, something. You don't pass the Governor's budget. I don't blame you for that. You won't pass the Assembly's budget. Apparently you don't like it. Pass something. Take a public stand. We just went through this whole debacle over rent where we did nothing more than to scare the huge tenant population and throughout that whole situation there was posturing by the Majority Leader, but never did the Senate pass the bill, and the reason was that any bill you would have passed would have been embarrassing to some of

your members.

So I say to myself, maybe - maybe the reason the Republicans won't pass a budget this year is that any offering you make would be an embarrassment to your members, and maybe some of your members say, don't pass a budget. When there's a final budget agreement and everybody votes for it, we have some cover. I don't believe that looking for cover is showing leadership. The concept of conference committees is a good concept. It's so good we even used it once, maybe twice. I think once, am I right? What better situation would there be for conference committees than to resolve a budget?

The public would then know what you stand for, what the Assembly stands for, what we stand for, what Assemblyman Reynolds and his Minority stand for and the public could judge what we do.

I don't know why they call it public office if we're trying to hide it from the public. Let the public see what we do, and the way you do that is by making a statement. I ask nominees that come up from the Governor, how

do you feel about this, how did you feel about that? Can't get any answers from them.

At least as a Legislature, let's get an answer. What we think a budget should be. You should not be afraid, Senator Bruno, of your ideas. Put them out there. Let's get a vote on them, but I think, Senator Bruno - Senator DeFrancisco, while you personally, I respect in your effort to do this and I think you believe in it, I think it is nothing more than a convenience for Senator Bruno and the Majority for their failures this year to deal with the budget, and I -- I think that it is not an answer to the responsibility of elected officials to pass a budget.

The Governor gave us a budget. I won't vote for that budget. The Assembly proposed a budget, and I don't know whether I would vote for it or not. Put it out on the floor and give me a chance to hear it, debate it and I'll give you an answer, but if we adjourn tomorrow as things stand today, the Senate's failure is the Senate's failure, Senator DeFrancisco. There is nobody to point to.

Each year this house votes on

something in the neighborhood of 18-, 1700, 2,000 bills. The Assembly does likewise. There's a crossover of maybe a thousand bills, so the concept of one-house bills is nothing new to any member in this house, and it certainly isn't new to the Majority, because I guarantee you, 99.9 percent of the one-house bills are sponsored by the Majority Republicans. You don't let enough of our bills out to be one house bills, so they're your one-house bills and members on your side will stand up and say, Senator Gold, it's important to pass this so that we get discussions moving. It's important to pass this one-house bill so that it's out there.

What could be more important to be out there than the state budget? Right now the Republican version of the state budget is in the closet. It's in somebody's drawer. Let it have some of breath. Be proud of it. I don't understand why the Majority ever does anything that it is not proud of, and if you are proud of your concept of a state budget, put it out there. Force me, if I don't like it, to cast a bad vote. Go ahead, force me, or force me in

public to vote for it and say, you -- you gentlemen and one lady have a good idea, but Senator DeFrancisco, as sincere as I believe you are with this legislation, I will close by saying what I said earlier. This is nothing but a cover. Your good offices or your good ideas or your sincerity is nothing but a cover being used by your colleagues on your side for the fact that they are ending this session in failure.

The Governor has offered a budget. The Assembly has offered a budget and the reason there is no state budget right now, one of the major reasons is the failure of the Republican Majority in this house to put a budget out on the floor, pass it, and if it's not in conformity with the other two branches of government, at least set up a dialogue. If we did that, we don't need contingency plans. We don't need your bill.

Your bill, in my opinion, is an excuse not to do the job that we got elected to do. I would rather do that job rather than worry what happens after I fail.

Thank you.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

SENATOR DeFRANCISCO: In my explanatory remarks, I indicated that the difference between this bill is that there's 34 Majority members in the Assembly. Now, we can sit here today and talk about Pataki's problems, about Bruno's problems. We didn't do a budget this year. I can point to the Weprin-Cuomo Marino team, two Democrats, one Republican, they didn't do it as well. I can point to a couple of years ago when the Senate passed a budget and I was on the floor saying the same thing that you are, Senator, namely, that the Assembly pass a budget so we can go to conference committee.

So you can look at the Democrats, you can look at the Republicans, but the fact of the matter is, it's a systemic problem. Every one's trying to tie their own special interests into the budget and in order to deal with the systemic problem you have to have a real solution. We took them to court and we found it was not possible to do that. This is a club. It didn't work. This is a very simple approach. It says, if you don't pass the budget

this year, you're going to go back automatically to April 1st. Nobody wants last year's budget; nobody wants it. Some want to cut taxes, some want to spend more, some want other programs and that's precisely the beauty of the club that if we don't have the budget by April 1st, nobody gets what they want and that doesn't matter who the Majority Leader is of what party, who the Speaker is of what party, who the Governor is of what party.

This is party neutral. It's something that no one would want to do, go to last year's budget, and that's why people would get together or at least I think they would get together. We get criticized for one-house bills and solutions that aren't adopted by the other house. 34 Assembly Majority members think this is a good idea, think this is a good idea, and I could tell you that many of the Minority members, if not all think it's a good idea. If it gets to the floor of the Assembly and it passes here, then it's the first step to a real chance that no matter who the leaders are, no matter who the Governor is, we end up with a budget on time.

I think we owe it to our people and I think we owe it to each other to have a real remedy in this process.

Thank you.

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: I would like to respond, if I could, to Senator DeFrancisco.

ACTING PRESIDENT KUHL: I have a list going, Senator Gold.

SENATOR GOLD: You have a list.

ACTING PRESIDENT KUHL: There are three other members who have requested to speak on this, and we'll give you the opportunity.

SENATOR GOLD: And in your fairness, I know you'll exercise, can I sort of get on the end of that list?

ACTING PRESIDENT KUHL: Senator Nozzolio has left the chamber.

Senator Dollinger.

SENATOR DOLLINGER: Would the sponsor yield to a couple questions?

ACTING PRESIDENT KUHL: Would you yield? Senator yields.

SENATOR DOLLINGER: First of all, let me preface this with a couple of remarks. I think I see this as an attempt to solve a real problem. We can question the budget, I think everybody does, and this is a real attempt to do something about it.

But let me ask a couple questions just to highlight -- this may seem like legal nitpicking, but just to get a sense of what we do here. First of all, Mr. President, what do you mean by the phrase "entire budget" because that phrase is used throughout here, and obviously the word "entire" has some very significant meaning, because it's not just budget.

I believe the Constitution as it's currently phrased talks about budget bills but there's no use of the phrase "entire budget". What do you mean by that?

SENATOR DeFRANCISCO: Well, the budget is comprised of several bills that we pass that make up the budget. The bill says that, if we happen to get to April 1st and we pass two or three of these bills, that's not good enough. We need all of the budget to be

passed, all budgets bills, and if we haven't succeeded in all budget bills, then the entire or the same budget as last year goes into play.

SENATOR DOLLINGER: Now, it's your definition that the entire budget includes anything that's demarcated by the Legislature as a budget bill?

SENATOR DeFRANCISCO: Yes.

SENATOR DOLLINGER: O.K. If we were to fail to demarcate it as a budget bill, for example, we did debt financing and that wasn't described as a budget bill, but it was just called debt financing, that wouldn't be included in the phrase "entire budget"?

SENATOR DeFRANCISCO: The entire budget is the package of bills that make up the budget each year. I don't know if we're down to five or seven or three; I can't remember the number, but we traditionally do several budget pieces. Those are the budget pieces that would have to all be in place or none of them are in place as of April 1st.

SENATOR DOLLINGER: That's part of my concern that the Legislature, I mean we have proven to be really finding ways to breach

the Constitution and one of them is to simply say this isn't a budget bill; it's something else. That's one problem.

What is the -- again through you, Mr. President, if Senator DeFrancisco will yield.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: This legislation uses the phrase "inactive". What happens if the Governor actually vetoes one of the budget bills or line item vetoes one of the budget bills at his own convenience? That means there is no budget. We go back to last year's budget. If the Legislature fulfilled its constitutional duty and passed the budget on March 30th, presented it to the Governor, he would have, I believe, at least ten days, if not longer, before he would either have to make any decision about signing the budget bills or not. Doesn't that transfer a tremendous amount of power to the Governor to decide the fate of the

budget, substantially more than he's got today?

SENATOR DeFRANCISCO: Absolutely not, because if there's a change by the Governor of what the Legislature wants, it doesn't happen. In that case the Legislature has the power. In other words, the Legislature is going to have a budget that the Governor doesn't go along with. If the three parties can't agree entirely on what the budget is, it goes back to last year, and the point I want to emphasize is the purpose of this is to make certain that each of the three major -- both houses and the Governor do come up with an agreement in time. Presumably nobody wants to go back to last year.

SENATOR DOLLINGER: Again through you, Mr. President -

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: Does this amendment make any provision for the Legislature acting on April 2nd, for example? As I

understand it, this says if you don't act by April 1st, we'll continue to spend on April 2nd, just as though it was April 2nd of the preceding year, just as though the preceding year's budget was in effect.

Does the Legislature, under this amendment, have the ability on April 2nd to pass a budget that would be effective for that year?

SENATOR DeFRANCISCO: No, it doesn't, because it talks about adopting an entire budget. Once we have adopted a budget, it becomes the budget.

SENATOR DOLLINGER: Again through you, Mr. President, the Legislature every year has the ability to amend the budget at any point in mid-stream, as I believe before you and I both came here in 1991 as you recall, Governor Cuomo line item vetoed a series of things creating a significant problem in the latter part of 1991. School aid was reduced and several other adjustments were done.

All of those were budget changes inside the year. Would those changes be permissible under this Constitutional Amendment?

SENATOR DeFRANCISCO: The way I

read the amendment, no.

SENATOR DOLLINGER: So we're talking -

SENATOR DeFRANCISCO: Because if it worked that way and my intent is not to have it work that way, we could be in the same problem that we are presently, namely to go back to last year's budget, continue to negotiate in the same give and take, and we'll never have a real budget.

SENATOR DOLLINGER: Again through you, Mr. President, if Senator DeFrancisco will continue to yield.

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

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: I read it exactly that way but it does prohibit the Legislature from crafting a budget after April 1st for that budget year, but is it your intention to significantly constrict the hands of the Legislature to make mid-year course ad justments in the budget based on change in

financial circumstances such as we saw in 1991? We could have a budget that extends in a boom period as we're going into a serious recession or depression and yet we wouldn't have the ability to reduce spending to be able to try to buttress or support the state as the economic slide begins.

SENATOR DeFRANCISCO: That's correct, and that's all the more reason for the budget to be done in place because that's a risk that we as legislatures -- legislators and the Governor as a governor would be taking if we didn't take our jobs seriously and, secondly, it also goes the other way. If we have a boom year that everyone wants to spend more, we wouldn't be able to do that.

SENATOR DOLLINGER: Right.

SENATOR DeFRANCISCO: Because we didn't do our job.

SENATOR DOLLINGER: I'm not so much worried about that because if we didn't spend we'd have a huge surplus at the end of the year that we could delay our spending. I'm more concerned about digging ourselves into a hole if economic, conditions go downward.

Just two other quick questions if Senator DeFrancisco continues to yield.

ACTING PRESIDENT KUHL: Senator DeFrancisco, do you continue to yield to two more quick questions?

SENATOR DeFRANCISCO: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: What happens if we have a circumstance where we have to build a prison halfway through the year and in the fiscal year, half of the state's debt service comes on board and half of the employee cost comes on board. If this amendment were effective and there were no budget in place, then we'd have to face the new fiscal year with a year's worth of personnel costs and a year's worth of debt costs and no revenue or presumably no resilience to balance our revenues with our expenses. We would find our expenses are up to the full year but the previous year we only budgeted half a year's worth of expense.

How do we pay for that extra half? How do -- how do we do that if your amendment becomes law?

SENATOR DeFRANCISCO: Well, presumably debt service gets paid down from time to time and I would assume there would be savings as well as increases possibly in debt service coming on line halfway through the year. Also, you know, the Governor doesn't necessarily spend everything that's been appropriated in every -- in every line item, and there would have to be some adjustments made in that respect as the Governor does now. A surplus could be -- you'd have to find the money some place.

SENATOR DOLLINGER: O.K. A final question, Mr. President.

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

SENATOR DeFRANCISCO: I do.

ACTING PRESIDENT KUHL: He continues to yield.

SENATOR DOLLINGER: We have done extenders and Article 7s in the budget bills. Could we do an interim extension of this bill? Could we do a one-year extender for these kinds of bills that would qualify as a part of a budget, the entire budget?

SENATOR DeFRANCISCO: A one-year extender?

SENATOR DOLLINGER: Or even a periodic extender as we've done this year.

SENATOR DeFRANCISCO: A periodic extender of last year's budget?

SENATOR DOLLINGER: Yes.

SENATOR DeFRANCISCO: No. April 1st comes around, you don't have a budget, you go to last year's budget in its entirety.

SENATOR DOLLINGER: A final question, Mr. President.

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

SENATOR DeFRANCISCO: Absolutely.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: How do we handle the problem, Senator, of phased-in tax cuts? As you know, we have phased-in tax cuts. This year, as you know, we have passed cuts - major cuts in business taxes which, by law, will be implemented this year. If we had an automatic budget, we would have last year's budget with this year's tax cut created in a

previous year, and we'd have a significantly reduced revenue on our expense base.

How do we -- how do we handle that if we don't have the budget in place?

