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ALBANY, NEW YORK

June 24, 1997

1:35 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

1 P R O C E E D I N G S

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

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

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

15 Father Perkins.

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

22 ACTING PRESIDENT KUHL: The
23 reading of the Journal.

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

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

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

8 Presentation of petitions.

9 Messages from the Assembly.

10 Messages from the Governor.

11 Reports of standing committees.

12 Reports of select committees.

13 Communications and reports from
14 state officers.

15 Motions and resolutions.

16 Senator Maziarz.

17 SENATOR MAZIARZ: Thank you, Mr.
18 President.

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

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

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

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

6 The Secretary will read the
7 substitutions.

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

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

18 ACTING PRESIDENT KUHL: The
19 substitutions are ordered.

20 Senator Trunzo, why do you rise?

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

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

1 of the sponsor.

2 Senator Holland.

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

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

9 THE SECRETARY: Calendar Number
10 52, by Senator Goodman, Senate Print 419-A, an
11 act to amend the Vehicle and Traffic Law, in
12 relation to mandatory revocations.

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

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 37.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 91, by Senator Cook, Senate Print 780-A, an act
25 to amend the General Municipal Law, in relation

1 to county planning boards.

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

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 37.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 110, by Senator Present, Senate Print 765-A, an
14 act to amend the State Administrative Procedure
15 Act, in relation to compliance requirements.

16 SENATOR PATERSON: Lay it aside.

17 ACTING PRESIDENT KUHL: Lay the
18 bill aside.

19 THE SECRETARY: Calendar Number
20 125, by Senator Maziarz, Senate Print 931-A, an
21 act to amend the Education Law, in relation to
22 prohibiting the direct merchandising.

23 SENATOR PATERSON: Lay it aside.

24 ACTING PRESIDENT KUHL: Lay the
25 bill aside.

1 THE SECRETARY: Calendar Number
2 126, by Senator Cook, Senate Print 1373-A, an
3 act to amend the Executive Law, in relation to
4 the task force on school community
5 collaboration.

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

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 37.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 178, by Senator Leibell, Senate Print
18 2227-A -

19 SENATOR SMITH: Lay it aside,
20 please.

21 ACTING PRESIDENT KUHL: Lay the
22 bill aside.

23 THE SECRETARY: Calendar Number
24 193, by Senator Lack, Senate Print 1097, an act
25 to amend the Labor Law, in relation to direct

1 sellers.

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

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 37.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 224, by member of the Assembly McGee, Assembly
14 Print 1476, Senate Reprint 21001, an act to
15 amend the New York State Urban Development
16 Corporation Act.

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

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

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes 37.

25 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 280, by Senator Johnson, Senate Print 2514-A, an
4 act to amend the Real Property Tax Law.

5 SENATOR PATERSON: Lay it aside.

6 ACTING PRESIDENT KUHL: Lay the
7 bill aside.

8 THE SECRETARY: Calendar Number
9 329, by Senator Lack, Senate Print 1167, an act
10 to amend the Election Law, in relation to
11 polling places.

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

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 37.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 341, by Senator Johnson, Senate Print 2550-A, an
24 act to amend the Insurance Law and the Vehicle
25 and Traffic Law, in relation to motor vehicle

1 accident prevention courses.

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

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

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

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 348, by Senator Padavan, Senate Print 3088, an
15 act to amend the General Business Law, in
16 relation to possession and sale of drug-related
17 paraphernalia.

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

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 37.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 367, by Senator Farley, Senate Print 2734-A, an
5 act to amend the State Finance Law, in relation
6 to filing authorization.

7 SENATOR PATERSON: Lay it aside.

8 ACTING PRESIDENT KUHL: Lay the
9 bill aside.

10 THE SECRETARY: Calendar Number
11 447, by Senator Padavan, Senate Print 3070, an
12 act to amend the Penal Law, in relation to
13 possession of gambling devices.

14 SENATOR SMITH: Lay it aside.

15 ACTING PRESIDENT KUHL: Lay the
16 bill aside.

17 THE SECRETARY: Calendar Number
18 500, by Senator Leibell, Senate Print 2860-A, an
19 act to amend the Private Housing Finance Law, in
20 relation to extending the period of repayment.

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

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

25 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 37.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 501, by member of the Assembly Lopez, Assembly
8 Print 6024-A, an act to amend the Public Housing
9 Law, in relation to the procurement by housing
10 authorities.

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

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 37.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 541, by Senator Levy, Senate Print 610-A, an act
23 to amend the Vehicle and Traffic Law, in
24 relation to the seizure of license plates.

25 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 37.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 567, by member of the Assembly Eve, Assembly
13 Print 6780, an act to amend Chapter 198 of the
14 Laws of 1978.

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

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 37.

23 ACTING PRESIDENT KUHL: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 574, by Senator Leibell, Senate Print 3674-A, an
2 act to amend the Public Authorities Law.

3 SENATOR PATERSON: Lay it aside.

4 ACTING PRESIDENT KUHL: Lay the
5 bill aside.

6 THE SECRETARY: Calendar Number
7 575, by Senator Leibell, Senate Print 3731, an
8 act to amend Chapter 915 of the Laws of 1982.

9 SENATOR PATERSON: Lay it aside.

10 ACTING PRESIDENT KUHL: Lay the
11 bill aside.

12 THE SECRETARY: Calendar Number
13 604, by Senator Meier, Senate Print 3937-A, an
14 act to authorize the town of Paris to convey
15 certain parklands.

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

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

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes 37.

25 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 625, by Senator Skelos, Senate Print 1023-A, an
4 act to amend the Public Health Law, in relation
5 to requiring hospitals.

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

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes -

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

16 THE SECRETARY: Ayes 36, nays 1,
17 Senator Cook recorded in the negative.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 636, by Senator Larkin -

22 SENATOR PATERSON: Lay it aside.

23 THE SECRETARY: -- Senate Print
24 2638, an act to amend the General Municipal Law.

25 ACTING PRESIDENT KUHL: Lay the

1 bill aside.

2 THE SECRETARY: Calendar Number
3 638, by Senator Larkin, Senate Print 4174, an
4 act to amend the Business Corporation Law, in
5 relation to requiring.

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

9 THE SECRETARY: Calendar Number
10 663, by Senator Padavan, Senate Print 4047, an
11 act to amend the Penal Law, in relation to the
12 disposal of allegedly stolen motor vehicles.

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

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 40.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 710, by the Assembly Committee on Rules,

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

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

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

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 40.

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 748, by member of the Assembly Weinstein,
15 Assembly Print 7029, an act to amend the Family
16 Court Act and others, in relation to powers of
17 local Criminal Courts.

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

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 47.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 752 by Senator Goodman, Senate Print 3870, an
5 act to amend the Domestic Relations Law, in
6 relation to solemnization of marriages.

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

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

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 40.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 773, by member of the Assembly Gottfried,
19 Assembly Print 7056-A, an act to amend the
20 Public Health Law, in relation to the
21 preparation and distribution.

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

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 40.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 784, by Senator Maziarz, Senate Print 5081-A, an
9 act to amend the Social Services Law, in
10 relation to establishing rates.

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

13 SENATOR PATERSON: Lay it aside.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside.

16 THE SECRETARY: Calendar Number
17 789, by Senator Goodman, Senate Print 5161, an
18 act to amend the Arts and Cultural Affairs Law,
19 in relation to including.

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

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

24 ACTING PRESIDENT KUHL: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 40.

3 ACTING PRESIDENT KUHL: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 864, by Senator Padavan, Senate Print 4589, an
7 act to amend the Penal Law, in relation to
8 including police officers.

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

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

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 40.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 906, by Senator Goodman, Senate Print 5209-A, an
22 act to amend the Tax Law and other laws,
23 relating to the reduction of rates, enhancement
24 of credits and other matters.

25 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 40.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 907, by Senator Goodman, Senate Print 5213-A -

12 SENATOR PATERSON: Lay it aside.

13 ACTING PRESIDENT KUHL: Lay the
14 bill aside.

15 THE SECRETARY: Calendar Number
16 956, by Senator Skelos, Senate Print 340-A, an
17 act to amend the Vehicle and Traffic Law, in
18 relation to the enforcement.

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

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

23 ACTING PRESIDENT KUHL: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 40.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 958, by Senator Goodman, Senate Print 411, an
6 act to amend the Vehicle and Traffic Law, in
7 relation to restricting.

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

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 41.

16 ACTING PRESIDENT KUHL: The bill
17 is passed.

18 THE SECRETARY: Calendar Number
19 969, by Senator Padavan, Senate Print 951, an
20 act to amend the Public Authorities Law, in
21 relation to providing.

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

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 42.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 993, by Senator Levy, Senate Print 4308-A, an
9 act to amend the Public Authorities Law, in
10 relation to authorizing.

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

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 42.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1017, by Senator Levy, Senate Print 5051-A, an
23 act to amend the Vehicle and Traffic Law, in
24 relation to penalties for violating use
25 restrictions.

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

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 43.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1018, by Senator Levy, Senate Print 5134-A, an
14 act to amend the Vehicle and Traffic Law, in
15 relation to the cancellation.

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

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 44.

24 ACTING PRESIDENT KUHL: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1045, by Senator Marchi, Senate Print 3649-B, an
3 act to amend the Limited Liability Company Law
4 and others, in relation to limited liability.

5 SENATOR PATERSON: Lay it aside.

6 ACTING PRESIDENT KUHL: Lay the
7 bill aside.

8 THE SECRETARY: Calendar Number
9 1082, by Senator Marchi, Senate Print 4767-A, an
10 act to amend the Business Corporation Law, in
11 relation to the organization of professional
12 service corporations.

13 SENATOR PATERSON: Lay it aside.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside.

16 THE SECRETARY: Calendar Number
17 1128, by Senator Goodman, Senate Print 5367-A,
18 an act to amend the Alcoholic Beverage Control
19 Law, in relation to requiring notice to the
20 State Liquor Authority.

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

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

25 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 44.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1134, by Senator Kuhl, Senate Print 1828-A, an
8 act to amend the Judiciary Law, in relation to
9 increasing the number of County Court judges.

10 ACTING PRESIDENT KUHL: The
11 Secretary will call the last section.

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

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 44.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1154, by Senator Bruno, Senate Print 5254-C, an
22 act to amend Chapter 987 of the laws of 1971.

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

25 THE SECRETARY: Section 4. This

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

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 44.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1159, by Senator Skelos, Senate Print 317-A, an
11 act to amend the Insurance Law.

12 SENATOR PATERSON: Lay it aside.

13 ACTING PRESIDENT KUHL: Lay the
14 bill aside.

15 THE SECRETARY: Calendar Number
16 1217, by Senator Stafford, Senate Print 4999-A,
17 an act in relation to the extension of
18 boundaries of fire protection.

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

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

24 ACTING PRESIDENT KUHL: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 44.

3 ACTING PRESIDENT KUHL: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1323, by Senator Seward, Senate Print 4240-A, an
7 act to amend the General Municipal Law, in
8 relation to the calculation.

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

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 43, nays 1,
17 Senator Tully recorded in the negative.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1331, substituted earlier today, by member of
22 the Assembly Connelly, Assembly Print 352-B, an
23 act to amend the Insurance Law, in relation to
24 making insurance coverage.

25 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 44.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1333, by Senator Maltese, Senate Print 1704, an
12 act in relation to allowing certain Correction
13 members.

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

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 44.

23 ACTING PRESIDENT KUHL: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1334, by Senator Libous, Senate Print 1914-A, an
2 act to amend the Penal Law, in relation to the
3 provision of large quantities.

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

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

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 44.

13 ACTING PRESIDENT KUHL: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 1335, by Senator DeFrancisco, Senate Print 2430,
17 concurrent resolution of the Senate and the
18 Assembly, proposing amendments to Sections 13,
19 14 and 16.

20 SENATOR PATERSON: Lay it aside.

21 ACTING PRESIDENT KUHL: Lay the
22 bill aside.

23 THE SECRETARY: Calendar Number
24 1338, by Senator Trunzo, Senate Print 3190, an
25 act to amend the Retirement and Social Security

1 Law, in relation to providing.

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

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

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 44.

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1339, by Senator Skelos, Senate Print 3268, an
15 act to amend the Retirement and Social Security
16 Law, in relation to the retirement of ambulance
17 medical technicians.

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

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

23 ACTING PRESIDENT KUHL: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 44.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 1340, by Senator Libous, Senate Print 3620, an
6 act to authorize the city of Binghamton to offer
7 an optional 20-year retirement plan.

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

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 44.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1341, by Senator Saland, Senate Print 4342, an
21 act to amend Chapter 524 of the Laws of 1987,
22 relating to establishing.

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

25 THE SECRETARY: Section 3. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 44.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 1342, by Senator Meier, Senate Print 4583-A, an
10 act to amend the Penal Law, in relation to
11 permitting a court to impose a sentence.

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

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 44.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1343, by Senator Farley, Senate Print 4624, an
25 act to enable the county of Schenectady to

1 acquire, develop and distribute.

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

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

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 44.

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1344, by Senator Tully, Senate Print 4808-A, an
15 act to authorize Stuart L. Ain to apply for
16 retroactive membership.

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

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

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

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

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

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

10 SENATOR DOLLINGER: Mr.
11 President.

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

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

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

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

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

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

8 SENATOR DOLLINGER: Thank you,
9 Mr. President.

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

13 THE SECRETARY: Calendar Number
14 1345, by Senator Meier, Senate Print 4846-A, an
15 act to amend the Social Services Law and the
16 Family Court Act, in relation to
17 catastrophically maltreated children.

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

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 45.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1346, by Senator Saland, Senate Print 4893, an
5 act to authorize the city school district of the
6 city of Hudson.

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

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

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 45.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1347, by Senator Velella, Senate Print 5107, an
19 act to amend the Public Authorities Law, in
20 relation to increasing.

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

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

25 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 45.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1348, by Senator Trunzo, Senate Print 5159-A, an
8 act to amend the Public Authorities Law and
9 others, in relation to clarifying the status of
10 employees.

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

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 46.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 SENATOR LEICHTER: Mr. President
22 -- Mr. President.

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

25 SENATOR LEICHTER: Is Calendar

1 1333 still at the desk?

2 ACTING PRESIDENT KUHL: 1333?

3 No, it is not. It's out of the house, Senator.

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

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

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

13 ACTING PRESIDENT KUHL: Calendar
14 Number 1350, by Senator LaValle, Senate Print
15 5458-A, an act to amend the Mental Hygiene Law,
16 the Social Services Law and the Education Law,
17 in relation to transferring requirements.

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

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 46.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1351, by Senator Spano, Senate Print 5461, an
5 act to amend the Vehicle and Traffic Law, in
6 relation to authorizing a residential parking
7 system.

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

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 48.

17 ACTING PRESIDENT KUHL: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 1352, by Senator Dollinger, Senate Print 5479,
21 an act to ament the Vehicle and Traffic Law, in
22 relation to providing for a distinctive United
23 States Naval Armed Guard license plate.

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

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes -

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

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

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1354, by Senator Marcellino, Senate Print 5534,
16 an act authorizing the assessor of the county of
17 Nassau.

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

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT KUHL: Senator

1 Cook, why do you rise?

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

5 ACTING PRESIDENT KUHL: Senator
6 Marcellino's bill?

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

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

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

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

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

21 SENATOR COOK: Yes.

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

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

3 SENATOR SKELOS: Mr. President.

4 ACTING PRESIDENT KUHL: Senator
5 Skelos.

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

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

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

15 THE SECRETARY: Calendar Number
16 1355, by Senator Goodman, Senate Print 5537, an
17 act to amend the Alcoholic Beverage Control Law,
18 in relation to creating.

19 SENATOR PATERSON: Lay it aside.

20 ACTING PRESIDENT KUHL: Lay the
21 bill aside.

22 THE SECRETARY: Calendar Number
23 1356, by Senator Saland, Senate Print 5563, an
24 act to authorize the Commissioner of General
25 Services to sell and convey a certain parcel.

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

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 48.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1357, by Senator Farley, Senate Print 5581, an
13 act to amend the Vehicle and Traffic Law, in
14 relation to authorizing out of state
15 recreational vehicle dealers.

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

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 49.

24 ACTING PRESIDENT KUHL: The bill
25 is passed.

1 Senator Saland, why do you rise?

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

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

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

9 THE SECRETARY: Calendar Number
10 1358, by Senator DeFrancisco, Senate Print 5602,
11 an act to authorize and direct the state Energy
12 Planning Board to conduct a study.

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

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 49.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 Senator Libous.

24 SENATOR LIBOUS: Now, Mr.
25 President?

1 ACTING PRESIDENT KUHL: Now.

2 SENATOR LIBOUS: Thank you, Mr.
3 President.

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

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

11 Senator Smith, why do you rise?

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

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

19 THE SECRETARY: Calendar Number
20 636, by Senator Larkin, Senate Print 2638, an
21 act to amend the General Municipal Law.

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

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

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 49.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 The Secretary will read Calendar
8 Number 638.

9 THE SECRETARY: Calendar Number
10 638, by Senator Larkin, Senate Print 4174, an
11 act to amend the Business Corporation Law, in
12 relation to requiring any foreign corporation.

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

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

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

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

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

24 Senator Saland.

25 SENATOR SALAND: Thank you, Mr.

1 President.

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

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

9 Senator Maltese, why do you
10 rise?

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

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

18 Senator Marcellino, why do you
19 rise?

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

25 ACTING PRESIDENT KUHL: The

1 record will so reflect.

