ALBANY, NEW YORK

July 1, 1997

11:24 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

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

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 30th. The Senate met pursuant to adjournment. The Journal of Sunday, June 29th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Chair recognizes Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

On behalf of Senator Present, I wish to call up his bill, Print Number 535, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 112, by Senator Present, Senate Print 535, an act authorizing the Commissioner of General Services.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Volker, I wish to call up his bill, Print Number 3617, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 657, by Senator Volker, Senate Print 3617, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT KUHL: Secretary

will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: Senator Tully.

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

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Marcellino, I wish to call up his bill, Print Number 4129, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 787, by Senator Marcellino, Senate Print 4129, an act authorizing the Commissioner of General Services.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Mr. President, I now move to reconsider the vote by which this

bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Tully.

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

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Spano, I wish to call up his bill, Print Number 5405, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1256, by Senator Spano, Senate Print 5405, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT KUHL: Senator

Tully.

SENATOR TULLY: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: Senator Tully.

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

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Seward, I wish to call up his bill, Print Number 5197, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 838, by Senator Seward, Senate Print 5197, an act to amend the General Municipal Law.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: Senator Tully.

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

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

On page number 25, I offer the following amendments to Calendar Number 976, Senate Print Number 1816-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL:

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

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

On behalf of Senator Padavan, on page number 29, I offer the following amendments to Calendar Number 1241, Senate Print Number 5262-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 1241 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

I wish to call up my bill, Print Number 5081-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 784, by Senator Maziarz, Senate Print 5081-A, an

act to amend the Social Services Law.

ACTING PRESIDENT KUHL: Senator Maziarz.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: Senator Maziarz.

SENATOR MAZIARZ: I now offer the following amendments.

ACTING PRESIDENT KUHL: Amendments received and adopted.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

On behalf of Senator Goodman, I wish to call up bill Print Number 3756, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read the title.

Before you proceed, Senator Maziarz, Calendar Number 784 is restored to the calendar.

Now, your second motion was to recon.... Senator Maziarz, would you re-make your first -- your next motion, please.

SENATOR MAZIARZ: I wish to call up my bill, Print Number 5081-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Calendar 784 is restored to the calendar. Do you have any other motion now, Senator Maziarz?

SENATOR MAZIARZ: Yes.

ACTING PRESIDENT KUHL: Would you make that, please?

SENATOR MAZIARZ: I wish to call up Print Number 3756, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 890, by Senator Goodman, Senate Print 3756, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT KUHL: Senator Maziarz.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: That bill is restored to the calendar.

Senator Maziarz, relative to your motion on Calendar Number 890, by Senator Goodman, do you wish to have that bill recommitted, as is on the script which you're supposed to read?

SENATOR MAZIARZ: Yes.

ACTING PRESIDENT KUHL: O.K. Then we will recommit that bill.

Thank you, Senator Maziarz.

Are there other motions? Senator Skelos, we have some substitutions we'd like to take if they might be taken.

SENATOR SKELOS: Mr. President, while we're doing some of the housekeeping, there will be an immediate meeting of the Rules

Committee in the Majority Conference Room.

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

Secretary will read the substitutions.

THE SECRETARY: On page 9, Senator Kuhl moves to discharge from the Committee on Rules Assembly Bill Number 5409-A and substitute it for the identical Third Reading Calendar 389.

On page 11, Senator Nozzolio moves to discharge from the Committee on Rules Assembly Bill Number 5572-D and substitute it for the identical Third Reading Calendar 437.

On page 12, Senator Liebell moves to discharge from the Committee on Rules, Assembly Bill Number 2931-A, and substitute it for the identical Third Reading Calendar 504.

On page 21, Senator Holland moves to discharge from the Committee on Rules Assembly Bill Number 6049-A and substitute it for the identical Third Reading Calendar 839.

On page 21, Senator Meier moves

to discharge from the Committee on Rules Assembly Bill Number 6334 and substitute it for the identical Third Reading Calendar 845.

On page 31, Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 8165-A, and substitute it for the identical Third Reading Calendar 1421.

And on page 32, Senator Seward moves to discharge from the Committee on Rules Assembly Bill Number 4954, and substitute it for the identical Third Reading Calendar 404.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Holland.

SENATOR HOLLAND: Mr. President, I believe you have a privileged resolution at the desk by Senator Rath. I would ask that the title be read and it be adopted.

ACTING PRESIDENT KUHL: Secretary will read the title of the privileged resolution by Senator Rath which is at the desk.

THE SECRETARY: By Senator Rath, Legislative Resolution commending the Ladies Auxiliary of the Goetzville Fire Company upon the occasion of its 75th Anniversary.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we please adopt the entire Resolution Calendar.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we have the reading of the non-controversial calendar, please.

ACTING PRESIDENT KUHL: Secretary

will read the non-controversial calendar.

THE SECRETARY: Calendar Number 278, by member of the Assembly Bragman, Assembly Print 2632, an act to amend the Real Property Tax Law, in relation to payment.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 339, by Senator Holland, Senate Print 453-D, an act to amend the Insurance Law, in relation to the settlement of claims.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 488, by member of the Assembly Carrozza, Assembly Print 4508, an act to amend the State Finance Law, in relation to deferred compensation.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 504, substituted earlier today, by member of the Assembly Lopez, Assembly Print 2931-A, an act to amend the Private Housing Finance Law, in relation to allowing.

ACTING PRESIDENT KUHL: Secretary

will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 850, by member of the Assembly Gunther, Assembly Print 422, an act to amend the Public Service

Law, in relation to utility rates.

SENATOR HOLLAND: Lay aside for the day, please.

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

THE SECRETARY: Calendar Number 865, by Senator Saland, Senate Print 4595, an act to amend the Criminal Procedure Law and others, in relation to the powers of the State University security officers.

SENATOR HOLLAND: Lay that aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 874, by Senator Goodman, Senate Print 432, an act to amend the Arts and Cultural Affairs Law, in relation to the New York State fine arts collection.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

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

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1411, by Senator Spano, Senate Print 5372-B, an act to amend the Social Services Law, in relation to unfounded reports of child abuse or maltreatment.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland, that completes the reading of the non-controversial calendar. What's your pleasure?

SENATOR HOLLAND: Can we have the reading of the controversial calendar, please?

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar beginning with Calendar Number 865, by the -- before we do that, the Chair would recognize Senator Paterson.

Senator Paterson, why do you rise?

SENATOR PATERSON: Thank you, Mr. President.

The only bill that I see on the controversial calendar is one that I laid aside for Senator Leichter who is in the Rules

Committee. I just wanted the Chair to be aware of that.

ACTING PRESIDENT KUHL: Calendar Number 865 was laid aside at your behest, Senator Paterson?

SENATOR PATERSON: Yes, it was.

ACTING PRESIDENT KUHL: And that was to allow Senator Leichter to be able to ask a couple questions. Senator Saland, or excuse me, Senator Holland, how do you propose to handle that dilemma?

SENATOR HOLLAND: Lay that aside temporarily, Mr. President, and if there is any housekeeping do that. If not, we'll stand at ease awaiting a Rules report -- oh, here it comes.

ACTING PRESIDENT KUHL: There's nothing at the desk to do so -

Senator Holland, the report of the Rules Committee just arrived, but it will take the desk just a minute or so, and they'll be able to take that up.

SENATOR HOLLAND: Mr. President. There will be an immediate meeting of the Finance Committee in Room 332.

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

Senator Holland.

SENATOR HOLLAND: Mr. President, may we return to reports of standing committees. I believe there's a report of the Rules Committee at the desk.

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

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

5410-B, by Senator Johnson, an act to amend the Environmental Conservation Law;

5606, by the Senate Committee on Rules, an act to amend Chapter 483 of the Laws of 1978;

5609, by the Senate Committee on

Rules, an act establishing the chronic care management demonstration program;

5649, by Senator Velella, an act to amend the Insurance Law;

5650, by Senator LaValle, an act to amend the Public Authorities Law;

5653, by Senator LaValle - excuse me, by Senator Velella, an act to amend the Insurance Law;

3389, by Senator Seabrook, an act authorizing the city of New York;

5657, by the Senate Committee on Rules, an act to amend the Racing, Pari-mutuel Wagering and Breeding Law; and

5658, by the Senate Committee on Rules, an act to amend the Insurance Law.

All bills ordered direct for third reading.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: Mr. President, I move we accept the report of the Rules Committee.

ACTING PRESIDENT KUHL: Motion is to accept the report of the Rules Committee.

All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The report of the Rules Committee is accepted.

Senator Holland.

SENATOR HOLLAND: Mr. President, I move we accept Rules report that was laid aside last week.

ACTING PRESIDENT KUHL: Motion is to accept the report of the Rules Committee which was previously offered on June 25th at about 11:55 p.m. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Rules report is accepted. Senator Holland.

SENATOR HOLLAND: Can we take up the non-controversial -- now, wait a minute, one second. Can we -- the committee report, can we take up 3389, by Senator Seabrook, please.

ACTING PRESIDENT KUHL: For the

benefit of the members, we will be going to Supplemental Calendar Number 60-A, which was just placed on your desk, and the Secretary will read Calendar Number 1510, on page 2 of Supplemental Calendar Number 60-A, by Senator Seabrook.

THE SECRETARY: Calendar Number 1510, by Senator Seabrook, Senate Print 3389, an act authorizing the city of New York to reconvey its interest in certain real property.

ACTING PRESIDENT KUHL: There is no home rule message at the desk, so the bill will have to be laid aside.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we take up 5657, please, by Rules.

ACTING PRESIDENT KUHL: Secretary will read the substitution on Calendar Number 1511, Senate Print 5657.

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 8429 and substitute it for the identical Third Reading Calendar 1511.

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

THE SECRETARY: Calendar Number 1511, by the Assembly Committee on Rules, Assembly Print 8429, an act to amend the Racing, Pari-mutuel Wagering and Breeding Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, may we take up 5410-B, by Senator Johnson, please.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1493, which is Senate Print 5410-B, by Senator Johnson.

THE SECRETARY: Calendar Number 1493, by Senator Johnson, Senate Print 5410-B, an act to amend the Environmental Conservation Law, in relation to the management of marine

fisheries.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: Is there a message at the desk, please.

ACTING PRESIDENT KUHL: There is a message of necessity at the desk.

SENATOR HOLLAND: Move we accept it.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1493. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

The message is accepted. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we take up 5649, by Senator Velella, please.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1502, Senate Print 5649, the substitution which is at the desk.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules Assembly Bill Number 8446 and substitute it for the identical Third Reading Calendar 1502.

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

THE SECRETARY: Calendar Number 1502, by the Assembly Committee on Rules, Assembly Print 8446, an act to amend the Insurance Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, please 5650, by Senator Velella. I'm sorry, I said it wrong again, LaValle.

ACTING PRESIDENT KUHL: Secretary will read the Assembly substitution at the desk on Calendar Number 1503.

THE SECRETARY: Senator LaValle moves to discharge from the Committee on Rules Assembly Bill Number 8445 and substitute it for the identical Third Reading Calendar 1503.

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

THE SECRETARY: Calendar Number 1503, by the Assembly Committee on Rules, Assembly Print 8445, an act to amend the Public Authorities Law, in relation to the powers of the Dormitory Authority.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, 5653, please, by Senator Velella.

ACTING PRESIDENT KUHL: Secretary will read the substitution at the desk on Calendar Number 1506, by Senator Velella, Senate Print 5653, which is on page 2 of the Supplemental Calendar 60-A.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules Assembly Bill Number 8451 and substitute it for the identical Third Reading Calendar 1506.

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

THE SECRETARY: Calendar Number 1506, by the Assembly Committee on Rules, Assembly Print 8451, an act to amend the Insurance Law, in relation to continuation of

provisions.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, there are three remaining bills on 60-A. Could you please read those bills starting with 5606, please.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1498, by the Senate Committee on Rules, Senate Print 5606, an act to amend Chapter 483 of the Laws of 1978.

SENATOR HOLLAND: Lay aside temporarily.

ACTING PRESIDENT KUHL: Lay the

bill aside.

Secretary will read the next Calendar Number 1499. There is a substitution at the desk on Senate Print 5609.

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 8456 and substitute it for the identical Third Reading Calendar 1499.

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

THE SECRETARY: Calendar Number 1499, by the Assembly Committee on Rules, Assembly Print 8456, an act establishing the chronic care management demonstration program.

SENATOR HOLLAND: Lay that aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

Secretary will continue to read Calendar Number 1512, the substitution that's at the desk.

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 8467 and substitute it for

the identical Third Reading Calendar 1512.

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

THE SECRETARY: Calendar Number 1512, by the Assembly Committee on Rules, Assembly Print 8467, an act to amend the Insurance Law, in relation to continuing the purpose and extending.

SENATOR HOLLAND: Will you lay that aside temporarily also, please.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

Senator Holland.

SENATOR HOLLAND: Could we return to the today's calendar and do Calendar Number 865, Senator Saland's bill, please; is that the one?

ACTING PRESIDENT KUHL: Return to the original calendar of the day.

SENATOR HOLLAND: I'm sorry, never mind. Delete that. We're waiting for Senator Leichter who would like to ask some questions of Senator Saland.

ACTING PRESIDENT KUHL: Senator

Holland, we do have a couple of motions we could take care of at the desk.

SENATOR HOLLAND: Please.

ACTING PRESIDENT KUHL: Return to the order of motions and resolutions.

Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I wish to call up Senator Skelos' bill, Print Number 5090-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1369, by Senator Skelos, Senate Print 5090-A, an act to amend Chapter 879 of the Laws of 1936.

ACTING PRESIDENT KUHL: Senator Marcellino.

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

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

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: Senator Marcellino.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Marcellino.

SENATOR MARCELLINO: Oh, I got a blank sheet.

Mr. President, on behalf of Senator Skelos, I wish to call up his bill, Print Number 4821, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1453, by Senator Skelos, Senate Print 4821, an act to amend the Civil Service Law, in relation to reimbursement.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by

which this bill was passed.

ACTING PRESIDENT KUHL: Motion is to reconsider the vote by which the bill passed the house. Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT KUHL: Senator Marcellino.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Holland.

SENATOR HOLLAND: Senator Leichter is not here yet. Can we return to Supplemental Calendar 60-B from the Rules Committee. Is it distributed? I guess not. Can't do that either. Not distributed, Mr. President. I guess we'll have to stand at ease for the moment.

ACTING PRESIDENT KUHL: Senate will stand at ease for a moment.

SENATOR HOLLAND: Mr. President.

ACTING PRESIDENT KUHL: The Senate will come to order, members find their places, please, staff take their chairs.

Senator Holland.

SENATOR HOLLAND: Mr. President, may we return to reports of standing committees. I believe there is a report of the Finance Committee at the desk.

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

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

Senate Print 5671, by the Senate Committee on Rules, an act making appropriations for the support of government; and

Senate Print 5672, by the Senate Committee on Rules, an act making appropriations for the support of government.

Both bills ordered direct for third reading.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: I move we accept the report of the Finance Committee.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The report of the Finance Committee is accepted.

SENATOR HOLLAND: Can we take up Calendar 1508, please, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1508. It's one of the bills just reported from the Finance Committee.

THE SECRETARY: Calendar number 1508, by the Senate Committee on Rules, Senate Print 5671, an act making appropriations for the support of government.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is

a message of necessity and of appropriation at the desk.

Senator Holland.

