ALBANY, NEW YORK

August 1, 1997

1:35 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

Would everyone please rise and join with me in the Pledge of Allegiance.

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

May we bow our heads in a moment of silence.

(A moment of silence was observed.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Thursday, July 31st. The Senate met pursuant to adjournment. The Journal of Wednesday, July 30th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

Madam President, on behalf of Senator Libous, I wish to call up his bill, Print Number 4716-A recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Libous, Senate Print 4716-A, an act to authorize the village of Johnson City.

THE PRESIDENT: Senator -

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

THE PRESIDENT: Call the roll on reconsideration, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 35.

SENATOR MARCELLINO: I now offer

the following amendments.

THE PRESIDENT: Amendments received.

SENATOR MARCELLINO: Madam President, on behalf of Senator Rath, I wish to call up her bill, Print Number 5535, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Rath, Senate Print 5535, an act authorizing the town of Amherst.

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

THE PRESIDENT: Call the roll on reconsideration, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 35.

SENATOR MARCELLINO: I now offer the following amendments.

THE PRESIDENT: Amendments are received.

SENATOR MARCELLINO: Thank you,

Madam President.

On behalf of Senator Levy, I wish to call up his bill, Print Number 5268-A, recalled from the Assembly which is now at the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Levy, Senate Print 5268-A, an act to amend the Vehicle and Traffic Law.

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

THE PRESIDENT: Call the roll on reconsideration, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 35.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

SENATOR MARCELLINO: Thank you, Mr. President.

Mr. President, on behalf of Senator Johnson, I wish to call up his bill, Print Number 324-A.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: By Senator Johnson, Senate Print 324-A, an act to amend the Public Health Law.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, as you know, that bill was recalled from the Assembly and is now at the desk, and at this time I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 35.

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: Thank you.

ACTING PRESIDENT KUHL: Senator Skelos, we have some substitutions after Senator Stachowski makes a motion.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I move that the following bill be discharged from their respective committee and be recommitted with instructions to strike the enacting clause: Senate 1449.

ACTING PRESIDENT KUHL: So ordered.

The Secretary will read the substitutions.

THE SECRETARY: On page 4, Senator DeFrancisco, moves to discharge from the Committee on Rules Assembly Print 6901-A and substitute it for the identical bill, Third Reading 1215.

On page 4, Senator Santiago moves to discharge from the Committee on Rules Assembly Print 8374-A and substitute it for the identical Senate bill, Third Reading 1392.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, I move we adopt the Resolution Calendar in its entirety.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a privileged resolution at the desk by Senator Velella. I ask that the title be read and that you recognize Senator Velella.

ACTING PRESIDENT KUHL: Secretary will read the title to the privileged resolution by Senator Velella.

THE SECRETARY: By Senator Velella, Legislative Resolution urging General Colin L. Powell to meet with a delegation of elected New York State and City officials to discuss the possibility of assuming the

chancellorship of the City University of New York.

ACTING PRESIDENT KUHL: Resolution is before the house. Chair recognizes Senator Velella, on the resolution.

SENATOR VELELLA: Mr. President, I've had contacts with many members in the house asking that they would be allowed to go on that resolution. I'd ask that it be open to any member who wishes to go on.

Certainly General Powell's reputation is well known and I believe all of us would agree that he would make a tremendous chancellor of the City University.

ACTING PRESIDENT KUHL: On the resolution. Senator Skelos, it appears that there's a number of members. Shall we put all the members on except those who indicate to the desk that can they don't wish to be on the resolution?

SENATOR SKELOS: Yes, Mr. President. If a member notifies the desk that they do not wish to sponsor it, then they will not be put on the resolution.

ACTING PRESIDENT KUHL: Secretary

will take the names of those members who don't wish to be on the resolution.

Any other member wishing to speak on the resolution? Senator Stachowski? No?

SENATOR STACHOWSKI: No.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Stachowski, why do you rise?

SENATOR STACHOWSKI: Mr. President, I would like to make the members aware that Senator Connor would like to open up Resolution JL 2132, commemorating the 11th Annual Greenpoint-Williamsburg Columbus Day Parade to any members who would want to be on it, and Senator Abate would like to open up her resolution commending Visiting Neighbors, Inc., on its 25th Anniversary for any members who would like to go on it.

ACTING PRESIDENT KUHL: What was

the second number of the resolution, Senator Stachowski?

SENATOR STACHOWSKI: Second number -- excuse me -- second number is JL 2177.

ACTING PRESIDENT KUHL: All the members who wish to co-sponsor the resolutions number 2132 and 2177, they're open for sponsorship if they'll indicate to the desk.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a privileged resolution at the desk by Senator Dollinger. I move for its immediate adoption, that the title be read, and I believe Senator Maziarz wishes to co-sponsor that resolution.

SENATOR MAZIARZ: Yes.

ACTING PRESIDENT KUHL: There is a privileged resolution by Senator Dollinger at the desk. I'll ask the Secretary to read the title.

THE SECRETARY: By Senator Dollinger, Legislative Resolution celebrating the life and career of New York State Trooper Christopher Peter Gerwitz.

ACTING PRESIDENT KUHL: Senator

Stachowski, I don't see Senator Dollinger in the chamber. Is it permissible to have Senator Maziarz added as a co-sponsor of that resolution?

(Senator Stachowski nods head.)

ACTING PRESIDENT KUHL: Without objection, Senator Maziarz will be a co-sponsor on the resolution. Question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Resolution is adopted.

Senator Skelos.

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

ACTING PRESIDENT KUHL: Immediate meeting of the Senate Rules Committee, immediate meeting of the Senate Rules Committee in the Majority Conference Room, Room 332, and the Senate will stand at ease.

(The Senate stood at ease from

1:44 to 1:53 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Skelos.

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

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

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

Senate Print 535-A, by Senator Present, an act authorizing the Commissioner of General Services;

5197-A, by Senator Seward, an act amending the General Municipal Law;

2703-C, by Senator Saland, an act to amend the Vehicle and Traffic Law;

Assembly Print 5974-A, by member of the Assembly Pheffer, an act to amend the

Election Law;

2655-A, by Senator Lack, an act to amend the Criminal Procedure Law;

3752-A, by Senator Marchi, an act to amend the Public Authorities Law;

4283-B, by Senator Rath, an act to amend the Public Health Law;

4897-B, by Senator Saland, an act to authorize change of beneficiary;

49 -- 4898-D, by Senator Saland, an act to authorize the city of Poughkeepsie;

5047-B, by Senator Holland, an act to amend the Retirement and Social Security Law;

5412, by Senator Nanula, an act to require New York State local employees retirement system;

5516, by Senator Bruno, an act in relation to authorizing;

5517, by Senator Volker, an act to amend Chapter 824 of the Laws of 1933;

5528-B, by Senator LaValle, an act authorizing the re-opening of a 20-year retirement plan;

5627, by Senator Leibell, an act

to amend the Vehicle and Traffic Law;

5674, by Senator Oppenheimer, an act to authorize the town of Harrison;

5678, by the committee on Rules, an act authorizing the assessor of the county of Nassau;

5680, by Senator Skelos, an act to amend the Business Corporation Law;

5694, by Senator Trunzo, an act to amend Chapter 582 of the Laws of 1996;

5700, by Senator Marcellino, an act to amend Chapter 548 of the Laws of 1995;

5709, by Senator Lack, an act to amend the Uniform Commercial Code Act; and

5713, by Senator Rath, an act to amend the Real Property Tax Law.