2 Senator Spano, why do you rise?

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

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

10 Senator Lack, why do you rise?

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

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

18 SENATOR HOLLAND: Mr. President.

19 ACTING PRESIDENT KUHL: Senator
20 Holland.

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

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

1 Number 752.

2 Senator Holland.

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

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

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

13 The Secretary will read.

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

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

1 and

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

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

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

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

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

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

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

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

25 ACTING PRESIDENT KUHL: Senator

1 Holland, on the resolution.

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

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

9 "WHEREAS, this legislative body
10 is justly proud to honor the teams from
11 Clarkstown North High School", which is in
12 Rockland county, "upon the occasion of placing
13 First, Second and Third in the National History
14 Day Contest for the entire state of New York in
15 Rochester, New York on May the 2nd through the
16 4th."

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

22 ACTING PRESIDENT KUHL: Senator
23 Holland.

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

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

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

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

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

18 SENATOR HOLLAND: Please.

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

23 (Response of "Aye".)

24 Opposed, nay.

25 (There was no response.)

1 The Resolution Calendar is
2 adopted.

3 Senator Holland.

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

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

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

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

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

23 SENATOR SPANO: Thank you,
24 Senator Stafford.

25 It is indeed my pleasure to

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

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

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

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

10 ACTING PRESIDENT KUHL: Senator
11 Marcellino, on the nomination.

12 SENATOR MARCELLINO: Thank you,
13 Mr. President.

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

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

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

4 ACTING PRESIDENT KUHL: Senator
5 Leibell, on the nomination.

6 SENATOR LEIBELL: Thank you, Mr.
7 President.

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

20 ACTING PRESIDENT KUHL: Senator
21 Oppenheimer, on the nomination.

22 SENATOR OPPENHEIMER: Thank you,
23 Mr. President.

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

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

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

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

25 So we have talked about things

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

7 ACTING PRESIDENT KUHL: Senator
8 Libous, on the nomination.

9 SENATOR LIBOUS: Thank you, Mr.
10 President.

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

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

7 ACTING PRESIDENT KUHL: Senator
8 Mendez, on the nomination.

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

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

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

1 to work with him.

2 Thank you, Mr. President.

3 ACTING PRESIDENT KUHL: Senator
4 Maziarz, on the nomination.

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

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

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

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

1 ACTING PRESIDENT KUHL: Senator
2 Johnson, on the nomination.

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

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

22 Thank you.

23 ACTING PRESIDENT KUHL: Senator
24 Hoffmann, on the nomination.

25 SENATOR HOFFMANN: I join my

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

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

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

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

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

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

13 SENATOR WRIGHT: Thank you, Mr.
14 President.

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

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

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

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

12 Thank you.

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

16 (There was no response.)

17 Hearing none, the question is on
18 the nomination of John P. Cahill to become the
19 Commissioner of Environmental Conservation. All
20 those in favor of the nomination signify by
21 saying aye.

22 (Response of "Aye".)

23 Opposed, nay.

24 (There was no response.)

25 The nominee is unanimously

1 confirmed.

2 We're very, very pleased to have
3 John Cahill in the gallery to your left with us
4 today. Commissioner, congratulations. Good
5 luck. (Applause)

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

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

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

22 The Secretary will continue to
23 read.

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

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

3 ACTING PRESIDENT KUHL: Senator
4 Stafford.

5 SENATOR STAFFORD: Thank you, Mr.
6 President.

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

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

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

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

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

1 appointment.

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

8 '75 to '79, he was director of
9 research on this Commission to Revise the Social
10 Services Laws.

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

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

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

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

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

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

18 Thank you.

19 ACTING PRESIDENT KUHL: Senator
20 Holland, on the nomination.

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

25 I'm happy to support the

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

6 We were pleased when Brian Wing
7 was named Acting Commissioner on April the 21st,
8 1995 and doubly pleased when the Governor
9 nominated Brian to serve as the official Social
10 Services Commissioner, although we had called
11 him that for years, earlier this month.

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

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

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

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

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

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

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

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

1 340,000 have been removed from New York City's
2 welfare rolls. Child support collections are
3 coming in at record levels, increasing 13
4 percent in 1996 and bringing in an additional
5 \$83 million helping families to leave the
6 welfare rolls behind and finger imaging and
7 other anti-fraud measures are restoring
8 integrity to public assistance.

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

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

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

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

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

11 ACTING PRESIDENT KUHL: Senator
12 Libous, on the nomination.

13 SENATOR LIBOUS: Thank you, Mr.
14 President.

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

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

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

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

19 ACTING PRESIDENT KUHL: Senator
20 Mendez, on the nomination.

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

25 I have never seen -- in so many

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

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

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

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

6 Thank you, Mr. President.

7 ACTING PRESIDENT KUHL: Thank
8 you, Senator.

9 Senator Farley, on the
10 nomination.

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

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

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

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

9 Brian, I wish you well.

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

13 SENATOR GOLD: Yes, Mr.
14 President.

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

17 SENATOR WRIGHT: Thank you, Mr.
18 President.

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

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

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

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

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

1 ACTING PRESIDENT KUHL: Senator
2 Gold, on the nomination.

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

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

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

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

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

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

7 Senator Gonzalez.

8 SENATOR GONZALEZ: Thank you, Mr.
9 President.

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

17 Thank you, Mr. President.

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

20 (There was no response.)

21 Hearing none, the question is on
22 the nomination of Brian J. Wing, of Rensselaer,
23 to become the Commissioner for the Department of
24 Social Services. All those in favor of the
25 nomination signify by saying aye.

1 (Response of "Aye".)

2 Opposed, nay.

3 (There was no response.)

4 The nominee is unanimously
5 confirmed.

6 We're very, very pleased to have
7 Brian Wing in the gallery to your left with us
8 today.

9 Commissioner, congratulations.
10 Good luck. (Applause)

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

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

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

21 ACTING PRESIDENT KUHL: The Chair
22 recognizes Senator Stafford.

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

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

7 ACTING PRESIDENT KUHL: Senator
8 Spano.

9 SENATOR SPANO: Thank you,
10 Senator Stafford.

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

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

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

1 nomination?

2 (There was no response.)

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

8 (Response of "Aye".)

9 Opposed, nay.

10 (There was no response.)

11 The nominee is confirmed.

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

15 The Secretary will continue to
16 read.

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

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

1 favor signify by saying aye.

2 (Response of "Aye".)

3 Opposed, nay.

4 (There was no response.)

5 The nominee is confirmed.

6 The Secretary will read.

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

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

18 (Response of "Aye".)

19 Opposed, nay.

20 (There was no response.)

21 The nominee is confirmed.

22 The Secretary will read.

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

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

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

11 (Response of "Aye".)

12 Opposed, nay.

13 (There was no response.)

14 The nominee is confirmed.

15 The Secretary will read.

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

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

1 (Response of "Aye".)

2 Opposed, nay.

3 (There was no response.)

4 The nominee is confirmed.

5 The Secretary will read.

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

11 ACTING PRESIDENT KUHL: The Chair
12 recognizes Senator Lachman.

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

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

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

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

1 Thank you.

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

5 (There was no response.)

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

11 (Response of "Aye".)

12 Opposed, nay.

13 (There was no response.)

14 The nominee is confirmed.

15 The Secretary will read.

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

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

1 (Response of "Aye".)

2 Opposed, nay.

3 (There was no response.)

4 The nominee is confirmed.

5 The Secretary will continue to
6 read.

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

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

19 (Response of "Aye".)

20 Opposed, nay.

21 (There was no response.)

22 The nominee is confirmed.

23 The Secretary will continue to
24 read.

25 THE SECRETARY: Senator Stafford,

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

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

14 (Response of "Aye".)

15 Opposed, nay.

16 (There was no response.)

17 The nominees are confirmed.

18 The Secretary will read.

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

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

6 (Response of "Aye".)

7 Opposed, nay.

8 (There was no response.)

9 The nominees are confirmed.

10 The Secretary will continue to
11 read.

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

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

23 (Response of "Aye".)

24 Opposed, nay.

25 (There was no response.)

1 The nominee is confirmed.

2 The Secretary will continue to
3 read.

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

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

15 (Response of "Aye".)

16 Opposed, nay.

17 (There was no response.)

18 The nominee is confirmed.

19 The Secretary will continue to
20 read.

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

1 Great Neck.

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

8 (Response of "Aye".)

9 Opposed, nay.

10 (There was no response.)

11 The nominee is confirmed.

12 The Secretary will continue to
13 read.

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

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

25 (Response of "Aye".)

1 Opposed, nay.

2 (There was no response.)

3 The nominees are confirmed.

4 The Secretary will continue to
5 read.

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

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

19 (Response of "Aye".)

20 Opposed, nay.

21 (There was no response.)

22 The nominees are confirmed.

23 The Secretary will continue to
24 read.

25 THE SECRETARY: Senator Stafford,

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

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

13 (Response of "Aye".)

14 Opposed, nay.

15 (There was no response.)

16 The nominee is confirmed.

17 The Secretary will read.

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

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

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

4 (Response of "Aye".)

5 Opposed, nay.

6 (There was no response.)

7 The nominee is confirmed.

8 The Secretary will read.

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

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

20 (Response of "Aye".)

21 Opposed, nay.

22 (There was no response.)

23 The nominee is confirmed.

24 The Secretary will read.

25 THE SECRETARY: Senator Stafford,

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

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

13 (Response of "Aye".)

14 Opposed, nay.

15 (There was no response.)

16 The nominees are confirmed.

17 The Secretary will read.

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

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

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

4 (Response of "Aye".)

5 Opposed, nay.

6 (There was no response.)

7 The nominees are confirmed.

8 The Secretary will read.

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

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

20 (Response of "Aye".)

21 Opposed, nay.

22 (There was no response.)

23 The nominee is confirmed.

24 The Secretary will read.

25 THE SECRETARY: Senator Stafford,

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

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

11 (Response of "Aye".)

12 Opposed, nay.

13 (There was no response.)

14 The nominee is confirmed.

15 The Secretary will read.

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

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

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

4 (Response of "Aye".)

5 Opposed, nay.

6 (There was no response.)

7 The nominee is confirmed.

8 The Secretary will read.

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

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

22 (Response of "Aye".)

23 Opposed, nay.

24 (There was no response.)

25 The nominee is confirmed.

1 The Secretary will read.

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

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

16 (Response of "Aye".)

17 Opposed, nay.

18 (There was no response.)

19 The nominees are confirmed.

20 Senator Johnson, that brings us
21 to the controversial calendar.

22 SENATOR JOHNSON: Mr. President,
23 at this time please take up Calendar Number
24 1344.

25 ACTING PRESIDENT KUHL: The

1 Secretary will read the title to Calendar Number
2 1344.

3 THE SECRETARY: Calendar Number
4 1344, by Senator Tully, Senate Print 4808-A, an
5 act to authorize Stuart L. Ain to apply for
6 retroactive membership.

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

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

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

14 (The Secretary called the roll.)

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

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

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 Senator Skelos.

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

25 ACTING PRESIDENT KUHL: The

1 Secretary will read the controversial calendar.

2 THE SECRETARY: Calendar Number
3 110, by Senator Present, Senate Print 765-A, an
4 act to amend the State Administrative Procedure
5 Act, in relation to compliance requirements.

6 SENATOR PATERSON: Explanation.

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

11 SENATOR PRESENT: Thank you, Mr.
12 President.

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

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

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

1 imposed by the state agency.

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

7 ACTING PRESIDENT KUHL: Senator
8 Leichter.

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

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

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

18 SENATOR PRESENT: Yes.

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

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

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

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

12 SENATOR PRESENT: I believe it
13 would.

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

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

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

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

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

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 54.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 125, by Senator Maziarz, Senate Print 931-A, an
24 act to amend the Education Law, in relation to
25 prohibiting the direct merchandising.

1 SENATOR PATERSON: Explanation.

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

4 Senator Paterson, did you wish an
5 explanation?

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

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

12 SENATOR PATERSON: Yes.

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

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

1 around \$500.

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

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

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

7 ACTING PRESIDENT KUHL: Senator
8 Paterson.

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

12 SENATOR MAZIARZ: Yes.

13 ACTING PRESIDENT KUHL: Senator
14 yields.

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

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

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

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

19 ACTING PRESIDENT KUHL: Senator
20 Paterson.

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

1 another question?

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

4 SENATOR MAZIARZ: Yes, I will.

5 ACTING PRESIDENT KUHL: Senator
6 continues to yield.

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

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

1 involving themselves in?

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

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

24 ACTING PRESIDENT KUHL: Senator
25 Paterson.

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

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

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

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

6 ACTING PRESIDENT KUHL: Senator
7 Lachman.

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

11 SENATOR MAZIARZ: Sure.

12 ACTING PRESIDENT KUHL: Senator
13 Maziarz yields.

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

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

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

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

13 SENATOR LACHMAN: Thank you.

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

16 The Secretary will read the last
17 section.

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 55.

24 ACTING PRESIDENT KUHL: The bill
25 is passed.

1 Secretary will continue to read
2 the controversial calendar.

3 THE SECRETARY: Calendar Number
4 178, by Senator Liebell -- by Senator Leibell,
5 Senate Print 2227-A, an act to amend the Private
6 Housing Finance Law, in relation to the powers
7 of the New York City Housing Development
8 Corporation.

9 ACTING PRESIDENT KUHL: Senator
10 Paterson.

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

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

18 SENATOR LIEBELL: Yes.

19 ACTING PRESIDENT KUHL: Lay the
20 bill aside temporarily.

21 Continue the controversial
22 calendar.

23 THE SECRETARY: Calendar Number
24 341, by Senator Johnson, Senate Print 2550-A, an
25 act to amend the Insurance Law.

1 SENATOR SKELOS: Lay aside for
2 the day.

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

5 Secretary will continue to call
6 the controversial calendar.

7 THE SECRETARY: Calendar Number
8 367, by Senator Farley, Senate Print 2734-A, an
9 act to amend the State Finance Law, in relation
10 to filing.

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

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

16 ACTING PRESIDENT KUHL: Senator
17 Farley -

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

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

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

1 bad idea, frankly.

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

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

19 ACTING PRESIDENT KUHL: Senator
20 Leichter.

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

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

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

4 SENATOR LEICHTER: If I may.

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

7 SENATOR LEICHTER: All right, Mr.
8 President.

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

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

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

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

17 SENATOR FARLEY: Thank you,
18 Senator Leichter.

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

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

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

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

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

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

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

25 SENATOR FARLEY: I like the

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

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

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

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

17 ACTING PRESIDENT KUHL: The
18 amendment is withdrawn.

19 Secretary will read the last
20 section on the bill.

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

23 ACTING PRESIDENT KUHL: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 55.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 Secretary will continue to read
5 the controversial calendar.

6 Excuse me. Senator Skelos.

7 SENATOR SKELOS: Please recognize
8 Senator Paterson.

9 ACTING PRESIDENT KUHL: Senator
10 Paterson.

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

16 SENATOR SKELOS: Please call up
17 Calendar 178.

18 ACTING PRESIDENT KUHL: Secretary
19 will read Calendar Number 178.

20 THE SECRETARY: Calendar Number
21 178, by Senator Liebell, Senate Print 2227-A, an
22 act to amend the Private Housing Finance Law.

23 ACTING PRESIDENT KUHL: Secretary
24 will read the last section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 55.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

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

10 THE SECRETARY: Calendar Number
11 447, by Senator Padavan, Senate Print 3070, an
12 act to amend the Penal Law, in relation to
13 possession.

14 ACTING PRESIDENT KUHL: Secretary
15 will read the last section.

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 SENATOR PATERSON: Mr.
23 President.

24 ACTING PRESIDENT KUHL: Senator
25 Paterson.

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

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

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

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

12 THE SECRETARY: Calendar Number
13 574, by Senator Liebell, Senate Print 3674-A, an
14 act to amend the Public Authorities Law.

15 ACTING PRESIDENT KUHL: Secretary
16 will read the last section.

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 55.

23 ACTING PRESIDENT KUHL: The bill
24 is passed.

25 SENATOR SKELOS: Mr. President, I

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

3 ACTING PRESIDENT KUHL: Calendar
4 Number 574 was just passed.

5 Secretary will read Calendar
6 Number 447.

7 THE SECRETARY: Calendar Number
8 447, by Senator Padavan, Senate Print 3070, an
9 act to amend the Penal Law.

10 ACTING PRESIDENT KUHL: Secretary
11 will read the last section.

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

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 55.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 575, by Senator Liebell, Senate Print 3731, an
23 act to amend Chapter 915 of the Laws of 1982.

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

1 has been requested by Senator Leichter.

2 SENATOR LEIBELL: O.K.

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

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

14 The extenders -- the extenders
15 are for three years.

16 SENATOR LEICHTER: Mr.
17 President.

18 ACTING PRESIDENT KUHL: Senator
19 Leichter.

20 SENATOR LEICHTER: If Senator
21 Liebell would yield.

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

25 SENATOR LEICHTER: Senator, you

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

6 SENATOR LEIBELL: This is
7 distinct from that bill.

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

10 SENATOR LIEBELL: I do.

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

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

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

22 SENATOR LEIBELL: That's correct,
23 Senator.

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

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

3 SENATOR LEIBELL: That's
4 correct.

5 ACTING PRESIDENT KUHL: Secretary
6 will read the last section.

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

9 ACTING PRESIDENT KUHL: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 55.

13 ACTING PRESIDENT KUHL: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 784, by Senator Maziarz.

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

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

21 THE SECRETARY: Calendar Number
22 907, by Senator Goodman, Senate Print 5213-A, an
23 act to amend the Tax Law, in relation to tax on
24 mortgages.