SENATOR DeFRANCISCO: Well, you have to honor -- I would assume you have to honor every passed bill that was in place, and it would seem to me that if you could not honor that tax cut because of a lack of revenue, the only way you could do it is -- the only way this Legislature could possibly do it is either hope for additional revenue because we get more revenue in place to take care of that tax cut and if there's not enough revenue we'd have to repeal part of it.

SENATOR DOLLINGER: All right.

SENATOR DeFRANCISCO: But once again, I just want to conclude by saying we could come up with 18 different -- we already have maybe 20 more different problems that might exist.

The whole point is, because of these potential problems, that's precisely the reason why we might be working to get the budget on time.

SENATOR DOLLINGER: Mr. President, I couldn't agree with Senator DeFrancisco more.

There are, I understand, any kind of categorical attempts to set an absolute deadline and to enforce that deadline and to create the kind of budget responsibility that I know you want, that I would like. I understand their problems.

I raise those questions only to highlight some of them because, as we enter down this road, if we're going to cut that thing off on April 1st, I can see enormous potential complications and they may affect the budgeting process. As you know, these negotiations are enormously difficult, and it may be difficult for anyone on any side of the fence, given the way this system has worked in the past ten years, there may be advantages for one side, not advantages for the other, disadvantages for the other.

This will perhaps complicate the process, but nonetheless, I'm going to vote for it because I think that we have to do something, something to try to drive the message home that

what's needed is a sense of getting to compromise, and this year has been an abysmal demonstration of our ability to do that, which is to make the budget compromises work.

I was in Vermont two week ends ago, and they got their legislative business done on time. It was five minutes of 12:00 the night they were going to recess, but it was all done and they'd gotten the budget done, they'd made it work.

We, for some reason, can't do it here in New York. I recognize there're problems. I'm worried about the problems underlying this bill, but I think that we've got to start taking some steps to make this happen. I would prefer, quite frankly, Senator DeFrancisco to have these things done in a Constitutional Convention where we could all sit down and figure out what the pros and cons are of setting absolute deadlines so that we could make absolute budget reform happen, we could set a deadline and get a budget done on time.

That would be my hope, it would be my preference, but I take this bill for what it is. I think it's an attempt to try to change

the way we do business here. It changes the dynamics, it alters the dynamics, but I think it's a step at least in the right direction.

SENATOR LEICHTER: Mr. President.

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

SENATOR LEICHTER: On the bill.

ACTING PRESIDENT KUHL: We have a list going, Senator Leichter.

SENATOR LEICHTER: Thank you.

ACTING PRESIDENT KUHL: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. My colleagues, I rise in support of Senator DeFrancisco's proposal because I think it is a good faith attempt to right a process that has been wrong.

The revisionist historians on the other side of the aisle, Senator Gold most notable among them, tend to forget what has happened over the past three years in terms of budgets and budget preparation.

Senator Gold conveniently left out the fact that when Governor Pataki took

office, he inherited a budget that was $5 billion in the red. Senator Gold conveniently left out that fact, the fact that we were destitute through the practices of the past, that the Governor tried very hard to do whatever he thought could be done to establish an on-time budget.

One of those items was not paying the legislators. Some of you may recall that through the period when the budget was post April 1st, Governor Pataki, along with others, did not get paid and that we did not get paid. That was an attempt to put some urgency into the process.

The result was clear. We had the latest budget in the history of late budgets. Why? Because the political will, particularly exhibited by the Speaker of the Assembly, was to establish a record. The Democrats in the Assembly, and I'd say the Democrats on -- in this chamber, very much would like to see records broken because it's politically expedient.

The following year Governor Pataki's second year in office, he put forth a

budget clearly a month earlier than any other governor had put forth that budget in recent history. He put forth the budget around the middle of December, hoping that the Legislature having more time to review the proposal would, in fact, come up with an on-time budget.

The result was another record being broken, the latest budget in the history of late budgets. Yet two good faith attempts by the Governor of this state to establish order to the budget process. I should also add to the history, I didn't serve in this body but for two years under Governor Cuomo, I served ten years in the state Assembly as a member of the Minority party and saw the fact that when Governor Cuomo presented his budget, Assemblyman Pataki, Assemblyman Nozzolio and Assemblyman Winner had to sue Governor Cuomo because he refused to put the budget bill, the budget language, the Article 7 bill accompanying the taxes that would accompany the budget. Governor Cuomo refused to send up a bill until legislators sued him.

Governor Pataki complied with the law. He complied with the law by putting the

Article 7 bill with his budget proposal and then, in spite of the political shenanigans which occurred in those first two years, that we have seen a product that has reduced taxes unprecedented in this state. We've reduced taxes more in the last two budget cycles than all the states in the Union put together in terms of reduction of taxes.

This year, though, let's look at what the Assembly has done. The assembly passed a budget, yes. They passed a budget that spends $5 billion more than Governor Pataki has proposed. That's an 11 percent, almost a 12 percent increase in state spending over last year.

Do you, my colleagues on the other side of the aisle, support a 12 percent increase in state spending? Well, if you do, I think you'd be -- you certainly have your right to do so, but I dare say that's not what the citizens of this state want at this stage - juncture of our state system.

The Assembly has not passed welfare reform. We are not in compliance with federal mandates. There is no criminal justice

reform in the Assembly's proposal, including the need to fill three maximum security prisons in our state that the Governor has proposed. I dare say if we do not build those maximum security prisons, if we do not solve the prison overcrowding issue, we will be faced with prison disturbances and riots across our system.

There is no billion dollars in borrowing in the Governor's proposal. Yet the Assembly Democrats have passed a bill that requires $3 billion of borrowing. I -- I don't believe that any of the shenanigans that we've seen in these past three years for perceived political advantage have made sense. Governor Pataki has tried to trust -- to propose everything that could be thought of to produce an on-time budget.

Senator DeFrancisco's effort here is one that I support. We understand it is not a perfect remedy, but it is a good faith attempt at trying to put the political shenanigans out of this process and make it much more orderly.

Senator Gold suggested the conference committee process. I support the conference committee process, but I should

hasten to add that that is not a perfect process. The federal government -- and I used to work for the Congress of the United States - the federal government has the conference committee process. It has had the conference committee process for at least 50 years.

That conference committee process has resulted in the federal government not passing a budget for the last at least two or three years. The conference committee process held out by some as the perfect panacea, is, I think -- just look at the federal government's example, and you can see that that perfect function is not realized and it has not resulted in on-time budgets at the federal level.

Senator DeFrancisco, thank you for your proposal. I think it's something that would demonstrate that we in this Legislature are serious about focusing this budget process, that the process has been certainly not in focus. I dare say rent control had significant impact on this process this year. If your bill, Senator DeFrancisco, was put in place rent control and other secondary issues would not be impacting on this budget process.

It's a good proposal, a good step, and I urge its passage.

ACTING PRESIDENT KUHL: Senator Gold, did you wish to speak?

SENATOR GOLD: Yes, Mr. President.

I just wanted to make a few points based upon some of the comments that Senator DeFrancisco made, and I really don't want us to take our eye off the ball and, while Senator Dollinger pointed out some problems with the bill, I don't see that as the main problem. I think the main problems go back to the fact that this Senate has refused to act.

But, Senator DeFrancisco, very briefly, I remember a few years ago, not that many years ago, I had 58 sponsors on a bill in this house, and a man who I loved dearly, Senator Anderson, said to me, "There's one signature missing which might be helpful - mine." We never passed that bill; 58 people in this house didn't pass it.

So when you say there is some support on the other side, I understand that. I understand that, but this is bigger than that,

and what do we -- what's the answer you'd like to give me, Senator DeFrancisco, about two weeks when there was no requirement at all that we go through a rent fight because, according to the newspapers, if you took every Democrat who was willing to vote to continue the rent laws and you took the Republicans who said they would vote for it, all we needed to do was bring it to a vote. Your Majority Leader wouldn't do that, so if one tenant in this state lost one right, it's all because of your party. So when you say to me that there are members on the other side who are Democrats who support your bill, that's a far cry from bringing it to the floor and getting it passed.

As far as the budget process, during the reign of Governor Cuomo, we had some late budgets, no doubt, but it bothered Mario Cuomo, and he would call meetings and he would bring people together and he would try and he would try and he would try, and it didn't work unfortunately until the budgets were late, but he tried.

This governor doesn't care. I mean it's -- it's what, 83, '-4, whatever it

is. It doesn't bother him, and that's one of the problems. If the Governor was a driving force to get us a budget, if he insisted on the leaders being there and holding meetings, you'd get a budget, but Senator, you're not going to get a budget when the Governor doesn't care and when the Majority Leader of the Senate won't pass a bill.

The last thing I'm going to say on the issue of the Governor's attempt not to pay the Legislature, Senator DeFrancisco, that would be a travesty. You want to know why? Because in those years when the Governor didn't want to pay us because the budget was late, my people were saying, Hey, Manny Gold, fight that budget, and I was doing my job by not allowing George Pataki to destroy the state with naive harmful budgets.

I earn my money every day. That's what the people sent me here for. They didn't send me here to vote for any budget on time that was destructive. I can only imagine as I look around on your side of the aisle that many of your members feel the same way, because this year you didn't vote for an on-time

budget.

If it were just an issue of passing any budget, you'd pass it, but I think my job as a legislator is to work and work to get a good budget. If George Pataki would call some meetings, five-way meetings, if Senator Bruno would pass a bill and set up some conference committees, we would all be doing our work and we would have a budget; and all that happens with your bill today, Senator DeFrancisco, it is a diversion.

I am told, although I did not hear this, that at a press conference today a reporter asked Senator Bruno why he didn't pass a bill, and he said something to the effect that it wasn't to his liking. Now, I don't want to misquote him, but that's what I was told. If he said that, that is an incredible remark. Since when doesn't the state Senate pass a budget because one person says it's not to his liking?

This is a diversion. It is well meant, by a gentleman I respect, but it doesn't give us a budget.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Yeah. Mr. President, I think a good argument could be made that, rather than facilitating the passage of a budget on time, this amendment to the Constitution could conceivably delay the passage of a budget because I could see in an instance where you have a split Legislature as we have now, particularly as we had it prior to 1995, that one house may find it to its advantage to have last year's budget. They can just sit back; they'll hold firm. They'll never agree to a new budget.

I think the -- and I want to particularly address that to my good friend, Senator Dollinger, but I see he isn't here. I think the point is that any of these mechanical devisees to try to make government work really are not effective. Term limits, initiative and referendum, I just don't think they work. You can't propel democracy by these sort of strictures and commands and dictates.

I think what it really comes from is the culture and, frankly, the culture of our work here is God awful. We are a disgrace. We are an embarrassment to parliamentary

legislative bodies. I don't know how we got this way, because I look around and I see dedicated men and women, intelligent men and women. I see them in the other house, but we have made the process so awful, so ineffective, so unproductive that we're the laughing stock not only of this state but we're the laughing stock of the nation. We can't get a budget done.

So then, Senator DeFrancisco, with the best of intentions, and other members say, well, here's a way to try to get the budget done. Senator DeFrancisco, it's not -- that's not going to work. What we need to do is really change the way we handle all of our affairs. Almost not a day passes that there isn't some newspaper, some reporter, some TV station, some radio station, that doesn't make fun of us. And do you know what? They're correct. There isn't hardly a day passes there isn't some editorial that criticizes us in the harshest of tones. And do you know what? They're correct.

You read the editorial, the New York Times last week, talking about the two person Legislature. I don't think anybody would

argue against it, and you're not going to correct that, Senator DeFrancisco, by these sort of changes of the Constitution. I wish we could.

I think we've got to find it in ourselves to change the way we do business. It wasn't always that way. I and a few other members who have been here for many years, can tell you that there were times when the sort of rank partisanship that now commands all activity in the Legislature didn't exist, and it was possible to get a Majority Leader and a Speaker to work together. It was possible to get committee chairmen to work together. It was possible to have members to play a role in the budget, to play a role in other important matters that affect their constituents.

That has changed. I've said, just half kiddingly, that we could save a lot of money for the people in this state. Instead of having a 211-member Legislature, we just ought to have two people. We'd have a Speaker and a Majority Leader because, by and large, they make 98 percent of all the decisions anyhow, so that's really the problem, and the whole process

has come down, where nothing is done on time, because the Speaker, the Majority Leader, they hold back all the bills that they possibly can, they have all the arsenals toward the end for the bargaining that goes on, and then we find suddenly at the end of the session all sorts of bills coming out. No participation of members, no public airing, and so on.

That's what the problem is, and frankly, we have it in our power, you don't have to go to the people of the state of New York and say, change the Constitution to make us work effectively. We can do it. We can just decide as Majority members, as Minority members, and I don't want to say that this is all the Republicans are faulted, they're not, nor are all the Democrats. We're all equally at fault. We've allowed this system to take over and we need to change it.

That doesn't mean we'll necessarily have a budget on time, but at least, if we open up the process, I think we're going to find that it's going to move a lot smoother and a lot better, and I think the public will be more satisfied. I think the same situation was

certainly true on the rent laws and, while we have stood up here last week and talked of winners and losers and so on, maybe everybody was a loser because of the process which I think just dragged and dragged out the entire issue and made it much more difficult to come to a reasonable solution.

So let's change the way we do business. We have the power right here to do it, 211 legislators elected by the public. We don't have to go and say, let's change the Constitution. We can do it right here. Senator DeFrancisco, as good a try as it is, these mechanical devices, unfortunately, just don't work.

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

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1335 are Senators Gentile, Gold, Leichter, Montgomery, Onorato, Oppenheimer, Paterson, Smith and Stavisky. Ayes 47, nays 9.

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

SENATOR DeFRANCISCO: To explain my vote.