All bills directly for third reading.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Could we adopt the report of the Rules -

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 and adopted. The bills are reported directly to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could now at this time take up Calendar Number 63.

ACTING PRESIDENT KUHL: Secretary will read the non-controversial reading of Calendar Number 63. That's the original calendar of the day.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Before we take up the calendar, there will be an immediate meeting of the Insurance Committee in the Majority Conference Room.

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

(The Senate stood at ease briefly.)

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

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time, if we could take up Calendar Number 63 non-controversial.

ACTING PRESIDENT KUHL: Secretary will read the non-controversial reading of Calendar Number 63.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of October.

SENATOR PATERSON: Mr. President.

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

SENATOR PATERSON: Mr. President, may we lay that aside.

ACTING PRESIDENT KUHL: We'll lay Calendar Number 110 aside at the request of the Acting Minority Leader.

Secretary will continue to read the non-controversial reading of Calendar Number 63.

THE SECRETARY: Calendar Number 758, by Senator Meziarz, Senate Print 4982-B, an act to amend the Real Property Law.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 877, by Senator Lack, Senate Print 2699-C, an act to amend the Alcoholic Beverage Control Law.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1215, by member of the Assembly Bragman, Assembly Print 6901-A, an act in relation to authorizing the county of Onondaga.

ACTING PRESIDENT KUHL: This bill was substituted earlier. There is a home rule message at the desk. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar number 1391, by Senator Tully, Senate Print 5582-A, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1392, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 8374-A, an act authorizing the Office of General Services to sell and convey.

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 48.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR SKELOS: Do the controversial calendar at this time.

ACTING PRESIDENT KUHL: Secretary will start the controversial reading of Calendar Number 63, beginning with Calendar Number 110, on page 4.

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

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of October.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 877, by Senator Lack, Senate Print 2699-C, an act to amend the Alcoholic Beverage Control 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 49.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos, that completes the reading of the controversial calendar on Calendar Number 63.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: At this time if we could take up Supplemental Calendar Number 63-A, non-controversial, please.

ACTING PRESIDENT KUHL: The Secretary will read the non-controversial reading of Calendar Number 63-A. It's the supplemental calendar which has been handed out and is on all of the members' desks together with the supplemental calendar bills which are

on the members' desks.

Secretary will read.

THE SECRETARY: Calendar Number 112, in relation to Calendar Number 112, Senator Present moves to discharge from the Committee on Rules Assembly Print 1525-A and substitute it for the identical Senate bill, Third Reading 112.

ACTING PRESIDENT KUHL: Substitution of the Assembly bill or the Senate bill is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 112, by member of the Assembly Magee, Assembly Print 1525-A, an act authorizing the Commissioner of General Services.

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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 838, by Senator Seward, Senate Print 5197-A, an act to amend the General Municipal 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 49.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR PATERSON: Lay aside.

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

THE SECRETARY: Calendar Number 10...

ACTING PRESIDENT KUHL: Excuse me just a minute.

Senator Marcellino, why do you

rise?

SENATOR MARCELLINO: Yes, for the purposes of a nomination, there will be an immediate meeting of the Environmental Conservation Committee in Room 332.

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

Secretary will continue to read the non-controversial reading of Calendar Number 63-A.

THE SECRETARY: Calendar Number 1027, by member of the Assembly Pheffer, Assembly Print 5974-A, an act to amend the Election 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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1538, in relation to Calendar Number 1538, Senator Lack moves to discharge from the Committee on Rules Assembly Print 4358-A, and substitute it for the identical Senate Print, Third Reading 1538.

ACTING PRESIDENT KUHL: Substitution is ordered.

Secretary will read the title.

THE SECRETARY: Calendar Number 1538, by member of the Assembly Wertz, Assembly Print 4358-A, an act to amend the Criminal Procedure 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 49.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 1539, by Senator Marchi, Senate Print 3752-A, an act to amend the Public Authorities Law and the Real Property Tax Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1540, in relation to Calendar Number 1540, Senator Rath moves to discharge from the Committee on Finance Assembly Print 5348-B and substitute it for the identical Senate Print, Third Reading 1540.

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

THE SECRETARY: Calendar Number

1540, by member of the Assembly Weinstein, Assembly Print 5348-B, an act to amend the Public Health 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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1541, by Senator Saland, Senate Print 4897-B, an act to authorize Edmund Haase to change the beneficiary of his retirement allowance.

ACTING PRESIDENT KUHL: Secretary will read the last section. Lay the bill aside.

THE SECRETARY: Calendar Number 1542, by Senator Saland, Senate Print 4898-D, an act to authorize the city of Poughkeepsie, county of Dutchess, to sell and convey certain park land.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1543, by Senator Holland, Senate Print 5047-B, an act to amend the Retirement and Social Security Law.

SENATOR LEICHTER: Lay it aside.

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

THE SECRETARY: Calendar Number 1544, by Senator Nanula, Senate Print 5412, an act to require the New York State and local employees' retirement system to accept a retirement application.

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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1545, by Senator Bruno, Senate Print 5516, an act in relation to authorizing the town of Pittstown to transfer certain funds.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1546, by Senator Volker, Senate Print 5517, an act to amend Chapter 824 of the Laws of 1933.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1547, by Senator LaValle, Senate Print 5528-B, an act authorizing the re-opening of a 20-year retirement plan.

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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1548, by Senator Leibell, Senate Print 5627, an act to amend the Vehicle and Traffic Law, in relation to membership.

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 and announce the results.

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

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1549, by Senator Oppenheimer, Senate Print 5674, an act to authorize the town of Harrison, Westchester County.

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 49.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1550, by the Committee on Rules, Senate Print 5678, 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 negative and announce the results.

THE SECRETARY: Ayes 48, nays one, Senator Dollinger recorded in the

negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1551, by Senator Skelos, Senate Print 5680, an act to amend the Business Corporation Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 7. This act shall take effect on the same date as the chapter of the laws of 1997.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1552, by Senator Trunzo, Senate Print 5694, an act to amend Chapter 582 of the Laws of 1996.

SENATOR SKELOS: Lay aside for amendment.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number

1553, in relation to Calendar Number 1553, Senator Marcellino moves to discharge from the Committee on Rules Assembly Print 8553 and substitute it for the identical Senate Third Reading 1553.

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

SENATOR DOLLINGER: Lay the bill aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number -

SENATOR LEICHTER: Mr. President.

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

SENATOR LEICHTER: Is Calendar Number 1551 still at the desk?

A VOICE: Do we have Calendar Number -

ACTING PRESIDENT KUHL: Excuse me.

SENATOR LEICHTER: Would you hold this young gentleman there who is walking out with some bills? Would you hold that? Hello!

ACTING PRESIDENT KUHL: Senator Leichter, 1551 is gone. I'm sorry.

SENATOR DOLLINGER: Mr. President.

SENATOR LEICHTER: Well, you know. Yeah.

SENATOR DOLLINGER: Mr. President, I -- Senator Leichter asked when the gentleman hadn't left the room. I find it unusual that a member would ask that they be delayed. I appreciate that the Chair needs to know what bills are in the house, but I thought he had intercepted him before he got out the door, and I'm disappointed that he was allowed to walk out.

ACTING PRESIDENT KUHL: Senator Dollinger, I don't have -- excuse me, Senator Leichter has the floor. You're asking whether or not the calendar is here, the bill was here. I'm told by the Journal Clerk that it is not here.