25 SENATOR LEICHTER: Explanation.

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

3 SENATOR GOODMAN: Can we just
4 take a minute?

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

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

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

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

16 SENATOR LEICHTER: Fine.

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

19 ACTING PRESIDENT KUHL: Senator
20 Goodman, for an explanation.

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

25 Many of the provisions of Article

1 11 were first enacted in 1906 or 1909, where the
2 nature of the tax imposed was changed from a tax
3 on the mortgage itself to a tax on the recording
4 of the mortgage. The provisions of Article 11
5 have not been amended adequately to reflect this
6 change.

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

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

19 ACTING PRESIDENT KUHL: Senator
20 Leichter.

21 SENATOR LEICHTER: If Senator
22 Goodman would yield please?

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

25 SENATOR GOODMAN: I will.

1 ACTING PRESIDENT KUHL: Senator
2 yields.

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

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

15 SENATOR GOODMAN: (Inaudible
16 comment).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Thank you, Mr. President.

11 ACTING PRESIDENT KUHL: Secretary
12 will read the last section.

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

16 ACTING PRESIDENT KUHL: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 55.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 SENATOR SKELOS: Mr. President.

23 ACTING PRESIDENT KUHL: Senator
24 Skelos.

25 SENATOR SKELOS: Would you call

1 up Calendar Number 1335 by Senator DeFrancisco.

2 ACTING PRESIDENT KUHL: Secretary
3 will read the title.

4 THE SECRETARY: Calendar Number
5 1335, by Senator DeFrancisco, Senate Print 2430,
6 concurrent resolution of the Senate and Assembly
7 proposing amendment to Sections 13, 14 and 16.

8 SENATOR GOLD: Explanation.

9 ACTING PRESIDENT KUHL: Senator
10 DeFrancisco, an explanation of Calendar Number
11 1335 has been requested.

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

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

1 where we're late in budgets.

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

12 SENATOR GOLD: Mr. President.

13 ACTING PRESIDENT KUHL: Senator
14 Gold.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 your members.

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

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

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

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

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

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

25 Each year this house votes on

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

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

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

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

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

25 Thank you.

1 ACTING PRESIDENT KUHL: Senator
2 DeFrancisco.

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

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

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

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

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

4 Thank you.

5 SENATOR GOLD: Mr. President.

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

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

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

12 SENATOR GOLD: You have a list.

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

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

19 ACTING PRESIDENT KUHL: Senator
20 Nozzolio has left the chamber.

21 Senator Dollinger.

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

24 ACTING PRESIDENT KUHL: Would you
25 yield? Senator yields.

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

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

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

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

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

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

8 SENATOR DeFRANCISCO: Yes.

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

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

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

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

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

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

9 SENATOR DeFRANCISCO: Yes.

10 ACTING PRESIDENT KUHL: Senator
11 continues to yield.

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

1 budget, substantially more than he's got today?

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

16 SENATOR DOLLINGER: Again through
17 you, Mr. President -

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

20 SENATOR DeFRANCISCO: Yes.

21 ACTING PRESIDENT KUHL: Senator
22 continues to yield.

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

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

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

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

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

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

25 SENATOR DeFRANCISCO: The way I

1 read the amendment, no.

2 SENATOR DOLLINGER: So we're
3 talking -

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

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

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

16 SENATOR DeFRANCISCO: Yes.

17 ACTING PRESIDENT KUHL: Senator
18 continues to yield.

19 SENATOR DOLLINGER: I read it
20 exactly that way but it does prohibit the
21 Legislature from crafting a budget after April
22 1st for that budget year, but is it your
23 intention to significantly constrict the hands
24 of the Legislature to make mid-year course ad
25 justments in the budget based on change in

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

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

17 SENATOR DOLLINGER: Right.

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

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

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

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

6 SENATOR DeFRANCISCO: Yes.

7 ACTING PRESIDENT KUHL: Senator
8 continues to yield.

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

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

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

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

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

17 SENATOR DeFRANCISCO: I do.

18 ACTING PRESIDENT KUHL: He
19 continues to yield.

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

1 SENATOR DeFRANCISCO: A one-year
2 extender?

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

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

7 SENATOR DOLLINGER: Yes.

8 SENATOR DeFRANCISCO: No. April
9 1st comes around, you don't have a budget, you
10 go to last year's budget in its entirety.

11 SENATOR DOLLINGER: A final
12 question, Mr. President.

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

15 SENATOR DeFRANCISCO: Absolutely.

16 ACTING PRESIDENT KUHL: Senator
17 continues to yield.

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

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

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

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

16 SENATOR DOLLINGER: All right.

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

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

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

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

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

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

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

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

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

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

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

4 SENATOR LEICHTER: Mr.
5 President.

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

8 SENATOR LEICHTER: On the bill.

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

11 SENATOR LEICHTER: Thank you.

12 ACTING PRESIDENT KUHL: Senator
13 Nozzolio.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 SENATOR GOLD: Yes, Mr.
6 President.

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

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

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

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

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

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

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

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

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

1 budget.

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

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

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

24 ACTING PRESIDENT KUHL: Senator
25 Leichter.

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

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

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

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

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

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

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

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

18 That has changed. I've said,
19 just half kiddingly, that we could save a lot of
20 money for the people in this state. Instead of
21 having a 211-member Legislature, we just ought
22 to have two people. We'd have a Speaker and a
23 Majority Leader because, by and large, they make
24 98 percent of all the decisions anyhow, so
25 that's really the problem, and the whole process

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

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

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

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

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

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

18 (The Secretary called the roll.)

19 ACTING PRESIDENT KUHL: Announce
20 the results.

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

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

3 SENATOR DeFRANCISCO: To explain
4 my vote.

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

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

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

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

1 THE SECRETARY: Ayes 47, nays 9.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 Senator Skelos.

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

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

10 THE SECRETARY: Calendar Number
11 1045, by Senator Marchi, Senate Print 3649-B, an
12 act to amend the Limited Liability Company Law,
13 the Partnership Law and the Business Corporation
14 Law.

15 SENATOR SKELOS: Lay aside.

16 ACTING PRESIDENT KUHL: Lay the
17 bill aside.

18 SENATOR OPPENHEIMER: Mr.
19 President.

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

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

25 SENATOR OPPENHEIMER: I would

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

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

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

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

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

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

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

5 I understand one question was
6 about the fees that are listed in this bill, but
7 it's my understanding that this doesn't really
8 -- there are already fees, but because the
9 filing fees under the limited liability law are
10 \$200 and \$25 under the normal assumed name law,
11 this would increase it to \$200 to comply with
12 the statute the way it is in other areas. O.K.?

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

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 56.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1082, by Senator Marchi, Senate Print Number

1 4767-A, an act to amend the Business Corporation
2 Law, in relation to the organization of
3 professional service corporations.

4 SENATOR PATERSON: Explanation.

5 SENATOR SKELOS: Senator Volker.

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

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

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

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

4 ACTING PRESIDENT KUHL: Senator
5 Paterson.

6 SENATOR PATERSON: Thank you very
7 much.

8 If Senator Volker would yield for
9 a question.

10 ACTING PRESIDENT KUHL: Senator
11 Volker, do you yield?

12 SENATOR VOLKER: Certainly.

13 ACTING PRESIDENT KUHL: Senator
14 yields.

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

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

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

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

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

22 ACTING PRESIDENT KUHL: Senator
23 Paterson.

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

1 pinch-hitting and responding to the questions
2 right here.

3 On the bill, Mr. President.

4 ACTING PRESIDENT KUHL: Senator
5 Paterson, on the bill.

6 SENATOR PATERSON: Just a couple
7 of issues.

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

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

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

1 they peruse this whole issue a little closer.

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

9 ACTING PRESIDENT KUHL: Secretary
10 will read the last section.

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

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

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

18 THE SECRETARY: Those recorded in
19 the negative on Calendar Number 1082, Senators
20 Connor, Montgomery and Paterson. Ayes 53, nays
21 3.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1159, by Senator Skelos, Senate Print 317-A, an

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

3 ACTING PRESIDENT KUHL: Secretary
4 will read the last section.

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

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

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

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

19 SENATOR DOLLINGER: Mr.
20 President.

21 ACTING PRESIDENT KUHL: Senator
22 Dollinger.

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

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

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

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

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

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

1 health insurance as well.

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

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

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

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

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

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

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

1 type.

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

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

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

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

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

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

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

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

1 for the fact that they happen to have bad
2 genes.

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

5 Senator Paterson.

6 SENATOR PATERSON: Thank you, Mr.
7 President.

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

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

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

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

19 ACTING PRESIDENT KUHL: The
20 question is on the amendment.

21 Senator Dollinger.

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

1 ACTING PRESIDENT KUHL: Senator
2 Dollinger, on the amendment.

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

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

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

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

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

7 SENATOR PATERSON: Party vote in
8 the affirmative.

9 ACTING PRESIDENT KUHL: Secretary
10 will call the roll.

11 SENATOR SKELOS: Party vote in
12 the negative.

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

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

18 SENATOR PATERSON: I wanted to
19 know who won.

20 ACTING PRESIDENT KUHL: Secretary
21 will read the last section.

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

24 ACTING PRESIDENT KUHL: Call the
25 roll.

1 (The Secretary called the roll.)

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

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

8 ACTING PRESIDENT KUHL: Roll call
9 will be withdrawn.

10 SENATOR OPPENHEIMER: Thank you.

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

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

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

1 1993, which I believe you supported, prohibits
2 insurers from refusing to issue or renew these
3 types of policies for individuals who have had
4 breast cancer providing that the initial
5 diagnosis occurred at least three years prior to
6 the date of application and that a doctor has
7 certified the disease has not reoccurred since,
8 so this is a logical next step in terms of the
9 advances with genetic testing.

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

20 SENATOR OPPENHEIMER: Thank you.

21 ACTING PRESIDENT KUHL: Secretary
22 will read the last section.

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

25 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 57.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1355, by Senator Goodman, Senate Print 5537, an
8 acted to amend the Alcoholic Beverage Control
9 Law, in relation to creating a new class of
10 license.

11 ACTING PRESIDENT KUHL: Secretary
12 will read the last section.

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

15 SENATOR PADAVAN: Explanation was
16 asked for.

17 ACTING PRESIDENT KUHL: Pardon?

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

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

23 SENATOR PATERSON: Yes, I did.

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

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

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

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

19 Moreover, the bill permits only
20 an minuscule amount of beer, that's only 250
21 barrels a year per brew pub, an aggregate of
22 2,000 barrels a year for multiple license
23 holders, to be sold to other retailers or to the
24 public in their home.

25 Finally, the bill provides that a

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

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

13 ACTING PRESIDENT KUHL: Senator
14 Paterson.

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

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

1 Goodman and Commissioner Casales for their
2 effort in this area.

3 If Senator Goodman would yield
4 for a question.

5 SENATOR GOODMAN: Yes, I will.

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

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

15 SENATOR PATERSON: Thank you.

16 ACTING PRESIDENT KUHL: Secretary
17 will read the last section.

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

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

25 THE SECRETARY: Ayes 56, nays

1 one, Senator Padavan recorded in the negative.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 Senator Skelos.

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

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

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

17 1086-A, by Senator Velella, an
18 act to amend the Public Health Law;

19 2288-A, by Senator Sampson, an
20 act to authorize the city of New York;

21 2668, by Senator LaValle, an act
22 to amend the Town Law;

23 4021-A, by Senator Nozzolio, an
24 act to amend the Social Services Law;

25 4386-A, by Senator Farley, an act

1 to amend the Banking Law;
2 4500, by Senator Tully, an act to
3 amend the Surrogate's Court Procedure Act;
4 4525, by Senator Kuhl, an act to
5 amend the Social Services Law;
6 4728, by Senator Velella, an act
7 to amend the Retirement and Social Security Law;
8 4834-A, by Senator Johnson, an
9 act to amend the Agriculture and Markets Law;
10 4860-B, by Senator Cook, an act
11 to amend the General Business Law;
12 5098, by Senator Skelos, an act
13 to amend Chapter 879 of the Laws of 1936;
14 5103-A, by Senator Trunzo, an act
15 to amend Chapter 683 of the Laws of 1995;
16 5268-A, by Senator Levy, an act
17 to amend the Vehicle and Traffic Law;
18 5370, by Senator LaValle, an act
19 to amend the Education Law;
20 5374-A, by Senator Montgomery, an
21 act to amend the Agriculture and Markets Law;
22 5416, by Senator Levy, an act to
23 amend the Penal Law;
24 5432, by Senator Levy, an act to
25 amend the Vehicle and Traffic Law;

1 5490, by the Committee on Rules,
2 an act to amend the Tax Law;
3 5491, by the Committee on Rules,
4 an act to amend the Tax Law;
5 5492-A, by Senator Johnson, an
6 act to amend the Real Property Tax Law;
7 5506, by the Committee on Rules,
8 an act in relation to granting Tier I status;
9 5508, by Senator Marchi, an act
10 to amend the Public Health Law;
11 5513, by Senator Levy, an act to
12 amend the Public Authorities Law;
13 5514, by Senator Levy, an act to
14 amend Chapter 56 of the Laws of 1993;
15 5523, by Senator Goodman, an act
16 to amend the Alcoholic Beverage Control Law;
17 5535, by Senator Rath, an act to
18 authorize the town of Amherst;
19 5539, by the Committee on Rules,
20 an act to amend Chapter 904 of the Laws of 1984;
21 5540, by the Committee on Rules,
22 an act to amend Chapter 535 of the Laws of 1983;
23 5542, by Senator Seabrook, an act
24 authorizing the city of New York;
25 5566-A, by Senator Levy, an act

1 to authorize the incorporated village of Free
2 port;

3 5567, by Senator Saland, an act
4 to authorize the Commissioner of General
5 Services;

6 5582, by Senator Tully, an act to
7 amend the Public Authorities Law;

8 5595, by Senator Santiago, an act
9 to authorize the Office of General Services;

10 5596, by the Committee on Rules,
11 an act to amend Chapter 166 of the Laws of 1991;
12 and

13 5603, by Senator Tully, an act to
14 certify, legalize and confirm.

15 All bills directly for third
16 reading.

17 ACTING PRESIDENT KUHL: Senator
18 Skelos.

19 SENATOR SKELOS: Move to accept
20 the report of the Rules Committee.

21 ACTING PRESIDENT KUHL: Motion is
22 to accept the report of the Rules Committee.

23 All those in favor signify by saying aye.

24 (Response of "Aye.")

25 Opposed nay.

1 (There was no response.)

2 The report is accepted. All
3 bills moved directly to third reading.

4 SENATOR SKELOS: Mr. President,
5 is there any housekeeping?

6 ACTING PRESIDENT KUHL: There is,
7 Senator Skelos, we could take that at this time
8 if we could return to the general order of
9 motions and -

10 SENATOR SKELOS: Yes, and there
11 will be a meeting of the Rules Committee in the
12 Majority Conference Room at 5:00 o'clock.

13 ACTING PRESIDENT KUHL: There
14 will be an immediate meeting of the Rules
15 Committee, immediate meeting of the Rules
16 Committee in the Majority Conference Room, Room
17 332.

18 Senator Abate, why do you rise?

19 SENATOR ABATE: Yes. I ask
20 unanimous consent to be recorded in the negative
21 on Calendar Number 1335, and I have an
22 additional motion. There is a resolution -

23 ACTING PRESIDENT KUHL: Senator
24 Abate, let me take that one first.

25 SENATOR ABATE: Yes.

1 ACTRING PRESIDENT KUHL: Without
2 objection, hearing no objection, Senator Abate
3 will be recorded in the negative on Calendar
4 Number 1335.

5 Senator Abate.

6 SENATOR ABATE: Yes. On
7 Resolution 1916 which I sponsored, which is a
8 resolution paying tribute to Jim Fox, who was
9 the New York Regional Director of the FBI, and
10 I'd like to open that up to the entire Senate
11 for anyone who would like to co-sponsor that
12 resolution, or we can do it in the reverse,
13 anyone who does not wish to go on it.

14 SENATOR SKELOS: If anyone wishes
15 to co-sponsor the resolution, they should notify
16 the desk.

17 ACTING PRESIDENT KUHL: O.K. O.K.
18 Because the resolution has been adopted, there
19 is a special form that members will have to fill
20 out, so we'd ask the members to identify
21 themselves to the desk.

22 Senator Breslin.

23 SENATOR BRESLIN: Mr. President,
24 I would like to be in the negative by unanimous
25 consent on Calendar Number 1082.

1 ACTING PRESIDENT KUHL: Without
2 objection, hearing no objection, Senator Breslin
3 will be recorded in the negative on Calendar
4 Number 1082.

5 We'll return to the order of
6 motions and resolutions.

7 The Chair recognizes Senator
8 Marcellino.

9 SENATOR MARCELLINO: Thank you,
10 Mr. President.

11 On behalf of Senator Wright, on
12 page number 35, I offer the following amendments
13 to Calendar Number 1065, Senate Print Number
14 4322-B, and ask that said bill retain its place
15 on the Third Reading Calendar.

16 ACTING PRESIDENT KUHL:
17 Amendments to Calendar Number 1065 are received
18 and adopted, and the bill will retain its place
19 on the Third Reading Calendar.

20 Senator Marcellino.

21 SENATOR MARCELLINO: Thank you,
22 Mr. President.

23 On behalf of Senator Nozzolio, on
24 page number 18, I offer the following amendments
25 to Calendar Number 608, Senate Print Number

1 2775-A, and ask that said bill retain its place
2 on the Third Reading Calendar.

3 ACTING PRESIDENT KUHL:
4 Amendments to Calendar Number 608 are received
5 and adopted, and the bill will retain its place
6 on the Third Reading Calendar.

7 Senator Marcellino.

8 SENATOR MARCELLINO: Thank you,
9 Mr. President.

10 On behalf of Senator Goodman, on
11 page number 22, I offer the following amendments
12 to Calendar Number 719, Senate Print Number
13 5031-A, and ask that said bill retain its place
14 on the Third Reading Calendar.