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

SENATOR DeFRANCISCO: Yes. It's been suggested here that we have the power ourselves to make these things happen and to make a good budget occur on time. I'd like to think that was the case as well, but we're in our 14th year, and it hasn't happened.

There's nothing at all partisan about this bill. The bill is supported by Assembly members, Majority Assembly members and I know Minority Assembly members as well. What Senator Gold says is true. Sheldon Silver and Mike Bragman hold the cards as to whether that bill goes on the floor for a vote. If the people demand it, it will, and there will be a remedy since we have not been able to do it under the current rules.

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

THE SECRETARY: Ayes 47, nays 9.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Return to Calendar Number 1045, regular order.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1045 and continue in regular order.

THE SECRETARY: Calendar Number 1045, by Senator Marchi, Senate Print 3649-B, an act to amend the Limited Liability Company Law, the Partnership Law and the Business Corporation Law.

SENATOR SKELOS: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR OPPENHEIMER: Mr. President.

SENATOR SKELOS: Mr. President, I believe Senator Volker will give an explanation for Calendar Number 1045.

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

SENATOR OPPENHEIMER: I would

like to note that, if I had been present in the chamber yesterday when Calendar Number 490 -

ACTING PRESIDENT KUHL: Senator Oppenheimer, we're on a bill right now and we'll complete this, and we'll come back to you.

SENATOR OPPENHEIMER: Oh, sorry. I got mixed up with what was happening here.

ACTING PRESIDENT KUHL: Senator Volker, for an explanation here.

SENATOR VOLKER: Mr. President, this is not exactly my field but, as I understand this bill, Senator Marchi's bill, what it would do is it would allow business corporations to use certain words in their true names. What I guess the bill does is that presently under the limited partnership law, you cannot -- or Limited Liability Company Law, you cannot do the same thing that you can do in other areas using assumed names.

What this bill would do would be to apply the rules, basically the rules that are used in the Business Corporation Law to -- the same rules to the Limited Liability Company Law, and would clarify the use of these assumed names. It would also expand the list of

individuals who would be able to sign a certificate of assumed name to include an attorney-in-fact as far as these limited liability corporations are concerned.

I understand one question was about the fees that are listed in this bill, but it's my understanding that this doesn't really -- there are already fees, but because the filing fees under the limited liability law are $200 and $25 under the normal assumed name law, this would increase it to $200 to comply with the statute the way it is in other areas. O.K.?

ACTING PRESIDENT KUHL: Any Senator wishing to speak on the bill? Secretary will read the last section.

THE SECRETARY: Section 22. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1082, by Senator Marchi, Senate Print Number

4767-A, an act to amend the Business Corporation Law, in relation to the organization of professional service corporations.

SENATOR PATERSON: Explanation.

SENATOR SKELOS: Senator Volker.

ACTING PRESIDENT KUHL: Senator Volker, Senator Skelos has informed us that you're going to do the explanation on the 1082, Calendar Number 1082, Senator Marchi's bill; is that correct?

SENATOR VOLKER: Mr. President, as I understand this legislation, reading the - reading this memo here, the legislation involves a change in the Business Corporation Law, which would allow an individual authorized by law to practice before the United States Patent and Trademark to organize a professional service corporation with an attorney, for the purpose of rendering professional services which are limited to practice before the United States Patent and Trademark Office.

I guess what that means is that for some reason an attorney is not allowed to organize a professional service organization if he also practices before the United -- United

States Patent and Trademark Office, so I guess this bill would allow him to do that under the Business Corporation Law.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you very much.

If Senator Volker would yield for a question.

ACTING PRESIDENT KUHL: Senator Volker, do you yield?

SENATOR VOLKER: Certainly.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator, I understand that you're explaining the bill and my question just as it related to prohibition against lawyers and non-lawyers practicing together, I can't see how this bill doesn't violate that provision even though perhaps I might concede that in this particular area as probably in other areas people could obtain the expertise in the area in order to discuss it, but from the public perspective, we appear here to have a case where you just have lawyers and

non-lawyers and it's not distinguishable at what point they're serving in those capacities.

Do you think that this examination for patents can be comparable to a bar exam?

SENATOR VOLKER: I don't think - yeah, I guess what it is, is it's like a separate bar exam that attorneys and non attorneys have to take because this is - remember, this is a federal agency and the United States Patent and Trademark Office is a separate entity.

Apparently what this bill would do is allow, as I say, as I mentioned before, attorneys, it would allow attorneys and non attorneys to practice before this agency if they were -- they took the examination which I guess would be like a bar examination. My colleague here says it is a bar examination, which would allow them to practice before the -- the federal -- federal Patent and Trademark Office.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President, and thank you, Senator Volker, for

pinch-hitting and responding to the questions right here.

On the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson, on the bill.

SENATOR PATERSON: Just a couple of issues.

The Bar Association did not come out with a memorandum on this -- on this bill. There are several ethics opinions in which it was made pretty clear that lawyers are forbidden -- forbidden to practice with non-lawyers. I'd just like to put that into the record.

The concern also is that, when we finish with the patent area, we'll probably go into the trademark area and then who knows, labor law and tax law, particularly areas where there are specialties that people in other areas have obtained, and so I think the profession needs to be aware of this.

I myself don't know the specifics of what the patent situation would entail and, therefore, can't really render an opinion, but just as a general issue, I just suggest in the future to the bar -- to the Bar Association that

they peruse this whole issue a little closer.

Now, I don't know that we can consider the examination to be a bar exam for patents, the one that's going to be administered because it's not part of the bar exam, and those are just some concerns that I wanted to put on the record and hope that the sponsors will - will heed them.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Those recorded in the negative on Calendar Number 1082, Senators Connor, Montgomery and Paterson. Ayes 53, nays 3.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1159, by Senator Skelos, Senate Print 317-A, an

act to amend the Insurance Law, in relation to policy coverage for persons with breast cancer.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Skelos, an explanation of Calendar Number 1159 has been requested.

SENATOR SKELOS: This bill would prevent insurers from refusing to issue or renew any policy of life or non-cancellable disability insurance solely on the basis of genetic testing used to determine a genetic predisposition to breast cancer.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: I believe there's an amendment at the desk that deals with genetic testing. I'd ask that the reading of

the amendment be waived and that I ask to be heard on the bill.

ACTING PRESIDENT KUHL: The reading of the amendment will be waived and you're recognized for the opportunity to explain the amendment, Senator Dollinger.

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

First of all, I appreciate Senator Skelos bringing his bill to the floor because this deals with the critical issue involving the use of genetic information, genetic testing in this case, the bill, the underlying bill, the question of genetic test results, and to what extent in Senator Skelos' bill a disability insurance company or a life company may use genetic testing results to determine whether or not the person is going to be covered or conditions of coverage.

What this amendment seeks to do is to broaden the intent of Senator Skelos' bill, and it does it in four areas. First of all, it includes health insurance, that it simply shouldn't be life insurance and disability insurance, but it should include

health insurance as well.

Secondly, it includes the scope of what information can be used. Senator Skelos' bill simply says the results of genetic testing. The amendment says any genetic information, whether it comes through testing, through family trees, through other information. That information cannot be used as the basis to deny someone coverage.

Three, Senator Skelos' bill has a limited prohibition because under the amendment the version that -- that Senator Skelos brings to the floor today, in amending his bill he added a section (b) which says that there are certain instances in which the company can use, I believe the phraseology is screening acceptable underwriting procedures.

If they can demonstrate that the use of the genetic testing results would be - create a justifiable exception under conventional underwriting techniques, then under those circumstances the prohibition on the use of genetic testing results is not absolute.

The amendment that I put on the table creates an absolute prohibition. It says

that under -- regardless of whether, under normal underwriting techniques, there would be an exclusion, there is no prohibition -- there is no provision that says you can create an exclusion when you have justifiable under writing techniques.

So we go further than Senator Skelos' bill, and I understand that Senator Skelos' bill, that that specific language may be the results of negotiations with insurers about the extent of this bill, but nonetheless, it's my judgment that the amendment that was put on from 317 to 317-A actually softens the impact of Senator Skelos' bill, and I think what we need to do is firm it up by creating an absolute prohibition, that we're not going to allow the provision of underwriting techniques, we're not going to allow them to kick it into their screening process and say we've determined that it would be appropriate to raise premiums for certain kinds of insurance because of genetic abnormalities found, whether it's in the result of testing or elsewise.

So we have a complete prohibition on the use of the genetic information of any

type.

The last thing, as I said, ours includes all genetic information and not simply information through genetic testing. Why is this so critical that we expand the scope of this bill? The reason is because the gene mapping project that is under way on this planet is progressing at an unbelievable rate. The ability to trace specific genes for the development of diseases such as Tay-Sachs disease, cystic fibrosis, a pre-disposition to ALS, Lou Gehrig's disease, all well documented, Huntington's disease, another disease that has been linked to certain forms -- certain genetic patterns; abnormal -- abnormally high or catastrophically high cholesterol levels are also linked to genetic information and, lastly, they have determined that some forms of early onset dementia and Alzheimer's can also be linked to it.

Recently there was an article, I believe in the Washington -- New York Post about the disease implications to women in the Jewish community, about linkage between certain types of diseases and cancers that have been largely

found in Eastern European Jewish women. Our ability to predict certain types of cancer, certain types of chronic disabling and sometimes fatal diseases is now linked to the entire gamut of genetic information.

So what this amendment seeks to do, Mr. President, is to expand the scope of this bill, to take this bill which is, I think, a good effort to affect breast cancer, but to increase the scope of diseases that it applies to, not just breast cancer but linkages to all forms of chronic and debilitating illness.

I appreciate Senator Skelos, I know, comes from one of the highest areas of incidence of breast cancer in the world in Long Island, and I know that there have been many people looking for both environmental and genetic links to the high incidence of breast cancer on Long Island, but it seems to me that if we're going to send a message about the use of genetic information, we should do it (a) in one bill; (two) it should be as broad as possible so that we tell our insurers, life, disability and health insurers, that we're not going to allow them to use genetic information

to kick them out of the insurance pool, to treat them differently.

The whole point of insurance, large insurance pools, is to say to everyone who seeks insurance coverage that you're not respon sible for the risk of your genes. We as a society accept those responsibilities collectively. The genetic pre-disposition is not going to be a disqualifying factor and that whether it's breast cancer, Alzheimer's, Huntington's disease, Lou Gehrig's disease or any one of the other number of diseases, the mere fact that you have it in your genes is not going to disqualify you from getting into insurance pools and being able to buy insurance protection.

I -- my hope is that this amendment will be considered by the house. My hope is that we will send a clear unmistakable message to everyone in this state that genetic information, if we use it against people, violates a fundamental New York State sense of fairness and a fundamental sense that we're all in this big pool together and that we all share the risks and we're not going to punish anyone

for the fact that they happen to have bad genes.

ACTING PRESIDENT KUHL: Does anybody wish to speak on the amendment?

Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

CBS Evening News, on June 22nd, reported a California case in which an individual -- several individuals were denied employment based on genetic testing which found that they had sickle cell anemia. These employees, who were African-Americans sued in the California State Supreme Court, and the court held that there was no ban on genetic testing. This case is now being appealed to the United States Supreme Court. There are several states that do have bans on genetic testing, so what Senator Skelos is attempting here today is quite laudable, but simply needs to be expanded.

The issue in terms of breast cancer is a serious one, but so are the other ones that would not only deny employment but perhaps insurance because of the imposition of

genetic testing. It certainly would be an invasion of what would almost be a private right, I won't call it that, but I would just say certainly the pool of individuals that would be -- that would become eligible for this genetic testing would certainly be broken down due to various types of situations such as Tay-Sachs disease, such as the others that Senator Dollinger described.

So I speak wholeheartedly in favor of the amendment and feel that Senator Skelos, who certainly had the idea for this, might want to take this amendment at this particular time on an issue that seems to have national significance as more and more people are being denied and discriminated based on the results obtained from genetic testing which I would like to point out are not always correct.

ACTING PRESIDENT KUHL: The question is on the amendment.

Senator Dollinger.

SENATOR DOLLINGER: Just one other issue, Mr. President, if I could just be heard for one second to explain one other aspect of the amendment.

ACTING PRESIDENT KUHL: Senator Dollinger, on the amendment.

SENATOR DOLLINGER: I appreciate the courtesy, Mr. President.

This is part of a package of bills that the Democratic Conference has put together dealing with issues involving managed care and the continuing evolution of science in our health care system. It's sponsored by many Democrats. I know I've spoken to Senator Paterson about this. I consider him virtually a co-sponsor of this amendment, but there are many other members of the Democratic Conference who have supported this concept who are on this bill which I think I carry but many others are co-sponsors on.

So this is -- this is, we think, a cutting edge issue in the relationship between science and technology, that tells us a lot about new frontiers and whether that information will be used for good or for bad. We support, at least I support, Senator Skelos saying that we won't allow this information to be used to discriminate against those who have breast cancer or pre-disposition to breast cancer. I

think it should be broadened to meet the other conditions that we discussed.

ACTING PRESIDENT KUHL: Question is on the amendment proposed by Senator Dollinger. All those in favor signify by saying aye.

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Secretary will call the roll.

SENATOR SKELOS: Party vote in the negative.

THE SECRETARY: Ayes 24, nays 33, party vote.

ACTING PRESIDENT KUHL: The amendment is lost. Senator Paterson, why do you rise, to debate the bill?

SENATOR PATERSON: I wanted to know who won.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect in 180 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Oppenheimer, do you rise to explain your vote on this bill?

SENATOR OPPENHEIMER: I had hoped to be recognized before the vote was taken, a simple question of the sponsor.

ACTING PRESIDENT KUHL: Roll call will be withdrawn.