SENATOR HOLLAND: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the messages. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

The messages are accepted. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 52, nays one, Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we do Calendar 1509, please.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 1509 which is the second bill that was reported out of the Finance Committee.

THE SECRETARY: Calendar Number 1509, by the Senate Committee on Rules, Senate Print 5672, an act making appropriations for the support of government.

SENATOR HOLLAND: Mr. President, is there a message of necessity at the desk, please?

ACTING PRESIDENT KUHL: There are two messages at the desk, Senator Holland.

SENATOR HOLLAND: Move we accept both messages.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity and the message of appropriation on Calendar Number 1509. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The messages are accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Those recorded in the negative on Calendar Number 1509 are Senators Alesi, Dollinger and Maziarz.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Ayes 50, nays 3.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we recognize Senator Stafford, the chairman of the Finance Committee, please.

SENATOR STAFFORD: Mr. President, I believe we have some nominations.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing

committees. There's a report of the Finance Committee. I'll ask the Secretary to read.

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

Member of the state Civil Service Commission, George C. Sinnott, of Clifton Park.

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

SENATOR STAFFORD: Mr. President, at the risk of being a broken record speaking of the Governor's nominations, I assure you today I am not.

We had two very fine individuals appear before us, two of the finest -- I mean that -- Chairman Sinnott of the Civil Service Commission addressed us professionally. He explained exactly what is being done. We unanimously supported him, and I could go on and on in a positive manner, but I will yield to the Senator from part of Saratoga.

ACTING PRESIDENT KUHL: Senator Farley.

SENATOR FARLEY: Thank you very much, Senator Stafford.

I rise to move the nomination of George Sinnott on behalf of my colleague that I share Saratoga County with, Senator Bruno. I know that Senator Bruno, if he wasn't involved in a meeting, would be here to nominate George. Actually, Clifton Park abuts my district and we're -- half the people there think that I'm their Senator, so today we'll pretend that I am.

George Sinnott has had a magnificent career, particularly when it comes to personnel and working with labor and hearings, and so forth, and you know, I have to compliment Governor Pataki on this appointment because nobody that is going on the Civil Service Commission, particularly as president, will -- is better qualified than George Sinnott.

He comes from a distinguished family. His brother Bill was a member of the Senate family, and I guess he has four other - four brothers that are a lot like my family, a lot of boys and no -- no girls.

But let me say this, that George Sinnott is eminently qualified for this job. He

came before the Finance Committee and I think everybody that heard him was impressed with the breadth of knowledge and his commitment to efficient state service, and commitment to the civil service system which has been somewhat under a cloud of attack because of its inefficiency over the years, and I'm confident that he will make a difference for this commission, make a difference for the civil servant who is the life blood of our state, many of whom particularly from the Capital District are my constituents, and Senator Breslin's and Senator Bruno, but we're very, very grateful for his commitment to the state service. He's also mentioned, and I think it's kind of significant, that his dear friend and mentor, Senator Levy, who is ill at the present time, that he has a connection from Long Island and Nassau County, and George Sinnott is an outstanding appointment and it's with enthusiasm that I move his nomination.

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

SENATOR SKELOS: Mr. President, I'm delighted to rise and speak on behalf of my

good friend, George Sinnott, as we once again confirm him for a very important position. I know George now resides in the -- in Clifton Park, Saratoga County, but certainly his upbringing and his training was in my great county of Nassau County, where he served in various capacities, for supervisors and county executives.

In both instances, George was involved in the decision-making process that sometimes in government we don't like to make but it involves the lives of so many of our employees, whether it was in the county of Nassau or the state of New York. The difficult decisions were necessary in both instances, but George always helped make those decisions working with government, with elected officials, to really reduce the pain that unfortunately some people had to endure and keep it at a minimum.

George respects the legislative system. He respects the political system. He respects us as legislators and what we are required to do. There's never been a time that I've written a letter, or any other member that

I know of has written a letter to George and has not received a courteous response even if we totally did not agree with that response.

So I'm delighted to get up and second the nomination of my good friend, George Sinnott.

ACTING PRESIDENT KUHL: Senator Marcellino, on the nomination.

SENATOR MARCELLINO: Thank you, Mr. President.

I too would like to rise and echo my colleagues' Senator Skelos' comments and Senator Farley's comments on a good friend, George Sinnott.

George's work in Nassau County was almost legendary, and I had many times that I had to call George on many issues relative to the civil service system and received a prompt, courteous and always accurate assessment of the facts and assessment of the issue. He's a good friend to everyone who's ever had to deal with the system.

George has done a fantastic job down in Long Island and will do an excellent job -- has been doing an excellent job in the state

of New York. Look forward to working with you for many, many years to come, George. God bless!

ACTING PRESIDENT KUHL: Is there any other Senator -- Senator Trunzo, on the nomination.

SENATOR TRUNZO: Mr. President, as as chairman of the Civil Service and Pensions Committee, I've had the honor of working with George for the past two and a half years and he's done an outstanding job.

He really went through quite an itinerary during the Finance Committee and really all the great things that have been happening to the Civil Service Department making it probably one of the best in the United States and it is a great honor for me to second the nomination of George Sinnott to continue on as chairman of the Civil Service Commission.

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

Hearing none, the question is on the nomination of George C. Sinnott, of Clifton Park, to become a member of the state Service

Commission. All those in favor of the nomination, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is unanimously confirmed.

We're very, very pleased to have Mr. Sinnott in the chamber to your left with us today, along with his wife Judy, his daughter Katie, son Tim, brother Bill, Joe and Adele Neltz, Barbara Neltz and Hettie Stemmer, who are all friends.

So congratulations, George. Nice to have such a wonderful following coming along with you, and good luck.

(Applause)

Secretary will continue to read.

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

Member of the state Civil Service Commission, Margaret Dadd, of Attica.

ACTING PRESIDENT KUHL: Senator Stafford, on the nomination.

SENATOR STAFFORD: Mr. President, just once more let me -- and I know sometimes we sound like we almost overdo it, but I -- I want to say the two individuals that appeared before us today, it was just very heartening to have the quality that we are so pleased to have with us, and I assure you that Margaret Dadd, from Wyoming County, who is so ably represented by Senator Volker, who I will yield to, that I'm sure she will do the same type of work that George Sinnott has done on the commission, and with that, again, I could go on in a positive nature for too long, and I will not. I yield fought Senator from Wyoming.

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

SENATOR VOLKER: Thank you, Mr. President, and thank you, Senator Stafford. I appreciate it.

I'm proud to rise in behalf of Margaret "Maggie" Dadd, as we affectionately know her. She is one of the very nicest people that I have ever met. I've known Margaret Dadd for probably 25 or 30 years. The law firm that "Maggie" Dadd is part of is probably one of the

most -- certainly one of the most distinguished law firms in upstate New York and the most distinguished law firm in Wyoming County. Her husband is a Supreme Court judge, and I knew her father-in-law extremely well, and many other members of the family, but I think and I hesitate to say this. I say it because Mark Dadd is not here, but I think Margaret Dadd is the brightest of the entire family. I can say that because he isn't here because he'd probably say something if he was; but she has been a top notch lawyer, a top-notch community leader.

There is no question that she is more than capable of filling this job on the Civil Service Commission, that, frankly, was so ably held by Bob Reardon, her predecessor, who was in that job for some time.

My congratulations to you and to the Governor for naming Margaret, of course also for naming George Sinnott who obviously has been an enormously important part of the changes that have gone on in the Civil Service Commission. There is no doubt in my mind that Margaret Dadd will prove to be one of the finest civil service commissioners ever, and I wish you the best and

my hearty congratulations to you and to the rest of the family.

ACTING PRESIDENT KUHL: Senator Gold, on the nomination.

SENATOR GOLD: Yeah, Mr. President.

As the ranking member of Finance, I get the privilege of sitting in on these hearings and they're very interesting, and I heard this lady discussing her background, and here is a lovely woman from Wisconsin who went to school and law school out there and did some work in the poverty law area, and then discussed her work as a lawyer in New York and whatever, and I sat there in total puzzlement and having the big mouth which I know my Republican colleagues will agree about, I -- I expressed my amazement and I said, "You know, I -- I've heard your background, and the only question I have was how did you get mixed up with these Republicans," to which this woman shot right back at me, "Lucky, I guess," and I don't know why everybody laughed at that point, but as she was walking out of the room, the comment I made was, quotes, This is a classy lady, and I want

to tell you, I -- I'm very happy about this nomination.

I do not know the woman. I had the pleasure of meeting her husband and two of her children afterwards, but I have the feeling that our Governor who I believe drops the ball a lot, certainly did not in this case and I want to congratulate him on this nomination and wish the nominee luck.

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

Hearing none, the question is on the nomination of Margaret Dadd, of Attica, New York, to become a member of the state Civil Service Commission. All those in favor of the nomination, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is unanimously confirmed.

Margaret has joined us and is in the gallery to your left, along with her husband and her children. Margaret, congratulations and

good luck.

(Applause)

Secretary will read.

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

Members of the New York State Hospital Review and Planning Council, Carol Raphael, of New York City, and Suzanne C. Smith, of Slingerlands.

ACTING PRESIDENT KUHL: Senator Holland, on the nominations.

SENATOR HOLLAND: Move the nominations, please.

ACTING PRESIDENT KUHL: Question is on the nominations of Carol Raphael and Suzanne Smith to become members of the Hospital Review and Planning Council. All those in favor of the nominations signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominees are confirmed.

Secretary will read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following nomination:

Member of the Medical Advisory Committee, Ruben Cowart, D.D.S., of Syracuse.

ACTING PRESIDENT KUHL: Senator Hoffmann, on the nomination.

SENATOR HOFFMANN: Mr. President, I'm very pleased to be able to support the nomination of Dr. Cowart. He is well known in the Syracuse community, both as a member of the larger community and a very civic-minded individual as well as an outstanding medical individual -- medically trained individual who runs the Syracuse Neighborhood Health Center and has for a number of years.

He has distinguished himself among his medical colleagues as well as among people in the community. He originally received his training at St. Augustine College in North Carolina, did his medical work at Howard University and has done graduate work in a number of specialties through the State University system here in New York State.

He served as a Lieutenant Colonel in the United States Army Reserve and has many,

many experiences on about an eight-page vita which would take too long for us to enumerate today, but I would commend him as a highly qualified individual and a very fine individual as well, fine gentleman as well, to all of my colleagues and urge that he be supported.

Thank you.

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

Hearing none, the question is on the nomination of Ruben Cowart to become a member of the Medical Advisory Committee. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will continue to read.

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

Member of the Board of Visitors of the Finger Lakes Developmental Disabilities Services Office: Bernice Ziehm, of Webster.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will continue to read.

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

Member of the Board of Visitors of the Letchworth Village Developmental Disabilities Services Office: Jane Clucas, of Piermont.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will continue to read.

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

following nomination:

Member of the Board of Visitors of the Rockland Psychiatric Center, Rocco C. Giacobbe, of Nyack.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Senator Holland.

SENATOR HOLLAND: Mr. President, now that Senator Leichter is here, can we go back to today's calendar and take up 865, please.

ACTING PRESIDENT KUHL: We'll return to the original calendar of the day, Calendar Number 60. Secretary will read Calendar Number 865.

THE SECRETARY: Calendar Number 865, by Senator Saland, Senate Print 4595, an act to amend the Criminal Procedure Law and others, in relation to the powers of the State University security officers.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Saland, an explanation has been requested of Calendar Number 865, by Senator Leichter.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, what this bill would do would be to enable State University security officers to be designated as police officers and, in that capacity, their status quite obviously would change.

The bill has countless memos of support, probably I would say at least four to five dozen from various and sundry police and sheriffs and student organizations, and -- and I'm prepared to respond to Senator Leichter's questions.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Thank you, Senator Saland. I appreciate your yielding. I do have one or two questions.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: Senator, what training do these campus security police officers have?

SENATOR SALAND: They currently receive rather vigorous training, in excess of 500 hours of training which is conducted, I believe, at one of the municipal academies.

SENATOR LEICHTER: Senator, how does that training compare with the training for a regular police officer?

SENATOR SALAND: I believe it is as rigorous as that, although I can't quantify it, Franz. I believe it is as rigorous as that provided, I'm told anecdotally that it's as rigorous as that provided to police officers, but I couldn't give you the corresponding number of hours that are provided for the municipal police.

SENATOR LEICHTER: Senator Saland, if you'd continued to yield, please.

SENATOR SALAND: Yes, sir.

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

SENATOR LEICHTER: Senator, is there one academy where all of the University security officers receive their training or does each institution have its own academy? My concern is -- is purely as to whether we're going to have people that are adequately - adequately trained. They have police powers; those are very extensive. They carry guns, and so on. I think we just ought to be assured that they have the proper training.

SENATOR SALAND: I have in my file, Senator Leichter, a breakdown of what the training consists of, and it consists of some 11 parts, totalling 531 hours. I can't tell you with absolute certainty that it's conducted at one site. I was -- it was my understanding that it was, but I would not want you to accept that as gospel. I -- I do believe it is, but I -- I can't tell you that with absolute certainty.

SENATOR LEICHTER: Senator Saland.

SENATOR SALAND: May I also share

with you, which touches upon the subject you've just raised, a copy of a letter which I've received from the Chancellor, John Ryan, of the State University which was sent to Edward Gosdek of the Police Conference, in which he informs Mr. Gosdek that the State University is willing to engage the Police Conference in the review of the written protocols between the University and municipalities in which the campuses are located as such protocols are submitted by the campuses to systems administration, and goes on to dwell at greater length on the desire to be cooperative with the Police Conference.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Yes, Senator Saland, if you would bear with me just a moment because I have a letter from Chancellor Ryan which he sent me. I'm just trying to make sure, Senator, I think all of us ought to be concerned about it, that these people have adequate training. You say that you think it's comparable.

SENATOR SALAND: May I interrupt you. I've just been advised by staff that they

do go through the municipal police training course, and I've heard that from a greater authority as well, Senator Volker.

SENATOR LEICHTER: Senator, if you would continue to yield.

SENATOR SALAND: Yes, Mr. President.

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

SENATOR LEICHTER: The sheriffs are opposing this designation. We really haven't had a chance to review their reason for it.

SENATOR SALAND: I noted that with interest, because I would say without exaggeration, on the list of supporters here we probably have at least four or five or perhaps more sheriffs departments among the multitude of law enforcement organizations that are supporting this bill, and I also have the copies of their respective letters or memos in support, and the support, incidentally, seems to be coming from -- overwhelmingly from law enforcement organizations in the communities

where these SUNY campuses are located, although that's not exclusively coming from those communities.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: If Senator Saland will continue to yield.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR LEICHTER: I have a memo in opposition that was sent by Peter Kehoe in behalf of his sheriffs. One argument that he makes is that he interprets your bill to authorize these campus security officials to carry guns at all times irrespective of whether or not the university president desires that they carry guns.

SENATOR SALAND: I respectfully submit that Mr. Kehoe is in error, that the governing language that would control the right to carry would be found in the Education Law,

Section 6450, which clearly puts that, or reposes that responsibility in the trustees or the governing board of the respective college campuses, and right now, the overwhelming majority of those campuses permit their personnel to carry, not all of them, but the vast majority of them do.

SENATOR LEICHTER: Mr. President, finally, the reason you give for this bill and I guess the request by SUNY to create these police officers on campuses, they say that campus crime has become a significant problem throughout this state.