15 ACTING PRESIDENT KUHL:
16 Amendments to Calendar Number 719 are received
17 and adopted and the bill will retain its place
18 on the Third Reading Calendar.

19 Senator Marcellino.

20 SENATOR MARCELLINO: Thank you,
21 Mr. President.

22 I wish to call up Senator Skelos'
23 bill, Print Number 4314-A recalled from the
24 Assembly which is now at the desk.

25 ACTING PRESIDENT KUHL: Secretary

1 will read.

2 THE SECRETARY: Calendar Number
3 899, by the Senate Committee on Rules, Senate
4 Print 4314-A, an act to amend the Tax Law.

5 ACTING PRESIDENT KUHL: Senator
6 Marcellino.

7 SENATOR MARCELLINO: Mr.
8 President, I now move to reconsider the vote by
9 which this bill was passed.

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

12 (The Secretary called the roll on
13 reconsideration.)

14 THE SECRETARY: Ayes 58.

15 ACTING PRESIDENT KUHL: Senator
16 Marcellino.

17 SENATOR MARCELLINO: I now offer
18 the following amendments.

19 ACTING PRESIDENT KUHL:
20 Amendments are received and adopted.

21 SENATOR MARCELLINO: Thank you.

22 ACTING PRESIDENT KUHL: Senator
23 Holland.

24 SENATOR HOLLAND: Could we read
25 the title and adopt Resolution Number 1932,

1 Senator Nozzolio's resolution, please.

2 ACTING PRESIDENT KUHL: Secretary
3 will read the title of the privileged Resolution
4 Number 1932.

5 THE SECRETARY: By Senator
6 Nozzolio, Legislative Resolution 1932,
7 commemorating the 50th Anniversary of the Ovid
8 Veterans of Foreign Wars Post Number 6200 Ladies
9 Auxiliary.

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

13 (Response of "Aye.")

14 Opposed nay.

15 (There was no response.)

16 The resolution is adopted.

17 Senator Gentile, why do you rise?

18 SENATOR GENTILE: Yes, Mr.

19 President. I would ask for unanimous consent to
20 be recorded in the negative on Calendar Number
21 1082.

22 ACTING PRESIDENT KUHL: Without
23 objection, hearing no objection, Senator Gentile
24 will be recorded in the negative on Calendar
25 Number 1082.

1 Senator Abate, why do you rise?

2 SENATOR ABATE: Yes, Mr.

3 President. I ask for unanimous consent to be
4 recorded in the negative on Calendar Number
5 1082.

6 ACTING PRESIDENT KUHL: Without
7 objection, hearing no objection, Senator Abate
8 will be recorded in the negative on Calendar
9 Number 1082.

10 Senator Oppenheimer, why do you
11 rise?

12 SENATOR OPPENHEIMER: I would
13 like the record to reflect that if I had been
14 present yesterday in the Assembly, in the
15 Senate, I -- where am I? -- that I would have
16 voted against Calendar Number 491.

17 ACTING PRESIDENT KUHL: The
18 record will reflect, Senator Oppenheimer, that
19 had you been in the chamber yesterday when a
20 vote was taken on Calendar Number 491, that you
21 would have voted in the negative.

22 Senator Holland.

23 SENATOR HOLLAND: Mr. President,
24 can we do the non-controversial calendar on the
25 Supplemental Calendar, please.

1 ACTING PRESIDENT KUHL: Senator
2 Seabrook.

3 SENATOR SEABROOK: Mr. President,
4 with unanimous consent, I would like to be
5 recorded in the negative on bill 1082.

6 ACTING PRESIDENT KUHL: Without
7 objection, hearing no objection, Senator
8 Seabrook will be recorded in the negative on
9 Calendar Number 1082.

10 The Secretary will now read -
11 Senator Sampson. I'm sorry.

12 SENATOR SAMPSON: Mr. President,
13 may I have unanimous consent to be recorded in
14 the negative on bill 1082.

15 ACTING PRESIDENT KUHL: Without
16 objection, hearing no objection, Senator Sampson
17 will be recorded in the negative on Calendar
18 Number 1082.

19 The Secretary will read the
20 non-controversial reading of Supplemental
21 Calendar Number 58-A, beginning on the first
22 page, Calendar Number 1359, by Senator Velella.

23 THE SECRETARY: Calendar Number
24 1359, by Senator Velella, Senate Print 1086-A,
25 an act to amend the Public Health Law, in

1 relation to applications.

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

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 58.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1361, by Senator LaValle, Senate Print 2668, an
14 act to amend the Town Law, in relation to
15 authorizing.

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

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

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes 58.

25 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1362, by Senator Nozzolio, Senate Print 4021-A,
4 an act to amend the Social Services Law and the
5 Education Law, in relation to enacting.

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

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 58.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 1363, by Senator Farley, Senate Print 4386-A, an
18 act to amend the Banking Law.

19 SENATOR PATERSON: Lay it aside.

20 ACTING PRESIDENT KUHL: Lay the
21 bill aside.

22 THE SECRETARY: Calendar Number
23 1364, by Senator Tully, Senate Print 4500, an
24 act to amend the Surrogate's Court Procedure
25 Act, in relation to the continuation.

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

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 58.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1366, by Senator Velella, Senate Print 4728, an
13 act to amend the Retirement and Social Security
14 Law, in relation to making certain technical
15 corrections.

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

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 58.

24 ACTING PRESIDENT KUHL: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1367, by Senator Johnson, Senate Print 4834-A,
3 an act to amend the Agriculture and Markets Law,
4 in relation to creating.

5 SENATOR PATERSON: Lay it aside.

6 ACTING PRESIDENT KUHL: Lay the
7 bill aside.

8 THE SECRETARY: Calendar Number
9 1368, by Senator Cook, Senate Print 4860-B, an
10 act to amend the General Business Law and the
11 Public Health Law, in relation to prepayment.

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

14 THE SECRETARY: Section 7. This
15 act shall take effect on the first day of
16 November.

17 ACTING PRESIDENT KUHL: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes 58.

21 ACTING PRESIDENT KUHL: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 1369, by Senator Skelos, Senate Print 5098, an
25 act to amend Chapter 879 of the Laws of 1936.

1 SENATOR HOLLAND: Lay it aside
2 for the day, please.

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

5 THE SECRETARY: Calendar Number
6 1370, by Senator Trunzo, Senate Print 5103-A, an
7 act to amend Chapter 683 of the Laws of 1995,
8 amending the Retirement and Social Security Law.

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

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

13 SENATOR LEICHTER: Lay it aside.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside.

16 THE SECRETARY: Calendar Number
17 1371, by Senator Levy, Senate Print 5268-A, an
18 act to amend the Vehicle and Traffic Law, in
19 relation to private service bureaus.

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

22 THE SECRETARY: Section 2. This
23 act shall take effect on the 60th day.

24 ACTING PRESIDENT KUHL: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 58.

3 ACTING PRESIDENT KUHL: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 1372, by Senator LaValle, Senate Print 5370, an
7 act to amend the Education Law, in relation to
8 the duty of school districts.

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

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

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 58.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Senator Levy
21 moves to discharge from the Committee on Rules
22 Assembly Bill Number 1986 and substitute it for
23 the identical Third Reading Calendar 1374.

24 ACTING PRESIDENT KUHL: The
25 substitution is ordered. The Secretary will

1 read the title.

2 THE SECRETARY: Calendar Number
3 1374, by member of the Assembly Bragman,
4 Assembly Print 1986, an act to amend the Penal
5 Law, in relation to conditions of probation.

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

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 58.

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 THE SECRETARY: Senator Levy
17 moves to discharge from the Committee on Rules
18 Assembly Bill Number 6244 and substitute it for
19 identical Third Reading Calendar 1375.

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

23 THE SECRETARY: Calendar Number
24 1375, by member of the Assembly Gantt, Assembly
25 Print 6244, an act to amend the Vehicle and

1 Traffic Law and Chapter 713 of the laws of 1988.

2 ACTING PRESIDENT KUHL: Read the
3 last section.

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

6 ACTING PRESIDENT KUHL: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 58.

10 ACTING PRESIDENT KUHL: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 1378, by Senator Johnson, Senate Print 5492-A,
14 an act to amend the Real Property Tax Law, in
15 relation to granting a partial exemption.

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

18 THE SECRETARY: Section 3. This
19 act shall take effect on the second day of
20 January.

21 SENATOR LEICHTER: Lay it aside.

22 ACTING PRESIDENT KUHL: Lay the
23 bill aside.

24 THE SECRETARY: Calendar Number
25 1379, by the Senate Committee on Rules, Senate

1 Print 5506, an act in relation to granting Tier
2 1 status.

3 ACTING PRESIDENT KUHL: The
4 Secretary will read the last -

5 SENATOR LEICHTER: Lay it aside.

6 ACTING PRESIDENT KUHL: Lay the
7 bill aside.

8 THE SECRETARY: Calendar Number
9 1381, by Senator Marchi, Senate Print 5508, an
10 act to amend the Public Health Law, in relation
11 to the use by health care providers.

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

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

16 ACTING PRESIDENT KUHL: Bless
17 you. Call the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 58.

20 ACTING PRESIDENT KUHL: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1385, by Senator Rath, Senate Print 5535, an act
24 authorizing the town of Amherst, county of Erie.

25 ACTING PRESIDENT KUHL: There's a

1 home rule message at the desk. The Secretary
2 will read the last section.

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 58.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1386, by Senate Committee on Rules, Senate Print
13 5539, an act to amend Chapter 904 of the Laws of
14 1984.

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

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 58.

23 ACTING PRESIDENT KUHL: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1387, by the Senate Committee on Rules, Senate
2 Print 5540, an act to amend Chapter 535 of the
3 Laws of 1983.

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

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

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 58.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1390, by Senator Saland, Senate Print 5567, an
16 act to authorize the Commissioner of General
17 Services to sell and convey.

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

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

22 ACTING PRESIDENT KUHL: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 58.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 1391, by Senator Tully, Senate Print 5582, an
5 act to amend the Public Authorities Law, in
6 relation to the powers of the Water Authority.

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

9 THE SECRETARY: Section 3. This
10 act shall take effect on the 90th day.

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 58.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1393, by the Senate Committee on Rules, Senate
19 Print 5596, an act to amend Chapter 166 of the
20 Laws of 1991.

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

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

25 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 58.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1394, by Senator Tully, Senate Print 5603, an
8 act to legalize, certify and confirm the acts of
9 the Hicksville School District.

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

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

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 58.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 Senator Holland, that completes
21 the reading of -- the supplemental calendar
22 non-controversial reading. What's your
23 pleasure?

24 SENATOR HOLLAND: Could we do the
25 controversial items on 58-A, Mr. President,

1 please.

2 ACTING PRESIDENT KUHL: The
3 Secretary will read the controversial calendar.

4 THE SECRETARY: Calendar Number
5 1363, by Senator Farley, Senate Print 4386-A, an
6 act to amend the Banking Law, the Tax Law, the
7 General City Law, the Administrative Code of the
8 city of New York and the codes and ordinances of
9 the city of Yonkers.

10 SENATOR LEICHTER: Explanation.

11 ACTING PRESIDENT KUHL: Senator
12 Farley, an explanation has been requested by
13 Senator Leichter.

14 SENATOR FARLEY: Yes. This bill
15 would allow limited purpose trust companies to
16 form and operate themselves as a limited
17 liability trust company instead of its
18 corporations. The option would apply to those
19 trust companies which do not receive deposits
20 from the general public and have been exempted
21 by the Banking Board from the deposit insurance
22 requirements of the Banking Law.

23 A limited liability trust company
24 would be subject to virtually all the provisions
25 of the Banking Law which currently is applied to

1 corporate form trust companies. It would also
2 be subject to all the provisions of the Limited
3 Liability Company Law. If these two laws are
4 inconsistent, the Banking Law would prevail.

5 Now, the Superintendent of Banks
6 retains all his current authority to regulate
7 these entities and, in addition, the
8 Superintendent of Banks is provided with the
9 express authority to make rules and regulations
10 to govern limited liability trust companies.

11 This bill would authorize the
12 limited liability company structure from limited
13 purpose trust companies which do not accept
14 funds from the general public.

15 This alternative business
16 structure offers many advantages, including the
17 ability to be taxed as a partnership. The
18 limited liability company structure can be
19 attractive to certain limited purpose trust
20 companies. Currently some of these trust
21 companies have parent entities which are
22 partnerships. The requirement to have a stock
23 form trust company creates a certain structural
24 inefficiency. It presents tax and other issues
25 for these partnerships. The ability to organize

1 as a limited liability company will allow these
2 companies to select a business structure which
3 is most appropriate and efficient and desirable
4 for their operation.

5 This bill is similar to Chapter
6 637 of 1995 which amended the Banking Law to
7 allow Article 12 investment companies to
8 organize themselves as limited liability
9 companies.

10 Now, let me just say as basically
11 or simply as I can -- and this is not -- this is
12 kind of an arcane bill, I guess, but the reason
13 that this is done is to make for a more
14 efficient form of business operation.

15 This bill actually is consistent
16 with a policy that this Legislature established
17 in 1994 when New York State authorized the
18 creation of limited liability companies. This
19 Legislature and the state made this judgment
20 despite the possible loss of revenue and there
21 is a \$300,000 estimate that they all take place
22 -- take advantage of this loss to the state but
23 we made that decision that the limited liability
24 company structure was useful and an attractive
25 business structure which would help keep New

1 York as a desirable place in which to conduct
2 business. They could take a walk as so many
3 companies, and so forth, has to. These
4 companies that are organized as a partnership,
5 this would allow them to become a limited
6 liability trust company.

7 I've got more if you need it, but
8 I'll be happy to try to answer questions.

9 SENATOR LEICHTER: Senator
10 Farley, that was more than enough.

11 ACTING PRESIDENT KUHL: Read the
12 last section.

13 SENATOR LEICHTER: No, no.

14 ACTING PRESIDENT KUHL: Senator
15 Leichter.

16 SENATOR LEICHTER: With your
17 indulgence -

18 ACTING PRESIDENT KUHL: I
19 apologize, Senator Leichter.

20 SENATOR LEICHTER: That's all
21 right.

22 Senator Farley, if you would be
23 so good enough to yield.

24 ACTING PRESIDENT KUHL: Senator
25 Farley, do you yield to a question from Senator

1 Leichter?

2 SENATOR FARLEY: Yes, sir.

3 ACTING PRESIDENT KUHL: The
4 Senator yields.

5 SENATOR LEICHTER: I would like
6 to, for the benefit of our colleagues, cut to
7 the quick here because you and I have gone
8 through this both in the Finance Committee and
9 in the Rules Committee.

10 The key aspect of this bill -
11 I'm sorry. Let me withdraw that question. As I
12 understand it, Senator Farley, there's
13 approximately five large underwriting brokerage
14 companies that are going to take advantage of
15 this. I think one of them you mentioned was
16 Goldman Sachs. I think another one was Lehman
17 Brothers. Who are the other ones, Senator, if
18 you could just inform us of that?

19 SENATOR FARLEY: Brown Brothers &
20 Harriman Trust Company, Goldman Sachs Trust
21 Company and Neuburger & Berman Trust Company are
22 the three biggies.

23 SENATOR LEICHTER: Senator -- and
24 I think you alluded to it in your explanation -
25 by making this change, these companies are going

1 to get a tax benefit. It's going to cost the
2 taxpayers of the state of New York, I believe
3 the estimate is \$300,000, is that right?

4 SENATOR FARLEY: That's correct.
5 That's if the -- all of them take advantage of
6 it.

7 SENATOR LEICHTER: All right.
8 Thank you, Senator Farley.

9 Let me just say, I don't know
10 what we're about. Here we are, we're going to
11 give \$300,000 to some of the wealthiest, most
12 profitable brokerage and underwriting and
13 banking advisors and investors in the state.

14 Senator Farley, you know, said
15 something, well, you know, they could move
16 away. Now, wait a second, they're not going to
17 move to Hoboken or Secaucus. These are firms
18 that are here. These are not firms that are in
19 trouble. These are not firms that are doing
20 poorly. It's not a big sum of money but the
21 principle is just awful.

22 There's no reason, no
23 explanation, no justification for this bill
24 other than to give -- to allow these
25 underwriters to take advantage of a tax

1 benefit. Instead of being taxed as
2 corporations, they're going to be taxed as
3 limited liability partnerships. As limited
4 liability partnerships, they have all the
5 advantages of a corporation. Now they also want
6 to be taxed as a partnership which brings them a
7 benefit which means that we, the taxpayers, our
8 constituents, the taxpayers, are going to be
9 supporting these corporations.

10 In some instances, it makes sense
11 for us to do it, but I submit to you that for
12 these three or maybe five wealthiest
13 corporations to say, Oh, we're going to let you
14 change your form of business arrangement so that
15 you can take advantage of the Tax Law and pay
16 less taxes to the state of New York, it just
17 makes absolutely no sense. We shouldn't be
18 doing this. We don't have the money, Senator
19 Farley.

20 We've got a lot of people that
21 are needy. We have a lot of people in New York
22 State that need help. We have a lot of sections
23 of this state that need help, including your
24 district where unemployment is going up, and I
25 don't think we should be about at this time

1 increasing the already enormous profits of five
2 brokerage houses in the city of New York.

3 I'm happy that they're making a
4 lot of money, but I don't have to make them
5 richer at the expense of the taxpayers of this
6 state.

7 SENATOR FARLEY: I understand
8 what you're saying, Senator Leichter, but I
9 could not disagree with you more. Let me just
10 say this. We're talking about jobs, jobs. Jobs
11 that are in your area of the state, basically,
12 in New York City, the financial capital of the
13 world.