SENATOR OPPENHEIMER: Thank you.

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

SENATOR OPPENHEIMER: I'm just questioning -- of course, I'm thrilled that you're doing this on breast cancer. That's certainly an area that I'm very concerned about. But why was it not done for other illnesses? We have information coming out that the -- the testicular and prostate cancer are also very involved in the pesticide law that we passed. Why -- why don't you have other illnesses involved here?

SENATOR SKELOS: Because currently under New York State law enacted in

1993, which I believe you supported, prohibits insurers from refusing to issue or renew these types of policies for individuals who have had breast cancer providing that the initial diagnosis occurred at least three years prior to the date of application and that a doctor has certified the disease has not reoccurred since, so this is a logical next step in terms of the advances with genetic testing.

Reading from the New England Journal of Medicine, it says breast cancer is the most common cancer among women in the western world, with a cumulative lifetime risk of one in eight. The organizations that I have met with, ONE in NINE, I felt it appropriate to advance this legislation. Certainly in the future, we would be happy to consider an expansive -- an expansion of this type of legislation.

SENATOR OPPENHEIMER: Thank you.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect in 180 days.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1355, by Senator Goodman, Senate Print 5537, an acted to amend the Alcoholic Beverage Control Law, in relation to creating a new class of license.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

SENATOR PADAVAN: Explanation was asked for.

ACTING PRESIDENT KUHL: Pardon?

SENATOR PADAVAN: I believe I heard Senator Paterson ask for an explanation.

ACTING PRESIDENT KUHL: Senator Paterson, did you ask for an explanation of Calendar Number 1355?

SENATOR PATERSON: Yes, I did.

SENATOR GOODMAN: The two Ps have asked for an explanation.

ACTING PRESIDENT KUHL: Senator Goodman, I guess an explanation of Calendar Number 1355 has been requested by Senator Paterson.

SENATOR GOODMAN: This proposal is geared toward assisting businesses that are primarily restaurants who wish to brew some beer and sell most of it in their restaurants. It is not intended as a means to allow brewers backdoor entry into the restaurant business.

The proposal contemplates modest mini-change. A maximum of five of these micro-breweries is permissible and modest brewing, no more than 5,000 barrels of beer per year per brew pub and no more than an aggregate of 20,000 barrels per year per multiple license holder. This compares to 60,000 which is now permitted of a single micro-brewer.

Moreover, the bill permits only an minuscule amount of beer, that's only 250 barrels a year per brew pub, an aggregate of 2,000 barrels a year for multiple license holders, to be sold to other retailers or to the public in their home.

Finally, the bill provides that a

person who has an interest in a brew pub cannot have an interest in other premises in New York where alcoholic beverages are manufactured or sold. A brew pub owner cannot be interested in a New York brewer, a New York alcoholic beverage wholesaler or any type of alcoholic beverage retailer except another brew pub.

In summary, this proposal would promote the brew pub business without having any real impact on the three-tier alcoholic distribution system now in effect in the state of New York.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, we were concerned about the supplemental retail license aspect of this bill, which Senator Goodman might want to comment on.

The fact is that it would pretty much enable the restaurant which becomes, in effect, a brewery and also at the same time becomes a distributor, to actually make its own perhaps beer in this case and sell it off the premises, but we've gotten, I think, a pretty good understanding and want to thank Senator

Goodman and Commissioner Casales for their effort in this area.

If Senator Goodman would yield for a question.

SENATOR GOODMAN: Yes, I will.

SENATOR PATERSON: I just want to be assured that the 500-foot rule which bans the fourth establishment from being allowed to exist within 500 feet of the three other establishments will be adhered to based on the language of this bill.

SENATOR GOODMAN: Yes, I can give you absolute assurance that this makes no change in that provision.

SENATOR PATERSON: Thank you.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 56, nays

one, Senator Padavan recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees. I'll ask the Secretary to read the report of the Rules Committee.

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

1086-A, by Senator Velella, an act to amend the Public Health Law;

2288-A, by Senator Sampson, an act to authorize the city of New York;

2668, by Senator LaValle, an act to amend the Town Law;

4021-A, by Senator Nozzolio, an act to amend the Social Services Law;

4386-A, by Senator Farley, an act

to amend the Banking Law;

4500, by Senator Tully, an act to amend the Surrogate's Court Procedure Act;

4525, by Senator Kuhl, an act to amend the Social Services Law;

4728, by Senator Velella, an act to amend the Retirement and Social Security Law;

4834-A, by Senator Johnson, an act to amend the Agriculture and Markets Law;

4860-B, by Senator Cook, an act to amend the General Business Law;

5098, by Senator Skelos, an act to amend Chapter 879 of the Laws of 1936;

5103-A, by Senator Trunzo, an act to amend Chapter 683 of the Laws of 1995;

5268-A, by Senator Levy, an act to amend the Vehicle and Traffic Law;

5370, by Senator LaValle, an act to amend the Education Law;

5374-A, by Senator Montgomery, an act to amend the Agriculture and Markets Law;

5416, by Senator Levy, an act to amend the Penal Law;

5432, by Senator Levy, an act to amend the Vehicle and Traffic Law;

5490, by the Committee on Rules, an act to amend the Tax Law;

5491, by the Committee on Rules, an act to amend the Tax Law;

5492-A, by Senator Johnson, an act to amend the Real Property Tax Law;

5506, by the Committee on Rules, an act in relation to granting Tier I status;

5508, by Senator Marchi, an act to amend the Public Health Law;

5513, by Senator Levy, an act to amend the Public Authorities Law;

5514, by Senator Levy, an act to amend Chapter 56 of the Laws of 1993;

5523, by Senator Goodman, an act to amend the Alcoholic Beverage Control Law;

5535, by Senator Rath, an act to authorize the town of Amherst;

5539, by the Committee on Rules, an act to amend Chapter 904 of the Laws of 1984;

5540, by the Committee on Rules, an act to amend Chapter 535 of the Laws of 1983;

5542, by Senator Seabrook, an act authorizing the city of New York;

5566-A, by Senator Levy, an act

to authorize the incorporated village of Free port;

5567, by Senator Saland, an act to authorize the Commissioner of General Services;

5582, by Senator Tully, an act to amend the Public Authorities Law;

5595, by Senator Santiago, an act to authorize the Office of General Services;

5596, by the Committee on Rules, an act to amend Chapter 166 of the Laws of 1991; and

5603, by Senator Tully, an act to certify, legalize and confirm.

All bills directly for third reading.

ACTING PRESIDENT KUHL: Senator Skelos.

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

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 report is accepted. All bills moved directly to third reading.

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

ACTING PRESIDENT KUHL: There is, Senator Skelos, we could take that at this time if we could return to the general order of motions and -

SENATOR SKELOS: Yes, and there will be a meeting of the Rules Committee in the Majority Conference Room at 5:00 o'clock.

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

Senator Abate, why do you rise?

SENATOR ABATE: Yes. I ask unanimous consent to be recorded in the negative on Calendar Number 1335, and I have an additional motion. There is a resolution -

ACTING PRESIDENT KUHL: Senator Abate, let me take that one first.

SENATOR ABATE: Yes.

ACTRING PRESIDENT KUHL: Without objection, hearing no objection, Senator Abate will be recorded in the negative on Calendar Number 1335.

Senator Abate.

SENATOR ABATE: Yes. On Resolution 1916 which I sponsored, which is a resolution paying tribute to Jim Fox, who was the New York Regional Director of the FBI, and I'd like to open that up to the entire Senate for anyone who would like to co-sponsor that resolution, or we can do it in the reverse, anyone who does not wish to go on it.

SENATOR SKELOS: If anyone wishes to co-sponsor the resolution, they should notify the desk.

ACTING PRESIDENT KUHL: O.K. O.K. Because the resolution has been adopted, there is a special form that members will have to fill out, so we'd ask the members to identify themselves to the desk.

Senator Breslin.

SENATOR BRESLIN: Mr. President, I would like to be in the negative by unanimous consent on Calendar Number 1082.

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

We'll return to the order of motions and resolutions.

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Wright, on page number 35, I offer the following amendments to Calendar Number 1065, Senate Print Number 4322-B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 1065 are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Nozzolio, on page number 18, I offer the following amendments to Calendar Number 608, Senate Print Number

2775-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 608 are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Goodman, on page number 22, I offer the following amendments to Calendar Number 719, Senate Print Number 5031-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 719 are received and adopted and the bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I wish to call up Senator Skelos' bill, Print Number 4314-A recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary

will read.

THE SECRETARY: Calendar Number 899, by the Senate Committee on Rules, Senate Print 4314-A, an act to amend the Tax Law.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, 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 58.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: Could we read the title and adopt Resolution Number 1932,

Senator Nozzolio's resolution, please.

ACTING PRESIDENT KUHL: Secretary will read the title of the privileged Resolution Number 1932.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution 1932, commemorating the 50th Anniversary of the Ovid Veterans of Foreign Wars Post Number 6200 Ladies Auxiliary.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Gentile, why do you rise?

SENATOR GENTILE: Yes, Mr. President. I would ask for unanimous consent to be recorded in the negative on Calendar Number 1082.

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

Senator Abate, why do you rise?

SENATOR ABATE: Yes, Mr. President. I ask for unanimous consent to be recorded in the negative on Calendar Number 1082.

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

Senator Oppenheimer, why do you rise?

SENATOR OPPENHEIMER: I would like the record to reflect that if I had been present yesterday in the Assembly, in the Senate, I -- where am I? -- that I would have voted against Calendar Number 491.

ACTING PRESIDENT KUHL: The record will reflect, Senator Oppenheimer, that had you been in the chamber yesterday when a vote was taken on Calendar Number 491, that you would have voted in the negative.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we do the non-controversial calendar on the Supplemental Calendar, please.

ACTING PRESIDENT KUHL: Senator Seabrook.

SENATOR SEABROOK: Mr. President, with unanimous consent, I would like to be recorded in the negative on bill 1082.

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

The Secretary will now read - Senator Sampson. I'm sorry.

SENATOR SAMPSON: Mr. President, may I have unanimous consent to be recorded in the negative on bill 1082.

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

The Secretary will read the non-controversial reading of Supplemental Calendar Number 58-A, beginning on the first page, Calendar Number 1359, by Senator Velella.

THE SECRETARY: Calendar Number 1359, by Senator Velella, Senate Print 1086-A, an act to amend the Public Health Law, in

relation to applications.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1361, by Senator LaValle, Senate Print 2668, an act to amend the Town Law, in relation to authorizing.

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 58.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 1362, by Senator Nozzolio, Senate Print 4021-A, an act to amend the Social Services Law and the Education Law, in relation to enacting.

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

THE SECRETARY: Section 8. This act shall take effect September 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1363, by Senator Farley, Senate Print 4386-A, an act to amend the Banking Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1364, by Senator Tully, Senate Print 4500, an act to amend the Surrogate's Court Procedure Act, in relation to the continuation.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1366, by Senator Velella, Senate Print 4728, an act to amend the Retirement and Social Security Law, in relation to making certain technical corrections.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1367, by Senator Johnson, Senate Print 4834-A, an act to amend the Agriculture and Markets Law, in relation to creating.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1368, by Senator Cook, Senate Print 4860-B, an act to amend the General Business Law and the Public Health Law, in relation to prepayment.

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

THE SECRETARY: Section 7. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1369, by Senator Skelos, Senate Print 5098, an act to amend Chapter 879 of the Laws of 1936.

SENATOR HOLLAND: Lay it aside for the day, please.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 1370, by Senator Trunzo, Senate Print 5103-A, an act to amend Chapter 683 of the Laws of 1995, amending the Retirement and Social Security Law.

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

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

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1371, by Senator Levy, Senate Print 5268-A, an act to amend the Vehicle and Traffic Law, in relation to private service bureaus.

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

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1372, by Senator LaValle, Senate Print 5370, an act to amend the Education Law, in relation to the duty of school districts.

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 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Levy moves to discharge from the Committee on Rules Assembly Bill Number 1986 and substitute it for the identical Third Reading Calendar 1374.

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

read the title.

THE SECRETARY: Calendar Number 1374, by member of the Assembly Bragman, Assembly Print 1986, an act to amend the Penal Law, in relation to conditions of probation.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Levy moves to discharge from the Committee on Rules Assembly Bill Number 6244 and substitute it for identical Third Reading Calendar 1375.

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

THE SECRETARY: Calendar Number 1375, by member of the Assembly Gantt, Assembly Print 6244, an act to amend the Vehicle and

Traffic Law and Chapter 713 of the laws of 1988.

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 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1378, by Senator Johnson, Senate Print 5492-A, an act to amend the Real Property Tax Law, in relation to granting a partial exemption.

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

THE SECRETARY: Section 3. This act shall take effect on the second day of January.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1379, by the Senate Committee on Rules, Senate

Print 5506, an act in relation to granting Tier 1 status.

ACTING PRESIDENT KUHL: The Secretary will read the last -

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1381, by Senator Marchi, Senate Print 5508, an act to amend the Public Health Law, in relation to the use by health care providers.

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

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT KUHL: Bless you. Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1385, by Senator Rath, Senate Print 5535, an act authorizing the town of Amherst, county of Erie.

ACTING PRESIDENT KUHL: There's 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 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1386, by Senate Committee on Rules, Senate Print 5539, an act to amend Chapter 904 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 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1387, by the Senate Committee on Rules, Senate Print 5540, an act to amend Chapter 535 of the Laws of 1983.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1390, by Senator Saland, Senate Print 5567, an act to authorize the Commissioner of General Services to sell and convey.