SENATOR LEICHTER: Well, it was here when I got up, Mr. President. Let's stop playing -- let's stop playing games.

ACTING PRESIDENT KUHL: Senator

Leichter, I -

SENATOR LEICHTER: I'm sorry, Mr. President. I have the floor, and I'm saying that -

ACTING PRESIDENT KUHL: If I choose to recognize you, Senator Leichter.

SENATOR LEICHTER: Well, you did recognize me.

ACTING PRESIDENT KUHL: I'm willing to entertain your conversation. I'm just telling you, you asked that a bill -- whether it was at the desk. It is not at the desk. I'm sorry to inform you that it is not here.

SENATOR LEICHTER: O.K.

ACTING PRESIDENT KUHL: I don't have the capability to stop people from what they have or leaving the chamber at this point, Senator Leichter. I don't know what they have, what they're carrying. My information is provided to me by the Journal Clerk. The Journal Clerk tells me that the bill is not in the house.

SENATOR LEICHTER: Mr. President, there are games being played here. I'm sorry to say that. I have respect for you as a person,

but I think that all members here ought to be treated fairly, and I think that the procedures of the house should be carried out according to the rules. I raised the issue. The person was standing there holding this batch of bills. I asked at a time when he was in the house and, therefore, the bills were in the house. He continued walking when I asked that he please stop. You took some time to check the records, by which time he had left. I think that's improper, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will continue to call the non-controversial calendar continuing with Calendar Number 1554, by Senator Lack.

THE SECRETARY: Calendar Number 1554, in relation to Calendar Number 1554, Senator Lack moves to discharge the Committee on Rules from Assembly Print 5619-B, and substitute it for the identical Third Reading 1554.

SENATOR LEICHTER: Lay aside.

ACTING PRESIDENT KUHL: Substi... lay the bill aside.

THE SECRETARY: Calendar Number 1555, by Senator Rath, Senate Print 5713, an act

to amend the Real Property Tax Law.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Skelos, that completes the non-controversial reading of Calendar Number 63-A.

SENATOR SKELOS: Take it up controversial now, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read the controversial reading of Calendar Number 63-A, beginning with Calendar Number 1541, by Senator Saland. Excuse me.

SENATOR DOLLINGER: I think -

ACTING PRESIDENT KUHL: Calendar Number 982, excuse me. Secretary will read.

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

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

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT KUHL: Senator Saland, an explanation of Calendar Number 982

has been requested by Senator Paterson.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this is a bill which has been requested by the city of Beacon, the purpose of which is to deal with parking difficulties they're experiencing in the immediate area -

ACTING PRESIDENT KUHL: Senator Saland, excuse me just a minute. There's an awful lot of noise in the chamber. It's very difficult for any member, I'm sure, to hear your explanation until we have get some quiet, so if we could have staff who are talking to members take their conversations out of the chamber, members take their seats.

Senator Saland, for an explanation.

SENATOR SALAND: Thank you, Mr. President.

As I mentioned in my earlier remarks, this bill was requested by the city of Beacon in response to parking difficulties that residents are experiencing in the neighborhood of the Metro-North station which is located in

Beacon. There is an attempt to allocate spaces, I believe, along the line of an 80/20 formula that some 80 percent of the spaces in the immediately designated area would be available to residents, and some 20 percent would be available to non-residents.

I'm assuming that this is a temporary measure in some respects simply because there are plans to expand Metro-North parking in the region, which will probably render this -- the need for this legislation somewhat academic two or three years or so down the road.

ACTING PRESIDENT KUHL: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I rise in support of the bill of Senator Saland, as I have supported six previous bills during this session for parking permits with home rule messages. There's also a bill dealing with the city of Albany that's similar in nature, and I would reach out to the members of this body for similar courtesies. It's accompanied by a home rule message. It's

accompanied by support from the city of Albany. It's a bill that passed 56 to 1 in this house last year and 56 to 1 in this house the year before last, this same identical bill. So I reach out for you to support the bill of Senator Saland with the hopes that the same could be done for the citizens of the city of Albany.

Thank you.

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

SENATOR SKELOS: Last section.

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 53.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

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

Room.

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

Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 1541, by Senator Saland, Senate Print 4897-B, an act to authorize Edmund Haase to change the beneficiary of his retirement allowance.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Saland, an explanation of Calendar Number 1541 has been requested.

SENATOR SALAND: Mr. President, this is a bill which attempts to, in effect, enable a Mr. Haase to comply with the prior order of the court pursuant to which he was supposed to have named his wife as the beneficiary of his pension program and apparently for reasons best known to him, he chose to name somebody other than his wife, and I am assuming there's pending under threat of a contempt order, and this -- this measure

provides him with the ability to go back and comply with the order of the court, as I believe he may have been required to do pursuant to a separation agreement or court stipulation.

There are no expenses associated or fiscal impacts associated with this.

SENATOR DOLLINGER: Mr. President, if I'm in order, I had laid the bill aside to ask for an explanation. Through you, Mr. President, if Senator Saland would just answer a couple quick questions.

ACTING PRESIDENT KUHL: Senator Saland, will you respond to a question from Senator Dollinger?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: As you know, Senator, we've done a lot of these different pension bills for all different kinds of reasons. This one, the reason why I laid it aside, this was an unusual bill. Is there anything that you're aware of, Senator -- I know you're an attorney -- that would prevent the

court from ordering the state department, the retirement system, from making the change? Wouldn't a court order do this without -

SENATOR SALAND: The -- we're advised that the retirement system does not have the ability to make a change to enable Mr. Haase to comply with the prior judgment of the court.

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

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

SENATOR SALAND: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR SALAND: If I may continue in response to Senator Dollinger's question, under Section 90, subdivisions (b) (bb) and (c) of the Retirement and Social Security Law he effectively is precluded from doing that by reason of the fact that, again, the retirement people do not have the ability to respond favorably, whether it's to his request or the judgment of the court.

SENATOR DOLLINGER: Again through

you, Mr. President, if Senator Saland will continued to yield.

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

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: Is this a typical problem encountered in a divorce proceeding, that the designation of the beneficiary of the retirement system is altered or changed?

I'm just concerned, Senator, that if we have a rule that restricts the court from complying with decrees from the Court of Appeals with respect to equitable distribution, we have something that stands in the way of the courts being able to equitably distribute New York State pensions, we ought to do something about that on a global scale and not just do it for Mr. Haase, even given the somewhat unique pickle he appears to be in.

SENATOR SALAND: I'm advised, as

you pointed out in your opening comments, that this is a somewhat unique situation and my understanding is that there is of record no other similar case where this has happened. I do not know the whys and wherefores that led to this gentleman not complying with what he was directed to do, but I am advised that if, in fact, this relief is not afforded him, that he may wind up having to pack his tooth brush and go to distant places.

SENATOR DOLLINGER: Again through you, Mr. President.

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

SENATOR SALAND: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR DOLLINGER: Do you foresee the possibility that this bill would give rise to other instances in which people undergoing divorces would come to us to allow them to change the designation of beneficiary?

I'm concerned because, as you know, we did all those pension bills about people who had mistakes in their pension

application process. We still do them but we did create that appeals system, and I'm just wondering whether we should look to creation of a similar system.