14 Let me just tell you, Goldman
15 Sachs who you're mentioning as a company that
16 makes a lot of money -- and I presume that they
17 do -- their operation, quite frankly, a great
18 part of it is in London; that's England and you
19 know what? They could move this not only out of
20 the state but out of the country and I'll tell
21 you something else. They could go to
22 Connecticut. They could go to so many other
23 places. You say, Well, they won't go.

24 I'll tell you, I could bring you
25 to some of the communities in my state.

1 Amsterdam used to be the carpet center of the
2 world, the carpet capital of the world. There
3 isn't a carpet in that city. Every single one
4 of them left here, every one. I -- Schenectady
5 GE used to have 70,000 jobs. You know how many
6 they have there now? 5,000. It's an absolute
7 depressing situation.

8 All this bill does, very simply,
9 is to allow a partnership organization of
10 business to organize itself in a more efficient
11 way and for God's sakes, we don't allow or want
12 that to happen in New York State? For heaven's
13 sake, we want them to pay the most taxes that
14 they can pay. Now, if they're organized as a
15 corporation, they don't have to pay that but if
16 they happen to be a partnership, they have to
17 pay it.

18 SENATOR LEICHTER: Mr. President,
19 would Senator Farley yield?

20 ACTING PRESIDENT KUHL: Senator
21 Farley, do you yield to a question?

22 SENATOR LEICHTER: Senator, this
23 has absolutely nothing to do with efficiency.
24 They're going to run their operation precisely.
25 It has solely to do with tax liability, but I

1 want to address the point you made that we're
2 talking about jobs and that we're in danger of
3 having these companies move out of the state.

4 Senator, do you have any report,
5 any study which shows the number of jobs that
6 are going to be created if we pass this bill?

7 SENATOR FARLEY: I'm talking
8 about saving jobs. Is that important to you,
9 Senator Leichter?

10 SENATOR LEICHTER: Senator, has
11 anybody said to you, do you have any credible
12 evidence that any jobs are going to be lost if
13 we don't pass this bill?

14 SENATOR FARLEY: Nobody has said
15 to me that it's going to snow this winter in
16 Albany but it's very evident if we don't do
17 something like this, it's not going to be a form
18 of business that they care to carry on in New
19 York State.

20 SENATOR LEICHTER: Senator -

21 ACTING PRESIDENT KUHL: Senator
22 Leichter, are you asking Senator Farley to
23 yield?

24 SENATOR LEICHTER: -- if you'll
25 be good enough to continue to yield, Senator.

1 ACTING PRESIDENT KUHL: Senator
2 Farley, do you continue to yield?

3 SENATOR FARLEY: Yes, I will.

4 ACTING PRESIDENT KUHL: The
5 Senator yields.

6 SENATOR LEICHTER: Am I correct
7 then that this is your assumption -- your
8 assumption that unless we do this special
9 benefit bill, that there's going to be a loss of
10 jobs in these companies?

11 SENATOR FARLEY: It is my
12 assumption that we should do this bill to level
13 the playing field between a corporation and a
14 partnership that are in exactly the same
15 operation of business. I think it's only fair.
16 I think it's an efficient form of business. I
17 think it makes sense and I don't think it's any
18 great loss.

19 You know, the taxes that will be
20 paid by these employees or this company staying
21 here are a lot more than \$300,000.

22 ACTING PRESIDENT KUHL: Senator
23 Leichter, are you asking -

24 SENATOR LEICHTER: Just one final
25 question.

1 ACTING PRESIDENT KUHL: Senator
2 Farley, do you yield to another question?

3 SENATOR LEICHTER: My good friend
4 Senator Farley. Then I take it, Senator, that
5 other than your assumption because it snows in
6 Albany that these companies may cut jobs if we
7 don't -- if we don't pass your bill. You have
8 no credible evidence whatsoever and that nobody
9 from these companies has even said to you,
10 unless you pass this bill, there's going to be a
11 decline in jobs. Is that correct?

12 SENATOR FARLEY: Nobody has said
13 that to me, no, they have not.

14 SENATOR LEICHTER: Okay.

15 SENATOR FARLEY: They have not
16 threatened me, if that's what you're implying.
17 I do this out of the goodness of my heart and
18 for what I think is best for the state of New
19 York, for the economy of this state and for the
20 people that work for these companies.

21 SENATOR LEICHTER: Mr. President,
22 I thank Senator Farley and I know that you
23 always act from the goodness of your heart and
24 what you think is best for the people of the
25 state of New York but, Senator Farley, let me

1 tell you, this is such a special interest bill
2 and so outrageous and so unjustified. I don't
3 mind -- if this was really only a matter of
4 business efficiency, then I would say, Fine,
5 we'll do it but we'll just provide that they pay
6 the same amount of taxes as they did as
7 corporations. That has nothing to do -- not one
8 employee is going to be -- in any respect have
9 his functions or duties changed. Everything
10 will be exactly the same in these companies
11 except they'll set up these limited liability
12 partnerships and save some money on taxes.

13 Now, Senator, if you came before
14 me and said, I want to do this for one of my
15 carpet companies in Amsterdam or one of your
16 companies in Amsterdam, I may say maybe it makes
17 sense to do it because they're distressed.
18 They're in trouble. These companies are not in
19 trouble. They're incredibly profitable, thank
20 goodness. I'm pleased that they're profitable.
21 There's not the slightest risk that they're
22 going to move any of their operation out of the
23 state of New York. The fact that they're in
24 London and Hong Kong and Singapore and other
25 world financial centers is because that's the

1 nature of their business, but their headquarters
2 is in New York. They're going to stay in New
3 York. They never said they're going to move.
4 They never said they're going to change one
5 job. They just said to Senator Farley as they
6 presented this bill, Senator, if we could make
7 this change in our legal -- information, we
8 would save ourselves some money and, Senator, if
9 you think that the people of the state of New
10 York are wealthy enough that we can support and
11 subsidize these companies and give them a tax
12 break, you go ahead and do it.

13 I'm not going do it. I think
14 it's outrageous. I think it's the worst form of
15 special interest legislation. It's always kept
16 for the end of the legislative session. Maybe
17 the only thing good one can say for this
18 legislation, if it appears before us at this
19 time, you know that the end of the session isn't
20 far along.

21 Senator, we shouldn't be doing
22 this.

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

25 THE SECRETARY: Section 20. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT KUHL: Announce
6 the results.

7 THE SECRETARY: Ayes 57, nays 1,
8 Senator Leichter recorded in the negative.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1367, by Senator Johnson, Senate Print 4834-A,
13 an act to amend the Agriculture and Markets Law,
14 in relation to creating an advisory council.

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

17 SENATOR PATERSON: Explanation.

18 ACTING PRESIDENT KUHL: Senator
19 Paterson, did you request an explanation?

20 SENATOR PATERSON: Yes. Thank
21 you, Mr. President.

22 ACTING PRESIDENT KUHL: Senator
23 Johnson, an explanation of the bill has been
24 requested.

25 SENATOR JOHNSON: Mr. President,

1 this is a bill in accordance with the suggestion
2 of the Ag' and Markets Department that it should
3 have a seafood council which would advise, in
4 all aspects, a seafood policy, including the
5 harvesters, the wholesalers, the retailers,
6 consumers and they would review seafood policy
7 in the state and make recommendations on an
8 annual basis about how the seafood policy should
9 be structured in the state of New York.

10 ACTING PRESIDENT KUHL: Senator
11 Paterson.

12 SENATOR PATERSON: Mr. President,
13 a quick question, if the sponsor will yield.

14 ACTING PRESIDENT KUHL: Senator
15 Johnson, do you yield?

16 SENATOR JOHNSON: Yes, Mr.
17 President.

18 ACTING PRESIDENT KUHL: The
19 Senator yields.

20 SENATOR PATERSON: Senator
21 Johnson, I see here in the bill that there are a
22 number of appointments that will be made to
23 fulfill the needs that the bill proposes and my
24 question simply is I don't see any appointment
25 powers granted to either the Minority Leader in

1 the Assembly or the Minority Leader in Senate.
2 Is there any plan to have full participation of
3 the Legislature in that regard?

4 SENATOR JOHNSON: I'm sorry.
5 What was the question, whether there's
6 legislative participation in this? Is that your
7 question, Senator?

8 SENATOR PATERSON: Yeah, by the
9 Minorities in the Senate and the Assembly, the
10 conferences.

11 SENATOR JOHNSON: Senator,
12 they're not in here, that's true, and there's no
13 good reason why they're not in here. I guess in
14 this case, I suppose the saving grace is that
15 the Assembly and the Senate are both represented
16 and different parties are represented therefor
17 and I expect a balanced representation in that
18 respect.

19 ACTING PRESIDENT KUHL: Senator
20 Paterson, did you have further questions?

21 SENATOR PATERSON: No. Thank
22 you, Mr. President.

23 Senator Johnson gave a complete
24 answer to my question.

25 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes -

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

10 SENATOR PATERSON: Mr. President,
11 just to explain my vote.

12 ACTING PRESIDENT KUHL: Senator
13 Paterson, to explain his vote.

14 SENATOR PATERSON: There is no
15 partisanship that compels me to object to this.
16 It kind of relates to what Senator Leichter was
17 saying earlier. Senator Leichter sometimes
18 thinks no one is listening to him around here
19 and sometimes he's right but in that particular
20 case, there really has, in my opinion, got to be
21 a greater understanding of the fact that just
22 the two parties doesn't satisfy the real need to
23 have appointments from the Minority.

24 It would be very possible that
25 one of the parties might win both houses and if

1 we kept this kind of situation, we would not
2 have participation from a significant number of
3 representatives who are in the Legislature
4 representing large numbers of people, and so in
5 voting no, it's out of no disrespect to the
6 Majority in this house. It's just a general
7 feeling that there should be full participation
8 at all levels of the Legislature and by all
9 conferences and, therefore, that better enables
10 us to have a real representation of all of the
11 membership.

12 ACTING PRESIDENT KUHL: Announce
13 the results.

14 THE SECRETARY: Those recorded in
15 the negative on Calendar Number 1367 are
16 Senators Abate, Connor, Dollinger, Gentile,
17 Leichter, Montgomery, Onorato and Paterson.
18 Ayes 50, nays 8.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1370, by Senator Trunzo, Senate Print 5103-A, an
23 act to amend Chapter 683 of the Laws of 1995.

24 SENATOR LEICHTER: Explanation.

25 ACTING PRESIDENT KUHL: Senator

1 Trunzo, an explanation has been requested by
2 Senator Leichter.

3 SENATOR TRUNZO: Mr. President,
4 what this bill does is, as members of this house
5 know, back in 1993, we passed an administrative
6 review bill which had to do with all this
7 individual type of legislation where different
8 individuals for one thing or another -- the one
9 bill that Senator Gold constantly refers to as
10 the Trunzo bill, but at any rate, in 1995, we
11 amended that bill because originally we wanted
12 to socialize the cost of the -- you know, the
13 various independent items and it happened where
14 there was a case that came up in Senator Cook's
15 district where the amount of money that the town
16 had to pay to justify an error that was made way
17 back when was higher than the town budget and in
18 June of 1995, we passed legislation to socialize
19 everything retroactively to 1993 that had been
20 done in that Section 803 of the Civil Service
21 Law.

22 Now -- what we're doing now is
23 extending that and making it permanent, so to
24 speak, to all the sections that are out there
25 now, all the cases that still have not been

1 resolved even though the window closed in
2 October.

3 So to do that, many of the
4 municipalities, because of the cost involved,
5 are not permitting their employees to make the
6 adjustments that should be made to their pension
7 systems. So by socializing it, they will accept
8 it as it has been done from 1993 to 1995. Now
9 we're continuing it on until they satisfy their
10 employees.

11 SENATOR LEICHTER: Mr. President,
12 if Senator Trunzo will yield.

13 SENATOR TRUNZO: Yes.

14 SENATOR LEICHTER: That's an
15 interesting euphemism. We're socializing the
16 costs.

17 SENATOR TRUNZO: Well, the term
18 "socializing" has been used. Owen said I'm
19 getting to be a liberal.

20 SENATOR LEICHTER: You're asking
21 somebody to pay somebody's costs and that's
22 socializing them by spreading the expense
23 around?

24 SENATOR TRUNZO: This is what we
25 do with most of our pension legislation bills,

1 where all employers involved share in the cost.
2 That's called socializing and that's the
3 terminology that's used, Senator, and what has
4 happened is that the cost has gone so
5 astronomical in certain areas where the original
6 employer, where the error was made, that in
7 1995, we did change the law to socialize the
8 cost retroactive to the date of the original
9 bill which was in 1993 and the only reason it
10 wasn't socialized originally is because Governor
11 Cuomo didn't want to do it that way because
12 that's the way we originally had it. The Senate
13 and the Assembly, when we both did that bill
14 over, you know, lots of years of work, wanted
15 the participat... the original employer, period,
16 to pay the cost of the change that they
17 themselves made in error.

18 So what we're doing is extending
19 it now from June of 1995 to whatever current
20 date because of that, I believe close to 4,000
21 applications that the Comptroller is still
22 holding onto, the decisions have not been made
23 to change whatever -- you know, to make their
24 decisions because the employers -- various
25 employers will not submit the paperwork even

1 though the applications were made for correction
2 of their pension problems, would not submit the
3 paperwork because they figure they're going to
4 cost them too much money and since we did
5 socialization once before, we want to continue
6 to do it again so that these cases can be
7 resolved.

8 There are no further cases open
9 because the window did close in October of 1996
10 and there have been no objections to this.

11 SENATOR LEICHTER: Mr. President,
12 if Senator Trunzo will yield, please.

13 ACTING PRESIDENT KUHL: Senator
14 Trunzo, do you continue to yield?

15 SENATOR TRUNZO: Yes.

16 ACTING PRESIDENT KUHL: The
17 Senator continues to yield.

18 SENATOR LEICHTER: Senator, we're
19 talking about the system that we set up in order
20 to enable employees to appeal to the Comptroller
21 if there was some correction that they felt they
22 needed to make in their pension system and that
23 -- the expense of that has really run into the
24 millions?

25 SENATOR TRUNZO: It's run into -

1 a large cost to various employers and, as I
2 stated before, back in 1995, Senator Cook came
3 to our office and -- I don't want to give you
4 the picture, Charlie, but the Senator did come
5 into the office where a town, to make an
6 adjustment, cost higher than their town budget
7 and they couldn't afford to do it and we did the
8 legislation in June of 1995 that made it
9 retroactive for all the cases that were on file
10 up 'til that date and in all fairness now for
11 any of the future ones that the Comptroller has
12 not handled, we want that to continue on so they
13 can relieve these 4,000 cases that are still
14 pending.

15 ACTING PRESIDENT KUHL: Excuse
16 me, Senator Trunzo.

17 Senator Cook, why do you rise?

18 SENATOR COOK: Mr. President,
19 would the Senators yield and I would be glad to
20 enter a little explanation.

21 SENATOR LEICHTER: Sure.

22 ACTING PRESIDENT KUHL: Senator,
23 which Senator are you asking to yield?

24 SENATOR COOK: Well, whichever
25 one has the floor.

1 ACTING PRESIDENT KUHL: Senator
2 Leichter has the floor.

3 SENATOR COOK: Okay.

4 ACTING PRESIDENT KUHL: Senator
5 Leichter, do you yield to a question from
6 Senator Cook?

7 SENATOR COOK: Senator, the
8 justification for socializing, in other words,
9 putting it as we do with all insurance, you buy
10 an insurance policy and everybody who's covered
11 by that insurance is included at a common
12 premium which is basically the principle of the
13 following, but just as a matter of explanation,
14 what happened in this particular instance, the
15 fellow who was involved was the town health
16 officer. He happened to be a physician in an
17 adjoining town and he worked at a salary of \$500
18 a year. He was subsequently appointed by a
19 different county even to be the county -- head
20 of the county Health Department at a salary of
21 \$50,000 a year. When he made his appeal, which
22 was well founded and it was decided that, in
23 fact, he was entitled to this, the error had
24 been made by the town which had the salary of
25 \$500 but they had to pay the premium based on

1 his \$50,000 salary in the other county for all
2 the years that he had worked for them and that's
3 why the town ended up with an astronomical
4 amount of money which, of course, was not based
5 on anything that had been in their budget.

6 That's the reason why there are
7 so many of these individual cases involved in
8 this, that it makes a lot more sense just to
9 spread it across the board.

10 SENATOR LEICHTER: Thank you,
11 Senator Cook.

12 If Senator Trunzo will yield.
13 Senator, you said one thing that disturbed me.
14 We've closed the window now, the application -

15 SENATOR TRUNZO: Section 803 of
16 the Civil Service Law -- of the Pension Law
17 expired on October of 1996. In other words,
18 there's nobody else who can put in applications
19 to make change and that may be some reason why
20 you're seeing some individual bills coming out
21 here again that you have questioned in the past
22 -- over the past year or so, but what has
23 happened is the fact that the window is closed,
24 there are still applications pending in the
25 Comptroller's office and the Comptroller is

1 putting -- has a socializing bill, as it's
2 called, also on the same issue to extend it so
3 that these cases can be resolved as they have
4 been between 1993 and 1995 when we did the
5 so-called socialization of all those costs.

6 SENATOR LEICHTER: So this -

7 SENATOR TRUNZO: So we're just
8 extending it for those applicants that are still
9 waiting.

10 SENATOR LEICHTER: Senator, if
11 you'll continue to yield. As I understand it,
12 by asking all the employers, every participating
13 employer in the system will be charged some
14 amount, I guess, a percentage of the -

15 SENATOR TRUNZO: Yeah, a
16 percentage.

17 SENATOR LEICHTER: -- payments
18 that they make to the pension system in order to
19 cover the costs of processing these
20 applications.