You know, we have certain shibboleths, certain myths, sometimes actually they're not myths, they turn out to be based on fact. I don't know whether that's so. We've seen crime decline throughout New York State. Are you telling us at the same time that it's increasing on the campuses of the State University?

SENATOR SALAND: I would be reluctant to tell you that I've seen the current data for the past year or two. The -- probably three or four years ago, Senator Leichter, I

chaired a task force which dealt with issues of campus crime and campus security, and one of the constant themes which I heard in each locale in which we took testimony was the need to, in effect, convert the current security system to a police system. It was embraced by virtually everybody, whether it be people representing the student population, whether it be law enforcement personnel, whether it be professional staff.

I'm reluctant in the absence of hard data to say yes, the numbers have gone up but what I can tell you is that the numbers I have seen have shown a considerable amount of theft, a considerable amount of -- of property crimes, a considerable amount of assaultive crime including -- including a number of sexual offenses, and the sense was that it was rather difficult for non-police personnel to effectively respond to a number of these situations. Often they would be required to wait to bring in from off campus police personnel, and I believe this mechanism will provide for greater security on campus and really I think a greater comfort level for all

people who might be on campus whether they be students, staff or employees.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Senator Saland, if you would continue to yield. Presently these security personnel are receiving the training that you mentioned, is that -- is that correct?

SENATOR SALAND: They are receiving the five hundred -

SENATOR LEICHTER: And they will receive the exact same training if your bill becomes law and they become actual police officers?

SENATOR SALAND: I'm not quite sure what additional bells and whistles they will receive, but they are currently getting what is the municipal police officer training. I think the change in status may not necessarily -- may not necessitate any particularly lengthier or extensive type of training.

The purpose of the change in status is to provide greater law enforcement ability on campus, and in turn obviously greater security on campus.

SENATOR LEICHTER: Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Leichter, on the bill.

SENATOR LEICHTER: I thank Senator Saland for his answers. I'm just not convinced. I'm not convinced on two grounds, that we should create these university police officers.

First of all, I don't know that there's a pressing need. I don't know that there is a problem. Senator Saland conceded that he had no particular figures which indicated a large increase in crime. He did refer to acts that have occurred that maybe could be better handled if security personnel had the powers of police officers.

I don't know whether that, to my mind, is sufficient justification to put police officers on the campus on a full-time basis. I hate to think of a campus university setting as a place, you know, where we could avoid the need of having police officers. I realize some of that is illusory. Problems occur; situations arise, but I'm not so sure that the police

personnel that presently service those campuses that provide the security are inadequate to do it.

Secondly, I'm concerned about giving people the status of police officers when they don't have a training that, to my mind, convinces me that it's every bit as thorough, as complete, as carefully done as for other police officers. Obviously being a police officer is a very responsible position, requires to my mind extensive training, and I'm not sure that that's occurring in this instance.

I don't see that we advance the safety of the people of the state of New York or the students and staff of the universities by passing this bill. I'm going to vote in the negative.

ACTING PRESIDENT KUHL: Senator Oppenheimer.

SENATOR OPPENHEIMER: I'd like to speak briefly on the bill.

Like Senator Saland, I had my Senate Democratic Task Force on Women's Issues go around the state about five years ago on the subject of violent crimes on campuses and, of

course, we were talking mainly about violent crime against women and most of that was -- was rape and sexual assault, and we came to the similar conclusions that Senator Saland did, that there was a need to, or have police powers for the officers on campus.

One of the main reasons was that the campus officers could not go off campus where many of the residents -- the residences of the students was -- that's not good English, but -- were, and therefore, they couldn't follow up on the crime because the crime in essence was committed off the campus even though the people involved were on-campus people.

We had made a number of recommendations which I think would also help with this problem. We found that the incidence of rape or sexual assault was perhaps the most under-reported crime in the world on campuses. We found that almost nobody was reporting it. We are happy to say that now five years later, we hear that more people are coming forth, particularly women are coming forth and stating what the problem is.

Our thought was that, in addition

to increasing the police powers, that if there where are a discussion during orientation, and I would like Senator Saland to look at this suggestion, if during orientation, the young students age 17 and 18, who probably never have been on their own before, explained exactly what the consequences are, that a felony is a felony whether it is on a campus or off a campus, that there should be an explanation of a certain sensitivity and understanding and listening to people so that when a woman says "no", be she a student or not, that she means no, and that they ought to be able to have dialogue.

We further talked about having rape crisis centers and victim centers on campus which has been done in many of our state schools but there were a variety of proposals and we will try and see them to fruition, but this is certainly one of them, that the officers on campus needed further power, so I'm very supportive of this bill.

ACTING PRESIDENT KUHL: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I wonder if Senator Saland would yield to a question.

SENATOR SALAND: Yes, Mr. President.

SENATOR HOFFMANN: Thank you, Senator Saland.

The bill does not convey any information that I can determine about cost either to the state or to the SUNY system specifically. I wonder if you could elaborate to us a little bit what costs you might anticipate.

SENATOR SALAND: I'm glad you raised that point because it helps me to respond to a question that I didn't or was unable to respond to which was posed by Senator Leichter a bit earlier.

I can't quantify what that amount of money would be. We're advised and have included in the bill memo, that there would be modest budgetary implications at the outset due to the need for a transition training program which reflects these additional duties which again, in part responds to Senator Leichter and while I'm up, Senator Leichter, and while it's

not responsive to your question, Senator Hoffmann, I have been presented with data which I'd be very happy to share with you which does show, while certainly necessarily uniform in terms of each category of crime, increases in crime particularly some of the more violent crimes at the campuses and university centers throughout the system.

SENATOR HOFFMANN: Thank you, Mr. President.

If Senator Saland would continue to yield to one or two more brief questions.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR HOFFMANN: Thank you, Mr. President.

It's not related directly to this particular bill, but I wonder if you have studied the question raised by the Sheriffs Association about changing the retirement status, the pension status of existing deputy

sheriffs across the state.

SENATOR SALAND: Well, this certainly doesn't deal with that bill and I am certainly not really sympathetic to but supportive of the deputy sheriffs in their endeavor to get that change, and the fact that police officers have that status and deputies don't, I find rather troublesome inasmuch as what often may happen is that people will be trained as deputies and when an opportunity creates -- is created in a police environment of 20-year retirement these people, who have been trained by a county department, will very often leave to go to that opportunity, so I'm extremely sympathetic but don't think that the SUNY -- this SUNY bill should be prejudiced or held hostage because of the fact that, you know, the deputy sheriffs haven't attained that retirement system yet.

SENATOR HOFFMANN: O.K. Thank you, Senator Saland. I -- my final question which I think you anticipated would be why, if it's un... if it's unfair currently for existing deputy sheriffs to receive the 20-year retirement rights to which they believe they are

entitled and which other law enforcement are, what then would be the logical cost we would expect of similarly extending that same benefit to this category of officers, since their responsibilities would have become virtually the same?

SENATOR SALAND: Well, what we're talking about is not providing SUNY police with deputy sheriff's status. I'm seeing in a number of the memos that I've had the opportunity to look at that there have been occasions in which at various times one or another county sheriff may have deputized SUNY public safety officers for purposes of an investigation, but what we're talking about is giving them police status, and there are certain benefits that flow from that police status that are purely incidental to that status, and I don't think for one moment that county sheriffs, and for that matter assumedly deputy sheriffs, are eager to have their status changed from that of deputy sheriff or sheriff to police officer. What they're eager to accomplish is to have the same type of benefits that are provided by way of retirement to police officers and the fact that that maybe be

extended to the -- what would become the SUNY police really is almost incidental and in no way prejudicial to deputy sheriffs.

I believe that we're talking basically apples and oranges here.

SENATOR HOFFMANN: Thank you, Senator Saland. On the bill.

ACTING PRESIDENT KUHL: Senator Hoffmann, on the bill.

SENATOR HOFFMANN: This is a very nettlesome issue, and I sympathize with Senator Oppenheimer and commend her and the task force which she convened for having explored the issue of violence against women as it affects young women on university campuses across the state.

I do not believe, however, that this is the most logical response or the only response to that issue. I would hope that we would address that in a more comprehensive way and outline the many questions that this bill raises before we rush pell-mell into increasing the police officer status of our SUNY officers, because I believe it raises as many questions and sets a scenario up for some considerable cost and complications in the law enforcement

field that have not been thoroughly anticipated.

I have to say that initially I had supported a number of measures like this and over the last decade or so we have had many institutions in the SUNY system come before us requesting peace officer status for their officers, and I have supported those, by and large including on the campuses which I represent in the 48th Senate District.

I've watched the evolution of this change with some interest and -- and a bit of dismay because it has been apparent that it has not been the qualified success that we expected at the outset, and I would just like to cite Morrisville campus in the middle of Madison County as one example.

Initially, the faculty overwhelmingly opposed arming the security force on that campus. There was no active opposition within the rest of the community, but there was also another situation happening on a parallel basis which has some frame of reference to what we're debating today, and that is the -- the operation of a police force, a private police

force, by the Oneida Indian Nation, and the Oneida Indian Nation initially had a great deal of support from or some support from both the Madison and the Oneida County law enforcement associations. That has diminished along with the elected officials in both of those counties who initially opposed -- encouraged, excuse me, encouraged the police officer status -- the peace officer status of those -- those agencies and there are now people in both Madison and Oneida County who voice some regret at having extended the law enforcement privileges to a group of men and women who are not accountable directly to the public, and I think that that argument relative to this massive peace officer status off campus for SUNY officers is really very well summarized in a memo from the New York State Sheriffs Association.

The memo from Peter Kehoe reads, and I'd just like to excerpt one section on that subject, that there is a -- there is a danger because SUNY police officers will be appointed by a member of the education bureaucracy who is in no way accountable to the general citizenry. It is a very dangerous thing to give the state's

police powers to officers who are shielded from accountability to the public by layers of bureaucrats, none of whom anywhere in the chain are chosen by the electorate, and I think that we really should take heed to the scenario that this sets up.

Private police forces are an anathema in this country. They hearken back to the days of goon squads hired by coal mine owners to go and bust up union organizing activities in the coal mines, and I think that we have become very enlightened in the last 10 or 15 years on this subject, and we demand the ultimate in accountability from people in law enforcement.

Sheriffs in this state are elected. Police chiefs are appointed by the highest elected officials in the executive branch of government and the municipality in which they serve. This would mark a dramatic change from that accountability concept, and I don't believe it is one in which we should enter lightly.

But the other issue and one which I queried Senator Saland about, that I think is

extremely timely right now, is the matter of cost, and the scenario that we would appear to be setting up whereby a whole host of police officers operating on the SUNY campuses would feel the same entitlement to which deputy sheriffs presently believe they are entitled, and that is a pension system and a retirement option which they have been denied.

Now, if the deputy sheriffs have lobbied year after year and come to the state Legislature seeking this benefit and been turned down ostensibly for a cost factor, then why would this same state Legislature create a situation where another whole group of individuals would feel a similar disparity, an equal disparity, and again I'd like to cite from the Sheriffs Association of the state of New York, because I think that that memo outlines it very well.

The memo reads, This bill will entail a considerable cost to the state. The SUNY memo in support admits that additional training will be required, but attaches no cost to that, and again Senator Saland was not able to give us a cost figure on that. Additionally,

there will be the cost of the change-over of all uniform launch equipment to the police designation. We have no cost figure for that. There will be the cost of providing weapons to all of the newly created police officers and there will be the permanent ongoing cost of new salaries for the upgraded positions since police officers are not going to work for peace officer pay and police officer supervisors are not going to supervise police officers for the same pay they receive for supervising peace officers, and then Mr. Kehoe goes into the most compelling argument of all that we really should be considering here.

At a time when we have not been able to formulate a budget of the state of New York, this would be an enormous potential cost and the responsibility would clearly be on us to do the right thing, which would be to give the retirement and pension benefits to these officers much as we have a responsibility to give them to the deputy sheriffs of the state. Mr. Kehoe writes, And most expensive of all would be the cost of providing the non contributory 20-year and out at half pay benefit

to all those newly created police officers with a huge retroactive payment in the many millions of dollars, and a large permanent ongoing increased employer contribution. Although the bill does not mention the retirement issue at all, it doesn't take much thinking to realize that the union representing these new police officers cannot stand by and let these police officers be subjected to the current contributory age, 62, ERS retirement plan, when all the rest of the state-employed police officers they represent have a non-contributory 20-year and out plan.

So I urge my colleagues to weigh very carefully the cost and the fairness factor in this matter. I recognize we have before us a measure in support of this measure from Council 82, which would be the -- the host union for these newly created officers. Obviously Council 82, for whom I have the highest degree of respect and represent many members in my district at several of the state penal institutions, Council 82's membership would increase dramatically by the addition of these new police officers in that union, but I find it

interesting that in contrast, sharp contrast to the memorandum of Council 82, both the Police Conference of the state of New York and the New York State Sheriffs Association, which represent other law enforcement officials charged with the responsibility that these officers would be entrusted with, strongly -- and I emphasize strongly -- oppose this measure.

So I want to commend Senator Saland for having addressed this issue, but I don't believe that we have gone far enough in our analysis and I think that it would be imprudent at best at a time when we have not treated with fairness the New York State deputies who would like to have equal treatment under the law, for us to set up a scenario where a whole group of new individuals would be subjected to the same unequal treatment and the potential cost would be borne by the SUNY system for increased contributions in the future and obviously by the state of New York, for making available that retroactive payment.

So I would urge my colleagues to give this more opportunity to be analyzed, and I think that we could come back, Senator Saland,

with a better bill at a different time that would accomplish what Senator Saland seeks and what Senator Oppenheimer spoke of in terms of increased enforcement capabilities outside when needed, outside a college campus when needed, in conjunction with local law enforcement rules and regulations and pay scales.

ACTING PRESIDENT KUHL: Chair recognizes Senator Volker.

SENATOR VOLKER: This is always a little bit awkward, I guess, for me because this is a turf issue involving law enforcement people, and I know all the individuals involved here, but there's -- and I think there's a little bit of confusion here that probably should be cleared up.

First of all, the new SUNY police officers will be the only instance in that section of the law where they are not fully police officers. They are only police officers on campus and on the immediate highways that run through the campus and in the immediate region. They can not, in fact, as I understand it, carry guns off the campus except in pursuit of their powers in relation to campus duties, a major

difference.

Secondly, and part of the problem here, is that some local mayors around SUNY campuses have begun making some pronouncements about using SUNY police officers in their cities. Well, I have news for them. They can't because once they get off the campuses they no longer of the powers of police officers. They then would have peace officer status.

The next issue is the issue of training. One of the interesting things here is that some of the SUNY peace officers now ironically have more training than some -- in some of the areas than the local law enforcement people do because the local campuses have been very, very strong in making sure that these people get the most training possible.

And Senator Leichter's question about violence on campuses, I think probably there's been somewhat of a decline over the last several years in some of the urban campuses, just as there has been a decline in violence and in crime in a lot of the urban areas and suburban areas, and so forth. But there is a lot of studies done and Senator LaValle, if my

recollection is correct and I believe I was on a task force that toured the state on the issue of violence, and I think Senator Saland was on that task force also some years ago, and showed an increasing and an alarming number of crimes, particularly on urban campuses, but not exclusively to urban campuses, even some of the rural campuses were seeing that rise and that really is what has spawned this new attempt to deal with problems on the campuses.