SENATOR SALAND: I obviously -- I don't think any of us contemplated this particular fact pattern at the time that we did that particular bill that created the mechanism. In my opinion, I would think that in the vast majority, in fact virtually uniformly in all of these cases, either on the advise of counsel or simply because one appreciates the effect of being directed to do so by the court, that the person obligated to make a beneficiary designation in a certain way would, in fact, comply.

Now, you were kind enough to refer to me as being an attorney, and yes, I am, but I don't practice as actively as I did up to a few years ago when I did do a bit of matrimonial work. I never ran into this kind of problem in all of my years of doing matrimonials.

SENATOR DOLLINGER: Mr. President, on the bill.

I accept Senator Saland's description of this. I have a great deal of sympathy for Mr. Haase, and I understand that if we don't pass this bill he may find himself in even a bigger pickle but I -- nonetheless, I'm concerned about opening the flood gates to applications like this and, at least from my perspective, I'm somewhat astounded that the state Supreme Court couldn't issue an order requiring the retirement system to effectuate that change even whether he consents to it or not.

Obviously, Mr. Haase now consents to this change because he stands here looking for an individual bill to accomplish it, and I just -- I'm somewhat troubled by it all. I have sympathy for Mr. Haase, and I appreciate Senator Saland coming to his aid but, Mr. President, under the circumstances because I'm worried about opening the flood gates, I'm going to vote in the negative.

ACTING PRESIDENT KUHL: Senator Saland, on the bill? No? Any other Senator wishing to speak on the bill?

Secretary will read the last -

Senator Leichter.

SENATOR LEICHTER: Senator Saland, if you'd be so good as to yield.

ACTING PRESIDENT KUHL: Senator Saland, do you yield?

SENATOR SADLAND: Yes, I may. Yes, I will. May I just, because I didn't respond entirely correctly to one of Senator Dollinger's questions, so would you indulge me. My ever present and effective staff advises me that this request came, not from Mr. Haase but from the former Mrs. Haase's attorney, and that our sympathy should be with Mrs. Haase, not necessarily Mr. Haase. I'm sorry, Senator Leichter.

SENATOR DOLLINGER: (Inaudible comment.)

SENATOR LEICHTER: I have listened to you answering Senator Dollinger's question, maybe not as carefully as I should have, and if you answered then I apologize, but are you telling us that if Mr. Haase now says to the retirement board, wherever these papers are to be filed, I designated somebody else. That was in error. It wasn't only an error, it was

in violation of a court order, and in view of that, I attach a copy of the court order. I am now designating whoever he was initially supposed to designate. You're saying that the board cannot accept that?

SENATOR SALAND: We're apprised both by counsel and by the board that, because Mr. Haase is already retired, that he cannot do that.

SENATOR LEICHTER: Even with a court order appended?

SENATOR SALAND: That's what we've been advised, Senator Leichter.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the bill? Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1543, by Senator Holland, Senate Print 5047-B, an act to amend the Retirement and Social Security Law.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Holland, an explanation of Calendar Number 1543 has been requested by Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President. This bill would allow the county of Rockland to adopt at their option a 20-year retirement plan for detective investigators within the office of the district attorney.

Last section.

SENATOR LEICHTER: I just want to read the fiscal note.

ACTING PRESIDENT KUHL: For the benefit of the members, there is a home rule message at the desk.

SENATOR LEICHTER: Right, and -

ACTING PRESIDENT KUHL: Senator Leichter, do you have a question?

SENATOR LEICHTER: Senator Holland, I'm just looking quickly at the fiscal note. I see there is no expense to the state of New York, is that right?

SENATOR HOLLAND: Yes, sir.

SENATOR LEICHTER: All the costs will be borne by the county of Rockland?

SENATOR HOLLAND: Yes, sir.

ACTING PRESIDENT KUHL: 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 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1552, by Senator Trunzo, Senate Print 5694, an act to amend Chapter 582 of the Laws of 1996.

SENATOR SKELOS: Lay that aside for amendment, please.

ACTING PRESIDENT KUHL: Lay the bill aside for amendment.

THE SECRETARY: Calendar Number 1553, by the Assembly Committee on Rules, Assembly Print 8553, an act to amend Chapter 548 of the Laws of 1995.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: Senator Marcellino, an explanation has been requested of Calendar Number 1553 by Senator Dollinger.

SENATOR MARCELLINO: Thank you, Mr. President.

Mr. President, this legislation would extend for two years the Department's authority to use sweepstakes to increase subscribers for its magazine, The Conservationist.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Could Senator Marcellino yield to a question, Mr. President.

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

SENATOR MARCELLINO: Sure, I will.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: Again, Mr. President, I apologize, I just saw this bill for the first time. Could you just tell me what the sweepstakes are. We're just running a little

game of inducement to have people sign up for a magazine that we publish and that the taxpayers pay for that we make no profit on?

SENATOR MARCELLINO: (Inaudible-background conversation)*** within the Department. The magazine, due to increasing costs of production, has been costing more and more to the Department which is required to publish this magazine. It is an award winning magazine, as you know, if you have read it, has received worldwide and nationwide acclaim.

The idea of the sweepstakes is they put a little card in there, say that to increase subscribers to the magazine to kind of offset the cost of the production. As a result of these sweepstakes, these prices are donated, not paid for but donated. The reward for the donation is an ad placed in the magazine for the company donating the prices, is limited to a cost of $250 and no more. This has been ongoing for the past two years. We're renewing the process again. It has been a successful means of increasing subscribership to this magazine and thus offsetting cost.

SENATOR DOLLINGER: Explanation

satisfactory.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1554, by member of the Assembly Weinstein, Assembly Print 6619-C, an act to amend the Uniform Commercial Code Act.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Lack, an explanation of Calendar Number 1554 has been requested by Senator Leichter.

SENATOR LEICHTER: Thank you, Mr. President.

This is passage of a new revised Article 8 of the Uniform Commercial Code. It's been passed by the Assembly, is supported by the Governor. The majority of states in the United

States have passed it. It's suggested by the Uniform Laws Commissioner and is now before the Senate for passage. It's not here haphazardly. It's, in one version or another, something that my staff and the Assembly staff of the Judiciary Committee have been working on for probably close to three years.

SENATOR LEICHTER: If Senator Lack would yield, please.

ACTING PRESIDENT KUHL: Senator Lack, would you yield to questions from Senator Leichter?

SENATOR LACK: Sure.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: Senator, has this particular bill been reviewed by the Association of the Bar, other bar associations, do you have any memos by those associations?

SENATOR LACK: I don't know if we have any memos, Mr. President, from the Association of the Bar, memos per se. They did issue a formal report. They've held, oh, if I said 30 maybe it would be inaccurate, but somewhere around there, meetings with my staff

and Assembly Judiciary staff and have issued a report strongly -- strongly in favor of it.

Both the Assembly and we had a number of problems, which is why we've held this for a year or two. We basically changed the precatory language and not the article itself. After all, we're dealing with the Uniform Commercial Code and uniformity is what one seeks throughout the country. We're putting this Article 8 out as is. New York is somewhat different than some other states in terms of a notation that's used with articles in the Uniform Commercial Code, so there is some precatory language which explains in terms of the transferability of -- you like that, huh? - transferability of investment securities and how it should be handled.

Because it is Article 8, Mr. President, there is intense interest since the major security markets are here that New York enact this legislation at this time.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: If Senator

Lack will continue to yield.