21 SENATOR TRUNZO: Yes, that's
22 right.

23 SENATOR LEICHTER: Senator, I
24 have one suggestion and I want to hear your
25 comment on it. How about since we're

1 socializing, spreading the costs around, how
2 about socializing the costs in the Legislature
3 of printing and acting on all of these bills.
4 Why don't we pass that on to all the employers
5 too?

6 SENATOR TRUNZO: I think Senator
7 Bruno does that.

8 SENATOR LEICHTER: Thank you.

9 ACTING PRESIDENT KUHL: Read the
10 last section.

11 Senator Dollinger.

12 SENATOR DOLLINGER: Will Senator
13 Leichter yield to just a quick question? Is
14 this, in fact, the first case, Senator Leichter,
15 where we may be voting on a piece of socialist
16 legislation from the other side of the aisle in
17 your career here, your 25 years here?

18 SENATOR LEICHTER: Senator, I
19 learned a new word and I like the idea that if
20 you can spread some of the expense that you
21 might have to pay on to somebody else, you're
22 just socializing it. I would like to try that
23 with some of my colleagues.

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

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

3 ACTING PRESIDENT KUHL: Call the
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 58.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1378, by Senator Johnson, Senate Print 5492-A,
11 an act to amend the Real Property Tax Law.

12 SENATOR DOLLINGER: Explanation.

13 ACTING PRESIDENT KUHL: Senator
14 Johnson, an explanation of Calendar Number 1378
15 has been asked by Senator Dollinger.

16 SENATOR JOHNSON: Mr. President,
17 this bill would extend a real property tax break
18 exemption up to 50 percent -- up to 45 percent
19 for people who are disabled with essentially the
20 same income formula as presently exists for
21 senior citizens.

22 This was done last year and got a
23 veto by the Governor. It passed both houses.
24 Because he objected to some parts of that bill,
25 this bill has been revised. It's overcome his

1 objection, clarified a lot of questions that I
2 think were addressed and this is necessary to be
3 done because in many cases the income of these
4 people isn't an awfully lot more than the taxes
5 on their house.

6 Now, if they were 65 or older
7 they could get the exemption but if they're in
8 their 30s, 40s or 50s and they're disabled with
9 low incomes, they're many times forced out of
10 their homes because of the taxes.

11 Now, there's no state cost to
12 this. It would have to be up to the localities,
13 of course, to grant this exemption and you and I
14 and everyone else who are paying the full taxes
15 will naturally pick up that difference, and so
16 it's a question of whether the localities want
17 to do it or not, but I think it's a good thing,
18 long overdue to help out disabled people of low
19 incomes so they can remain in their homes.

20 ACTING PRESIDENT KUHL: Senator
21 Dollinger.

22 SENATOR DOLLINGER: Mr.
23 President, will Senator Johnson yield just to
24 one question?

25 SENATOR JOHNSON: Yes.

1 ACTING PRESIDENT KUHL: Senator
2 Johnson, do you yield to just one question? The
3 Senator yields.

4 SENATOR DOLLINGER: Do you know
5 what -- if this were implemented across the
6 state, fully implemented, all the people that
7 have disabilities, do you know what the cost
8 would be to local communities?

9 SENATOR JOHNSON: I do not know
10 that.

11 SENATOR DOLLINGER: Okay.
12 Because I assume this bill would work the same
13 as other exemptions, that is, whatever tax is
14 exempted for disabled people would then be -- to
15 use Senator Trunzo's term, would then be
16 socialized to everybody who pays taxes, is that
17 correct?

18 SENATOR JOHNSON: Yes. Most of
19 us here would be picking that up, no doubt about
20 it but, quite frankly, I and others have heard
21 so many tragic stories about people forced out
22 of their homes. Maybe there's a disabled person
23 in the family, a spouse dies who had the
24 income. This person who is in there cannot keep
25 the home, no place to go, and I don't think

1 there would be very many of them in any
2 community because there are strict limitations
3 on who the person is on -- the disabled person,
4 they must be certified to receive SSI or SSDI,
5 retirement, and so forth, a certificate from
6 blind, visually disabled, and so on. It's not
7 that you want to get a parking space for the
8 disabled. I got a little trouble with my
9 heart. You have to really be disabled and
10 living only on that income essentially.

11 SENATOR DOLLINGER: Mr.
12 President, just on the bill.

13 ACTING PRESIDENT KUHL: Senator
14 Dollinger, on the bill.

15 SENATOR DOLLINGER: I agree with
16 this bill from Senator Johnson. I'm going to
17 vote in favor of the bill. I do think it would
18 be helpful to have some estimate of what the
19 cost of these exemptions would be to local
20 communities so that we know how much of that tax
21 we're going to end up socializing as we spread
22 it around to others on the tax base.

23 It seems to me that it's a good
24 idea. It perpetuates the notion that disabled
25 people will be able to continue to live in their

1 homes, which I think everybody acknowledges is a
2 good idea, but we should have some fiscal
3 understanding, and I think perhaps fiscal
4 conservatism as distinguished from socializing
5 the cost would give us a better sense of what
6 we're doing, even though I think it's the right
7 thing to do.

8 SENATOR JOHNSON: I think Senator
9 Leichter is really very sensitive to the fact
10 that this side of the aisle on these two bills
11 is taking away a lot of the Democrat agenda but
12 we don't really intend to do that.

13 I think the problem is, though,
14 first of all, the localities can opt into the
15 maximum of eighteen-five or they can go up to
16 the twenty-six eight ninety-nine. They don't
17 have to take the higher limits. So they can
18 control to a great extent what they do.

19 Upstate some communities are
20 still using a low limitation for the present
21 senior citizen property taxes. Of course, in
22 their communities, not many people make more
23 than \$18,000 or \$20,000. So it's really up to
24 the localities to do it and we can't predict how
25 many are out there now and what level of

1 exemption might be adopted by the communities.
2 So it's very difficult to contemplate what that
3 figure would be right now. Someone somewhere
4 might be able to figure it out. I don't think
5 it's a simple thing to do and the way it impacts
6 on communities depends upon the actions of those
7 communities.

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

10 Senator Leichter, why do you
11 rise?

12 SENATOR LEICHTER: If Senator
13 Johnson will yield, please.

14 ACTING PRESIDENT KUHL: Senator
15 Johnson, do you yield to a question from Senator
16 Leichter?

17 SENATOR JOHNSON: Yes, Mr.
18 President.

19 ACTING PRESIDENT KUHL: The
20 Senator yields.

21 SENATOR LEICHTER: Senator, I
22 would be happy to have you take over all my
23 program. You seem to be much more skillful than
24 I am in getting bills passed, but what I'm
25 concerned about about your bill is I don't think

1 it's totally complete. You deal with homeowners
2 but how about renters? How about disabled
3 renters and allowing municipalities to give them
4 a break?

5 SENATOR JOHNSON: Of course,
6 there are other programs out there which would
7 affect renters, for example, circuit breaker
8 programs, and so forth, which would affect
9 renters but I would say, Senator, that in my
10 experience, a homeowner and renter are different
11 in one respect, that the taxes on tenants are
12 generally a lot less than on homeowners. So, in
13 other words, it wouldn't impact on them as
14 much.

15 SENATOR LEICHTER: Senator, if
16 you would just yield to one more question.

17 ACTING PRESIDENT KUHL: Senator
18 Johnson, do you yield to one more question?

19 SENATOR JOHNSON: Yes, Mr.
20 President.

21 ACTING PRESIDENT KUHL: The
22 Senator yields.

23 SENATOR LEICHTER: Senator, the
24 renters pay for the real estate tax as part of
25 their rent. So it's certainly a burden on them

1 and, in fact, we have a program for elderly
2 renters which allows municipalities to give them
3 a break, and I would just suggest that you ought
4 to extent your program to give that power to the
5 municipalities, city of New York, other
6 municipalities that have a lot of renters, if
7 they wanted to, as they do for senior citizen
8 renters, to give assistance and a subsidy, if
9 you will, to disabled renters. It's easy enough
10 to do and it would be a fair way of proceeding.
11 It would make this a better program.

12 SENATOR JOHNSON: Senator, I
13 don't -- at this point I can't express any
14 particular opposition to it if that's a real
15 problem. However, that's not in this bill and
16 perhaps I would be concerned about Senator
17 Dollinger's observation that we don't know what
18 this is going to cost and maybe in the future,
19 Senator, we can extend it to that group as
20 well.

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

23 THE SECRETARY: Section 3. This
24 act shall take effect on the second day of
25 January.

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 58.

5 ACTING PRESIDENT KUHL: The bill
6 is passed.

7 Senator Waldon, why do you rise?

8 SENATOR WALDON: Thank you very
9 much, Mr. President.

10 I rise because on other business
11 of the Senate, I was out of the chamber when
12 this august body considered 1082, 1335 and
13 1367. I respectfully request unanimous consent
14 to be recorded in the negative on each of those.

15 ACTING PRESIDENT KUHL: Without
16 objection and hearing no objection, Senator
17 Waldon will be recorded in the negative on
18 Calendar 1082, 1335 and 1367.

19 The Secretary will continue to
20 read the controversial reading of Supplemental
21 Calendar A -- 58-A.

22 THE SECRETARY: Calendar Number
23 1379, by the Senate Committee on Rules, Senate
24 Print 5506, an act in relation to granting Tier
25 1 retirement status.

1 SENATOR DOLLINGER: Explanation.

2 ACTING PRESIDENT KUHL: Senator
3 Holland, in the absence of Senator Rules, who
4 would you like to explain Calendar Number 1379?

5 SENATOR HOLLAND: Mr. President,
6 this legislation would grant Tier 1 retirement
7 status to certain public employees who failed to
8 timely join the state employment retirement
9 system.

10 SENATOR DOLLINGER: Mr.
11 President.

12 ACTING PRESIDENT KUHL: Senator
13 Dollinger.

14 SENATOR DOLLINGER: Will Senator
15 Holland yield to a question?

16 SENATOR HOLLAND: Yes.

17 ACTING PRESIDENT KUHL: The
18 Senator yields.

19 SENATOR DOLLINGER: Senator, this
20 is the obvious question whenever we get one of
21 these bills and it doesn't have a name attached
22 to it, who is this person and what, if any,
23 relationship does this person have to this
24 Senate or any person in it, do you know?

25 SENATOR HOLLAND: I'm Senator

1 Holland. This is Senator Rules. I'm just a
2 stand-in, Senator.

3 SENATOR DOLLINGER: I understand
4 that, Senator Holland. I appreciate it. Most
5 of these bills, when we do specific pension
6 bills, apply to one only person and that person
7 is named and I needed to ask.

8 SENATOR HOLLAND: I think it
9 does, but I don't have the answer to that. I
10 can get that for you.

11 SENATOR DOLLINGER: Could we lay
12 the bill aside until we have the name of the
13 person who's actually -

14 SENATOR HOLLAND: Well, I would
15 rather not.

16 SENATOR DOLLINGER: I've got the
17 floor, Mr. President.

18 ACTING PRESIDENT KUHL: Senator
19 Dollinger, the floor is yours. Would you like
20 Senator Holland to yield to another question or
21 would you like to speak on the bill?

22 SENATOR DOLLINGER: Well, I would
23 love to have him yield to another question, Mr.
24 President.

25 ACTING PRESIDENT KUHL: Senator

1 Holland, do you yield to another question from
2 Senator Dollinger?

3 SENATOR HOLLAND: Yes.

4 ACTING PRESIDENT KUHL: The
5 Senator yields.

6 SENATOR DOLLINGER: We've done a
7 lot of these individual pension bills. We've
8 set up a process which Senator Trunzo mentioned
9 a couple minutes ago to try to deal with this
10 problem and not bring special individual bills.
11 I believe every other time -- I can remember one
12 exception which unfortunately ended up being a
13 rather unfortunate exception to this practice -
14 which caused a great deal of consternation and a
15 great deal of after the fact finger pointing and
16 all kinds of other things and it seems to me
17 that we need to know who this is before I could
18 cast anything near an intelligent vote on this.

19 I don't mean to put you on the
20 spot or any of the other members, but I think
21 it's only fair and consistent with our past
22 practice we know who this is, and I would ask
23 you again if we would lay this bill aside until
24 we know who it is.

25 SENATOR HOLLAND: I would rather

1 not, Senator. I would like to tell you one
2 other thing, though. The employee is willing to
3 pay the entire cost here.

4 SENATOR DOLLINGER: Again through
5 you, Mr. President.

6 ACTING PRESIDENT KUHL: Senator
7 Holland, do you continue to yield?

8 SENATOR HOLLAND: Yes.

9 ACTING PRESIDENT KUHL: The
10 Senator continues to yield.

11 SENATOR DOLLINGER: Can I assume
12 from that that this employee is willing to pay
13 the entire cost because this is significantly
14 beneficial to this employee whether he pays the
15 cost or not?

16 SENATOR HOLLAND: I would imagine
17 so, sir.

18 SENATOR DOLLINGER: I would
19 imagine the same thing. I would like to know
20 who we're giving this big, huge benefit to. You
21 understand, Senator. I'm a fiscal conservative,
22 as I think you are. Before I spend the state's
23 money or deal -- dole it out of the pension
24 fund, I'd like to know who this person is.
25 Obviously this person had the ability under

1 Senator Trunzo's bill to file a request for
2 readmission to the pension system, and I would
3 just ask that someone grant us an explanation of
4 who this person is.

5 SENATOR HOLLAND: Lay the bill
6 aside, please.

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

9 THE SECRETARY: Senator Holland,
10 that completes the, for the moment, the
11 controversial reading of Supplemental Calendar
12 58-A.

13 SENATOR HOLLAND: That completes
14 -- I'm told there's one more, Mr. President
15 13... 1336, Senator Waldon's bill.

16 Mr. President, lay that bill
17 aside, please.

18 ACTING PRESIDENT KUHL: What's
19 your pleasure at this point, Senator Holland?

20 SENATOR HOLLAND: Return to
21 reports of standing committees for a report of
22 the Rules Committee, Mr. President.

23 ACTING PRESIDENT KUHL: We'll
24 return to the order of reports of standing
25 committees. There is a report from the Rules

1 Committee meeting just a couple hours ago that's
2 at the desk.

3 I'll ask the Secretary to read.

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

7 Senate Print 282, by Senator
8 Kuhl, an act to amend the Tax Law;

9 1173, by Senator Maltese, an act
10 to amend the Retirement and Social Security Law;

11 1416-B, by Senator Wright, an act
12 to amend the Tax Law;

13 2487, by Senator Spano, an act to
14 amend the Correction Law;

15 4000-A, by Senator Present, an
16 act to amend the Executive Law;

17 4121-A, by Senator Holland, an
18 act to amend the Social Services Law;

19 4126, by Senator Marcellino, an
20 act to amend the Environmental Conservation Law;

21 4252, by Senator Johnson, an act
22 to amend the Local Finance Law;

23 4419, by Senator Farley, an act
24 to amend the Civil Service Law;

25 4766, by Senator Levy, an act to

1 amend the Penal Law;
2 4847, by Senator Meier, an act to
3 amend the Retirement and Social Security Law;
4 5003-A, by Senator Trunzo, an act
5 to amend the Retirement and Social Security Law;
6 5075, by Senator Marcellino, an
7 act to amend the Education Law;
8 5297, by Senator Stachowski, an
9 act to permit the reopening of the optional
10 20-year retirement plan;
11 5328, by Senator Marchi, an act
12 to amend the Retirement and Social Security Law;
13 5372-A, by Senator Spano, an act
14 to amend the Social Services Law;
15 5422, by Senator Velella, an act
16 to amend the Family Court Act;
17 5440, by Senator Meier, an act to
18 amend the Retirement and Social Security Law;
19 5525, by Senator Volker, an act
20 to amend the Criminal Procedure Law and others;
21 5544, by Senator Nozzolio, an act
22 to amend the Vehicle and Traffic Law;
23 5552-A, by Senator Goodman, an
24 act to amend the Tax Law;
25 5554, by Senator Libous, an act

1 to amend the Insurance Law;

2 5559, by Senator Goodman, an act

3 to amend the Charter of the city of New York;

4 5584, by Senator Oppenheimer, an

5 act to amend the Vehicle and Traffic Law;

6 5598, by the Senate Committee on

7 Rules, an act to amend the Insurance Law; and

8 3836, by Senator Gentile, an act

9 authorizing the city of New York.

10 All bills ordered direct for

11 third reading.

12 ACTING PRESIDENT KUHL: Senator

13 Larkin.

14 SENATOR LARKIN: Mr. President,

15 can we now take up the non-controversial portion

16 of this calendar.

17 ACTING PRESIDENT KUHL: The

18 motion is to accept the report of the Rules

19 Committee. All those in favor signify by saying

20 aye.

21 (Response of "Aye".)

22 Opposed, nay.

23 (There was no response.)

24 The Rules report is accepted.

25 The bills are ordered directly to

1 third reading.

2 The Secretary will call the
3 non-controversial Supplemental Calendar 58-B.

4 THE SECRETARY: Senator Kuhl
5 moves to discharge from the Committee on Rules
6 Assembly Bill Number 197 and substitute it for
7 the identical Third Reading Calendar 1395.

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

11 THE SECRETARY: Calendar Number
12 1395, by member of the Assembly Schimminger,
13 Assembly Print 197, an act to amend the Tax Law.

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

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 58.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

24 THE SECRETARY: Calendar Number
25 1397, by Senator Wright, Senate Print 1416-B, an

1 act to amend the Tax Law, in relation to adding
2 mining.