This bill represents, in a sense, a middle ground in an attempt to find a way to provide the best possible law enforcement on the campuses themselves. The issue of cost is kind of interesting. They talk about new uniforms. I believe it would be patches. I'm not so sure personally that patches -- what people don't realize is, if you haven't been on a SUNY urban campus recently, I think you'll find out they already have some pretty substantial uniforms. Some carry guns, some don't, and by the way that will probably continue, because this bill although it enables them to carry guns, it doesn't necessarily mean, as I understand it, if the SUNY president decides that he would prefer

they don't although virtually every urban campus now I think because of some of the violence that has occurred, the peace officers that are there now already carry guns. They're already trained, they already go to school, and they will continue to be.

I think unfortunately, and I'm reluctant to say this, but the sheriffs representative has this idea in his head that somehow it was Council 82 and the people that represent these people that caused the sheriffs deputies not to get their retirement plan. I know that's not true, and I have a pretty good idea. I know why they have been unable to. I've been a supporter of it. This house has been a supporter of that plan but it hasn't happened. I won't get into why, but it hasn't been Council 82, and it hasn't been the SUNY people that created this, and, by the way, this bill by itself does not create a pension plan for SUNY police officers and there is no indication at this time, at least I'm not aware of any indication that they will get into the 20-year non-contributory pension plan that is discussed here.

So I think here's the problem. The problem is this is a bill that limits the authority of the people who have been named SUNY police officers only to the campus and to its immediate environs. Some of the opposition here, and I understand it, I'm a former local law enforcement officer, and I know the problems that occur, the turf battles. One thing you should understand about the sheriffs. The sheriff is the chief law enforcement officer of any immediate area and right now he is the chief law enforcement officer of all the campuses because he's head of it.

With this bill he will not be the chief law enforcement officer right on that campus and that is a little bit of a problem with some of the sheriffs, and I guess I understand that. He still, though, has authority there and if a SUNY police officer goes off campus, he will -- they will still provide the assistance. The SUNY police officer will need the assistance of these people to perform their duties because they don't have the authority to do it for the most part off the campus, so I only point that out.

I personally do not believe that there's going to be huge costs involved here. I realize that there is some jurisdictional problems involved here, but I think this is a move, particularly for our urban campuses, towards doing something I think is really necessary to get control of some of the problems that have occurred within the SUNY system.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 20. This act shall take effect on the first day of the sixth month next succeeding the date.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Those recorded in the negative on Calendar Number 865 are Senators Hoffmann, Montgomery, Sampson, Smith and Stavisky. Ayes 52, nays 5.

ACTING PRESIDENT KUHL: The bill the passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we return to motions and resolutions for a moment. I have been -- there's been a suggestion by Senator Larkin that three of the resolutions that we previously passed ought to be opened up for the opportunity for all Senators going on. They are 1974, by Senator Skelos, which is breast cancer awareness month in the state of New York; 1982, by Senator Skelos, the 75th anniversary of the National Council of Jewish Women, and 2007, by Senator Meier, which is National Pearl Harbor Remembrance Day. Could we open them up?

ACTING PRESIDENT KUHL: Are all the sponsors willing to accept additional co-sponsors?

SENATOR HOLLAND: I'm sure they are, yes, sir.

ACTING PRESIDENT KUHL: Could we follow the same procedure that we have in the past by putting all the members on those resolutions except those members who indicate they do not wish to be on them?

SENATOR HOLLAND: Please.

ACTING PRESIDENT KUHL: I will

direct the Secretary to add all those members' names to those resolutions, those resolutions being, for the benefit of the members, Resolution Number 1974, Resolution Number 1982 and Resolution 2007.

Senator Hoffmann, why do you rise?

SENATOR HOFFMANN: Mr. President, I was out of the chamber at the time Calendar 1509 was called up. I would request unanimous consent to be recorded in the negative.

ACTING PRESIDENT KUHL: Without any objection and hearing no objection, Senator Hoffmann will be recorded in the negative on Calendar Number 1509.

Senator Holland? Senator Oppenheimer.

SENATOR HOLLAND: Mr. President, Senator Larkin has a privileged resolution at the desk. Can we read the title only and adopt that resolution, please.

ACTING PRESIDENT KUHL: Secretary will read the title of the privileged resolution by Senator Larkin which is at the desk.

THE SECRETARY: By Senator

Larkin, Legislative Resolution honoring James Sterling Gozaway upon his selection as Grand Marshal of the 1997 town of Highland's Independence Day Parade.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Oppenheimer, why do you rise?

SENATOR OPPENHEIMER: I would like unanimous consent to be recorded in the negative on Calendar Number 1509, please.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Oppenheimer will be recorded in the negative on Calendar 1509.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we go to Supplemental Calendar 60-B and do the non-controversial calendar, please.

ACTING PRESIDENT KUHL: Secretary

will read the non-controversial reading of Calendar 60-B, Supplemental Calendar 60-B, which is on the members' desks.

THE SECRETARY: Calendar Number 1481, by Senator DeFrancisco, Senate Print 1937, an act to amend the State Finance Law and others, in relation to establishing.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I would like to explain my vote.

ACTING PRESIDENT KUHL: Senator DeFrancisco to explain his vote on Calendar Number 1481.

SENATOR DeFRANCISCO: I'm very pleased to see that there is unanimous approval of this legislation which I'm sure everyone recognizes is an extremely important piece of legislation for the state of New York in that it creates a designated fund for the promotion of the state of New York through its tourism offices, and this dedicated fund comes out of existing state revenues from the sales tax that we're now receiving from hotels and eating establishments, and it's extremely important because every year with late budgets and things where we can not predict what kind of monies are going to be available in future years, there is a formula upon which the tourism industry can plan and provide a promotion campaign during the seasons where it's most important, especially the summer season.

Also we'll start increasing the money used for tourism promotion in the state of New York which at one time was at a high of 21 plus million dollars in promotion and now it's down to about $14.5 million. This would immediately increase the amount to almost $16 million. How you promote the second biggest

industry of the state of New York is how it goes and that's why it's extremely important to promote it and to maintain this important economic development vehicle in the state of New York.

So I thank all of you for your unanimous support of this legislation.

ACTING PRESIDENT KUHL: Senator DeFrancisco recorded in the affirmative. The bill is passed.

Secretary will continue to read the non-controversial Supplemental Calendar B.

THE SECRETARY: Calendar Number 1482, by Senator Padavan, Senate Print 2615-A, an act to amend the Administrative Code of the city of New York and the Retirement and Social Security Law.

SENATOR LEICHTER: Mr. President.

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

SENATOR LEICHTER: Just before we get into debate on that bill may I have unani mous consent to be recorded in the negative -

ACTING PRESIDENT KUHL: No, we

have a bill before the house, Senator. You're out of order.

SENATOR LEICHTER: All right. I'll wait until the end then.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

Now, Senator Leichter.

SENATOR LEICHTER: Yes, thank you, Mr. President.

With unanimous consent may I please be recorded in the negative on Calendar Number 865.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Leichter will be recorded in the negative on Calendar Number 865.

Secretary will continue to read

the non-controversial Supplemental B calendar.

THE SECRETARY: Senator Wright moves to discharge from the Committee on Rules Assembly Bill Number 1045 and substitute it for the identical Third Reading Calendar 1483.

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

THE SECRETARY: Calendar Number 1483, by member of the Assembly Schimminger, Assembly Print 1045, an act to amend the Economic Development Law, in relation to encouraging.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1484, by Senator Maltese, Senate Print 4395-A, an act to amend the Administrative Code of the

city of New York, in relation to credit.

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

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1485, by Senator Farley, Senate Print 4514-A, an act to amend the Banking Law, in relation to common trust funds.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Farley, why do you rise?

SENATOR FARLEY: Explain my vote.

Mr. President, you know, the reason for this, and I -- this is important that

I do this in explaining my vote. A controversy has recently arisen regarding Section 100 (c) of the Banking Law that requires trustees of common trust funds to absorb mutual fund expenses.

This bill was intended to clarify Section 100 (c), and does not and never has so required. It is the legislative intent that the trustees thereof should not be subject to liability for prudent investment in mutual funds whether made in the past or the future.

This is consistent with the Banking Department's interpretation and policy on 100 (c).

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR GOLD: How do you vote?

SENATOR FARLEY: I vote aye.

THE SECRETARY: Calendar Number 1486, by Senator Spano, Senate Print 4933, an act to amend the Workers' Compensation Law, in relation to -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1487, by Senator Hannon, Senate Print 4974, an act to enact the Health Care Embassy Match Act of 1977.

SENATOR STACHOWSKI: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1488, by Senator Volker, Senate Print 5016-A, an act to amend the Tax Law, in relation to exempting.

ACTING PRESIDENT KUHL: There is a local fiscal impact note at the desk. Secretary will read the last section.

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

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1489, by Senator Farley, Senate Print 5025-A, an act to amend the Parks, Recreation and Historic Preservation Law, in relation to establishing.

ACTING PRESIDENT KUHL: Secretary

will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1490, by Senator Marcellino, Senate Print 5071 C, an act to amend the Labor Law, in relation to enacting the Unpaid Wages Prohibition Act.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 8. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1494, by Senator Montgomery, Senate Print 5414, an act to amend the Education Law, in relation to prohibiting a school district.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1497, by the Senate Committee on Rules, Senate Print 5604.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Holland, that completes the non-controversial reading of Supplemental Calendar B. What's your pleasure?

SENATOR HOLLAND: Mr. President, can we do the controversial reading of this supplemental calendar, please.

ACTING PRESIDENT KUHL: The

Senate will come to order. Ask the members to find their chairs.

Senator Holland.

SENATOR HOLLAND: Mr. President, on Supplemental Calendar 60-B, can we take up Senator Maltese's bill, 1484, please.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1484 on Calendar B, Supplemental Calendar B.

THE SECRETARY: Calendar Number 1484, by Senator Maltese, Senate Print 4395-A, an act to amend the Administrative Code of the city of New York, in relation to credit.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT KUHL: Senator Maltese, an explanation has been requested of Calendar Number 1484 by both Senator Stachowski and Senator Leichter.

SENATOR MALTESE: Mr. President, this bill would give certain firefighters who are former police officers credit for the purpose of eligibility for time spent as a New York City Police officer trainee.

This would amend the law to clarify that time spent as a police officer

trainee would qualify a firefighter and his years of service toward the fund benefits. The justification is that it is equitable that former members of the police trainee program of the city of New York Police Department be granted full service credit for their uniformed police service to the city of New York. If enacted, this bill would provide a firefighter who is a former police trainee with the same pension rights and service credit for such time.

The fiscal implications indicate that seven people would be affected at a cost of $5,000 per year and that this $5,000 per year amount, according to the fiscal note by Jonathan Schwartz, a consulting actuary, would remain constant, that $5,000.

So the bill has one of the requesters and the memorandum of support is by the Uniformed Firefighters Association. It is supported in the Assembly by Assemblywoman Pheffer.

SENATOR LEICHTER: Mr. President, if -

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

SENATOR MALTESE: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Senator, the police trainees who then enter the police department, do they get credit for the service or the time that they spent in the police academy?

SENATOR MALTESE: You mean if they didn't transfer to the fire department?

SENATOR LEICHTER: Yes.

SENATOR MALTESE: My understanding is that they do.

SENATOR LEICHTER: Well, that's the real basis of your bill is that it would be inequitable to say, if you go to the police department, you get credit for the time you spent at the police academy but if you go to the fire department, you do not.

SENATOR MALTESE: Yes, that's correct.

SENATOR LEICHTER: Now, when somebody, after having been a trainee in the police academy or even if he hasn't been in the police academy and he goes to the fire

department, I assume that he has -- or receives some training, that there's something comparable in the fire department to the police academy. Is that so?

SENATOR MALTESE: Mr. President, that would be so. Also to clarify my prior statement, although it's consistent with it, according to the memo of support by the Firefighters Association, they do indicate specifically that in all other instances, lateral transfers between the uniformed services count for service credit and that police trainees who subsequently become New York City Police officers are given pension credit for their trainee time with reference to your prior question, Senator -- Mr. President.

SENATOR LEICHTER: If I understand, Senator, if somebody who is in the fire academy and then goes to the police department, will that person get credit for the time that he spends in the fire academy?

SENATOR MALTESE: Mr. President, I don't know. If that bill -- if that bill is not in, Senator, I would be glad to carry that bill. It would seem also equitable that it be

done.

SENATOR LEICHTER: Senator, that -- you know, the only question I have about this and I think I'll support it, it sounds fair, but why don't we have one comprehensive bill that takes care of all these lateral transfers?

SENATOR MALTESE: Mr. President, I guess politics and the legislation being an art, it's not always a 100 percent consistent or logical art and, in this case, the uniformed firefighters asked that the bill be put in and the Police Benevolent Association, if they don't have such a provision, have not requested the bill of me.

SENATOR LEICHTER: Senator Maltese, if I could also ask you along the same line, if you'll continue to yield, isn't it true, Senator, that this bill covers just six particular individuals, that if right now somebody in the police academy who then transfers over to the fire department, next year you're going to have to put in a separate bill for that individual?

SENATOR MALTESE: Mr. President,

yes, that is so because of the -- under the provisions of the bill, the application has to be made prior to a certain date. So if that - and I could check the provisions of the bill but, therefore, that would exclude all future persons seeking to avail themselves of this opportunity. I believe the purpose behind that was actuarial so that we could ascertain with exactitude the amount of persons and the cost.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Senator Maltese, if you'll continue to yield. It would have been just as easy for you to put in a bill which would have said that anybody who, in the past or in the future, attends the police academy and then transfers to the fire department, will get pension credit for the time that he spent with the police academy.

I don't mean to be critical, but it just seems to me that we have this pension - particularly when it comes to a pension bill, we do thousands and thousands of these individual pension bills when, frankly, we could accomplish much more efficiently and much more fairly and

much more understandably comprehensive legislation and that's my suggestion to you. Let's handle all of these lateral transfers. I think it's fair that if we go from one department -- from one agency to another, they ought to get credit, but we ought to have one bill that says it and then we won't have to have all of these bills coming up every session that takes a lot of time, that's expensive and that really is unnecessary -- or would be unnecessary.

SENATOR MALTESE: Yes. Well, Mr. President and Senator Leichter, I think one of the reasons that it is done this way, as I said before, many of these bills are the result of compromise even where they are opposed by the City or other municipalities, whereas they are opposed perhaps with not the same ardor if they only affect six or seven people or $5,000 or they may affect in the future larger amounts of personnel to an increasingly greater cost.

So, Senator Leichter, you're absolutely correct. I would have no problem putting in a bill that would apply it prospectively to all future trainees, and I

don't believe it would involve a great deal of money, although more and more it seems that there are these transfers where somebody gets accepted on the list for the police or fire department and then subsequently gets accepted by the other service and decides to go into the other service.

So I guess it will happen, perhaps on the order of six or something like that number a year and we should provide for it. I'll probably consult with the Uniformed Firefighters Association and indicate to them that I'd be glad to carry such a bill and we could debate that bill next year, Senator Leichter.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Senator Maltese, am I to suggest that there's maybe one other reason why we do these things piecemeal - and I don't mean to suggest that that's your motive, but it seems to me this way, you know, unions, individuals of particular interest groups have to keep on coming to the Legislature, come to legislators. They've got

to ask whatever comes with asking and trying to get something that flows from that, but I think we really would be better off if we did this in a comprehensive fashion and then I don't think we would be subject to what you yourself alluded to, the politics that gets involved.