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 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1391, by Senator Tully, Senate Print 5582, an act to amend the Public Authorities Law, in relation to the powers of the Water Authority.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1393, by the Senate Committee on Rules, Senate Print 5596, an act to amend Chapter 166 of the Laws of 1991.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1394, by Senator Tully, Senate Print 5603, an act to legalize, certify and confirm the acts of the Hicksville School District.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland, that completes the reading of -- the supplemental calendar non-controversial reading. What's your pleasure?

SENATOR HOLLAND: Could we do the controversial items on 58-A, Mr. President,

please.

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

THE SECRETARY: Calendar Number 1363, by Senator Farley, Senate Print 4386-A, an act to amend the Banking Law, the Tax Law, the General City Law, the Administrative Code of the city of New York and the codes and ordinances of the city of Yonkers.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Farley, an explanation has been requested by Senator Leichter.

SENATOR FARLEY: Yes. This bill would allow limited purpose trust companies to form and operate themselves as a limited liability trust company instead of its corporations. The option would apply to those trust companies which do not receive deposits from the general public and have been exempted by the Banking Board from the deposit insurance requirements of the Banking Law.

A limited liability trust company would be subject to virtually all the provisions of the Banking Law which currently is applied to

corporate form trust companies. It would also be subject to all the provisions of the Limited Liability Company Law. If these two laws are inconsistent, the Banking Law would prevail.

Now, the Superintendent of Banks retains all his current authority to regulate these entities and, in addition, the Superintendent of Banks is provided with the express authority to make rules and regulations to govern limited liability trust companies.

This bill would authorize the limited liability company structure from limited purpose trust companies which do not accept funds from the general public.

This alternative business structure offers many advantages, including the ability to be taxed as a partnership. The limited liability company structure can be attractive to certain limited purpose trust companies. Currently some of these trust companies have parent entities which are partnerships. The requirement to have a stock form trust company creates a certain structural inefficiency. It presents tax and other issues for these partnerships. The ability to organize

as a limited liability company will allow these companies to select a business structure which is most appropriate and efficient and desirable for their operation.

This bill is similar to Chapter 637 of 1995 which amended the Banking Law to allow Article 12 investment companies to organize themselves as limited liability companies.

Now, let me just say as basically or simply as I can -- and this is not -- this is kind of an arcane bill, I guess, but the reason that this is done is to make for a more efficient form of business operation.

This bill actually is consistent with a policy that this Legislature established in 1994 when New York State authorized the creation of limited liability companies. This Legislature and the state made this judgment despite the possible loss of revenue and there is a $300,000 estimate that they all take place -- take advantage of this loss to the state but we made that decision that the limited liability company structure was useful and an attractive business structure which would help keep New

York as a desirable place in which to conduct business. They could take a walk as so many companies, and so forth, has to. These companies that are organized as a partnership, this would allow them to become a limited liability trust company.

I've got more if you need it, but I'll be happy to try to answer questions.

SENATOR LEICHTER: Senator Farley, that was more than enough.

ACTING PRESIDENT KUHL: Read the last section.

SENATOR LEICHTER: No, no.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: With your indulgence -

ACTING PRESIDENT KUHL: I apologize, Senator Leichter.

SENATOR LEICHTER: That's all right.

Senator Farley, if you would be so good enough to yield.

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

Leichter?

SENATOR FARLEY: Yes, sir.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: I would like to, for the benefit of our colleagues, cut to the quick here because you and I have gone through this both in the Finance Committee and in the Rules Committee.

The key aspect of this bill - I'm sorry. Let me withdraw that question. As I understand it, Senator Farley, there's approximately five large underwriting brokerage companies that are going to take advantage of this. I think one of them you mentioned was Goldman Sachs. I think another one was Lehman Brothers. Who are the other ones, Senator, if you could just inform us of that?

SENATOR FARLEY: Brown Brothers & Harriman Trust Company, Goldman Sachs Trust Company and Neuburger & Berman Trust Company are the three biggies.

SENATOR LEICHTER: Senator -- and I think you alluded to it in your explanation - by making this change, these companies are going

to get a tax benefit. It's going to cost the taxpayers of the state of New York, I believe the estimate is $300,000, is that right?

SENATOR FARLEY: That's correct. That's if the -- all of them take advantage of it.

SENATOR LEICHTER: All right. Thank you, Senator Farley.

Let me just say, I don't know what we're about. Here we are, we're going to give $300,000 to some of the wealthiest, most profitable brokerage and underwriting and banking advisors and investors in the state.

Senator Farley, you know, said something, well, you know, they could move away. Now, wait a second, they're not going to move to Hoboken or Secaucus. These are firms that are here. These are not firms that are in trouble. These are not firms that are doing poorly. It's not a big sum of money but the principle is just awful.

There's no reason, no explanation, no justification for this bill other than to give -- to allow these underwriters to take advantage of a tax

benefit. Instead of being taxed as corporations, they're going to be taxed as limited liability partnerships. As limited liability partnerships, they have all the advantages of a corporation. Now they also want to be taxed as a partnership which brings them a benefit which means that we, the taxpayers, our constituents, the taxpayers, are going to be supporting these corporations.

In some instances, it makes sense for us to do it, but I submit to you that for these three or maybe five wealthiest corporations to say, Oh, we're going to let you change your form of business arrangement so that you can take advantage of the Tax Law and pay less taxes to the state of New York, it just makes absolutely no sense. We shouldn't be doing this. We don't have the money, Senator Farley.

We've got a lot of people that are needy. We have a lot of people in New York State that need help. We have a lot of sections of this state that need help, including your district where unemployment is going up, and I don't think we should be about at this time

increasing the already enormous profits of five brokerage houses in the city of New York.

I'm happy that they're making a lot of money, but I don't have to make them richer at the expense of the taxpayers of this state.

SENATOR FARLEY: I understand what you're saying, Senator Leichter, but I could not disagree with you more. Let me just say this. We're talking about jobs, jobs. Jobs that are in your area of the state, basically, in New York City, the financial capital of the world.

Let me just tell you, Goldman Sachs who you're mentioning as a company that makes a lot of money -- and I presume that they do -- their operation, quite frankly, a great part of it is in London; that's England and you know what? They could move this not only out of the state but out of the country and I'll tell you something else. They could go to Connecticut. They could go to so many other places. You say, Well, they won't go.

I'll tell you, I could bring you to some of the communities in my state.

Amsterdam used to be the carpet center of the world, the carpet capital of the world. There isn't a carpet in that city. Every single one of them left here, every one. I -- Schenectady GE used to have 70,000 jobs. You know how many they have there now? 5,000. It's an absolute depressing situation.

All this bill does, very simply, is to allow a partnership organization of business to organize itself in a more efficient way and for God's sakes, we don't allow or want that to happen in New York State? For heaven's sake, we want them to pay the most taxes that they can pay. Now, if they're organized as a corporation, they don't have to pay that but if they happen to be a partnership, they have to pay it.

SENATOR LEICHTER: Mr. President, would Senator Farley yield?

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

SENATOR LEICHTER: Senator, this has absolutely nothing to do with efficiency. They're going to run their operation precisely. It has solely to do with tax liability, but I

want to address the point you made that we're talking about jobs and that we're in danger of having these companies move out of the state.

Senator, do you have any report, any study which shows the number of jobs that are going to be created if we pass this bill?

SENATOR FARLEY: I'm talking about saving jobs. Is that important to you, Senator Leichter?

SENATOR LEICHTER: Senator, has anybody said to you, do you have any credible evidence that any jobs are going to be lost if we don't pass this bill?

SENATOR FARLEY: Nobody has said to me that it's going to snow this winter in Albany but it's very evident if we don't do something like this, it's not going to be a form of business that they care to carry on in New York State.

SENATOR LEICHTER: Senator -

ACTING PRESIDENT KUHL: Senator Leichter, are you asking Senator Farley to yield?

SENATOR LEICHTER: -- if you'll be good enough to continue to yield, Senator.

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

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Am I correct then that this is your assumption -- your assumption that unless we do this special benefit bill, that there's going to be a loss of jobs in these companies?

SENATOR FARLEY: It is my assumption that we should do this bill to level the playing field between a corporation and a partnership that are in exactly the same operation of business. I think it's only fair. I think it's an efficient form of business. I think it makes sense and I don't think it's any great loss.

You know, the taxes that will be paid by these employees or this company staying here are a lot more than $300,000.

ACTING PRESIDENT KUHL: Senator Leichter, are you asking -

SENATOR LEICHTER: Just one final question.

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

SENATOR LEICHTER: My good friend Senator Farley. Then I take it, Senator, that other than your assumption because it snows in Albany that these companies may cut jobs if we don't -- if we don't pass your bill. You have no credible evidence whatsoever and that nobody from these companies has even said to you, unless you pass this bill, there's going to be a decline in jobs. Is that correct?

SENATOR FARLEY: Nobody has said that to me, no, they have not.

SENATOR LEICHTER: Okay.

SENATOR FARLEY: They have not threatened me, if that's what you're implying. I do this out of the goodness of my heart and for what I think is best for the state of New York, for the economy of this state and for the people that work for these companies.

SENATOR LEICHTER: Mr. President, I thank Senator Farley and I know that you always act from the goodness of your heart and what you think is best for the people of the state of New York but, Senator Farley, let me

tell you, this is such a special interest bill and so outrageous and so unjustified. I don't mind -- if this was really only a matter of business efficiency, then I would say, Fine, we'll do it but we'll just provide that they pay the same amount of taxes as they did as corporations. That has nothing to do -- not one employee is going to be -- in any respect have his functions or duties changed. Everything will be exactly the same in these companies except they'll set up these limited liability partnerships and save some money on taxes.

Now, Senator, if you came before me and said, I want to do this for one of my carpet companies in Amsterdam or one of your companies in Amsterdam, I may say maybe it makes sense to do it because they're distressed. They're in trouble. These companies are not in trouble. They're incredibly profitable, thank goodness. I'm pleased that they're profitable. There's not the slightest risk that they're going to move any of their operation out of the state of New York. The fact that they're in London and Hong Kong and Singapore and other world financial centers is because that's the

nature of their business, but their headquarters is in New York. They're going to stay in New York. They never said they're going to move. They never said they're going to change one job. They just said to Senator Farley as they presented this bill, Senator, if we could make this change in our legal -- in formation, we would save ourselves some money and, Senator, if you think that the people of the state of New York are wealthy enough that we can support and subsidize these companies and give them a tax break, you go ahead and do it.

I'm not going do it. I think it's outrageous. I think it's the worst form of special interest legislation. It's always kept for the end of the legislative session. Maybe the only thing good one can say for this legislation, if it appears before us at this time, you know that the end of the session isn't far along.

Senator, we shouldn't be doing this.

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

THE SECRETARY: Section 20. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

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

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1367, by Senator Johnson, Senate Print 4834-A, an act to amend the Agriculture and Markets Law, in relation to creating an advisory council.

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

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Paterson, did you request an explanation?

SENATOR PATERSON: Yes. Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Johnson, an explanation of the bill has been requested.

SENATOR JOHNSON: Mr. President,

this is a bill in accordance with the suggestion of the Ag' and Markets Department that it should have a seafood council which would advise, in all aspects, a seafood policy, including the harvesters, the wholesalers, the retailers, consumers and they would review seafood policy in the state and make recommendations on an annual basis about how the seafood policy should be structured in the state of New York.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, a quick question, if the sponsor will yield.

ACTING PRESIDENT KUHL: Senator Johnson, do you yield?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator Johnson, I see here in the bill that there are a number of appointments that will be made to fulfill the needs that the bill proposes and my question simply is I don't see any appointment powers granted to either the Minority Leader in

the Assembly or the Minority Leader in Senate. Is there any plan to have full participation of the Legislature in that regard?

SENATOR JOHNSON: I'm sorry. What was the question, whether there's legislative participation in this? Is that your question, Senator?

SENATOR PATERSON: Yeah, by the Minorities in the Senate and the Assembly, the conferences.

SENATOR JOHNSON: Senator, they're not in here, that's true, and there's no good reason why they're not in here. I guess in this case, I suppose the saving grace is that the Assembly and the Senate are both represented and different parties are represented therefor and I expect a balanced representation in that respect.

ACTING PRESIDENT KUHL: Senator Paterson, did you have further questions?

SENATOR PATERSON: No. Thank you, Mr. President.

Senator Johnson gave a complete answer to my question.

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.

SENATOR PATERSON: Mr. President, just to explain my vote.

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

SENATOR PATERSON: There is no partisanship that compels me to object to this. It kind of relates to what Senator Leichter was saying earlier. Senator Leichter sometimes thinks no one is listening to him around here and sometimes he's right but in that particular case, there really has, in my opinion, got to be a greater understanding of the fact that just the two parties doesn't satisfy the real need to have appointments from the Minority.

It would be very possible that one of the parties might win both houses and if

we kept this kind of situation, we would not have participation from a significant number of representatives who are in the Legislature representing large numbers of people, and so in voting no, it's out of no disrespect to the Majority in this house. It's just a general feeling that there should be full participation at all levels of the Legislature and by all conferences and, therefore, that better enables us to have a real representation of all of the membership.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1367 are Senators Abate, Connor, Dollinger, Gentile, Leichter, Montgomery, Onorato and Paterson. Ayes 50, nays 8.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1370, by Senator Trunzo, Senate Print 5103-A, an act to amend Chapter 683 of the Laws of 1995.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator

Trunzo, an explanation has been requested by Senator Leichter.