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

5 THE SECRETARY: Section 3. This
6 act shall take effect on the first day of
7 January.

8 SENATOR LEICHTER: Lay it aside.

9 ACTING PRESIDENT KUHL: Lay the
10 bill aside.

11 THE SECRETARY: Calendar Number
12 1398, by Senator Spano, Senate Print 2487, an
13 act to amend the Correction Law, in relation to
14 the custody and supervision.

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

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 58.

23 ACTING PRESIDENT KUHL: The bill
24 is passed.

25 SENATOR LEICHTER: Mr. President.

1 ACTING PRESIDENT KUHL: Yes,
2 Senator Leichter. Why do you rise?

3 SENATOR LEICHTER: What happened
4 to Calendar Number 1396?

5 ACTING PRESIDENT KUHL: It was
6 laid aside. You requested it be laid aside.

7 SENATOR LEICHTER: I don't think
8 you ever read it.

9 ACTING PRESIDENT KUHL: Wait a
10 minute. Excuse me. I'm mistaken.

11 Senator Leichter, that bill -
12 well, you have the bill on your supplemental
13 calendar. There are several bills that are not
14 going to be taken up on the calendar. In other
15 words, there's an active list and there's a
16 non-active list and I'll provide for the benefit
17 of the members those bills which will not be
18 taken up. Those will be Calendar Number 1396,
19 which was passed by, Calendar Number 1405,
20 Calendar Number 1409, Calendar 1420, 1421 and
21 1422. They are not on the active list and will
22 not be read.

23 SENATOR LEICHTER: And they will
24 not be taken up today, is that correct?

25 ACTING PRESIDENT KUHL: They will

1 not be taken up today. So Calendar Number 1396
2 was not read. So at this point Calendar Number
3 1395 has been passed. 1396 was not read.
4 Calendar Number 1397 by Senator Wright was laid
5 aside and we're on 1398.

6 SENATOR TULLY: Mr. President -
7 Mr. President.

8 ACTING PRESIDENT KUHL: Calendar
9 Number 1398 was passed. Excuse me.

10 SENATOR TULLY: Point of
11 information, Mr. President.

12 ACTING PRESIDENT KUHL: Yes,
13 sir.

14 SENATOR TULLY: I may be wrong,
15 but I think there was a lay aside request for
16 1396 and not for 1397. Perhaps you might want
17 to call 1397 again. I'm sorry. I stand
18 corrected.

19 Thank you.

20 ACTING PRESIDENT KUHL: Is
21 everybody clear on where we are on the
22 calendar? 1395 passed. 1397 was laid aside.
23 1398 passed. We're now going to call 1399.

24 THE SECRETARY: Calendar Number
25 1399, by Senator Present, Senate Print 4000-A,

1 an act to amend the Executive Law, in relation
2 to the registration requirement.

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

5 THE SECRETARY: Section 2. This
6 act shall take effect on the first day of
7 January.

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 58.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1400, by Senator Larkin, Senate Print 4072-B -
16 Calendar Number 1401, by Senator Holland, Senate
17 Print 4121-A, an act to amend the Social
18 Services Law, in relation to establishing.

19 SENATOR LEICHTER: Lay it aside.

20 ACTING PRESIDENT KUHL: Lay
21 Calendar Number 1401 aside.

22 THE SECRETARY: Calendar Number
23 1402, by Senator Marcellino, Senate Print 4126,
24 an act to amend the Environmental Conservation
25 Law, in relation to the removal.

1 ACTING PRESIDENT KUHL: The
2 Secretary will read the last section.

3 THE SECRETARY: Section 4. This
4 act shall take effect immediately.

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 58.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1403, by Senator Johnson, Senate Print 4252, an
13 act to amend the Local Finance Law, in relation
14 to installment.

15 ACTING PRESIDENT KUHL: The
16 Secretary will read the last section.

17 THE SECRETARY: Section 3. This
18 act shall take effect immediately.

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 58.

23 ACTING PRESIDENT KUHL: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 1404, by Senator Farley, Senate Print 4419, an
2 act to amend the Civil Service Law, in relation
3 to unused sick leave.

4 ACTING PRESIDENT KUHL: The
5 Secretary will read the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect immediately.

8 ACTING PRESIDENT KUHL: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 58.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1406, by Senator Meier, Senate Print 4847, an
16 act to amend the Retirement and Social Security
17 Law, in relation to retirement of sheriffs.

18 ACTING PRESIDENT KUHL: The
19 Secretary will read the last section.

20 THE SECRETARY: Section 3. This
21 act shall take effect immediately.

22 ACTING PRESIDENT KUHL: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes 58.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 THE SECRETARY: 1407, by Senator
4 Trunzo, Senate Print 5003-A, an act to amend the
5 Retirement and Social Security Law, in relation
6 to making application.

7 ACTING PRESIDENT KUHL: The
8 Secretary will read the last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect immediately.

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 58.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1408, by Senator Marcellino, Senate Print 5075,
19 an act to amend the Education Law, in relation
20 to the frequency of the posting.

21 ACTING PRESIDENT KUHL: The
22 Secretary will read the last section.

23 THE SECRETARY: Section 2. This
24 act shall take effect immediately.

25 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 58.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1410, by Senator Marchi, Senate Print 5328, an
8 act to amend the Retirement and Social Security
9 Law, in relation to crediting and transfer.

10 ACTING PRESIDENT KUHL: The
11 Secretary will read the last section.

12 THE SECRETARY: Section -

13 SENATOR DOLLINGER: Lay it aside,
14 Mr. President.

15 ACTING PRESIDENT KUHL: Lay the
16 bill aside.

17 THE SECRETARY: Calendar Number
18 1413, by Senator Velella, Senate Print 5422, an
19 act to amend the Family Court Act, in relation
20 to modifying the existence of exemption.

21 ACTING PRESIDENT KUHL: The
22 Secretary will read the last section.

23 THE SECRETARY: Section 4. This
24 act shall take effect on the 90th day.

25 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 58.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1414, by Senator Meier, Senate Print 5440, an
8 act to amend the Retirement and Social Security
9 Law, in relation to the transfer.

10 SENATOR LEICHTER: Lay it aside.

11 ACTING PRESIDENT KUHL: Lay the
12 bill aside.

13 THE SECRETARY: Calendar Number
14 1415, by Senator Volker, Senate Print 5525, an
15 act to amend the Criminal Procedure Law and
16 others, in relation to the collection of
17 financial obligations.

18 SENATOR LEICHTER: Lay it aside.

19 ACTING PRESIDENT KUHL: Lay the
20 bill aside.

21 THE SECRETARY: Calendar Number
22 1416, by Senator Nozzolio, Senate Print 5544, an
23 act to amend the Vehicle and Traffic Law, in
24 relation to providing for an exemption.

25 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect immediately.

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT KUHL: Record
8 the negatives and announce the results.

9 THE SECRETARY: Ayes 57, nays 1,
10 Senator -- ayes 56, nays 2, Senators Leichter
11 and Onorato recorded in the negative.

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1417, by Senator Goodman, Senate Print 5552-A,
16 an act to amend the Tax Law, in relation to
17 exemption.

18 ACTING PRESIDENT KUHL: The
19 Secretary will read the last section.

20 THE SECRETARY: Section 18 -

21 SENATOR LEICHTER: Lay it aside.

22 ACTING PRESIDENT KUHL: Lay the
23 bill aside.

24 THE SECRETARY: Calendar Number
25 1419, by Senator Goodman, Senate Print 5559, an

1 act to amend the Charter of the city of New
2 York, in relation to the power.

3 ACTING PRESIDENT KUHL: The
4 Secretary will read the last section.

5 THE SECRETARY: Section 2. This
6 act shall take effect immediately.

7 ACTING PRESIDENT KUHL: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 58.

11 ACTING PRESIDENT KUHL: The bill
12 is passed.

13 Senator Larkin, can we return to
14 motions and resolutions. We have a bill that we
15 need to amend.

16 The Chair recognizes Senator
17 Marcellino.

18 SENATOR MARCELLINO: Thank you,
19 Mr. President.

20 On behalf of Senator Spano, on
21 page number 2, I offer the following amendments
22 to Calendar Number 1411, Senate Print Number
23 5372-A, and ask that said bill retain its place
24 on the Third Reading Calendar.

25 ACTING PRESIDENT KUHL: The

1 amendments to Calendar Number 1411, which is on
2 Calendar Number 58-B, are received and adopted.
3 The bill will retain its place on the Third
4 Reading Calendar.

5 Senator Larkin, what's your
6 pleasure?

7 SENATOR LARKIN: Can we now start
8 on the controversial calendar, please, Mr.
9 President.

10 THE SECRETARY: Calendar Number
11 1397, by Senator Wright, Senate Print 1416-B, an
12 act to amend the Tax Law.

13 SENATOR LEICHTER: Explanation.

14 ACTING PRESIDENT KUHL: Senator
15 Wright, an explanation has been requested by
16 Senator Leichter.

17 SENATOR WRIGHT: The bill amends
18 the Tax Law to include that -- the mining
19 industry and the reimbursements that are
20 eligible under the manufacturing exemption of
21 the petroleum business tax. In '96, we amended
22 the petroleum business tax to provide for a
23 series of exclusions for manufacturing. At that
24 time mining was not included. This adds
25 mining. It has a projected fiscal impact of

1 \$80,000.

2 SENATOR LEICHTER: Mr. President,
3 would Senator Wright yield, please?

4 ACTING PRESIDENT KUHL: Senator
5 Wright, do you yield to a question from Senator
6 Leichter?

7 SENATOR WRIGHT: Yes, I will, Mr.
8 President.

9 ACTING PRESIDENT KUHL: The
10 Senator yields.

11 SENATOR LEICHTER: Senator, do
12 you have any figures as to what the dollar
13 amount of this exemption is going to be, to what
14 extent it's going to reduce state revenue?

15 SENATOR WRIGHT: Yes. \$80,000,
16 as I indicated in my initial response, that's
17 the annual estimate.

18 SENATOR LEICHTER: That's the
19 annual amount and, Senator, is -- if you would
20 yield for another question.

21 ACTING PRESIDENT KUHL: Senator
22 Wright, do you continue to yield?

23 SENATOR WRIGHT: Certainly.

24 ACTING PRESIDENT KUHL: The
25 Senator yields.

1 SENATOR LEICHTER: Do you know
2 how many mining and extraction companies there
3 are in the state that could avail themselves of
4 this exemption?

5 SENATOR WRIGHT: I do not know
6 the exact number. I know one that serves in my
7 district. Beyond that, I estimate that it's
8 probably less than a dozen throughout the state.

9 SENATOR LEICHTER: All right.
10 Senator, if you would continue to yield.

11 ACTING PRESIDENT KUHL: Senator
12 Wright, do you continue to yield?

13 SENATOR WRIGHT: Yes, I will.

14 ACTING PRESIDENT KUHL: The
15 Senator continues to yield.

16 SENATOR LEICHTER: What is the
17 justification for giving this tax benefit to
18 that company in your district? Why should we
19 help that particular employer or business rather
20 than some other employer business, or maybe we
21 ought to give this exemption to everybody who
22 uses motor fuel.

23 SENATOR WRIGHT: Well, in fact,
24 it was extended to most manufacturers in the
25 state who use number 10 petroleum fuel. At the

1 time mining was one of the few not included.
2 So, in fact, most manufacturers who use number 2
3 oil, in fact, are already in receipt of this
4 exemption. So we're simply adding the mining
5 industries to that.

6 ACTING PRESIDENT KUHL: Senator
7 Leichter.

8 SENATOR LEICHTER: Senator
9 Wright, I thank you for that answer. Maybe that
10 makes it clearer to me, but I was not aware that
11 this exemption, in fact, is available to all
12 manufacturers or you say almost all
13 manufacturers in the state that use this
14 particular form of oil, of motor fuel oil?

15 SENATOR WRIGHT: Thank you.

16 In 1996 when we did a series of
17 business tax reform, one of which was the reform
18 of the petroleum business tax, there were
19 specific exemptions provided for manufacturers
20 using number 2 petroleum oil. One of the few
21 industries not included was the mining and
22 extraction business.

23 SENATOR LEICHTER: Okay. Thank
24 you.

25 ACTING PRESIDENT KUHL: The

1 Secretary will read the last section.

2 THE SECRETARY: Section 3. This
3 act shall take effect on the first day of
4 January.

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 58.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1401, by Senator Holland, Senate Print 4121-A,
13 an act to amend the Social Services Law, in
14 relation to establishing.

15 SENATOR LEICHTER: Explanation.

16 ACTING PRESIDENT KUHL: Senator
17 Holland, an explanation has been requested on
18 Calendar Number 1401.

19 SENATOR HOLLAND: Mr. President,
20 this an idea for a bill I picked up at a
21 National Conference of State Legislators meeting
22 and it is an existing program in the state of
23 Minnesota.

24 The bill establishes a family
25 loan demonstration program to provide small, no

1 interest loans to low income custodial parents
2 who are working or enrolled in post-secondary
3 education to help pay for certain unanticipated
4 expenses that could interfere with the ability
5 of the parent to maintain employment or continue
6 education.

7 This is what was asked for in
8 many of our hearings throughout the state of New
9 York, small loans that would be available to
10 people so that they might not have to go on
11 welfare and it is a public and private
12 partnership. The state would put up \$300,000
13 for some non-profits to operate these loan
14 programs and the money would come from
15 foundations.

16 ACTING PRESIDENT KUHL: Senator
17 Leichter.

18 SENATOR LEICHTER: Would Senator
19 Holland yield just to one question.

20 Senator, what I was interested in
21 was the amounts that were involved. You say the
22 amount of the -- of this revolving loan fund is
23 going to be \$300,000?

24 SENATOR HOLLAND: The money has
25 to be appropriated but that would be the state

1 requirement, \$300,000 and that would establish
2 about four or five sites throughout the state of
3 New York for non-profits. The money for the
4 loans themselves, the revolving loans would come
5 from lending institutions or from foundations.

6 SENATOR LEICHTER: If you would
7 yield for another question.

8 SENATOR HOLLAND: Yes.

9 SENATOR LEICHTER: So the
10 \$300,000 goes to set up the mechanism by which
11 people would be informed, would be directed to.

12 SENATOR HOLLAND: Correct,
13 administrative costs.

14 SENATOR LEICHTER: Lending
15 institutions and none of this money would be
16 used, I take it then, in giving either direct
17 loans or underwriting or guaranteeing the
18 loans.

19 SENATOR HOLLAND: Not the state
20 money, no, sir.

21 SENATOR LEICHTER: Right.

22 SENATOR HOLLAND: That would be
23 administrative costs to set up the program.

24 SENATOR LEICHTER: It seems like
25 a good program. I just question whether it's

1 sufficiently funded and whether -- is there any
2 sense or any study that the lending institution
3 will actually provide loans?

4 SENATOR HOLLAND: I'm told that
5 lending institutions want to get credit under
6 the Federal Community Reinvestment Act and,
7 therefore, they would put up the money for this
8 and also there are -- the McKnight Foundation
9 has put up money for this in Minnesota and we
10 expect that they do the same thing here. We had
11 requests from other organizations in different
12 areas of the states to do the program. In
13 Albany, the Family and Children Services of
14 Albany, in New York City, the Community Service
15 Society of New York and the Jewish Board of
16 Family and Children Services and in Rochester,
17 the Catholic Family Center and the Family Center
18 of Rochester and we have a letter from them.

19 SENATOR LEICHTER: Mr. President.

20 ACTING PRESIDENT KUHL: Senator
21 Leichter.

22 SENATOR LEICHTER: Senator
23 Holland, let me just tell you, I think it's a
24 good program but I think it's woefully
25 underfunded but we ought to give it a try.

1 SENATOR HOLLAND: It's only a
2 beginning.

3 ACTING PRESIDENT KUHL: Is there
4 any other Senator wishing to speak on the bill?
5 Senator Dollinger.

6 SENATOR DOLLINGER: Mr.
7 President, will the sponsor yield to just one
8 question?

9 ACTING PRESIDENT KUHL: Senator
10 Holland, do you yield? The Senator yields.

11 SENATOR DOLLINGER: As I
12 understand it, this is \$300,000 that will be as
13 seed money from a fund that would grant no
14 interest loans; is it no interest or low
15 interest loans?

16 SENATOR HOLLAND: Correct. No
17 interest loans up to \$2200 per loan.

18 SENATOR DOLLINGER: Under what
19 terms would they be paid back?

20 ACTING PRESIDENT KUHL: Are you
21 asking Senator Holland to yield to a second
22 question, Senator Dollinger?

23 SENATOR HOLLAND: Yes. He said
24 he only wanted one question, Mr. President.

25 SENATOR DOLLINGER: Mr.

1 President, I am.

2 ACTING PRESIDENT KUHL: Would you
3 yield to a second question, Senator Holland?

4 SENATOR HOLLAND: Yes.

5 ACTING PRESIDENT KUHL: The
6 Senator yields.

7 SENATOR DOLLINGER: Under what
8 terms would they be paid back?

9 SENATOR HOLLAND: Up to two
10 years, repayment within two years.

11 SENATOR DOLLINGER: Okay.

12 ACTING PRESIDENT KUHL: Senator
13 Dollinger.

14 SENATOR DOLLINGER: Mr.
15 President, just on the bill briefly.

16 ACTING PRESIDENT KUHL: Senator
17 Dollinger, on the bill.

18 SENATOR DOLLINGER: I appreciate
19 the good-hearted intent that drives this bill
20 but, quite frankly, this is no substitute for
21 paying people a reasonable amount of welfare
22 benefits when they desperately need it. We're
23 not going to take a group of people who feel
24 guilty because they're on welfare and we're
25 going to make them even guiltier because they're

1 going to borrow money from the state of New York
2 with no interest loans and we're going to turn
3 them all into deadbeats if they don't pay it
4 back, one of which will be the state of New
5 York.