We ought to treat public employees fairly. I know you're committed to that. I think everybody's committed to that. They ought to be well compensated. They ought to have clear pension rights but they ought to be comprehensively done and then we wouldn't have all of these bills that I think just clutter up our calendar and raise questions about how we function.

Thank you, Senator.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Holland.

SENATOR HOLLAND: Yes, Mr. President. Can we do 1487, please.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1487 on the Supplemental B Calendar, by Senator Hannon.

THE SECRETARY: Calendar Number 1487, by Senator Hannon, Senate Print 4974, an act to enact the Health Care Embassy Match Act of 1997.

SENATOR GOLD: Explanation.

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

SENATOR HANNON: Yes, Mr. President. This legislation authorizes the Department of Health to enter into the agreement with U.S. Embassies to prevent medical assistance fraud, waste and abuse by foreign nationals.

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

(There was no response.)

Hearing none -- Senator Dollinger.

SENATOR DOLLINGER: Just so I understand it, Mr. President, will the sponsor yield to a couple of questions?

ACTING PRESIDENT KUHL: Senator Hannon, do you yield to a couple of questions?

SENATOR HANNON: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: How many individuals do you think this will apply to each year?

SENATOR HANNON: I don't know.

SENATOR DOLLINGER: Again through you, Mr. President, if the sponsor -

SENATOR HANNON: Because the nature of it is open ended, there are currently several agreements in existence at the moment. I would think it would tend to be a decreasing nature. The very existence of this program will act as a deterrent as it becomes more widespread. You can make any -- the question of deterrence leaves you just to make judgments as -- and so you don't have numbers at hand.

SENATOR DOLLINGER: Again through

you, Mr. President, just for the sake of clarification. What will be the standards that an embassy would use to determine whether an individual can become a public charge of the United States -- of the -- if granted entry into the United States?

SENATOR HANNON: What standards would be used? I -- somehow without any noise I couldn't hear you. Did you say what standards would be used? Federal law would be used.

SENATOR DOLLINGER: Federal law will determine?

SENATOR HANNON: Federal, yes, and, of course, federal implies here we also have a hand in implementing that because this is the Medicaid program which is a combination of federal and state statutes.

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

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

SENATOR MONTGOMERY: Yes, Mr. President. Would Senator Hannon yield for a question?

ACTING PRESIDENT KUHL: Senator Hannon.

SENATOR MONTGOMERY: Senator, does the bill -- the embassy's bill establish a standard for determining who might likely be - become a burden to the state?

SENATOR HANNON: No. All it does is establish the procedure of -- the standards are basically -- currently set forth in the law and this allows us to have a procedure that acts as a deterrent and to actually check whether people are eligible. Without this, the people would come to this country, go through the application process and then be -- hopefully if everything will work right, be determined to be ineligible and not get Medicaid. This way- which has already been implemented under the old Department of Social Service now transferred to the Department of Health, this way we're able to have a better system and it probably is a lot more fair because it doesn't require people to make round trips.

SENATOR MONTGOMERY: Mr. President, if Senator Hannon would continue to yield. The -- many of the hospitals or at least

some of the hospitals that I'm aware of are actively reaching out to invite people from different countries to come and receive medical care. I'm just wondering, this means then that if someone has a particular medical need that might only be able to be responsive here -

SENATOR HANNON: This leaves eligibility alone. If they are currently eligible, they would still remain eligible. If they're not eligible, they cannot -- they're not denied anything, if they're eligible. They're not -- in order to give them status and so it leaves eligibility alone.

What it provides is that for somebody applying for a visa, that that information is supplied through the Department of Health to check out if they've already been disqualified for Medicaid and if they are, that information will be supplied through the federal government.

SENATOR MONTGOMERY: If they're not already eligible for Medicaid, then their visa could possibly be denied based on -

SENATOR HANNON: No, no, no. If they're not -- if they have been found to be -

have a problem with Medicaid fraud, then that could be deterred but not -- there's no new standard enacted and these are all federal requirements that have been implemented so that they're denied the implementation. They cannot get entry if they are going to come here for the purpose of Medicaid.

SENATOR MONTGOMERY: All right. Thank you, Senator Hannon.

I -- just briefly on the bill.

ACTING PRESIDENT KUHL: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: Mr. President, I'm just wondering if this doesn't establish another barrier. I know we're trying to get our state in line with the federal law, but I certainly sense New York State is the premier -- one of the premier states in the nation where -- as far as medical care is concerned, that a number of people may, in fact, be seeking to come here and I certainly would not want to establish barriers to them being able to get the high quality of health care here in our state because the embassy finds that they may become a burden based on what whatever

the -

SENATOR HANNON: That's currently. We're not establishing that, Senator. That's currently law. You cannot come here for that purpose.

Yesterday in the Post they were talking about still determining that there are dozens of cases -- and I'm quoting -- "Dozens of cases of foreigners flying to the City applying for Medicaid receiving organ transplants and other operations before heading home, transplant procedures which can cost hundreds of thousands of dollars", but we're not in the course of this bill setting up any new standards. What we're doing is just ratifying procedures in place that apply those standards, ones that are in place by law now.

SENATOR MONTGOMERY: Okay. Thank you, Mr. President. Thank you, Senator Hannon.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

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

ACTING PRESIDENT KUHL: None at the desk, Senator Holland.

SENATOR HOLLAND: May we stand at ease.

ACTING PRESIDENT KUHL: The Senate will stand at ease.

(The Senate stood at ease.)

ACTING PRESIDENT KUHL: The Senate will come to order.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: Immediate meeting of the Rules Committee, immediate meeting of the Rules Committee in the Majority

Conference Room, Room 332, and the Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: Can we take up bill number 1488, please.

ACTING PRESIDENT KUHL: Secretary will read the title to bill number 1488, Senate Print 5016-A, by Senator Volker.

THE SECRETARY: Calendar Number 1488, Senate Print 5016-A, an act to amend the Tax Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: There is a local fiscal impact note at the desk. Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR HOLLAND: Mr. President, we're going to have to stand at ease for a moment until we locate Senator Maltese and Senator Hannon so they can discuss their bills.

ACTING PRESIDENT KUHL: We do have a couple motions and resolutions if we could return to the order of motions and resolutions and do a little housekeeping.

SENATOR HOLLAND: Please.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Tully.

SENATOR TULLY: Yes, thank you, Mr. President.

On behalf of Senator Saland, I wish to call up his bill, Print Number 2703-B, recalled from the Assembly, which is now at the desk.

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

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: Senator Tully.

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

ACTING PRESIDENT KUHL: Amendments are received and adopted.

Senator Tully.

SENATOR TULLY: Mr. President, on behalf of Senator Levy, I wish to call up his bill, Print Number 4535-A, recalled from the Assembly which is now at the desk.

THE SECRETARY: Calendar Number 1001, by Senator Levy, Senate Print 4535-A, an act to amend the Vehicle and Traffic Law in relation to registration.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Mr. President, I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

SENATOR TULLY: I now offer the following amendments.

ACTING PRESIDENT KUHL: The bill is passed.

No, the amendments are received and adopted.

Senator Holland.

SENATOR HOLLAND: Stand at ease a moment.

ACTING PRESIDENT KUHL: Senate will stand at ease.

(The Senate stood at ease.)

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

Senator Padavan.

SENATOR PADAVAN: By unanimous consent, may I be recorded in the negative on Calendar Number 1511.

ACTING PRESIDENT KUHL: Without

objection, hearing no objection, Senator Padavan will be recorded in the negative on Calendar Number 1511.

Senator Skelos.

SENATOR SKELOS: Mr. President, on Calendar 60-A, would you call up Calendar Number 1498, Senate 5606.

ACTING PRESIDENT KUHL: Going to Calendar 60-A, Secretary will read the title to Calendar Number 1498.

THE SECRETARY: Calendar Number 1498, by the Committee on Rules, Senate Print 5606, an act to amend Chapter 483 of the Laws of 1978.

SENATOR GOLD: What is this bill?

ACTING PRESIDENT KUHL: Senator Hannon.

SENATOR HANNON: Mr. President.

ACTING PRESIDENT KUHL: An explanation of Calendar Number 1498 has been requested.

SENATOR HANNON: This would extend certain long-term demonstration programs in regard to managed care for the elderly, and it would continue to postpone the effective date

in regard to certain taxation on HMOs which has been suspended as part of the Health Care Reform Act of 1996.

ACTING PRESIDENT KUHL: Senator Dollinger, you have a question.

SENATOR DOLLINGER: Yeah, will the sponsor yield to a couple questions, please?

ACTING PRESIDENT KUHL: Senator Hannon, do you yield to a couple questions from Senator Dollinger.

SENATOR HANNON: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: I understand that the Medicaid reimbursement of nursing home capital costs on the historic basis used in the theory has produced some significant savings, or it might produce some significant savings in the Medicaid budget. Do you have any idea what the savings would be under this bill?

SENATOR HANNON: It would continue the savings that we're now enjoying. No, I don't. I can get it for you. But it - this is not something innovative; this is something that's continuing the current savings.

SENATOR DOLLINGER: Mr. President, I apologize, but I had difficulty hearing Senator Hannon. I apologize.

ACTING PRESIDENT KUHL: Senator Hannon, would you repeat your answer.

SENATOR HANNON: It would continue the current savings. I don't have it readily available. There's many lines; this is only part of the provisions. This bill is temporary because we don't have a budget and we're trying to do as to the other portions of cost savings that are continued and the one-week extenders, we're just expanding -- expanding - continuing cost containment that we've had for Medicare.

SENATOR DOLLINGER: Again through you, Mr. President.

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

SENATOR HANNON: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: So is it my understanding this is only an extension until such time as we enact the budget this year, or

will this be taken care of in the budget? The reason why I ask that, Mr. Chairman, is that I notice that this bill actually reads as a one-year extender until 12-31-98, actually an 18-month extender.

SENATOR HANNON: I don't have the bill in front of me right now. I -- I didn't know you were going to call it up. Some of these things were going to be the extensions that would have been in the budget had we done it and, if that was the case, it would be to the end of the current fiscal year, which would not be 18 months; it would be about nine months now.

SENATOR DOLLINGER: Yeah, but as I understand the bill, again through you, Mr. President, if Senator Hannon will continue to yield, as I understand the bill, the bill actually contains language that would extend the provisions on reimbursement as to costs on a historic basis until 12-31-98, and I -- what I thought, just so I understand it, what I thought you had suggested to me was this was part of the budget extension.

SENATOR HANNON: Well, this is -

this is what we've done the last two -- as far as I know, the last two years what we've done is extend it a year at a time, and this extends it from December 31st, '97 to December 31st, '98 which is a 12-month extension, so -

SENATOR DOLLINGER: O.K.

SENATOR HANNON: -- that's been there. Why it's been December 31st has been more history than any fiscal fact.

SENATOR DOLLINGER: Again through you, Mr. President, if Senator Hannon continues to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: Is it my understanding that this will be taken care of in the budget, that we will make these changes permanent. I can understand -

SENATOR HANNON: No, no, no, no, I didn't say they would make them permanent; they would be addressed in a more comprehensive manner, but there are many, many items that ought not to ever really be made permanent given the frequency that Congress makes changes in

their appropriation, authority rules and regulations, so what we intend to do is extend them for certain periods of time, and these items have been extended. The only thing we would do is make sure we have a comprehensive list, but this -- the items in this list are extended because we don't have a budget now, not that they will also be taken care of in the budget.

SENATOR DOLLINGER: O.K. Again through you, Mr. President. There's one other portion of the bill that I'm concerned about, and that is the one-year delay to -- to July 1st, 1998 of the nine percent assessment that HMOs would pay to hospitals for lack of good faith in enrolling in Medicaid -- Medicaid patients in to care.

SENATOR HANNON: Well, hold on. That -- that was done as an original suspension in July of last year.

SENATOR DOLLINGER: Right.

SENATOR HANNON: On the thought that we were going to have universal or as most -- as universal as you could have it, Medicaid managed care program.

SENATOR DOLLINGER: Correct.

SENATOR HANNON: And we had already gone through the request for proposals process. People have responded to those requests for proposals, and we're under way. Because of that, and the thought that it was going to be successful, the soon awaited waiver last July, we then suspended the nine percent which, when it was originally imposed in 1991, was not imposed as a carrot, but as simply a revenue raising measure in those -- those one of the two or three years when we were having such shortfall, so, and yet there were some who thought, well, even the possibility of this springing up ought to be left in place as a mechanism in case we never get the waiver, so I thought that was such a remote possibility last year that we'd be simply repealing it.

Well, we don't have the waiver from the federal government again and so the argument is pretty logical, extends it another year, let's see if we get the waiver or not.

SENATOR DOLLINGER: Again through you, Mr. President, Mr. Chairman, if Senator Hannon will continue to yield. I should preface

my comment by saying this is just the kind of thing if this had come out of the Health Committee at some point, we might have had this discussion in the context of the Health Committee and perhaps avoided this discussion on the floor.

My question again through you, Mr. President, if Senator Hannon will continue to yield, is the nine percent assessment was, as I think you're correct, and this predates my being here was a revenue generating measure but now it's really a carrot and stick to get Medicaid patients enrolled in HMOs so that the cost savings which are right at the crux of what this bill was designed to do, the major thrust of this bill so that we can start to pay out less in our Medicaid costs by using the concept of managed care.

My question is, do you see a time that that incentive will achieve the goal? And I understand that we've had some problems with the federal waiver, but is it -- do you foresee a time when that nine percent is actually going to push -- achieve the goal that we share which is to push the HMOs to make sure that Medicaid

is a significant enough portion so that we realize savings?

SENATOR HANNON: I would anticipate so. I would anticipate that we - there are a whole other range of -- of comments and critiques over the current system mainly centered around the rates that are available and whether or not we get a chance to address that for the short term, we certainly have to address the participation process, HMO participation process, in Medicaid managed care when the current RFP is up which I believe is December 31st, 1998 and that, therefore, the new procurement has to take effect some place in the next 18 months, so I would anticipate that we could get to a state of affairs where we wouldn't have the nine percent at all, and we would simply repeal it.

SENATOR DOLLINGER: And again through you, Mr. President, just one final question. I know, Senator, you and I have had an chance in the Health Committee to talk about some of the problems that the Medicaid managed care operation has faced, many of them focused on the issue of the appropriate level of

reimbursement; that is to try to get the Medicaid managed care rate up to such a level that physicians will participate and enough of the organizations will participate so that there is an access, so that the Medicaid enrollee has a sense that there are enough physicians out there to prevent them from going to emergency rooms and instead they'll go to see their local physician.

My question is, do you see that the solution to this lies in an increase in the Medicaid managed care rate for the HMOs generally? I mean we're going to have to put a little more carrot in so that we avoid having to swing this big stick?

SENATOR HANNON: Well, yes and no. There are many people who will say that while there's been a lot of dropout by plans in regard to participation. I would also point out that it's been pointed -- that there are plans that are signing up that are asking to get involved, and so there doesn't seem to be any type of crisis yet.

I have also pointed out that each of these plans accepted bids from the department

as to what they would -- would do, so if you're ever going to increase exactly what are the numbers you would increase the rates by and how would you justify those numbers being that they would be over and above the very rates that the plans accepted.