SENATOR TRUNZO: Mr. President, what this bill does is, as members of this house know, back in 1993, we passed an administrative review bill which had to do with all this individual type of legislation where different individuals for one thing or another -- the one bill that Senator Gold constantly refers to as the Trunzo bill, but at any rate, in 1995, we amended that bill because originally we wanted to socialize the cost of the -- you know, the various independent items and it happened where there was a case that came up in Senator Cook's district where the amount of money that the town had to pay to justify an error that was made way back when was higher than the town budget and in June of 1995, we passed legislation to socialize everything retroactively to 1993 that had been done in that Section 803 of the Civil Service Law.

Now -- what we're doing now is extending that and making it permanent, so to speak, to all the sections that are out there now, all the cases that still have not been

resolved even though the window closed in October.

So to do that, many of the municipalities, because of the cost involved, are not permitting their employees to make the adjustments that should be made to their pension systems. So by socializing it, they will accept it as it has been done from 1993 to 1995. Now we're continuing it on until they satisfy their employees.

SENATOR LEICHTER: Mr. President, if Senator Trunzo will yield.

SENATOR TRUNZO: Yes.

SENATOR LEICHTER: That's an interesting euphemism. We're socializing the costs.

SENATOR TRUNZO: Well, the term "socializing" has been used. Owen said I'm getting to be a liberal.

SENATOR LEICHTER: You're asking somebody to pay somebody's costs and that's socializing them by spreading the expense around?

SENATOR TRUNZO: This is what we do with most of our pension legislation bills,

where all employers involved share in the cost. That's called socializing and that's the terminology that's used, Senator, and what has happened is that the cost has gone so astronomical in certain areas where the original employer, where the error was made, that in 1995, we did change the law to socialize the cost retroactive to the date of the original bill which was in 1993 and the only reason it wasn't socialized originally is because Governor Cuomo didn't want to do it that way because that's the way we originally had it. The Senate and the Assembly, when we both did that bill over, you know, lots of years of work, wanted the participat... the original employer, period, to pay the cost of the change that they themselves made in error.

So what we're doing is extending it now from June of 1995 to whatever current date because of that, I believe close to 4,000 applications that the Comptroller is still holding onto, the decisions have not been made to change whatever -- you know, to make their decisions because the employers -- various employers will not submit the paperwork even

though the applications were made for correction of their pension problems, would not submit the paperwork because they figure they're going to cost them too much money and since we did socialization once before, we want to continue to do it again so that these cases can be resolved.

There are no further cases open because the window did close in October of 1996 and there have been no objections to this.

SENATOR LEICHTER: Mr. President, if Senator Trunzo will yield, please.

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

SENATOR TRUNZO: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR LEICHTER: Senator, we're talking about the system that we set up in order to enable employees to appeal to the Comptroller if there was some correction that they felt they needed to make in their pension system and that -- the expense of that has really run into the millions?

SENATOR TRUNZO: It's run into -

a large cost to various employers and, as I stated before, back in 1995, Senator Cook came to our office and -- I don't want to give you the picture, Charlie, but the Senator did come into the office where a town, to make an adjustment, cost higher than their town budget and they couldn't afford to do it and we did the legislation in June of 1995 that made it retroactive for all the cases that were on file up 'til that date and in all fairness now for any of the future ones that the Comptroller has not handled, we want that to continue on so they can relieve these 4,000 cases that are still pending.

ACTING PRESIDENT KUHL: Excuse me, Senator Trunzo.

Senator Cook, why do you rise?

SENATOR COOK: Mr. President, would the Senators yield and I would be glad to enter a little explanation.

SENATOR LEICHTER: Sure.

ACTING PRESIDENT KUHL: Senator, which Senator are you asking to yield?

SENATOR COOK: Well, whichever one has the floor.

ACTING PRESIDENT KUHL: Senator Leichter has the floor.

SENATOR COOK: Okay.

ACTING PRESIDENT KUHL: Senator Leichter, do you yield to a question from Senator Cook?

SENATOR COOK: Senator, the justification for socializing, in other words, putting it as we do with all insurance, you buy an insurance policy and everybody who's covered by that insurance is included at a common premium which is basically the principle of the following, but just as a matter of explanation, what happened in this particular instance, the fellow who was involved was the town health officer. He happened to be a physician in an adjoining town and he worked at a salary of $500 a year. He was subsequently appointed by a different county even to be the county -- head of the county Health Department at a salary of $50,000 a year. When he made his appeal, which was well founded and it was decided that, in fact, he was entitled to this, the error had been made by the town which had the salary of $500 but they had to pay the premium based on

his $50,000 salary in the other county for all the years that he had worked for them and that's why the town ended up with an astronomical amount of money which, of course, was not based on anything that had been in their budget.

That's the reason why there are so many of these individual cases involved in this, that it makes a lot more sense just to spread it across the board.

SENATOR LEICHTER: Thank you, Senator Cook.

If Senator Trunzo will yield. Senator, you said one thing that disturbed me. We've closed the window now, the application -

SENATOR TRUNZO: Section 803 of the Civil Service Law -- of the Pension Law expired on October of 1996. In other words, there's nobody else who can put in applications to make change and that may be some reason why you're seeing some individual bills coming out here again that you have questioned in the past -- over the past year or so, but what has happened is the fact that the window is closed, there are still applications pending in the Comptroller's office and the Comptroller is

putting -- has a socializing bill, as it's called, also on the same issue to extend it so that these cases can be resolved as they have been between 1993 and 1995 when we did the so-called socialization of all those costs.

SENATOR LEICHTER: So this -

SENATOR TRUNZO: So we're just extending it for those applicants that are still waiting.

SENATOR LEICHTER: Senator, if you'll continue to yield. As I understand it, by asking all the employers, every participating employer in the system will be charged some amount, I guess, a percentage of the -

SENATOR TRUNZO: Yeah, a percentage.

SENATOR LEICHTER: -- payments that they make to the pension system in order to cover the costs of processing these applications.

SENATOR TRUNZO: Yes, that's right.

SENATOR LEICHTER: Senator, I have one suggestion and I want to hear your comment on it. How about since we're

socializing, spreading the costs around, how about socializing the costs in the Legislature of printing and acting on all of these bills. Why don't we pass that on to all the employers too?

SENATOR TRUNZO: I think Senator Bruno does that.

SENATOR LEICHTER: Thank you.

ACTING PRESIDENT KUHL: Read the last section.

Senator Dollinger.

SENATOR DOLLINGER: Will Senator Leichter yield to just a quick question? Is this, in fact, the first case, Senator Leichter, where we may be voting on a piece of socialist legislation from the other side of the aisle in your career here, your 25 years here?

SENATOR LEICHTER: Senator, I learned a new word and I like the idea that if you can spread some of the expense that you might have to pay on to somebody else, you're just socializing it. I would like to try that with some of my colleagues.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1378, by Senator Johnson, Senate Print 5492-A, an act to amend the Real Property Tax Law.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: Senator Johnson, an explanation of Calendar Number 1378 has been asked by Senator Dollinger.

SENATOR JOHNSON: Mr. President, this bill would extend a real property tax break exemption up to 50 percent -- up to 45 percent for people who are disabled with essentially the same income formula as presently exists for senior citizens.

This was done last year and got a veto by the Governor. It passed both houses. Because he objected to some parts of that bill, this bill has been revised. It's overcome his

objection, clarified a lot of questions that I think were addressed and this is necessary to be done because in many cases the income of these people isn't an awfully lot more than the taxes on their house.

Now, if they were 65 or older they could get the exemption but if they're in their 30s, 40s or 50s and they're disabled with low incomes, they're many times forced out of their homes because of the taxes.

Now, there's no state cost to this. It would have to be up to the localities, of course, to grant this exemption and you and I and everyone else who are paying the full taxes will naturally pick up that difference, and so it's a question of whether the localities want to do it or not, but I think it's a good thing, long overdue to help out disabled people of low incomes so they can remain in their homes.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will Senator Johnson yield just to one question?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT KUHL: Senator Johnson, do you yield to just one question? The Senator yields.

SENATOR DOLLINGER: Do you know what -- if this were implemented across the state, fully implemented, all the people that have disabilities, do you know what the cost would be to local communities?

SENATOR JOHNSON: I do not know that.

SENATOR DOLLINGER: Okay. Because I assume this bill would work the same as other exemptions, that is, whatever tax is exempted for disabled people would then be -- to use Senator Trunzo's term, would then be socialized to everybody who pays taxes, is that correct?

SENATOR JOHNSON: Yes. Most of us here would be picking that up, no doubt about it but, quite frankly, I and others have heard so many tragic stories about people forced out of their homes. Maybe there's a disabled person in the family, a spouse dies who had the income. This person who is in there cannot keep the home, no place to go, and I don't think

there would be very many of them in any community because there are strict limitations on who the person is on -- the disabled person, they must be certified to receive SSI or SSDI, retirement, and so forth, a certificate from blind, visually disabled, and so on. It's not that you want to get a parking space for the disabled. I got a little trouble with my heart. You have to really be disabled and living only on that income essentially.

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

ACTING PRESIDENT KUHL: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I agree with this bill from Senator Johnson. I'm going to vote in favor of the bill. I do think it would be helpful to have some estimate of what the cost of these exemptions would be to local communities so that we know how much of that tax we're going to end up socializing as we spread it around to others on the tax base.

It seems to me that it's a good idea. It perpetuates the notion that disabled people will be able to continue to live in their

homes, which I think everybody acknowledges is a good idea, but we should have some fiscal understanding, and I think perhaps fiscal conservatism as distinguished from socializing the cost would give us a better sense of what we're doing, even though I think it's the right thing to do.

SENATOR JOHNSON: I think Senator Leichter is really very sensitive to the fact that this side of the aisle on these two bills is taking away a lot of the Democrat agenda but we don't really intend to do that.

I think the problem is, though, first of all, the localities can opt into the maximum of eighteen-five or they can go up to the twenty-six eight ninety-nine. They don't have to take the higher limits. So they can control to a great extent what they do.

Upstate some communities are still using a low limitation for the present senior citizen property taxes. Of course, in their communities, not many people make more than $18,000 or $20,000. So it's really up to the localities to do it and we can't predict how many are out there now and what level of

exemption might be adopted by the communities. So it's very difficult to contemplate what that figure would be right now. Someone somewhere might be able to figure it out. I don't think it's a simple thing to do and the way it impacts on communities depends upon the actions of those communities.

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

Senator Leichter, why do you rise?

SENATOR LEICHTER: If Senator Johnson will yield, please.

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

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Senator, I would be happy to have you take over all my program. You seem to be much more skillful than I am in getting bills passed, but what I'm concerned about about your bill is I don't think

it's totally complete. You deal with homeowners but how about renters? How about disabled renters and allowing municipalities to give them a break?

SENATOR JOHNSON: Of course, there are other programs out there which would affect renters, for example, circuit breaker programs, and so forth, which would affect renters but I would say, Senator, that in my experience, a homeowner and renter are different in one respect, that the taxes on tenants are generally a lot less than on homeowners. So, in other words, it wouldn't impact on them as much.

SENATOR LEICHTER: Senator, if you would just yield to one more question.

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

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Senator, the renters pay for the real estate tax as part of their rent. So it's certainly a burden on them

and, in fact, we have a program for elderly renters which allows municipalities to give them a break, and I would just suggest that you ought to extent your program to give that power to the municipalities, city of New York, other municipalities that have a lot of renters, if they wanted to, as they do for senior citizen renters, to give assistance and a subsidy, if you will, to disabled renters. It's easy enough to do and it would be a fair way of proceeding. It would make this a better program.

SENATOR JOHNSON: Senator, I don't -- at this point I can't express any particular opposition to it if that's a real problem. However, that's not in this bill and perhaps I would be concerned about Senator Dollinger's observation that we don't know what this is going to cost and maybe in the future, Senator, we can extend it to that group as well.

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

THE SECRETARY: Section 3. This act shall take effect on the second day of January.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Waldon, why do you rise?

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

I rise because on other business of the Senate, I was out of the chamber when this august body considered 1082, 1335 and 1367. I respectfully request unanimous consent to be recorded in the negative on each of those.

ACTING PRESIDENT KUHL: Without objection and hearing no objection, Senator Waldon will be recorded in the negative on Calendar 1082, 1335 and 1367.

The Secretary will continue to read the controversial reading of Supplemental Calendar A -- 58-A.

THE SECRETARY: Calendar Number 1379, by the Senate Committee on Rules, Senate Print 5506, an act in relation to granting Tier 1 retirement status.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: Senator Holland, in the absence of Senator Rules, who would you like to explain Calendar Number 1379?

SENATOR HOLLAND: Mr. President, this legislation would grant Tier 1 retirement status to certain public employees who failed to timely join the state employment retirement system.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Will Senator Holland yield to a question?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Senator, this is the obvious question whenever we get one of these bills and it doesn't have a name attached to it, who is this person and what, if any, relationship does this person have to this Senate or any person in it, do you know?

SENATOR HOLLAND: I'm Senator

Holland. This is Senator Rules. I'm just a stand-in, Senator.

SENATOR DOLLINGER: I understand that, Senator Holland. I appreciate it. Most of these bills, when we do specific pension bills, apply to one only person and that person is named and I needed to ask.

SENATOR HOLLAND: I think it does, but I don't have the answer to that. I can get that for you.

SENATOR DOLLINGER: Could we lay the bill aside until we have the name of the person who's actually -

SENATOR HOLLAND: Well, I would rather not.

SENATOR DOLLINGER: I've got the floor, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger, the floor is yours. Would you like Senator Holland to yield to another question or would you like to speak on the bill?

SENATOR DOLLINGER: Well, I would love to have him yield to another question, Mr. President.