6 With all due respect, I'm going
7 to vote for this bill because I don't mind
8 voting for it but it's just not a substitute for
9 paying people if they're in desperate straits,
10 exceedingly desperate straits where we can say
11 to them, Come to us. If you meet the poverty
12 test, we'll give you a reasonable stipend so
13 that you can transition yourself in a period of
14 time when you're down on your luck. Now we're
15 going to say to them, Well, we're not going to
16 give you as much as we used to but we'll loan
17 you the money and you'll have to pay us back.

18 Senator Holland, I appreciate -
19 maybe I misunderstand it. If so, please correct
20 me, but it seems to me that this isn't a
21 substitute for providing people with something
22 reasonable in a period of time when they need
23 temporary help.

24 SENATOR HOLLAND: I have traveled
25 all over the state of New York and I have talked

1 to lots of people, and I think you're putting
2 poor people down. Lots of people do not want to
3 go on welfare. They would appreciate a loan
4 that would bridge them over a situation where
5 they might have to go on welfare and you can
6 talk to any, I believe social services director
7 in these counties throughout the state of New
8 York and they will tell you that situation is
9 correct and the letter of support comes from a
10 CEO in Rochester, you might want to talk to her,
11 Carolyn -- if I can pronounce her last name -
12 Portanova.

13 SENATOR DOLLINGER: Carolyn
14 Portanova. She's the president of the Catholic
15 Family Center.

16 SENATOR HOLLAND: Talk to her.
17 Talk to her.

18 ACTING PRESIDENT KUHL: Have you
19 concluded, Senator Dollinger?

20 SENATOR DOLLINGER: Yes, Mr.
21 President.

22 ACTING PRESIDENT KUHL: Thank
23 you.

24 SENATOR DOLLINGER: I don't
25 oppose this bill. I'm not going to vote against

1 this bill. Obviously giving loans to people who
2 are down on their luck and have a difficult time
3 is not a bad idea, but I just hope it's not
4 anybody's impression here that this is a
5 substitute for giving them the kinds of
6 transitional benefits that they need in a period
7 of time when they need temporary assistance from
8 this state.

9 The last thing I would want to do
10 is say to people who are in need of welfare
11 assistance, Go ahead. Borrow money from us but
12 you've got to pay it back some day. I
13 understand it's well intentioned. I hope it
14 works but let's not use it as a substitute for
15 making sure we fulfill our commitment so that
16 poor people in this state have the transitional
17 benefits necessary to maintain themselves and
18 aren't enchained for the rest of their life with
19 the notion that they've got to pay it back.

20 ACTING PRESIDENT KUHL: The
21 Secretary will read the last section.

22 THE SECRETARY: Section 3. This
23 act shall take effect immediately.

24 ACTING PRESIDENT KUHL: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 58.

3 ACTING PRESIDENT KUHL: The bill
4 is passed.

5 The Chair recognizes Senator
6 Larkin.

7 SENATOR LARKIN: Mr. President,
8 can we now return to Calendar 1336, Senate Print
9 2491, by Senator Waldon.

10 THE SECRETARY: Calendar Number
11 1336, by member of the Assembly Clark, Assembly
12 Print 3898, an act to amend the Public
13 Authorities Law.

14 ACTING PRESIDENT KUHL: The
15 Secretary will read the last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect immediately.

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 58.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

24 Senator Larkin.

25 SENATOR LARKIN: Can we now

1 return to the regular order, Mr. President.

2 ACTING PRESIDENT KUHL: The
3 Secretary will read the controversial calendar
4 58-B in order.

5 THE SECRETARY: Calendar Number
6 1410, by Senator Marchi, Senate Print 5328, an
7 act to amend the Retirement and Social Security
8 Law, in relation to crediting and transferring.

9 SENATOR LEICHTER: Explanation.

10 SENATOR VOLKER: Mr. President.

11 ACTING PRESIDENT KUHL: Senator
12 Volker, for an explanation.

13 SENATOR VOLKER: Mr. President,
14 in keeping with my new New York City package
15 here, let me explain this bill.

16 First of all, let me just say
17 that I read the -- there was a little problem
18 with the memo and I -- so I was -- it was
19 explained to me that what -- the story here is
20 that this involves a very small number of
21 employees who had prior service with the city of
22 New York and now are employed with the state of
23 New York and have pension service credits that
24 are -- apparently are what they called stranded
25 in the New York City pension system. They get

1 their full credit, they would need to
2 consolidate these credits in the New York State
3 employ... state and local employees retirement
4 system, in other words, the ERS.

5 What I guess happened here is
6 that there was a bill passed here several years
7 ago and required the city of New York to pass a
8 local law which for one reason or another the
9 city of New York did not do in this case,
10 although apparently it did in other cases.

11 According to the memo, there's
12 only a small number of employees that are
13 involved here and, remember, these are credits
14 that these people earned themselves and the
15 money is in the system which is the credit of
16 the people who are now in the state system. In
17 other words, this is not any new money. It's
18 already in the system and some of the people
19 involved apparently was contributory -- made
20 contributions because the system itself required
21 contributions so their money is -- even their
22 own contributions are in the system.

23 What this would do is move those
24 stranded -- that stranded amount of money to the
25 state pension system. The Comptroller says that

1 the fiscal impact of New York City would not
2 apply at all because these are monies that were
3 already earned by these people and the state
4 system cost would be very minimal because
5 there's only a few amount of people who were
6 involved.

7 ACTING PRESIDENT KUHL: The
8 Secretary will read the last section.

9 THE SECRETARY: Section 3. This
10 act shall take effect on the 60th day.

11 ACTING PRESIDENT KUHL: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 58.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1414, by Senator Meier, Senate Print 5440, an
19 act to amend the Retirement and Social Security
20 Law, in relation to the transfer of previous
21 service credit.

22 SENATOR LEICHTER: Explanation.

23 ACTING PRESIDENT KUHL: Senator
24 Meier, an explanation of Calendar Number 1414
25 has been requested by Senator Leichter.

1 SENATOR MEIER: Yes, Mr.
2 President. Current law provides that members of
3 the State Police who have had previous service
4 as a member of a state park police agency or a
5 municipal police department may transfer the
6 full retirement credit earned during that prior
7 service into the State Police retirement plan.

8 This bill would expand the
9 universe of people who may transfer that credit
10 to include employees or officers, rather, of the
11 Department of Correctional Services.

12 SENATOR DOLLINGER: Mr.
13 President.

14 ACTING PRESIDENT KUHL: The Chair
15 recognizes Senator Dollinger.

16 SENATOR DOLLINGER: Senator
17 Meier, the anticipated cost of this is \$180,000
18 for one member, is that correct?

19 SENATOR MEIER: That's correct.
20 There is one -- there's a fiscal note which is
21 appended to the bill which you have in your
22 hand. There is one identifiable member
23 currently within the system and that is the cost
24 that's been provided by the state retirement
25 system.

1 The bill, I would point out,
2 would also apply to any future member who might
3 transfer from the Department of Correctional
4 Services to the Division of State Police.

5 SENATOR DOLLINGER: Again through
6 you, Mr. President.

7 ACTING PRESIDENT KUHL: Senator
8 Meier, do you continue to yield? The Senator
9 continues to yield.

10 SENATOR MEIER: Yes, Mr.
11 President.

12 SENATOR DOLLINGER: What is the
13 \$180,000 cost? Is that going to come out of the
14 general fund? Who pays that?

15 SENATOR MEIER: The \$180,000
16 cost, I believe, said there would be -- it would
17 come out of the budget according to the
18 statement from the actuary of the Division of
19 the State Police.

20 SENATOR DOLLINGER: Again through
21 you, Mr. President. Could you just tell me who
22 this person is, who this one person is?

23 SENATOR MEIER: Yes, I could.
24 The present person affected is a gentleman named
25 Lieutenant Frank DeGennaro, who is presently a

1 lieutenant in the Department of Correctional
2 Services and there may be other people who are
3 unidentified and any future people obviously
4 cannot be identified who might exercise the
5 option to be transferred.

6 SENATOR DOLLINGER: And again
7 through you, Mr. President, I apologize. I'm
8 just missing something. Why is the cost so
9 large? That's a huge amount of money to be
10 placed in the pension system.

11 SENATOR MEIER: I can only -- I
12 have the letter -- the fiscal impact note from
13 the New York State retirement system. I can
14 only assume that the cost is such because of the
15 amount of credit being transferred. The fiscal
16 note doesn't give us anything more than the
17 cost. It doesn't perform the calculations.

18 ACTING PRESIDENT KUHL: Senator
19 Dollinger, do you wish to speak on the bill?

20 SENATOR DOLLINGER: No. Again
21 through you, Mr. President. If I can just ask
22 another question.

23 ACTING PRESIDENT KUHL: Senator
24 Meier, do you continue to yield?

25 SENATOR MEIER: Yes, Mr.

1 President.

2 ACTING PRESIDENT KUHL: The
3 Senator yields.

4 SENATOR DOLLINGER: Is the
5 \$180,000 transferred from one pension system to
6 another, or is it new cash coming into the
7 pension system out of the general fund?

8 SENATOR MEIER: The fiscal note
9 indicates that this is a past service cost of
10 approximately \$180,000. It's my understanding
11 that it would not be a transfer and that the
12 prior -- that the funds contributed for the
13 prior service credit would remain within that
14 retirement system.

15 ACTING PRESIDENT KUHL: Senator
16 Dollinger.

17 SENATOR DOLLINGER: Again through
18 you, Mr. President, if Senator Meier will yield
19 to just one other question.

20 ACTING PRESIDENT KUHL: Senator
21 Meier, do you yield to one other question?

22 SENATOR MEIER: Of course, Mr.
23 President.

24 ACTING PRESIDENT KUHL: The
25 Senator yields.

1 SENATOR DOLLINGER: Does this
2 mean the individual will get a pension from one
3 of the pension systems and we're buying him
4 \$180,000 worth of credit in the other pension
5 system?

6 SENATOR MEIER: No. Once the
7 credit is transferred, there can be no pension
8 from the other system because there's no credit
9 in it to cause a pension to vest.

10 SENATOR DOLLINGER: Again, I'm
11 just trying to understand.

12 ACTING PRESIDENT KUHL: Senator
13 Meier, do you continue to yield?

14 SENATOR MEIER: Of course, Mr.
15 President.

16 SENATOR DOLLINGER: What I'm
17 trying to understand, is this \$180,000 of new
18 money, or are we getting \$180,000 in the
19 treasury from forfeiture from the other pension
20 system that will be used to buy these new
21 purchase credits?

22 SENATOR MEIER: My understanding
23 is that the bill occasions a new expense of
24 \$180,000 and that the funds placed into the
25 earlier pension system are, in effect,

1 stranded.

2 ACTING PRESIDENT KUHL: Senator
3 Dollinger.

4 SENATOR DOLLINGER: Mr.
5 President, I'm confused. I'm going to vote, I
6 guess in my confusion, but I think it's an awful
7 lot of money coming out of the general fund for
8 one person.

9 ACTING PRESIDENT KUHL: The
10 Secretary will read the last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect immediately.

13 ACTING PRESIDENT KUHL: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 57, nays 1,
17 Senator Dollinger recorded in the negative.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1415, by Senator Volker, Senate Print 5525, an
22 act to amend the Criminal Procedure Law, the Tax
23 Law and the Judiciary Law.

24 SENATOR VOLKER: Mr. President.

25 ACTING PRESIDENT KUHL: Senator

1 Volker, for an explanation.

2 SENATOR VOLKER: Senator, this
3 bill is a Department of Probation program bill
4 and it provides an automated -- a new kind of
5 system for the collection of outstanding
6 financial obligations that are connected in
7 connection with criminal proceedings and
8 youthful offender adjudications.

9 It's no secret that the state has
10 had a problem for some years in collecting
11 fines, and I guess I would have to say this has
12 been true especially in the city of New York,
13 where hundreds of thousands of dollars in fines,
14 in some cases, have been uncollected and in some
15 cases there are obligations outstanding and it's
16 been said that there are people or groups that
17 have money but for one reason or another there
18 has not been the ability to collect that money
19 and, in fact, if my recollection is correct,
20 over the years we have, in effect, put money in
21 the budget in anticipation of collections and
22 that has not come to fruition.

23 As I understand this, this is, in
24 effect, setting up a new modernized system for
25 collecting those fines and this does not raise,

1 by the way, any fines or fees or anything of
2 that nature.

3 What this bill does is just set
4 up a better system for collecting those fees and
5 provides an amnesty program in certain cases
6 and, in other words, it's an entire revamping of
7 the system for collecting fees, and so forth,
8 that are due the state of New York in criminal
9 cases and in youthful offender cases.

10 ACTING PRESIDENT KUHL: The
11 Secretary will read the last section.

12 THE SECRETARY: Section 9. This
13 act shall take effect on the first day of
14 November.

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 58.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1417, by Senator Goodman, Senate Print 5552-A,
23 an act to amend the Tax Law, in relation to
24 exemption.

25 SENATOR DOLLINGER: Explanation.

1 SENATOR LARKIN: Lay it aside,
2 Mr. President.

3 ACTING PRESIDENT KUHL: Lay the
4 bill aside temporarily.

5 SENATOR LARKIN: Any house
6 keeping, Mr. President?

7 ACTING PRESIDENT KUHL: We have
8 some. Can we return to the order of motions and
9 resolutions, Senator Larkin. We have a motion.
10 Return to the order of motions and resolutions.

11 The Chair recognizes Senator
12 Marcellino.

13 SENATOR MARCELLINO: Thank you,
14 Mr. President.

15 On behalf of Senator Hannon,
16 please remove the sponsor's star from Calendar
17 Number 495.

18 ACTING PRESIDENT KUHL: The star
19 on Calendar Number 495 will be removed at the
20 request of the sponsor.

21 SENATOR MARCELLINO: Thank you,
22 sir.

23 ACTING PRESIDENT KUHL: Senator
24 Larkin.

25 SENATOR LARKIN: Would you please

1 recognize Senator Montgomery, Mr. President.

2 ACTING PRESIDENT KUHL: Senator
3 Montgomery.

4 SENATOR MONTGOMERY: Thank you,
5 Mr. President.

6 I would like unanimous consent to
7 be recorded in the negative on Calendar 1381.

8 ACTING PRESIDENT KUHL: Without
9 objection, hearing no objection, Senator
10 Montgomery will be recorded in the negative on
11 Calendar Number 1381.

12 Senator Larkin.

13 SENATOR LARKIN: Mr. President,
14 would you lay Senator Goodman's bill, 1417 aside
15 for the day.

16 ACTING PRESIDENT KUHL: Calendar
17 Number 1317 will be laid aside -- excuse me -
18 1417 will be laid aside for the day.

19 Senator Larkin.

20 SENATOR LARKIN: Mr. President,
21 is there any other housekeeping at the desk?

22 SENATOR GENTILE: Mr. President.

23 ACTING PRESIDENT KUHL: Senator
24 Gentile.

25 SENATOR GENTILE: Mr. President,

1 earlier today there was a vote on a confirmation
2 -- on a reappointment to the Metropolitan
3 Transportation Authority. I just wanted to put
4 on the record, if possible, just my vote and my
5 explanation, my -- of my vote on James Simpson.

6 I vote in the affirmative on Mr.
7 Simpson but I must say, as a Staten Islander, I
8 would naturally be inclined to vote for him but
9 that's really not the reason that I voted in the
10 affirmative.

11 Actually given the Transit
12 Authority record in my Brooklyn end of my
13 district, which is atrocious, Mr. Simpson would
14 not get my vote, but I am voting in the
15 affirmative for Mr. Simpson on the basis that he
16 has publicly stated that he is in support of the
17 express bus fare campaign for the Staten Island
18 Express buses.

19 That public statement will give
20 me -- will give him the benefit of the doubt in
21 my eyes. However, just a public statement of
22 support for the half fare campaign on Staten
23 Island is not enough.

24 Mr. Simpson is in the position to
25 now make a motion to the MTA board to institute

1 that half fare discount on the express buses
2 beginning this summer on Staten Island.

3 I look forward, with vigilance,
4 to be sure that Mr. Simpson, who's now stated
5 publicly he supports this half fare discount,
6 will now move forward and make that motion as a
7 member of the Metropolitan Transportation
8 Authority board.

9 So I vote in favor of Mr.
10 Simpson, but I do so with some trepidation and
11 look forward, with some anticipation, for his
12 cooperation on the express bus fare for Staten
13 Island.

14 ACTING PRESIDENT KUHL: Senator
15 Gentile, since this is the end of session, we're
16 trying to be as accommodating as possible.
17 Normally you would not be allowed the
18 opportunity to explain a vote. It would have to
19 come in the form of a request to the entire body
20 for unanimous consent to make a statement at
21 that portion of the time when that opportunity
22 is available through the normal rules and
23 procedure. I just -- you're a new member. I
24 understand. I would just point that out for
25 your recognition at this time.

1 SENATOR GENTILE: Thank you, Mr.
2 President.

3 ACTING PRESIDENT KUHL: Senator
4 Larkin.

5 SENATOR LARKIN: Is this any
6 other business at the desk?

7 ACTING PRESIDENT KUHL: There is
8 none.

9 SENATOR LARKIN: Mr. President, I
10 now move we adjourn until Wednesday, June the
11 25th, at 10:00 a.m., period.

12 ACTING PRESIDENT KUHL: Without
13 objection, hearing no objection, the Senate
14 stands adjourned until tomorrow, Wednesday, June
15 25th, at 10:00 a.m.

16 (Whereupon, at 6:40 p.m., the
17 Senate adjourned.)

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