They have said, yeah, that's all well and good, but we're still losing money so it's a question here of how do you have a certain set of facts that is -- would form a reasonable basis, so each Senator in this room would be able to vote on that and have a certain assurance that it's not a windfall for somebody and that it would be logically related to the cost of providing health care.

SENATOR DOLLINGER: Thank you, Mr. President. I thank the chairman of the Health Committee.

I know that this isn't his fault and I don't mean to ascribe any blame, but this is, frankly, I think a very beneficial discussion at least to me based on my interest, both in health care generally and in the specific problems faced with Medicaid managed care.

As I know, the chairman and I, I think have spoken in the context of the Health Committee about some of the problems faced in Rochester, New York, one of the homes of managed care, one of the often quoted models of managed care, the great difficulty with the Monroe Plan, which is our Medicaid managed care plan and the difficulty that it's had in the last three or four years as it has seen either a freezing of its rate or an actual lowering of the rate and the impact of that on the ability of the plan to enroll sufficient physicians so that the Medicaid enrollee goes to the private physician consistent with the HMO objective rather than doing the one thing which Medicaid managed care is designed to do which is to discourage them from showing up at emergency rooms and incurring much higher cost of care, and I understand that as we go through this evolution from one health care system to another and the difficulty of that evolution, that we need to have extenders, we need to make sure that we're not either ahead of the system or behind it, that the Legislature is on -- riding that wave on the crest so we're right there as those changes occur.

That's why I -- I'm going to vote for this bill, Senator, and I appreciate the description of it because it's too bad this didn't go through the Health Committee because I think that getting the kind of input, bringing all of our members of the Health Committee up to date on this issue and the importance of this issue to achieve both quality health care for those in the Medicaid system and to reduce our costs. That's a critical part of the discussions that we've incurred since you've been the chairman of the Committee and I think many of our other members of the Health Committee could have benefited by this discussion being had in the informal give and take of committee rather than having the bill come out. I know that the exigency of dates and calendar drives this to be done today, but it just seems to me that this is the kind of thing that, because of the importance of the underlying issue, this is just a sort of a tip of the iceberg of a huge, very difficult issue, that it would have been very beneficial to have this done in the Health Committee.

I'll vote in favor of the bill,

and I think it's the right thing to do under the circumstances, but we need to have these discussions perhaps maybe some time other than the first of July.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you call up Calendar Number 1499 on Calendar 60-A.

ACTING PRESIDENT KUHL: On the same calendar, 60-A, Secretary will read the title of Calendar Number 1499.

THE SECRETARY: Calendar Number 1499, by the Assembly Committee on Rules, Assembly Print 8456, an act establishing the Chronic Care Management Demonstration Program.

SENATOR SKELOS: Lay aside for the day.

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

Senator Skelos.

SENATOR SKELOS: On the same calendar, would you call up Calendar Number 1512.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 1512, by the Assembly Committee on Rules, Assembly Print 8467, an act to amend the Insurance Law.

SENATOR SKELOS: Lay that bill aside for the day.

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

Senator Skelos.

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

ACTING PRESIDENT KUHL: We'll

return to reports of standing committees. There is a report of the Rules Committee at the desk. I'll ask the Secretary to read.

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

Senate Print 5202, by Senator Nozzolio, an act to amend the Correction Law;

5264-A, by Senator Marchi, an act authorizing the city of New York to reconvey;

5470, by Senator Rath, an act authorizing the SUNY College of Environmental Science and Forestry;

3387, by Senator Saland, an act to restore service credit to Suzanne Cunningham;

5635, by Senator Trunzo, an act to amend the Executive Law;

5652, by the Committee on Rules, an act to amend chapter of the laws of 1997;

3962, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

5152-A, by Senator Spano, an act to amend the Transportation Law;

5634-A, by the Committee on Rules, an act to amend the Public Authorities

Law;

2456, by Senator Trunzo, an act to amend Chapter 422 of the Laws of 1991;

5006, by Senator Tully, an act to authorizing the assessor of the county of Nassau;

5670, by Senator Skelos, an act authorizing the assessor of the county of Nassau;

4244-B, by Senator Farley, an act to amend the Banking Law;

5452, by Senator Velella, an act to amend the Insurance Law;

5638, by the Committee on Rules, an act to amend the Local Finance Law;

5641, by Senator Seward, an act to amend the Rural Electric Cooperative law;

5620, by Senator Marcellino, an act authorizing the county of Suffolk;

5655, by Senator Markowitz, an act authorizing the city of New York; and

5446, by Senator Montgomery, an act to amend the Emergency Tenant Protection Act;

5498-A, by Senator Spano, an act

to amend the Penal Law;

5633, Senator Spano, an act to amend a chapter of the laws of 1997.

All bills directly to third reading.

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

SENATOR DOLLINGER: Mr. President, before we accept that, could I object to the Rules Committee report and ask to be heard on the issue.

ACTING PRESIDENT KUHL: Motion is before the house. Debatable motion. Senator Dollinger, on the motion.

SENATOR DOLLINGER: Mr. President, is there someone from the Rules Committee who would just explain the reason for this Rules Committee report, the rationale for this Rules Committee report?

ACTING PRESIDENT KUHL: Would you like Senator Skelos to ask?

SENATOR SKELOS: Well, Mr. President, I believe the Rules Committee has the right, under our rules, to report to third

reading at any time.

SENATOR DOLLINGER: Mr. President, if Senator Skelos will take the lead on this, is there any particular reason why these bills have to be reported today?

SENATOR SKELOS: Mr. President, the Rules Committee met. Majority, Minority members were there. Legislation was discussed and the Rules Committee determined that these bills should be reported to the full Senate to be debated at this time.

I move to accept the report of the Rules Committee.

SENATOR DOLLINGER: Again, Mr. President, if I could be heard on that, I appreciate Senator Skelos' comments. If I could be just heard on this motion.

ACTING PRESIDENT KUHL: Excuse me, Senator Dollinger. Would you say that again, please.

SENATOR DOLLINGER: Could I be heard on this motion? I object to the Rules Committee report, and I believe it is a debatable issue, and I believe we have a half hour.

ACTING PRESIDENT KUHL: Yes. There's 27 minutes left.

SENATOR DOLLINGER: 27. Thank you, Mr. President.

The Rules Committee in this house is oftentimes used, especially around this time of year. It really ought to be called the "June and July Committee" because it comes to life, as we know, some time in the middle of March or excuse me, the middle of May, in which all the committees dump their bills or the bills end up in front of the Rules Committee and as a consequence, the Rules Committee then begins to meet frequently and begins to analyze the bills that ought to come before this house.

I'd point out a couple things to those members who are interested in how the bills flow. First of all, we have a lot of bills on our calendar that are ready to go, already been done, already come to the floor, they're live on the active list. I look around this side of the aisle. There's some members over here who have bills on the Rules Committee list that need activity, that need a vote of this house in order to raise the possibility

that they'll become law; so we've got a lot of work already on our platter, and yet today we come forward with the third Rules Committee. We've got "A", we've got "B", we've got "C", I mean we may end up with "Z" at some point but there are bills that have already been put on the active list that are ready and rarin' to go that haven't been done yet. It seems to me that, in the orderly management of this house - and no one has been better at the order and management of this house than Senator Bruno. He's taught us the importance of starting on time. He's taught us the importance of finishing on time. It seems to me that it can be consistent with Senator Bruno's credo we ought to do the bills that are already here. We don't need to go to another Rules Committee report when we've got bills that are already live, ready to go before the house.

But the other issue, it seems to me, that we ought to do is take a look at the bills that are actually being produced from the Rules Committee and get a sense of whether we need to do these in particular today.

Senator Nozzolio's is the first

bill. This is a bill that would eliminate a compensation cap for psychiatrists in the prison system. I wasn't at the Rules Committee report, I don't know what was said, but it seems to me that that's a bill we could have done, gee, almost any time in the last six months.

The same is probably true with Senator Marchi's bill, a bill to reconvey property. Why, I understand that there maybe be members on this side of the aisle who have re-conveyance bills that are already ready and rarin' to go in the house, but instead we're going to accept a Rules Committee report that creates a specific bill from Senator Marchi to jump on the calendar perhaps even ahead of those bills. I'm not so sure I understand why that would occur.

Senator Rath's bill which is authorizing SUNY to create a -- to conduct a research and restoration program on the American chestnut tree, again, Senator Rath, that seems like a good bill to me, but why it has to be done in the context of the Rules Committee, couldn't be done by the Environmental Conservation Committee, why it couldn't have had

a discussion about the importance of that versus, I don't know, promoting the American elm tree. That's the kind of discussion that should go on in our substantive committees and not all of a sudden come to the floor through the Rules Committee.

Senator Saland has a bill which is another bill in the Rules Committee report that talks about giving special pension benefits to a Suzanne Cunningham. Maybe very deserving. I did catch part of the Rules Committee debate on this issue and whether we should again single out one individual for special treatment under the retirement program.

I know we've passed a bill several years ago that was designed to create a system for dealing with pension benefits and late filings and misfilings and this kind of bill, frankly, we were doing these back in March, I don't know why it couldn't have been done in March, probably should have been done in March. Probably deserved the special attention that Senator Trunzo's Civil Service Committee, retirement committee, could give to it. I would suggest that it might be good to send it back to

that committee and give everybody a chance to be heard on it.

The interest arbitration, another big and important bill, I have no doubt that it deserves an airing in this house and maybe deserve passage. I'll wait for the debate before I make my decision, but that too seems to be coming to us through an unusual path through the Rules Committee and should be sent back to the appropriate Civil Service or other committees for discussion.

Then there are bills, I know that, I was in the Rules Committee for a discussion of Senator Trunzo's bill on the pension benefits for firefighters that would enable them to obtain accidental disability benefits for those who contracted HIV during the performance of their duties.

Again, this bill seems to me to be just the kind of bill that maybe ought to go to the Health Committee, maybe ought to be discussed by the substantive committees before it's reported directly to Rules. I don't know why this bill couldn't have been done at an earlier time, why the Rules Committee has to

make a report on this bill at this particular time, other than, of course, we're down to July, it's now time to get all our work done and we're going to hurry up and do it because through most of February, March, April, May we didn't see a bill that was anywheres near as substantive as that one. We really didn't do anything. We did license plate bills and all those other bills which the Majority offered up for our appetite on those days that we were practically starving in the lack of intellectual stimulation on the calendar. Now, all of a sudden we're to be force fed these very significant bills that I think deserve a little bit of time to sit on the calendar, perhaps mature on the calendar, get the opinions of a broader group of interests, those interested in the legislation, and perhaps get some suggestions that could even improve the content of the bill, might even produce amendments from this side of the aisle that we could insert in these bills to improve their quality.

Senator Spano's bill on the Westchester Parkway Commission, this is going to re-establish the parkway commission. I assume

again that that's one that's about to run out of gas unless we fill the tank up before the end of the first of July.

There are also bills about the creation of the police department in the Metropolitan Transit Authority. Again, I'm not familiar with that issue. I'm not from the city of New York, but I question why that has to be included in a Rules Committee report on the first of July.

Then there are other bills that create teachers' retirement systems, Senator Trunzo again carrying a bill, I think, my guess is this bill may have sat in Senator Trunzo's committee for some time. It's got number 2459 on it. My guess is that bill was printed some time in early March, sat in Senator Trunzo's Committee for the better part of three full months, maybe even four full months, maybe even five full months. Didn't go anywhere.

I'd be interested perhaps even if Senator Trunzo would yield to a question to ask him why the bill suddenly comes to the floor today, why on the Rules Committee on the first of July. I can't understand it. Perhaps

someone could offer me an explanation.

Senator Tully carries a bill, a bill that -- and I believe it's mirrored by another bill that -- there are two bills here that create -- that's right, Senator Tully and Senator Skelos both carry bills that would permit organizations to obtain real property tax exemptions. Senator Cook and I have made our views known on those bills. We've consistently voted against them. They should have come through the Local Government Committee. I regret that Senator Rath isn't here because Senator Rath got the benefit of the discussion that Senator Cook and I have had about the importance of the integrity of real property tax rolls and how these bills deviate from it. Perhaps there's some very valid explanation as to why these specific religious organizations should be singled out by this Legislature on the first of July as part of a Rules Committee. I, frankly, don't understand it and, frankly, don't understand why it's being done at this last time and why the committee process was avoided for the kind of bills, frankly, that we've done in the Local Government Committee all year even

though I've been in the negative on voting on them.

But there are other bills on the third page of the calendar that deal with port ability of insurance, Senator Velella, very important bill as New York complies with the federal requirements for portability of insurance benefits. Frankly, I think that's just the kind of issue that ought to be or should have been considered at great length by the Insurance Committee or by the Health Committee to determine the importance of the transferability of health benefits for those people that live in the state of New York. Just the kind of issue that we should have had an extensive discussion in the Insurance Committee because that would give the members of the Insurance Committee a better idea of exactly what this bill accomplishes, how do we implement federal changes. The same kind of discussion I think could have been very valuable in the Health Committee. We've lost the benefit of that because instead we stuff it through the Rules Committee.

There are other bills, I know

that Senator Marcellino, the chairman of the Environmental Conservation Committee, does have a bill authorizing Suffolk County to discontinue the use of certain lands. I can only assume that this bill, number 5620, was probably printed some time around the end of March, for some reason sat in Senator Marcellino's committee for three months, and now today all of a sudden having done nothing with it for three months, it's suddenly very, very important that we get this bill done. I'd like an explanation from someone why the Rules Committee has to put a bill like this on the agenda, has to bring it in now and has to have it leapfrog over all the other active bills that are sitting on our calendar. Frankly, I don't understand it.

Senator Montgomery does have a bill, another interesting bill. Unless I'm mistaken, I think that's the only bill that doesn't have a Republican sponsor as its chief sponsor. I'd be interested to hear what Senator Montgomery has to say about that bill as well.

Senator Markowitz also has a bill, my colleague next door here. I'd be interested to hear what he has to say, but again

either one of those bills could clearly have been done outside of the context of the Rules Committee, could have been put on the floor of this chamber some time in the last six months, last three months, and we could have done those bills. We started doing them several weeks ago. It isn't until now that they hit the table.

And then Senator Spano has two very important bills, two bills that I'm looking forward to an explanation on; hopefully we'll get a sufficient explanation, important bills that deal with the hand gun issue in Westchester County. I think that's a very significant issue. As members know I've stood here before and asked for the restriction on the use of assault weapons. I believe we do have too many dangerous weapons in our streets, too many dangerous weapons in Westchester County, and I'll be interested to hear his explanation, but, quite frankly, that bill, both of those bills sponsored by Senator Spano, could have easily been done outside of the context of the Rules Committee, could have easily been done by a substantive committee, could have easily been

printed, these bills, my my guess is were printed some time in late March or early April, could have been done in March or early April or May, we sat here for days on end, doing four or five or six bills, with nothing better to do.

Frankly, Mr. President, the issue of whether we should accept the report of the Rules Committee is a reflection of what this institution does and how it does it. What does it do? Absolutely nothing until it absolutely has to. And how does it do it? It does it all at the end with minimal explanation, without the input of the substantive committees, without the opportunity for members who are familiar with particular issues because of their committee involvement, to get actively involved in the bill, to propose amendments to the bill, to suggest alternatives, to come up with different ideas.