ACTING PRESIDENT KUHL: Senator

Holland, do you yield to another question from Senator Dollinger?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: We've done a lot of these individual pension bills. We've set up a process which Senator Trunzo mentioned a couple minutes ago to try to deal with this problem and not bring special individual bills. I believe every other time -- I can remember one exception which unfortunately ended up being a rather unfortunate exception to this practice - which caused a great deal of consternation and a great deal of after the fact finger pointing and all kinds of other things and it seems to me that we need to know who this is before I could cast anything near an intelligent vote on this.

I don't mean to put you on the spot or any of the other members, but I think it's only fair and consistent with our past practice we know who this is, and I would ask you again if we would lay this bill aside until we know who it is.

SENATOR HOLLAND: I would rather

not, Senator. I would like to tell you one other thing, though. The employee is willing to pay the entire cost here.

SENATOR DOLLINGER: Again through you, Mr. President.

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

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: Can I assume from that that this employee is willing to pay the entire cost because this is significantly beneficial to this employee whether he pays the cost or not?

SENATOR HOLLAND: I would imagine so, sir.

SENATOR DOLLINGER: I would imagine the same thing. I would like to know who we're giving this big, huge benefit to. You understand, Senator. I'm a fiscal conservative, as I think you are. Before I spend the state's money or deal -- dole it out of the pension fund, I'd like to know who this person is. Obviously this person had the ability under

Senator Trunzo's bill to file a request for readmission to the pension system, and I would just ask that someone grant us an explanation of who this person is.

SENATOR HOLLAND: Lay the bill aside, please.

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

THE SECRETARY: Senator Holland, that completes the, for the moment, the controversial reading of Supplemental Calendar 58-A.

SENATOR HOLLAND: That completes -- I'm told there's one more, Mr. President 13... 1336, Senator Waldon's bill.

Mr. President, lay that bill aside, please.

ACTING PRESIDENT KUHL: What's your pleasure at this point, Senator Holland?

SENATOR HOLLAND: Return to reports of standing committees for a report of the Rules Committee, Mr. President.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees. There is a report from the Rules

Committee meeting just a couple hours ago that's at the desk.

I'll ask the Secretary to read.

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

Senate Print 282, by Senator Kuhl, an act to amend the Tax Law;

1173, by Senator Maltese, an act to amend the Retirement and Social Security Law;

1416-B, by Senator Wright, an act to amend the Tax Law;

2487, by Senator Spano, an act to amend the Correction Law;

4000-A, by Senator Present, an act to amend the Executive Law;

4121-A, by Senator Holland, an act to amend the Social Services Law;

4126, by Senator Marcellino, an act to amend the Environmental Conservation Law;

4252, by Senator Johnson, an act to amend the Local Finance Law;

4419, by Senator Farley, an act to amend the Civil Service Law;

4766, by Senator Levy, an act to

amend the Penal Law;

4847, by Senator Meier, an act to amend the Retirement and Social Security Law;

5003-A, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

5075, by Senator Marcellino, an act to amend the Education Law;

5297, by Senator Stachowski, an act to permit the reopening of the optional 20-year retirement plan;

5328, by Senator Marchi, an act to amend the Retirement and Social Security Law;

5372-A, by Senator Spano, an act to amend the Social Services Law;

5422, by Senator Velella, an act to amend the Family Court Act;

5440, by Senator Meier, an act to amend the Retirement and Social Security Law;

5525, by Senator Volker, an act to amend the Criminal Procedure Law and others;

5544, by Senator Nozzolio, an act to amend the Vehicle and Traffic Law;

5552-A, by Senator Goodman, an act to amend the Tax Law;

5554, by Senator Libous, an act

to amend the Insurance Law;

5559, by Senator Goodman, an act to amend the Charter of the city of New York;

5584, by Senator Oppenheimer, an act to amend the Vehicle and Traffic Law;

5598, by the Senate Committee on Rules, an act to amend the Insurance Law; and

3836, by Senator Gentile, an act authorizing the city of New York.

All bills ordered direct for third reading.

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Mr. President, can we now take up the non-controversial portion of this calendar.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Rules report is accepted.

The bills are ordered directly to

third reading.

The Secretary will call the non-controversial Supplemental Calendar 58-B.

THE SECRETARY: Senator Kuhl moves to discharge from the Committee on Rules Assembly Bill Number 197 and substitute it for the identical Third Reading Calendar 1395.

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

THE SECRETARY: Calendar Number 1395, by member of the Assembly Schimminger, Assembly Print 197, an act to amend the Tax 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 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1397, by Senator Wright, Senate Print 1416-B, an

act to amend the Tax Law, in relation to adding mining.

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.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1398, by Senator Spano, Senate Print 2487, an act to amend the Correction Law, in relation to the custody and supervision.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Yes, Senator Leichter. Why do you rise?

SENATOR LEICHTER: What happened to Calendar Number 1396?

ACTING PRESIDENT KUHL: It was laid aside. You requested it be laid aside.

SENATOR LEICHTER: I don't think you ever read it.

ACTING PRESIDENT KUHL: Wait a minute. Excuse me. I'm mistaken.

Senator Leichter, that bill - well, you have the bill on your supplemental calendar. There are several bills that are not going to be taken up on the calendar. In other words, there's an active list and there's a non-active list and I'll provide for the benefit of the members those bills which will not be taken up. Those will be Calendar Number 1396, which was passed by, Calendar Number 1405, Calendar Number 1409, Calendar 1420, 1421 and 1422. They are not on the active list and will not be read.

SENATOR LEICHTER: And they will not be taken up today, is that correct?

ACTING PRESIDENT KUHL: They will

not be taken up today. So Calendar Number 1396 was not read. So at this point Calendar Number 1395 has been passed. 1396 was not read. Calendar Number 1397 by Senator Wright was laid aside and we're on 1398.

SENATOR TULLY: Mr. President - Mr. President.

ACTING PRESIDENT KUHL: Calendar Number 1398 was passed. Excuse me.

SENATOR TULLY: Point of information, Mr. President.

ACTING PRESIDENT KUHL: Yes, sir.

SENATOR TULLY: I may be wrong, but I think there was a lay aside request for 1396 and not for 1397. Perhaps you might want to call 1397 again. I'm sorry. I stand corrected.

Thank you.

ACTING PRESIDENT KUHL: Is everybody clear on where we are on the calendar? 1395 passed. 1397 was laid aside. 1398 passed. We're now going to call 1399.

THE SECRETARY: Calendar Number 1399, by Senator Present, Senate Print 4000-A,

an act to amend the Executive Law, in relation to the registration requirement.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1400, by Senator Larkin, Senate Print 4072-B - Calendar Number 1401, by Senator Holland, Senate Print 4121-A, an act to amend the Social Services Law, in relation to establishing.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay Calendar Number 1401 aside.

THE SECRETARY: Calendar Number 1402, by Senator Marcellino, Senate Print 4126, an act to amend the Environmental Conservation Law, in relation to the removal.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1403, by Senator Johnson, Senate Print 4252, an act to amend the Local Finance Law, in relation to installment.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1404, by Senator Farley, Senate Print 4419, an act to amend the Civil Service Law, in relation to unused sick leave.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1406, by Senator Meier, Senate Print 4847, an act to amend the Retirement and Social Security Law, in relation to retirement of sheriffs.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: 1407, by Senator Trunzo, Senate Print 5003-A, an act to amend the Retirement and Social Security Law, in relation to making application.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1408, by Senator Marcellino, Senate Print 5075, an act to amend the Education Law, in relation to the frequency of the posting.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1410, by Senator Marchi, Senate Print 5328, an act to amend the Retirement and Social Security Law, in relation to crediting and transfer.

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

THE SECRETARY: Section -

SENATOR DOLLINGER: Lay it aside, Mr. President.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1413, by Senator Velella, Senate Print 5422, an act to amend the Family Court Act, in relation to modifying the existence of exemption.

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

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1414, by Senator Meier, Senate Print 5440, an act to amend the Retirement and Social Security Law, in relation to the transfer.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1415, by Senator Volker, Senate Print 5525, an act to amend the Criminal Procedure Law and others, in relation to the collection of financial obligations.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1416, by Senator Nozzolio, Senate Print 5544, an act to amend the Vehicle and Traffic Law, in relation to providing for an 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.)

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

THE SECRETARY: Ayes 57, nays 1, Senator -- ayes 56, nays 2, Senators Leichter and Onorato recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1417, by Senator Goodman, Senate Print 5552-A, an act to amend the Tax Law, in relation to exemption.

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

THE SECRETARY: Section 18 -

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1419, by Senator Goodman, Senate Print 5559, an

act to amend the Charter of the city of New York, in relation to the power.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Larkin, can we return to motions and resolutions. We have a bill that we need to amend.

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Spano, on page number 2, I offer the following amendments to Calendar Number 1411, Senate Print Number 5372-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The

amendments to Calendar Number 1411, which is on Calendar Number 58-B, are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Larkin, what's your pleasure?

SENATOR LARKIN: Can we now start on the controversial calendar, please, Mr. President.

THE SECRETARY: Calendar Number 1397, by Senator Wright, Senate Print 1416-B, an act to amend the Tax Law.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Wright, an explanation has been requested by Senator Leichter.

SENATOR WRIGHT: The bill amends the Tax Law to include that -- the mining industry and the reimbursements that are eligible under the manufacturing exemption of the petroleum business tax. In '96, we amended the petroleum business tax to provide for a series of exclusions for manufacturing. At that time mining was not included. This adds mining. It has a projected fiscal impact of

$80,000.

SENATOR LEICHTER: Mr. President, would Senator Wright yield, please?

ACTING PRESIDENT KUHL: Senator Wright, do you yield to a question from Senator Leichter?

SENATOR WRIGHT: Yes, I will, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Senator, do you have any figures as to what the dollar amount of this exemption is going to be, to what extent it's going to reduce state revenue?

SENATOR WRIGHT: Yes. $80,000, as I indicated in my initial response, that's the annual estimate.

SENATOR LEICHTER: That's the annual amount and, Senator, is -- if you would yield for another question.

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

SENATOR WRIGHT: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Do you know how many mining and extraction companies there are in the state that could avail themselves of this exemption?

SENATOR WRIGHT: I do not know the exact number. I know one that serves in my district. Beyond that, I estimate that it's probably less than a dozen throughout the state.

SENATOR LEICHTER: All right. Senator, if you would continue to yield.

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

SENATOR WRIGHT: Yes, I will.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR LEICHTER: What is the justification for giving this tax benefit to that company in your district? Why should we help that particular employer or business rather than some other employer business, or maybe we ought to give this exemption to everybody who uses motor fuel.

SENATOR WRIGHT: Well, in fact, it was extended to most manufacturers in the state who use number 10 petroleum fuel. At the

time mining was one of the few not included. So, in fact, most manufacturers who use number 2 oil, in fact, are already in receipt of this exemption. So we're simply adding the mining industries to that.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Senator Wright, I thank you for that answer. Maybe that makes it clearer to me, but I was not aware that this exemption, in fact, is available to all manufacturers or you say almost all manufacturers in the state that use this particular form of oil, of motor fuel oil?

SENATOR WRIGHT: Thank you.

In 1996 when we did a series of business tax reform, one of which was the reform of the petroleum business tax, there were specific exemptions provided for manufacturers using number 2 petroleum oil. One of the few industries not included was the mining and extraction business.

SENATOR LEICHTER: Okay. Thank you.

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 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1401, by Senator Holland, Senate Print 4121-A, an act to amend the Social Services Law, in relation to establishing.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Holland, an explanation has been requested on Calendar Number 1401.

SENATOR HOLLAND: Mr. President, this an idea for a bill I picked up at a National Conference of State Legislators meeting and it is an existing program in the state of Minnesota.

The bill establishes a family loan demonstration program to provide small, no

interest loans to low income custodial parents who are working or enrolled in post-secondary education to help pay for certain unanticipated expenses that could interfere with the ability of the parent to maintain employment or continue education.

This is what was asked for in many of our hearings throughout the state of New York, small loans that would be available to people so that they might not have to go on welfare and it is a public and private partnership. The state would put up $300,000 for some non-profits to operate these loan programs and the money would come from foundations.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Would Senator Holland yield just to one question.

Senator, what I was interested in was the amounts that were involved. You say the amount of the -- of this revolving loan fund is going to be $300,000?

SENATOR HOLLAND: The money has to be appropriated but that would be the state

requirement, $300,000 and that would establish about four or five sites throughout the state of New York for non-profits. The money for the loans themselves, the revolving loans would come from lending institutions or from foundations.

SENATOR LEICHTER: If you would yield for another question.

SENATOR HOLLAND: Yes.

SENATOR LEICHTER: So the $300,000 goes to set up the mechanism by which people would be informed, would be directed to.

SENATOR HOLLAND: Correct, administrative costs.

SENATOR LEICHTER: Lending institutions and none of this money would be used, I take it then, in giving either direct loans or underwriting or guaranteeing the loans.

SENATOR HOLLAND: Not the state money, no, sir.

SENATOR LEICHTER: Right.

SENATOR HOLLAND: That would be administrative costs to set up the program.

SENATOR LEICHTER: It seems like a good program. I just question whether it's

sufficiently funded and whether -- is there any sense or any study that the lending institution will actually provide loans?

SENATOR HOLLAND: I'm told that lending institutions want to get credit under the Federal Community Reinvestment Act and, therefore, they would put up the money for this and also there are -- the McKnight Foundation has put up money for this in Minnesota and we expect that they do the same thing here. We had requests from other organizations in different areas of the states to do the program. In Albany, the Family and Children Services of Albany, in New York City, the Community Service Society of New York and the Jewish Board of Family and Children Services and in Rochester, the Catholic Family Center and the Family Center of Rochester and we have a letter from them.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Senator Holland, let me just tell you, I think it's a good program but I think it's woefully underfunded but we ought to give it a try.