Senator Lack, one of my concerns is the impact that this may have on securities that reflect ownership in cooperative apartment buildings. As you know, a regular practice has sprung up as to how these securities are handled and dealt with, and how they can be put up for collateral, and so on.

Does this bill change any of that?

SENATOR LACK: No.

SENATOR LEICHTER: Does it apply to shares in cooperative apartments?

SENATOR LACK: I -- only to the extent that those types of shares wherever sold for investment purposes as part of companies that in and by themselves might exist with their own shares of stock for the purchase or otherwise, or other hypothecation of real estate but if you're talking about your selling your co-op, no.

SENATOR LEICHTER: O.K. Thank you.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 29. This act shall take effect on the 30th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1555, by Senator Rath, Senate Print 5713, an act to amend the Real Property Tax Law.

SENATOR LEICHTER: Explanation.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

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

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

ACTING PRESIDENT KUHL: There's nothing.

SENATOR SKELOS: Then we'll stand at ease pending the report of the Finance Committee.

ACTING PRESIDENT KUHL: Senate will stand at ease pending the report of the Finance Committee.

(The Senate stood at ease at 3:45 p.m.)

SENATOR SKELOS: Mr. President, if we could return to the supplemental calendar and call up Calendar Number 1555, please.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 1555, it's on Supplemental Calendar 63-A.

THE SECRETARY: Calendar Number 1555, by Senator Rath, Senate Print 5713, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as a chapter of the laws of 1997.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR SKELOS: Senate will stand at ease.

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

SENATOR DOLLINGER: Mr. President, I had spoken with Senator Saland and announced my intention to vote negative -- in the negative on Calendar Number 1541. I understand I was recorded in the affirmative. I'd ask for unanimous consent to be recorded in the negative on that bill.

ACTING PRESIDENT KUHL: Without objection.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Hearing no objection, Senator Dollinger will be recorded in the negative on Calendar Number 1541.

(The Senate stood at ease.)

ACTING PRESIDENT KUHL: Senate will come to order. Ask the members to take their places, staff to take their places. If it's necessary to have a conversation, please have the conversation outside the chamber.

Senator Skelos.

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

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

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

Senate Print 702-B, Budget Bill, an act making appropriation for the support of government;

Senate Print 703-B, an act making appropriation for the support of government Transportation/Economic Development;

Senate Print 5761, by the Committee on Rules, an act in relation to appropriations;

Senate 5762, by the Committee on Rules, an act to amend the State Finance Law;

Senate Print 5763, by the Committee on Rules, an act in relation to

appropriations made by the chapters of the laws of 1997; and

Senate Print 5764, by the Committee on Rules, an act to amend the State Finance Law, in relation to the Environmental Protection Fund Restoration Act.

All bills ordered directly for third reading.

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 Finance Committee is -- the report is adopted. The bills are ordered directly to third reading.

Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, would you call up Calendar 1556.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar 1556, Senate Print 702-B.

THE SECRETARY: Calendar Number 1556, Budget Bill, Senate Print 702-B, an act

making appropriations for the support of government.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. The bill is before the house. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

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

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Would you call up Calendar Number 1557, please.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1557, Senate Print 703-B.

THE SECRETARY: Calendar Number 1557, Senate Print 703-B, Budget Bill, an act making appropriations for the support of government.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1557. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. The bill is before the house. Secretary will read the last section.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford -- Senator Stafford, an explanation of Calendar Number 1557, Senate Print 703-B, has been requested by Senator Leichter.

SENATOR STAFFORD: Mr. President, ladies and gentlemen, we're now to embark on the budget bills. Please fasten your seat belts and come fly with me.

Mr. President, on a serious note, Senate 703-B is the part of the budget that contains appropriation for Transportation, Economic Development and Environmental Conservation. It also includes Agriculture and Markets. I'll go into detail in a minute, Science and Technology Foundation; Energy Research and Development Authority; I said Environmental Conservation, Environmental Facilities Corporation; the Division of Housing

and Community Renewal; the Housing Finance Agency; state of New York Mortgage Agency; Long Island Power Authority; the Olympic Regional Development Authority; Parks, Recreation and Historic Preservation; Public Service Commission; the Racing and Wagering Board; Thruway Authority; Niagara Frontier Transportation Authority; Statewide Energy Improvement and the Northeastern Queens Nature and Historic Preservation Commission.

In the Agriculture and Markets Department, I could go into more detail, but just to go very, very quickly, highlights -- be glad to obviously answer any questions -- the Wine and Grape foundation, 100,000; Quality Milk Production, $329,200; Agriculture in the Classrooms, 30,000 -- that I think is very good. I think that's a real step in the right direction. Some of us would maybe chuckle at this, but I mention it because I know I laughed the first year I was here. It's called the Golden Nematode Program, but that's a very, very serious problem we have in potatoes in this country, and each year there is a specific promotion to keep that program going to make

sure that we don't have another outbreak.

In 1946, we had an outbreak of the blight in potatoes up in our area, in the North Country, and believe it or not 82 percent of the crop was wiped out that quick, so that's what the appropriation is for.

But again to continue here the Marine Resources Product Council, avian disease program is good, that's analogous to what I mentioned and there are other programs here which I could go on, which I won't.

Economic development, we're adding 1.2 million to the economic development zone program which I think has been relatively successful, adding an additional 750,000 for tourism matching grants program. Everyone always says we're the one, or I'm the one that started that program. Interestingly enough, I give the credit to the Essex County regional - or not regional, the Essex County tourism director who came up with that proposal about 20 years ago. The program has been relatively successful.

Let's move on to the Environmental -- there are others here that I

mentioned, but let's move on here to the Environmental Conservation portion of the budget and we could mention many, many areas in this Department but let's mention the coast -- the Coast, Clean Oceans and Shore Trust which is important to people in this county or this house and to the state. There are many others here that I won't mention specifics.

Obviously, the operation of the Department, I think that we've all seen a real fine direction in that Department. It isn't always exactly what we want to hear. I assure you I'm no exception to that, but on the other hand, they have a mission, a very serious responsibility, and I suggest that it's being fulfilled.

The solid waste program, and Parks and Recreation and Historic Preservation account -- is that a separate department or is that part of the Environmental Conservation? Part -- that is the Division of Parks and Recreation. It is? All right, fine.

And to continue, Mr. President, as I say, I'll be glad to answer any questions, the Division of Housing and Community Renewal I

mentioned, and there are some other authorities that I mentioned.

Mr. President, before I conclude because this is the opening discussion for this budget, I'm one who, as you know, after being here a number of years, I would be the first to suggest that there are areas where we can improve. There are 211 of us here in the Legislature, and we all wish that each one of us could do just what he or she wanted to do.

I have found that that is not impos... that is not possible, as we all know, and we have to have the system we have. I say we have to; we have a good system, I would suggest. We have the leaders, they have their constituency, that's us. We have them put to them and then they meet with the Governor. It would be nice that if we could have a true democracy like Sparta in Athens but that didn't work, and I suggest that it wouldn't work with 211 of us sitting down. It just would not be feasible. It would not be sensible.

Mr. President, this budget I think is a good budget. I assure you, as Senator Bruno stated very clearly here today, he

said he started off, one of the things he said today, I want to make it very clear that everything everybody wants in this budget is not in here, and I think that's an understatement, but I think it tells that we all aren't going to get everything we want and exactly what we think should be there.