As the ranking Democrat in the Health Committee, I would suggest and I regret that Senator Hannon isn't here, I think you saw in the Health Committee in the last few years an active involvement of all of its members in the involvement in the structures of bills with

proposals for changes, with suggestions for amendment, with suggestions for discussions, additional discussions with our counterparts in the Assembly.

All of that is a product of our committee system. That has all been bypassed in this case. All of it has been ignored. The process of the Senate has been ignored and, quite frankly, it seems to me that the Rules Committee report that's before us today is a dramatic reflection of everything that's wrong with this body as a deliberative body.

This is not about deliberation; this is about expediency. This is about doing something at the last second instead of doing it right.

Mr. President -- with that -

SENATOR GOLD: Mr. President - Mr. President.

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

SENATOR GOLD: Would Senator Dollinger yield to a question?

SENATOR DOLLINGER: I will, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GOLD: Senator Dollinger, I hear you asking all of these questions, but I'm wondering whether you realize something and I'm very shocked, Senator, at the thought that you might not understand this.

Part of this Rules report is a bill, a Print Number 3387, which would restore certain pension rights. Now, it's my understanding from the debate in the Rules Committee when I raised the issue with Senator Trunzo, who was at the meeting, as to why the person was not covered by the Trunzo Law which we all passed -- first of all I didn't realize, Senator Dollinger, that the law expired in 1996, big mistake on our part. I'm told that it has not been restored because there are 4,000 of these pension claims that haven't even been handled yet, and they're afraid of more, and that to me is silly because obviously at some point in time we're going to have to pass them again, and we're just going to create another backlog.

But I was told by Senator Trunzo

in a rather defensive way, and he should never be defensive, but he said, Wait a minute, that bill didn't come out of my committee. Now, Senator Dollinger, don't you understand, don't you realize as someone who's been around here for more than an hour that the purpose of the Rules Committee at the end is to report bills that the committee chairmen would never let out of their committee and that this is a way to go around the committee chairman?

I mean don't you realize, Senator Dollinger, as an intelligent, bright young man who's been around here for more than an hour that we have conference committees in the Legislature. It's composed of Senator Bruno, Assemblyman Silver and George Pataki. That's the conference committee. Once you read, I think it's today's Daily News, some of these stories wondering what we're all doing and the Rules Committee, Senator Dollinger, activates that conference committee.

I remember, Senator Dollinger, when we used to have the chairman of the Codes Committee in one house and the chairman of the Codes Committee in another house and they would

meet and all of a sudden you would have the "X" and the "Y" criminal justice package.

Now it's either got to be a Bruno criminal justice package or a Silver criminal justice package. You got to scratch your head, well, I happen to know the chairman of Codes, he's a fine gentleman, but you've got to wonder who the chairman is. They're not the ones doing it any more and, Senator, this I think gives you some reason why some of these bills are on Rules, don't you think, question mark?

SENATOR DOLLINGER: Mr. President, I -- again I have to bow to the sagacity of my colleague from Queens who again is giving me the benefit of 25 years, 30 years of experience in this Legislature that really dwarfs my own minimal exposure to this body and that I'm actually astounded, Senator Gold.

I think what you're suggesting to me is that all those extra -- those extra cash, the chairmen of committees get who get more money than ranking members because they have greater responsibilities, they've got -- what I think you might be suggesting to me, Senator, is that the agendas that they put out from the

first of January to the 15th of May, which is the committee cycle in this chamber, that those agendas are filled with the bills that they think might be important and that the bills that come out of Rules are the bills that Senator Bruno thinks are important. So it seems to me that maybe what we ought to do is go back and maybe look at our legislative structure and try to re-evaluate whether we ought to be paying chairs of committees additional stipends for the benefit of reporting out bills that they think are important when the real bills are the only ones that Senator Bruno thinks are important.

Frankly, Senator Gold, this might be the time to maybe ask for an inquiry by this house as to maybe we should do away with the committee chairs. They can report out the bills that don't matter and just make Senator Bruno, he's an ex officio member of every committee. Why don't we just make him the ex officio chair of every committee so that he can produce the entire agenda for the Legislature so that at the end of the session like it is today, whoever structures the agenda of the Rules Committee is really setting all the rules.

I am -- I guess, Senator, you force me to rethink my whole sense of what this Legislature does and those in its leadership positions and whether we ought to be paying them anything for just producing the bills that nobody thinks are important from the first of January until the 15th of May and then pay Senator Bruno some more because he's obviously doing all the work of all the chairs.

I think Senator Gold is correct. What this -- what today demonstrates, what this Rules Committee demonstrates is that the committees in this house are in danger of becoming extinct and my suggestion to all of those who have chaired a committee, it's now your time to stand up, take back the powers that the rules of this Senate give you, take back the power to control the agenda. Take back the power to put important issues on the agenda when the committee meets. Don't let Senator Bruno usurp the rules of this house and become the super chairman who takes over the debate of this house and dictates all of it.

This is a demonstration of what the powerful leadership is all about in this

house. It's dwarfing the minuscule power of party -- of the chairs of committees, and I would suggest to everyone that's a chairman of a committee, everyone in this house is a chairman of a committee. Anyone who is a chairman of a committee who is in the sound of my voice, stand up today and say this will never happen again. We're going to stand up for the committees today.

I'm standing up here to tell all of those people who are chairs and I don't -- I think they all sit on the other side, and I'm telling you, I'm going to support you when you want to bring a committee bill out. I'm going to support you today by voting against the Rules Committee to try to re-empower the substantive committees that have to deal with the substantive issues.

I'm going to vote today against this Rules Committee report to give the chairman of the Health Committee, Senator Hannon -- he does sit on that side, give Senator Hannon more power. I'm going to vote in favor of the Rules Committee -- or excuse me, the Banking Committee so that I can give Senator Farley more power so

that he can decide what the important bills are so that he'll bring the bills out of the committee. Senator Leichter won't oppose that. Senator Leichter wants a little bit more of that power.

I'm going to vote against this Rules Committee report because it is the symptom of everything that's wrong with this Legislature. We are now going to be force fed every substantive bill in this legislative session by having the Senate Rules Committee debate it without input from the substantive committees, without input from the members who've worked in those committees for the last five months.

Instead it's going to be run from some office on the third floor, not sure which one, I could get an idea, but some office on the third floor is going to set that agenda and it's unfortunate. Frankly, to all of you who are committee chairs, if you had gumption, if you really believed in what you were doing and if you could justify taking an extra stipend from the people of the state of New York, vote against this Rules Committee report.

Let's do it right for a change. Let's say to this cockamamie system we have that produces excess at the last second and dalliance through most of the session let's throw the system out. Vote against this silly Rules Committee report. It's got important stuff on it, but this is the wrong process. You know it's wrong; I know it's wrong. Vote against this report, send these bills back to the substantive committees. They can meet now. They can meet now. You can get all the expertise from 61 members -

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: -- on substantive issues.

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

SENATOR PATERSON: Mr. President, I was wondering if Senator Dollinger would yield to a question.

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

SENATOR DOLLINGER: Yes, Mr.

President, I will.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator Dollinger, I feel like I'm in a remake of the movie NETWORK, but I'd like to ask you if you're aware that in 1992 both this Legislature, both the Senate and the Assembly passed bills that severely restricted the powers of the Senate Finance Committee chair and the Assembly Ways and Means Committee chair on our budget, that restricted much of what went through those committees by law and then came to the floor of the Senate and was then voted upon to such an extent that it certainly minimized the authority of one leader around here because those significant committees that handled a lot of the commerce and economic development legislation were in the hands of other than the Majority Leader and the Speaker of the Assembly, and my question to you is, would you recommend that we rethink that action that we took five years ago because it seems to coincide with what you're raising as an objection to this Rules report, that we have in the Legislature 61 seats, we

have over 18 million residents that live in the 61 Senate Districts, and we don't have an opportunity for needed legislation to get passed because what is most important about the legislation is not the problem but the geographic location as it relates to the majority or minority status, and this is not just a criticism of the Senate, it's just a criticism of the whole process. So I wondered if this is just another thing that you might take a look at.

SENATOR DOLLINGER: Well, thank you very much, Mr. President and Senator Paterson. As you know, that law predates my sitting on this side of the chamber, in fact sitting in the chamber at all, so I wasn't aware that that had been done, but it seems to me that there is a certain consistency between overruling or re-examining that bill and the notion that's presented to us here today.

This is, as I pointed out to you, Senator Paterson, this is Calendar C. This is "C". We may get to "D". We may get to "E". We may get to "F". We're going to continue to do all the substantive work of this Legislature

just as I tried to do it with Senator Hannon which I think I apologized for because, frankly, grilling the chairman of the Health Committee on the floor of the Senate is not the place for me to be asking him about whether the waiver from the federal government on the Medicaid managed care plans has worked. Senator Hannon knows of my interest in that. Senator Hannon is very well versed in it.

There are other members of the Health Committee, I'll speak from just our side of the aisle, Senator Abate, Senator Markowitz, Senator Montgomery, who are very familiar with the problem of Medicaid managed care, perhaps even better understanding of that problem than other members of the Health Committee who may not come from districts that have such significant populations of Medicaid patients and I end up grilling Senator Hannon about the particulars of this bill because I haven't seen this bill before and, frankly, it comes from the Rules Committee, and I'm not a member of the Rules Committee, so I think with all due respect to Senator Hannon, someone has -- has slapped him in the face. Someone has said to him, we're

not going to let your committee consider this bill. We're going to get this bill to come out of the Rules Committee.

Well, I think Senator Hannon deserves to take his considerable expertise and put it to work on this bill and to offer it for other members of the Health Committee so that they can analyze what this bill means to them. That process is sidestepped.

Senator Paterson, I think that the bill that was passed in 1991, if it was as you describe it to be and I have no reason to doubt that, I would have voted against that bill in a second. I think what we need is to make this body truly democratic with a small "d".

SENATOR LEICHTER: Mr. President.

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

SENATOR LEICHTER: Senator Dollinger yield?

ACTING PRESIDENT KUHL: You think you can do that within the 30 seconds that he has?

SENATOR LEICHTER: I'll try.

ACTING PRESIDENT KUHL: Senator yields for 30 seconds.

SENATOR LEICHTER: Senator, are you offering the shocking radical proposition that members who are elected and chair committees should have more say about legislation than the staffs that make the decisions of what goes in the Rules report?

SENATOR DOLLINGER: I am suggesting that, Mr. President. I'm suggesting that -- that this vote right now is a vote whether we accept the Rules Committee report, interpreting in the generic sense, interpreting it in its broadest sense, and it's very simple, it's a vote for an empowered committee structure that will deal with substantive legislation early on in the session and that we won't, on the last day, at least according to Senator Bruno, one week or six days after we're supposed to be out of here, we're now going to deal with substantive issues that affect Senator Spano, that affect the health care system in this state, that affect Environmental Conservation.

Take a look at Supp Calendar C. We're going to do the big stuff right now. I

think our Committee system -

ACTING PRESIDENT KUHL: Senator Dollinger, excuse me just a minute.

Senator DeFrancisco, why do you rise?

SENATOR DeFRANCISCO: I believe according to the rules that this issue is debatable for 30 minutes, and 30 minutes are up and I would request a vote on this issue.

ACTING PRESIDENT KUHL: Point is very well taken, Senator DeFrancisco.

Question is on the acceptance of the Rules Committee report..

SENATOR DOLLINGER: Mr. President.

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

SENATOR DOLLINGER: May I move to suspend the rules and continue.

ACTING PRESIDENT KUHL: Senator Dollinger, there is a motion on the floor. You're out of order.

The motion is to accept the report or not. All those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The report of the Rules Committee is accepted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I would request that we have the reading of the non-controversial Supplemental 60-C as in Charlie.

ACTING PRESIDENT KUHL: Go to Calendar Number 60-C. Secretary will read the non-controversial calendar.

THE SECRETARY: Calendar Number 1491, by Senator Nozzolio, Senate Print 5202, an act to amend the Correction Law, in relation to elimination of the compensation cap.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1492, by Senator Marchi, Senate Print 5264-A, an act authorizing the city of New York to reconvey its interest.

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

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1495, by Senator Rath, Senate Print 5470, an act authorizing the SUNY College of Environmental Science.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1500, by Senator Saland, Senate Print 3387, an act to restore credit to Suzanne Cunningham.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Oh, there is a substitution at the desk. We'll take that up first before we lay the bill aside. Secretary will read.

THE SECRETARY: Senator Trunzo moves to discharge from the Committee on Finance Assembly Bill 8434 and substitute it for the identical Senate bill, Third Reading 1501.

ACTING PRESIDENT KUHL: Substitution is ordered on Calendar Number

1501.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there a message?

ACTING PRESIDENT KUHL: There is a message of appropriation at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1501.

THE SECRETARY: Calendar Number 1501, by the Assembly Committee on Rules, Assembly Print 8434, an act to amend the Executive Law, the State Finance Law, and the Civil Service Law, in relation to terms and conditions.

ACTING PRESIDENT KUHL: Senator Skelos, there is a message of appropriation and necessity at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the message of appropriation and necessity on Calendar Number 1501.

Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

SENATOR PATERSON: Mr. President, we -- we, other than accepting the message and then we voted on the legislation.

ACTING PRESIDENT KUHL: The message is accepted on Calendar 1501. Now we're ready to read the last section.

SENATOR PATERSON: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1505, Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 8450 and substitute it for the identical Senate bill Third Reading 1505.

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

THE SECRETARY: Calendar Number 1505, by the Assembly Committee on Rules, Assembly Print 8450, an act to amend a chapter of the laws of 1997.

ACTING PRESIDENT KUHL: Bill is

before the house. Lay the bill aside.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Rules Committee, immediate meeting of the Rules Committee in the Majority Conference Room, Room 332. Secretary will continue to read the non-controversial calendar.

THE SECRETARY: Calendar Number 1507, by Senator Trunso, Senate Print 3962, an act to amend the Retirement and Social Security Law.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1513, by Senator Spano, Senate Print 5152-A, an act to amend the Transportation Law, in relation to re-establishing the Westchester Parkway Commission.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bail side.

THE SECRETARY: Calendar Number 1514, by the Committee on Rules, Senate Print 5634-A, an act to amend the Public Authorities Law, in relation to the creation of a police department.

SENATOR PATERSON: Lay aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1515, by Senator Trunzo, Senate Print Number 2456, an act to amend Chapter 422 of the Laws of 1991.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1516, by Senator Tully, Senate Print 5006, an act authorizing the assessor of the county of Nassau.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Calendar Number 1517, by Senator Skelos, Senate Print 5670, an act authorizing the assessor of the county of Nassau.

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

ACTING PRESIDENT KUHL: There is a message of necessity at the desk, Senator Larkin.

SENATOR LARKIN: Move to accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1517. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Excuse me. Ayes 57 nays one, Senator Cook recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1518, Senator Farley moves to discharge from the Committee on Finance, Assembly Print 6351 and substitute it for the identical bill, Third Reading 1518.

ACTING PRESIDENT KUHL: Substitution is ordered.