SENATOR HOLLAND: It's only a beginning.

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

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, will the sponsor yield to just one question?

ACTING PRESIDENT KUHL: Senator Holland, do you yield? The Senator yields.

SENATOR DOLLINGER: As I understand it, this is $300,000 that will be as seed money from a fund that would grant no interest loans; is it no interest or low interest loans?

SENATOR HOLLAND: Correct. No interest loans up to $2200 per loan.

SENATOR DOLLINGER: Under what terms would they be paid back?

ACTING PRESIDENT KUHL: Are you asking Senator Holland to yield to a second question, Senator Dollinger?

SENATOR HOLLAND: Yes. He said he only wanted one question, Mr. President.

SENATOR DOLLINGER: Mr.

President, I am.

ACTING PRESIDENT KUHL: Would you yield to a second question, Senator Holland?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Under what terms would they be paid back?

SENATOR HOLLAND: Up to two years, repayment within two years.

SENATOR DOLLINGER: Okay.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just on the bill briefly.

ACTING PRESIDENT KUHL: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I appreciate the good-hearted intent that drives this bill but, quite frankly, this is no substitute for paying people a reasonable amount of welfare benefits when they desperately need it. We're not going to take a group of people who feel guilty because they're on welfare and we're going to make them even guiltier because they're

going to borrow money from the state of New York with no interest loans and we're going to turn them all into deadbeats if they don't pay it back, one of which will be the state of New York.

With all due respect, I'm going to vote for this bill because I don't mind voting for it but it's just not a substitute for paying people if they're in desperate straits, exceedingly desperate straits where we can say to them, Come to us. If you meet the poverty test, we'll give you a reasonable stipend so that you can transition yourself in a period of time when you're down on your luck. Now we're going to say to them, Well, we're not going to give you as much as we used to but we'll loan you the money and you'll have to pay us back.

Senator Holland, I appreciate - maybe I misunderstand it. If so, please correct me, but it seems to me that this isn't a substitute for providing people with something reasonable in a period of time when they need temporary help.

SENATOR HOLLAND: I have traveled all over the state of New York and I have talked

to lots of people, and I think you're putting poor people down. Lots of people do not want to go on welfare. They would appreciate a loan that would bridge them over a situation where they might have to go on welfare and you can talk to any, I believe social services director in these counties throughout the state of New York and they will tell you that situation is correct and the letter of support comes from a CEO in Rochester, you might want to talk to her, Carolyn -- if I can pronounce her last name - Portanova.

SENATOR DOLLINGER: Carolyn Portanova. She's the president of the Catholic Family Center.

SENATOR HOLLAND: Talk to her. Talk to her.

ACTING PRESIDENT KUHL: Have you concluded, Senator Dollinger?

SENATOR DOLLINGER: Yes, Mr. President.

ACTING PRESIDENT KUHL: Thank you.

SENATOR DOLLINGER: I don't oppose this bill. I'm not going to vote against

this bill. Obviously giving loans to people who are down on their luck and have a difficult time is not a bad idea, but I just hope it's not anybody's impression here that this is a substitute for giving them the kinds of transitional benefits that they need in a period of time when they need temporary assistance from this state.

The last thing I would want to do is say to people who are in need of welfare assistance, Go ahead. Borrow money from us but you've got to pay it back some day. I understand it's well intentioned. I hope it works but let's not use it as a substitute for making sure we fulfill our commitment so that poor people in this state have the transitional benefits necessary to maintain themselves and aren't enchained for the rest of their life with the notion that they've got to pay it back.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

The Chair recognizes Senator Larkin.

SENATOR LARKIN: Mr. President, can we now return to Calendar 1336, Senate Print 2491, by Senator Waldon.

THE SECRETARY: Calendar Number 1336, by member of the Assembly Clark, Assembly Print 3898, an act to amend the Public Authorities 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 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Can we now

return to the regular order, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar 58-B in order.

THE SECRETARY: Calendar Number 1410, by Senator Marchi, Senate Print 5328, an act to amend the Retirement and Social Security Law, in relation to crediting and transferring.

SENATOR LEICHTER: Explanation.

SENATOR VOLKER: Mr. President.

ACTING PRESIDENT KUHL: Senator Volker, for an explanation.

SENATOR VOLKER: Mr. President, in keeping with my new New York City package here, let me explain this bill.

First of all, let me just say that I read the -- there was a little problem with the memo and I -- so I was -- it was explained to me that what -- the story here is that this involves a very small number of employees who had prior service with the city of New York and now are employed with the state of New York and have pension service credits that are -- apparently are what they called stranded in the New York City pension system. They get

their full credit, they would need to consolidate these credits in the New York State employ... state and local employees retirement system, in other words, the ERS.

What I guess happened here is that there was a bill passed here several years ago and required the city of New York to pass a local law which for one reason or another the city of New York did not do in this case, although apparently it did in other cases.

According to the memo, there's only a small number of employees that are involved here and, remember, these are credits that these people earned themselves and the money is in the system which is the credit of the people who are now in the state system. In other words, this is not any new money. It's already in the system and some of the people involved apparently was contributory -- made contributions because the system itself required contributions so their money is -- even their own contributions are in the system.

What this would do is move those stranded -- that stranded amount of money to the state pension system. The Comptroller says that

the fiscal impact of New York City would not apply at all because these are monies that were already earned by these people and the state system cost would be very minimal because there's only a few amount of people who were involved.

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

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1414, by Senator Meier, Senate Print 5440, an act to amend the Retirement and Social Security Law, in relation to the transfer of previous service credit.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Meier, an explanation of Calendar Number 1414 has been requested by Senator Leichter.

SENATOR MEIER: Yes, Mr. President. Current law provides that members of the State Police who have had previous service as a member of a state park police agency or a municipal police department may transfer the full retirement credit earned during that prior service into the State Police retirement plan.

This bill would expand the universe of people who may transfer that credit to include employees or officers, rather, of the Department of Correctional Services.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Dollinger.

SENATOR DOLLINGER: Senator Meier, the anticipated cost of this is $180,000 for one member, is that correct?

SENATOR MEIER: That's correct. There is one -- there's a fiscal note which is appended to the bill which you have in your hand. There is one identifiable member currently within the system and that is the cost that's been provided by the state retirement system.

The bill, I would point out, would also apply to any future member who might transfer from the Department of Correctional Services to the Division of State Police.

SENATOR DOLLINGER: Again through you, Mr. President.

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

SENATOR MEIER: Yes, Mr. President.

SENATOR DOLLINGER: What is the $180,000 cost? Is that going to come out of the general fund? Who pays that?

SENATOR MEIER: The $180,000 cost, I believe, said there would be -- it would come out of the budget according to the statement from the actuary of the Division of the State Police.

SENATOR DOLLINGER: Again through you, Mr. President. Could you just tell me who this person is, who this one person is?

SENATOR MEIER: Yes, I could. The present person affected is a gentleman named Lieutenant Frank DeGennaro, who is presently a

lieutenant in the Department of Correctional Services and there may be other people who are unidentified and any future people obviously cannot be identified who might exercise the option to be transferred.

SENATOR DOLLINGER: And again through you, Mr. President, I apologize. I'm just missing something. Why is the cost so large? That's a huge amount of money to be placed in the pension system.

SENATOR MEIER: I can only -- I have the letter -- the fiscal impact note from the New York State retirement system. I can only assume that the cost is such because of the amount of credit being transferred. The fiscal note doesn't give us anything more than the cost. It doesn't perform the calculations.

ACTING PRESIDENT KUHL: Senator Dollinger, do you wish to speak on the bill?

SENATOR DOLLINGER: No. Again through you, Mr. President. If I can just ask another question.

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

SENATOR MEIER: Yes, Mr.

President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Is the $180,000 transferred from one pension system to another, or is it new cash coming into the pension system out of the general fund?

SENATOR MEIER: The fiscal note indicates that this is a past service cost of approximately $180,000. It's my understanding that it would not be a transfer and that the prior -- that the funds contributed for the prior service credit would remain within that retirement system.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Again through you, Mr. President, if Senator Meier will yield to just one other question.

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

SENATOR MEIER: Of course, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: Does this mean the individual will get a pension from one of the pension systems and we're buying him $180,000 worth of credit in the other pension system?

SENATOR MEIER: No. Once the credit is transferred, there can be no pension from the other system because there's no credit in it to cause a pension to vest.

SENATOR DOLLINGER: Again, I'm just trying to understand.

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

SENATOR MEIER: Of course, Mr. President.

SENATOR DOLLINGER: What I'm trying to understand, is this $180,000 of new money, or are we getting $180,000 in the treasury from forfeiture from the other pension system that will be used to buy these new purchase credits?

SENATOR MEIER: My understanding is that the bill occasions a new expense of $180,000 and that the funds placed into the earlier pension system are, in effect,

stranded.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I'm confused. I'm going to vote, I guess in my confusion, but I think it's an awful lot of money coming out of the general fund for one person.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1415, by Senator Volker, Senate Print 5525, an act to amend the Criminal Procedure Law, the Tax Law and the Judiciary Law.

SENATOR VOLKER: Mr. President.

ACTING PRESIDENT KUHL: Senator

Volker, for an explanation.

SENATOR VOLKER: Senator, this bill is a Department of Probation program bill and it provides an automated -- a new kind of system for the collection of outstanding financial obligations that are connected in connection with criminal proceedings and youthful offender adjudications.

It's no secret that the state has had a problem for some years in collecting fines, and I guess I would have to say this has been true especially in the city of New York, where hundreds of thousands of dollars in fines, in some cases, have been uncollected and in some cases there are obligations outstanding and it's been said that there are people or groups that have money but for one reason or another there has not been the ability to collect that money and, in fact, if my recollection is correct, over the years we have, in effect, put money in the budget in anticipation of collections and that has not come to fruition.

As I understand this, this is, in effect, setting up a new modernized system for collecting those fines and this does not raise,

by the way, any fines or fees or anything of that nature.

What this bill does is just set up a better system for collecting those fees and provides an amnesty program in certain cases and, in other words, it's an entire revamping of the system for collecting fees, and so forth, that are due the state of New York in criminal cases and in youthful offender cases.

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

THE SECRETARY: Section 9. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1417, by Senator Goodman, Senate Print 5552-A, an act to amend the Tax Law, in relation to exemption.

SENATOR DOLLINGER: Explanation.

SENATOR LARKIN: Lay it aside, Mr. President.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

SENATOR LARKIN: Any house keeping, Mr. President?

ACTING PRESIDENT KUHL: We have some. Can we return to the order of motions and resolutions, Senator Larkin. We have a motion. Return to the order of motions and resolutions.

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Hannon, please remove the sponsor's star from Calendar Number 495.

ACTING PRESIDENT KUHL: The star on Calendar Number 495 will be removed at the request of the sponsor.

SENATOR MARCELLINO: Thank you, sir.

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Would you please

recognize Senator Montgomery, Mr. President.

ACTING PRESIDENT KUHL: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I would like unanimous consent to be recorded in the negative on Calendar 1381.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Montgomery will be recorded in the negative on Calendar Number 1381.

Senator Larkin.

SENATOR LARKIN: Mr. President, would you lay Senator Goodman's bill, 1417 aside for the day.

ACTING PRESIDENT KUHL: Calendar Number 1317 will be laid aside -- excuse me - 1417 will be laid aside for the day.

Senator Larkin.

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

SENATOR GENTILE: Mr. President.

ACTING PRESIDENT KUHL: Senator Gentile.

SENATOR GENTILE: Mr. President,

earlier today there was a vote on a confirmation -- on a reappointment to the Metropolitan Transportation Authority. I just wanted to put on the record, if possible, just my vote and my explanation, my -- of my vote on James Simpson.

I vote in the affirmative on Mr. Simpson but I must say, as a Staten Islander, I would naturally be inclined to vote for him but that's really not the reason that I voted in the affirmative.

Actually given the Transit Authority record in my Brooklyn end of my district, which is atrocious, Mr. Simpson would not get my vote, but I am voting in the affirmative for Mr. Simpson on the basis that he has publicly stated that he is in support of the express bus fare campaign for the Staten Island Express buses.

That public statement will give me -- will give him the benefit of the doubt in my eyes. However, just a public statement of support for the half fare campaign on Staten Island is not enough.

Mr. Simpson is in the position to now make a motion to the MTA board to institute

that half fare discount on the express buses beginning this summer on Staten Island.

I look forward, with vigilance, to be sure that Mr. Simpson, who's now stated publicly he supports this half fare discount, will now move forward and make that motion as a member of the Metropolitan Transportation Authority board.

So I vote in favor of Mr. Simpson, but I do so with some trepidation and look forward, with some anticipation, for his cooperation on the express bus fare for Staten Island.

ACTING PRESIDENT KUHL: Senator Gentile, since this is the end of session, we're trying to be as accommodating as possible. Normally you would not be allowed the opportunity to explain a vote. It would have to come in the form of a request to the entire body for unanimous consent to make a statement at that portion of the time when that opportunity is available through the normal rules and procedure. I just -- you're a new member. I understand. I would just point that out for your recognition at this time.

SENATOR GENTILE: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Is this any other business at the desk?

ACTING PRESIDENT KUHL: There is none.

SENATOR LARKIN: Mr. President, I now move we adjourn until Wednesday, June the 25th, at 10:00 a.m., period.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, the Senate stands adjourned until tomorrow, Wednesday, June 25th, at 10:00 a.m.

(Whereupon, at 6:40 p.m., the Senate adjourned.)