Overall I think it's sound. I would suggest that the budget is balanced. I'll have a little bit more to say about that in the coming days. I remember Earl Brydges stood up about 30 years ago and he asked that some of these authorities -- by "authorities" I don't mean public authorities, that some of these people that stand up and start telling us what our budget is, what it isn't, whether it's balanced, whether it isn't, what should be this, what should be that, and being experts, I suggest maybe we better look and see exactly how did they become experts and why do we have to listen to them more than those who are working in this day in and day out.

I would suggest too, that we should emphasize each year (Telephone rings) - must have said something wrong -- yes? I guess

not, but I would suggest, Mr. President, that overall with the complex state that we have, with areas that have interests which are 180 degrees sometimes apart, and then it's very interesting, when you sit down and get people talking and really analyzing, very often we aren't as far apart as we think we are.

I think overall, it's something that we can be proud of. I think that you will find that it's sound. I'm very willing to stand here and discuss with pride the work that's been done by the Senate, by the Assembly, and by the Governor and his people.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr. President, if Senator Stafford would yield. Senator, I'm just -

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LEICHTER: I'm just overcoming the disappointment of hearing you say that not everything I wanted is in this bill, but I guess I'll have to deal with it. As you point out all of us will have to deal with it.

SENATOR STAFFORD: Well, even though it's hard, you'll find that it obviously doesn't satisfy everyone completely but yet it's the best, in some people's eyes. This I'm sure will be the best in some people's eyes and will be, you know exactly what I'm saying.

SENATOR LEICHTER: Well, Senator, I think what's true of all of us, whatever school we came from is we always strive to achieve the best. I know certainly that's true of you, and I'd like to just ask a couple questions to see whether we've necessarily achieved the best.

One of the difficulties we have these days, Senator, is the process has evolved and you and I have been here long enough to remember when you get a Green Book and while you might not have had a great deal of time to look at the budget bills once they were printed, you at least had some time and you also had the Green Book to look at, and in my experience there were many more conferences to keep members informed.

Yesterday, there was an AP story where, not in our house, in the Assembly, a memo

went out to all the staff saying don't discuss the budget negotiations with any of the members. I think unfortunately we find our selves more and more where the budget process has become such a closed activity that by the time we get here to vote on it, we usually vote on it more out of frustration and -- and exhaustion than any real enthusiasm for the budget, not to speak of any knowledge.

So I just want to ask you a couple questions so to see that I have some rudimentary idea of what's in this budget.

SENATOR STAFFORD: Would the Senator yield?

ACTING PRESIDENT KUHL: Senator Leichter, do you yield to a question from Senator Stafford?

SENATOR LEICHTER: Yes, I will.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR STAFFORD: I think, wouldn't you agree -- I don't know about any memos that went out in the Assembly, but I do want to defend the present leadership here in the house. I -- in this house. I've been here

now, I remember when you were in the Assembly and -- I remember when you were with Moe Weinstein.

On a serious note, I just would like to, I'm just saying I think that the people want to be involved. I just want to suggest that -- I won't interrupt again -- I would suggest that this leader and the leadership in this house has been open. That's my opinion, but go ahead.

SENATOR LEICHTER: Well, Senator, as you rightly pointed out that memo occurred to the practice that occurred in the Assembly, or at least that's what the story says. I have no personal knowledge.

SENATOR STAFFORD: Didn't fly too well either.

SENATOR LEICHTER: Well, I don't think it made people happy. I wouldn't think so, but, Senator, my observation is, and you're right, I've been here a long time -- some people say too long -- but certainly the process has become far more closed.

Now, I'm pleased that you can get up here and say that anybody that wants to be

involved can be involved, and I'm delighted to know that you were involved because I happen to have, and I say this sincerely, a lot of respect for the things that you do, and I think it helps to have people like Senator Stafford involved, Senator Marchi involved, Senator Gold involved, and so on.

By and large, I don't think that's been the practice, but in any event let me ask you just to get an idea as to the budget, as to the appropriation for the Department of Environmental Conservation, and I know that's of concern of all of us but particularly a concern of you because you represent that great area of the state known as the Adirondacks where the DEC plays such an important role.

What changes were made in the overall appropriations for the Department of Environmental Conservation in the fiscal year '97-98 by this bill as compared to 1996-1997?

SENATOR STAFFORD: I'll get you that answer. I think in fall fairness that I should have that in front of me. I've been here long enough to tell you when I haven't got it in front of me, I don't but I'll get it.

SENATOR LEICHTER: O.K. Senator, I appreciate this, because I think what unfortunately has happened and either somebody who holds your position, one of the most important positions in this house and in this Capitol, that information is just not available. You used to have the Green Book and that made it very easy at least to get comparisons which were meaningful and gave members a better idea.

SENATOR STAFFORD: There -- I said, and I understand that I was relatively accurate, but I didn't have it right in front of me, but I understand that the appropriation increases about five percent. Also I would point out that the initial budget that was proposed by the Governor is supported here and we've had that since he submitted his budget and also we have had a number of adds that have increased what was initially -- initially proposed. There is additional funding.

SENATOR LEICHTER: Thank you. Thank you, Senator Stafford. If you would be good enough to continue to yield. Do you know whether there's been an increase, as we were

told there would be, in the number of enforcement officials of the Department of Environmental Conservation?

SENATOR STAFFORD: The Department has been very cooperative and, of course, I've been one who, there are different areas here of enforcement, some is in the area that you were just mentioning up in my area, when it comes to fish and wildlife and the environment. Of course, these officials in other areas of the state have the additional -- have the overall responsibility you're asking about and the answer I'm assured that there is -- there is going to be -- I know it's something the Commissioner is looking at. The answer is yes.

SENATOR LEICHTER: That we have an increase in the number of -

SENATOR STAFFORD: That was something that both the Senate and the Assembly and the Governor's people all agreed and were very anxious that that be the case.

SENATOR LEICHTER: O.K. Senator, could you -- if you would continue to yield.

SENATOR STAFFORD: By all means.

SENATOR LEICHTER: Along the same

lines, the Department of Environmental Conservation, one of the questions and issues that we've had in this state is the effectiveness of the enforcement actions that the Department needs to take and besides having enforcement officers, they need hearing officers, they need people to process complaints, they need investigators.

As you know, we face a serious problem in this state, as do other states in cleaning up the environment. I think we've made some progress. We want to make more progress. One of the issues that's been a concern to me and other people has been to beef up that whole enforcement mechanism of the Department. Do you know whether that's provided in this budget?

SENATOR STAFFORD: Yes, yes, it is, and the interesting -- we also have to keep our sense of humor, to point out that one man's ceiling is another man's floor. There's, I'm sure, support in here for some enforcement that you would be in favor of, and possibly I would say, well, maybe we've had enough. We can't all agree completely on this. I know exactly what you're saying, and in all candor I can't speak

for the Commissioner but I think the Commissioner thinks along the lines that you're asking me.

SENATOR LEICHTER: Thank you, Senator, and I also want to say if you can keep your sense of humor being up here on an August week end doing the budget, you're a greater man than I am by far.

SENATOR STAFFORD: You have to be a people person.

SENATOR LEICHTER: Thank you. But, Senator Stafford, if I could just ask you some more questions on this budget.

The Department of Transportation.

SENATOR STAFFORD: Right.

SENATOR LEICHTER: Can you give us a comparison of the appropriation as compared to the last fiscal year.