THE SECRETARY: An act to amend the Banking Law, General Municipal Law, in relation to the establishment of bank branches.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1519, by Senator Velella, Senate Print 5452, an act to amend the Insurance Law and the Public Health Law, in relation to conforming.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 23. This act shall take effect July 1st, 1997.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1520, by the Committee on Rules, Senate Print 5638, an act to amend the Local Finance Law, in relation to sale of bonds.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1521, by Senator Seward, Senate Print 5641, an act to amend the Rural Electric Cooperative Law, in relation to powers of the board of directors.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1522, by Senator Marcellino, Senate Print 5620, an act authorizing the county of Suffolk to discontinue.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will continue to read the non-controversial calendar.

THE SECRETARY: Calendar Number 1523, by Senator Markowitz, Senate Print 5655, an act authorizing the city of New York to reconvey.

SENATOR LARKIN: Is there a message of necessity?

ACTING PRESIDENT KUHL: There is no message at the desk. There is also no home rule message at the desk. The bill will have to be laid aside.

Secretary will continue to read.

THE SECRETARY: Calendar Number

1524, by Senator Montgomery, Senate Print 5446, an act to amend the Emergency Tenant Protection Act of 1994.

SENATOR LARKIN: Lay aside, please.

ACTING PRESIDENT KUHL: Senator Larkin, you removing the lay aside on Calendar Number 1524.

SENATOR LARKIN: Yes, Mr. President. Let's take it up.

ACTING PRESIDENT KUHL: Let's read 1524 again.

THE SECRETARY: Calendar Number 1524, by Senator Montgomery, an act to amend the Emergency Tenant Protection Act.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

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

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

ACTING PRESIDENT KUHL: All those people wishing to vote in the negative on Calendar 1524 please raise their hand. Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar 1524 are Senators Holland, Larkin, Nozzolio and Wright. Ayes 54, nays 4.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1526, by Senator Spano, Senate Print 5633, an act to amend a chapter of the laws of 1997.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 5. This act shall take effect on the same date as chapter of the laws of 1997.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

For the benefit of the members, we made a clerical error at the desk. We called up Calendar Number 1526, so be sure that you're voting in the negative on Calendar Number 1526. We'll go back and call 1525 momentarily.

THE SECRETARY: Those recorded in the negative on Calendar Number 1526 are Senators Cook, Holland, Johnson, Larkin, Nozzolio, Present, Rath, Saland, Seward, Stachowski, Stafford and Wright. Also Senator Kuhl. Ayes 45, nays 13.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will now read Calendar Number 1525.

THE SECRETARY: Calendar Number 1525, by Senator Spano, Senate Print 5498-A, an act to amend the Penal Law, in relation to enacting the Westchester County hand gun record keeping and accountability act.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives.

THE SECRETARY: Those recorded in the negative on Calendar Number 1525 are Senators Cook, Johnson, Kuhl, Larkin, Nozzolio, Present, Rath, Saland, Seward, Stachowski, Stafford, Wright, also Senators Bruno and Holland.

SENATOR GOLD: Who?

THE SECRETARY: Ayes 44, nays 14.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR LARKIN: Let's now proceed on the same calendar and take up the controversial issues, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read the controversial reading of

Supplemental Calendar 60-C.

THE SECRETARY: Calendar Number 1491, by Senator Nozzolio, Senate Print 5202, an act to amend the Correction Law, in relation to elimination of the compensation cap.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1492, by Senator Marchi, Senate Print 5264-A, an act authorizing the city of New York to reconvey its interest.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1495, by Senator Rath, Senate Print 5470, an act authorizing SUNY College of Environmental Science at Syracuse University.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1500, by Senator Saland, Senate Print 3387, an act to restore service credit to Suzanne Cunningham.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: To explain my vote.

ACTING PRESIDENT KUHL: Senator Leichter, to explain his vote on Calendar Number 1500.

SENATOR LEICHTER: Mr. President, on extensive discussion in the Rules Committee the basis for this bill was explained, and I think that Suzanne Cunningham may have a valid claim, but I just plead with all of us to find some system and process whereby these matters could be referred to an administrative tribunal.

Senator Trunzo was able to accomplish this for at least a certain class of claims, although I understand that that process has now sunsetted. But really, we should not be doing this. This is an executive function,

administrative function. We don't have the background to do it. We don't have the information to do it. We shouldn't be spending our time and it's an extremely expensive way to do this for the people of the state of New York.

So I plead that we not be inundated as we are at the end of this session. We were also last session with hundreds of these private bills.

Having said that, Mr. President, I'll vote in the affirmative on this bill.

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

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Farley, why do you rise?

SENATOR FARLEY: Mr. President, I'd like to be recorded in the negative on 1525 and 1526.

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

1525 and 1526.

Senator Maziarz, why do you rise?

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, I too would like unanimous permission to be recorded in the negative on 1525 and 1526.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Maziarz will be recorded in the negative on Calendar Numbers 1525 and 1526.

Senator Saland, why do you rise?

SENATOR SALAND: Mr. President, I too would request unanimous consent for the purpose of being recorded in the negative on Calendar 1524.

ACTING PRESIDENT KUHL: 1524.

SENATOR SALAND: Yes, sir.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Saland will be recorded in the negative on Calendar Number 1524.

The Secretary will continue to call the controversial calendar.

Senator Volker.

SENATOR VOLKER: Mr. President, I too would like to be recorded in the negative on Calendar Number 1525 and 1526.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Volker will be recorded in the negative on Calendar Numbers 1525 and 1526.

Senator LaValle, why do you rise?

SENATOR LAVALLE: Mr. President, I'd like unanimous consent to be recorded in the negative on Calendar 1525 and 1526.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator LaValle will be recorded in the negative on Calendar 1525 and 1526.

Secretary will continue to call the controversial calendar.

THE SECRETARY: Calendar Number 1501, by the Assembly Committee on Rules, Assembly Print 8434, an act to amend the Executive Law and the State Finance Law and the Civil Service Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1507, by Senator Trunzo, Senate Print 3962, an act to amend the Retirement and Social Security Law, in relation to providing.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Trunzo, an explanation of Calendar Number 1507 has been requested by Senator Leichter.

SENATOR TRUNZO: This bill provides for Tier II -- Tier II police officer and firefighters who have gone on disability retirement for three-quarters of their final average salary, and in addition for the contraction of HIV, hepatitis and tuberculosis, it would entitle these members to disability benefits.

ACTING PRESIDENT KUHL: Senator

Leichter.

SENATOR LEICHTER: Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Leichter, on the bill.

SENATOR LEICHTER: Mr. President, I think this is just flawed and faulty legislation. What this bill essentially provides is that there's a presumption that a firefighter or a police officer on retirement who is found to have HIV, tuberculosis or hepatitis, that he developed that disease in the discharge of his or her duty. It's a rebuttable presumption, but it's extremely difficult to rebut.

I voted against almost all of these bills that make a presumption, whether it's the "heart" bill and some of the other bills, but there at least is a tenuous connection between firefighters who exert themselves and develop heart trouble. But there's not even a tenuous connection between the police officer and a firefighter who is HIV positive or has AIDS, that he has developed this as a consequence of his duties and while the

bill says that you've got to show it was, well, you came in contact with some bodily fluids, that in itself by no means indicates even the chance or the likelihood, let's say, that the firefighter, the police officer developed the disease as a consequence of what happened.

There's just no connection what soever and it's extremely difficult to rebut that presumption. Firefighter says, Well, I helped carry somebody out of an apartment. He or she was bleeding. I think that's how I developed HIV. How do you possibly rebut this? This is something that happened years ago. The person may have died. The person may have moved. The likelihood of that happening is so remote.

It would make more sense, frankly, to create a presumption for public employees who work in clinics where they are more likely to come into contact with bodily fluids. Let me say if we want to provide more money for firefighters and police officers, I may we will support it, because they do a fantastic, wonderful job. They deserve our support, but let's do it honestly. Let's do it

up front. Let's not do it through the subterfuge coming up with totally cockamamie medical ideas and theories, and then imposing on the pension system this great financial burden and establishing a system where it's almost impossible to rebut a presumption.

There's no basis for that presumption, and I just want to point out the fiscal note for those who have missed it, that this is going to cost the participating employers of the New York State and local police and fire retirement system $26 million, and I - annual -- annually. That's a large sum.

You talk about unfunded mandates. This is certainly a whopper of an unfunded mandate and it's totally inexcusable. There's no basis for it. I say again, if we want to provide more money for these very fine people, then let's do it. Let's do it openly, say they're entitled, but let's not do it by twisting the retirement system, by creating totally fallacious medical theories.

This is just not the way to proceed and we really shouldn't pass these sort of bills, Mr. President. I'm going to vote in

the negative.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 57, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Continue to call the controversial calendar.

THE SECRETARY: Calendar Number 1513, by Senator Spano, Senate Print 5152-A, an act to amend the Transportation Law, in relation to re-establishing the Westchester Parkway Commission.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 57, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will continue to call the controversial calendar.

SENATOR HOFFMANN: Mr. President.

SENATOR PATERSON: Mr. President.

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

SENATOR PATERSON: Senator Hoffmann.

ACTING PRESIDENT KUHL: I understand there are several members who want to vote in the opposite. We'll take that as soon as we complete the controversial calendar.

Secretary will continue to call the controversial calendar.

THE SECRETARY: Calendar Number

1514, by the Committee on Rules, Senate Print 5634-A, an act to amend the Public Authorities Law, in relation to the creation of a police department of the Metropolitan Transportation Authority.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1515, by Senator Trunzo, Senate Print 2456, an act to amend Chapter 422 of the Laws of 1991.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1516, by Senator Tully, Senate Print 5006, an act authorizing the assessor of the county of Nassau.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 57, nays one, Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Alesi, why do you rise?

SENATOR ALESI: Thank you. Mr. President, may I ask unanimous consent to be recorded in the negative on Calendar 1526 as

well as 1525.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Alesi will be recorded in the negative on Calendar 1525 and 1526.

Senator Libous, why do you rise?

SENATOR LIBOUS: Mr. President, I too would like unanimous consent to be recorded in the negative on Calendar 1525 and 1526.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Libous will be recorded in the negative on Calendars 1525 and 1526.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I would ask unanimous consent to be recorded in the negative on 1525 and 1526.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator DeFrancisco will be recorded in the negative on Calendars 1525 and 1526.

Senator Maltese.

SENATOR MALTESE: Mr. President, may I ask unanimous consent to be recorded in the negative on Calendar Numbers 1525 and 1526.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Maltese will be recorded in the negative on Calendars 1525 and 1526.

Senator Hoffmann, why do you rise?

SENATOR HOFFMANN: Mr. President, I'd unanimous consent to be recorded in the negative on Calendar 1525 and 1526.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Hoffmann will be recorded in the negative on Calendars 1525 and 1526.

Senator Meier, why do you rise?

SENATOR MEIER: Mr. President, I ask unanimous consent to be recorded in the negative on 1525 and 1526.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Meier will be recorded in the negative on Calendars 1525 and 1526.

Any other Senators wishing to change their vote?

Senator Larkin.

SENATOR LARKIN: Mr. President,

can we now return to reports of a standing committee. We have a Rules report there.

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

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

Senate Print 5677, by the Senate Committee on Rules, an act to amend the Insurance Law;

4367, by Senator Paterson, an act to authorize Richard J. Mason, the deputy executive director; and

4822, by Senator Oppenheimer, an act to provide benefit options.

All bills ordered direct for third reading.

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Mr. President, can we now call up Calendar 1496.

ACTING PRESIDENT KUHL: Motion is

to accept the report of the Rules Committee. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The report of the Rules Committee is accepted.

Senator Larkin.

SENATOR LARKIN: Can we call up 1496, please.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1496.

THE SECRETARY: Calendar Number 1496, by the Senate Committee on Rules, Senate Print 5677, an act to amend the Insurance Law, in relation to continuing.

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Mr. President, is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR LARKIN: Move to accept the message.

ACTING PRESIDENT KUHL: Motion is

to accept the message of necessity on Calendar Number 1496 which is at the desk. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR LARKIN: Calendar Number 1528, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1528.

THE SECRETARY: Calendar Number 1528, by Senator Oppenheimer, Senate Print 4822, an act to provide benefit options to surviving beneficiaries.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Calendar Number 1527.

SENATOR GOLD: What's the calendar number, ...27 -- 1527?

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Mr. President, is there any housekeeping?

ACTING PRESIDENT KUHL: We'll return to the order of motions and resolutions. There's a substitution at the desk.

I'll ask the Secretary to read.

THE SECRETARY: On page 18, Senator Alesi moves to discharge from the

Committee on Rules Assembly Bill Number 5285-A and substitute it for the identical Third Reading Calendar 733.

ACTING PRESIDENT KUHL: The substitution is ordered.

Senator Wright.

SENATOR WRIGHT: Mr. President, on page 13, I offer the following amendments to Calendar Number 525, Senate Print Number 3314, and I ask that said bill retain its place on the Third Reading Calendar.

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

Senator Larkin.

SENATOR LARKIN: Is there any more housekeeping there?

ACTING PRESIDENT KUHL: That's it for right now, Senator Larkin.

SENATOR LARKIN: Let's stand at ease for a couple of minutes.

ACTING PRESIDENT KUHL: The Senate will stand at ease for a couple of minutes.

(Whereupon, the Senate stood at ease from 6:36 p.m. until 6:39 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. Can we have some quiet in the house, please.

The Chair recognizes Senator Larkin.

SENATOR LARKIN: Mr. President, let's call up 1527, please.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1527.

THE SECRETARY: Calendar Number 1527, by Senator Paterson, Senate Print 4367, an act to authorize Richard J. Mason, the executive -- deputy executive director of the Renaissance Health Care Network.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Larkin.

SENATOR LARKIN: Let's stand at ease for a few more minutes.

ACTING PRESIDENT KUHL: The Senate will stand at ease.

(Whereupon, the Senate stood at ease from 6:40 p.m. until 6:46 p.m.)

ACTING PRESIDENT KUHL: Senate will come to order. Ask the members to find their chairs.

The Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno, at this time I would like to move to recommit all calendar bills to the Committee on Rules.

ACTING PRESIDENT KUHL: Without objection, all bills currently on the calendar are recommitted to the Committee on Rules.

SENATOR GOLD: Excuse me - excuse me.

ACTING PRESIDENT KUHL: The motion is before the house.

SENATOR GOLD: Yes. Could I ask

for just one moment before the motion.

ACTING PRESIDENT KUHL: Sure. That's why I recognized you.

SENATOR GOLD: I appreciate it.

ACTING PRESIDENT KUHL: Otherwise I would ask you to sit down.

SENATOR GOLD: Thank you.

I appreciate it. You are still a gentleman.

ACTING PRESIDENT KUHL: Senator Gold, you had a question?

SENATOR GOLD: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, without objection, hearing no objection, all the calendar bills are recommitted to the Committee on Rules.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move that we stand adjourned until Tuesday, July 8th, at 11:00 a.m. and there will be a Republican Conference the same day at 10:30 a.m., intervening days to be legislative days.

ACTING PRESIDENT KUHL: Without

objection, the Senate stands adjourned until Tuesday, July the 8th, at 11:00 a.m.

Senator Paterson, did you wish to be recognized.

SENATOR PATERSON: On that same day, on July 8th, next Tuesday, there will be a Minority Conference in the Minority Conference Room at 10:00 a.m.

ACTING PRESIDENT KUHL: There will be a Majority Conference in the Majority Conference Room at 10:30, Minority Conference in the Majority Conference Room, intervening days to be legislative days.

(Whereupon, at 6:49 p.m., the Senate adjourned.)