SENATOR STAFFORD: We've restored funding for a number of areas that many of us were very interested in, and I think that this requires -- deserves a bit of a more detailed answer. It's always very sensitive when there are problems; it's always not easy when some of us feel rather strongly about certain areas of

the state's responsibility and, of course, right here I'm talking about transportation, and I know many members here have been very concerned, in fact one of my close friends here in the Senate walked up to me and said to me, when the Commissioner was being confirmed, "I want to talk to him." Well, I said, "You can; no better time than now," and I took him in the office and they talked together.

My point is, I think they were going to find that administration in the Department, as we mentioned when the gentleman was confirmed, responsive, realizing we need some changes, realizing we need some planning, realizing we need some answers when we ask questions and realizing that it is a very complex department with very, very awesome responsibilities; but we felt there should be some changes and some improvements, and I think we will see it.

There is additional funding for transit operations in all areas of the state - "transit", of course, meaning public transportation. I think that we will find that this is responsive, and I think we'll have a

leadership in the Department that will also be responsive.

SENATOR LEICHTER: Mr. President, Senator, if you continue to yield.

I appreciate everything that you've said, and -- and I want to associate myself with what -- with a lot that you've said, but it still doesn't give us the figures and, of course, irrespective of what the intentions are, your intentions, my intention, the Governor's intention, the whole idea of a budget is to be able to look at figures, understand figures and say, Well, you said you were going to improve administration. Now, I see that you've got a reduction in staff. How are you going to be able to accomplish that?

I'm not saying there's a reduction in staff here, but I'm saying that we need to be told more than the general aims and goals. We ought to have a chance now that we have the budget before us, to have some idea as to, well, is the money there, have they put the money -

SENATOR STAFFORD: I would share also, it's a very fair -- it's a very fair

question. Your point is very, very well taken. There is 36 million additional for maintenance and operation, and that's something that you're very interested as I am, and there's 6 million additional for transit operations. I think that's important. Those are exact figures. Now, I could go over detailed figures with you if you want me to.

SENATOR LEICHTER: Well, that's helpful because here we have something concrete, something somebody can look at and say, well, they said they were going to improve administration, and, look, they put in $36 million more. Some may say it's not enough; some may say, well, you didn't even need that much, but the point is we see a relationship, a correlation between money and what were promises, and I thank you for that answer.

Let me ask you, Senator Stafford, because we referred previously to the Green Book because and you remember, and I'm sure you agreed with me it was very valuable. In fact, it was put out by the financial committees of the two houses. Is there any intention to put out a Green Book this year, even though it will

be after the fact?

SENATOR STAFFORD: Yes.

SENATOR LEICHTER: Thank you. And do you know when this will be done?

SENATOR STAFFORD: Well, actually, this -- I think this is a very good point, and I supported it. We decided to put out this document when the last appropriation bill is passed. Then we'll have exactly what we did. And we can sort of use that as our Bible.

Now, here's what I found when we did it earlier before the bill is passed. We had a book, but it was not into law yet. You never know for sure until the last section is read and due to the fact that we wanted to have an accurate Green Book, an accurate -- shouldn't use the term "Bible", but you know, you know what I'm saying, so we would have accurate information, we decided that we would put this out, and this was a joint decision when the final budget is passed.

SENATOR LEICHTER: Well, Senator Stafford, I think there's nothing wrong with referring to it as a Bible, because Bible, I think, in common language means a book to guide

you.

SENATOR STAFFORD: Right.

SENATOR LEICHTER: This is -- you know, it's helpful to have the Bible before you do certain acts to avoid maybe doing something you shouldn't. I would say it's very helpful to have this Bible in advance so that people can look and understand comparisons between fiscal years, see changes that are made. As you know, it's very rare that a budget that the leaders have come out with is then not acted on, but there's certainly nothing wrong in saying this is the Green Book as if you want to compare these bills, and if there are changes, then you come out with another Green Book but I would strongly urge you to go -- to revert to the practice which I think of was helpful to the members who serve here both in the Senate and Assembly to have a Green Book to let us know what the changes are so that we could try to deal with the budget in a more knowledgeable manner than we're doing at the present time.

SENATOR STAFFORD: I understand.

SENATOR LEICHTER: Senator, let me ask you. I see there's a lot of items in here

that fall under the category of what's become known as member items. Do you know what the total sum of that is, just in this bill?

SENATOR STAFFORD: Approximately in this bill would be -- once again, I've -- you know, I'm going to share something with you. Member items, anything we pass in the Legislature is a member item. We're all here - now, wait, I want to be serious for a minute. The -- we -- I've served here under one, two, three, four, five, Governors and we have -- we use that term now, I think, rather loosely, rather loosely. There are initiatives, no question about it, but really, I think we sometimes are willing to say this is a member item, that's a member item.

Very often, things are appropriated in a district that the legislator may not have that much even to do with, but it's in his or her district, so then automatically it's a member item.

Now, all I'm saying is there are items that affect every district in this state, and I myself, I -- as far as member items that -- I know I've been given a figure now that I

will give you because I respect you and I know what you're asking, but we could argue that some of these aren't member items. It depends on how we define them. We could argue that we are, like I'm sure that I could say to someone on your side, This is in your district and it's a member item and they'll laugh at it because they didn't have probably any more input on it than I did on some things that are done in my district that are done professionally that I support. You hear what I'm saying, but the answer is $15 million.

SENATOR LEICHTER: $15 million total, Senate and Assembly?

SENATOR STAFFORD: Yes.

SENATOR LEICHTER: Thank you. In this particular bill.

SENATOR STAFFORD: Right.

SENATOR LEICHTER: Thank you. Among the items that are member items, and Senator, I understand there are on a philosophical basis, I would have to agree with you as to the difficulty of drawing distinctions and -- but as far as the process goes whereby the two houses divide up a certain sum of money

and how the individual members make designation, I think the process tells us what are member items.

Now, within that particular process that I've referred to, I see there's a appropriation here of $100,000 for Carnegie Hall which I'm delighted to see. My question is, there was a discussion, or I shouldn't say discussion, at least I read in the paper that there was a discussion among the leaders of a program to help cultural resources, institutions throughout the state.

Does that reflect -- does this appropriation for Carnegie Hall reflect a part of a program of assistance to cultural institutions, or is this just a member item, as I believe it is?

SENATOR STAFFORD: I -- there is such a program that you're referring to. Within the last few years, I was at Carnegie Hall and heard the Boston Symphony, Mr. Ozawa conducting. Also before that about a year, not that long ago I was there, Maestro Rostepovich gave a concert, and both performances just about as impressive, and I'm from an area of the

state that we don't have that. I mean you're from -

SENATOR LEICHTER: I'm from Wadhams where we have the Metamount Music School. We have some very fine music in the North Country, as you know, and you support it.

SENATOR STAFFORD: Well, you know, as I said, you know, we're visiting here and we're keeping our sense of humor. This 100,000 is for operating expenses to keep this institution viable, and I'm just mentioning two performances that I attended. I mean it's a jewel. It's something that ranks with Salzburg. I could go all over the world, it's just unbelievable the talent and the opportunity our people have, and I certainly am more than willing to support the funding for this, and people from all parts of the state and nation and world, Senator, are beneficiaries in my opinion.

SENATOR LEICHTER: Senator, I couldn't agree more but, but am I correct that that $100,000 appropriation I see here is what would be characterized as a member item and is not part of any overall program of aid to

cultural institutions?

SENATOR STAFFORD: Senator, once again, I'm -- I'm going to state this emphatically that you are second to none in intelligence, and I'm not going to insult your intelligence mainly because I don't have the ability to, but I want to share with you that I could argue that, yes, this is part of an overall program and, for instance, and times the Depot Theatre in Westport which all you have to do is go down diagonally toward the Northway from Wadhams. Excuse me, I'm going back to the Northway. No, go the other way to Westport, and that has had support, I think every one benefits, people from all over the nation.

SENATOR LEICHTER: The New York State Council for the Arts.

SENATOR STAFFORD: So I think - well, and I think this is the same type of support. I don't mean to say that Depot Theatre is Carnegie Hall. On the other hand, it doesn't get the same support that Carnegie Hall gets either, but I am not willing to say this isn't an overall program. It's important activities and programs that are very important to our

area. The state, that is not our area, the state -

SENATOR LEICHTER: Thank you, Senator.

SENATOR STAFFORD: You know what I'm saying.

SENATOR LEICHTER: Yes, and Senator -- and let me just say again I'm delighted to join with you and hear you say how important it is that we support the arts because not only do they provide great enjoyment to people of the state of New York, they provide such a good economic spur. The Depot Theatre which I'm in support of, they've done a great deal for Westport, brings in people, helps the local restaurant. It's a wonderful cultural addition to the community.

Let me ask you something, Senator, if I can turn to something else. On page, I think it's starting at 436, I see appropriations to the New York State Urban Development Corporation which sort of surprised me because I don't believe it exists any more. I thought it had changed its name to the Empire State Development Corporation.

SENATOR STAFFORD: I -- I feel that I am in very good company now because again I complimented you on your ability. I asked the same question, and it was changed administratively but not by statute.

SENATOR LEICHTER: I see. So we're correct in saying state Urban Development Corporation. There's one appropriation in there or there's a few, frankly, that raise some question in my mind, but one on page 437, line 5 through 10, there's an appropriation of $19,700,000, for services and expenses of economic development initiatives to be determined pursuant to a memorandum of under standing to be executed by the Governor, the Temporary President of the Senate and the Speaker of the Assembly.

Is that -- does it actually mean to say what it says that we're appropriating $19.7 million according to a memorandum that is not yet in existence?

SENATOR STAFFORD: Well, I say once again I hear the -- I think it's a good question. I think your point is well taken, but I think again, I think we have to emphasize that

we have 211 legislators. We have at least, and you couldn't sit down and have 211 make the decision. I think it's good and we're fortunate to have the legislative input whether just appropriating it and not having it. I think it's good to do this.

Now, I wish it could be that we all maybe -- I don't wish, but I could -- I know it could be argued that we all should be able to sign off on it. Then what we would be doing is probably not get much more done than was done in Sparta and Athens, and they didn't work.

I'm -- I know what you're asking, but I don't think it -- to have the assent of the Speaker, the Majority Leader, who the Speaker has his constituency, the Majority Leader has his constituency -- amen, brother - and you know, I have -- I know what you're asking, but I think yes, and, by the way the Assembly Speaker and the Majority Leader -- Who else is in that? -- the Governor, of course, the Governor has the whole state, but my point is the Legislature has input here, and I think this is good, and I want to say right here on the floor that whether it's Speaker Silver, Speaker

Weprin, Speaker Miller, Speaker Fink, Speaker Steingut or Speaker Travia -

SENATOR GOLD: Duryea, don't leave out the one Republican.

SENATOR STAFFORD: Speaker Duryea.

SENATOR FARLEY: Speaker Heck.

SENATOR STAFFORD: Speaker Heck.

SENATOR GOLD: Speaker Carlino.

SENATOR STAFFORD: Speaker Carlino, or whether it was Walter Mahoney, Earl Brydges, Joe Zaretzki, Earl Brydges, Warren Anderson or Ralph Marino or Joe Bruno, they have their constituency and, consequently, I don't think we should say that we're doing something here that there isn't a -- a -- what is it, when you cut your hand -- a can of beans, a can of beans.

SENATOR LEICHTER: I think we have a disagreement. You referred very learnedly to democracy in Athens and Sparta and you know, made a comparison.

Senator, I think that 211 members can and should assume the responsibility of passing a judgment. That doesn't mean that some

aren't going to have more say than others, but I have a lot of trouble saying, well, here's a pot of about $20 million and give it to the Governor and the -- and Joe Bruno and Shelly Speaker, three very esteemed gentlemen, and let them whack it up however they want to. There's no guidelines, there's at least -- and let me ask you if you're good enough to continue to yield and you've been very gracious, are they -- do we know what projects are envisaged; is there any idea as to the nature of the programs for which this $20 million is going to go for? Or is this -- is this to use the colloquial, just "pork" that they can divide up whenever they get to it?

SENATOR STAFFORD: I want to now -- and, again, and I continue to have respect for you and continue our friendship and it will continue, but I want to state a very, very, very harsh -- can't think of the word I want, take exception -- not exception -- exception, that's the word, take exception to that word, that industry is important in some areas but to use it as a term here, I'd rather it not be used in my opinion.

We have here in the budget, the

subject that this will be used for, the jobs, opportunities, I think that we have found these programs to be successful. Where I think -- let me give you have an example of why I think things are improving. For instance, up in the northern area where people -- where you have your residence, and we're proud and pleased to have you there, we have people that work in a certain facility.

Well, about six years ago this company came in and they looked around and Governor Snelling heard that they were interested so he picked up the phone, called them in Montreal, and they went to Barre, Vermont. You know what I'm talking about, what I'm talking about when I say that, and they worked with them and got them over there.

Well, we then realized that we had to get on the ball, all of us, and with programs such as this, such as those that are appropriated here, appropriations are made, for which appropriations are made, we have been successful in having that company now in New York and, of course, what I'm trying to say is we all benefit.

SENATOR LEICHTER: Senator Stafford, with all due respect, I think you make the point that I'm trying to make. For instance, right above the item that I'm talking to, there's an appropriation of $2.5 million for the Plattsburgh Air Base and I'm sure that you had a lot to do with that. That's a wonderful program, much needed appropriation.

SENATOR STAFFORD: I'm going to ask you to read the line above that too.

SENATOR LEICHTER: For service expenses related to Griffiss Air Base and I'm sure representatives from there, I'm sure Nancy Larraine Hoffmann and others had a great deal to do with that, but that's my point, Senator. We have a specific appropriation. We know what it's for. If somebody got up and said, Well, what are we giving 25 million -- I'm sorry, $2.5 million to Stafford's district, I and others who are familiar with it would get up and say, Here's the situation. This is what's happening. Bombardiere is coming in using the air base.

This is exactly what we should be doing, but when we have an appropriation of

$19.7 million with no guidelines, no idea how the money is to be spent other than the faith that we may have in those three leaders, the Governor, the Majority Leader and the Speaker, I submit to you that we're abdicating our responsibility.

We have an obligation to be specific. We have a line item budget meaning we should know what the appropriations are for so, when I go back to my district or you go back to your district and somebody wants to know what the money was spent on, you can say, Well, this was for an air base or this was to create jobs. In that respect, Senator, we are carrying out our responsibility. We can't carry out our responsibility when we have blank check appropriations.

SENATOR STAFFORD: I respect your opinions, and I think that you're an example of one of the very good minds here in the Legislature, and I assure you you're a worthy adversary and a worthy Senator, but as you said to me a few minutes ago, I respectfully disagree with you.

SENATOR LEICHTER: Thank you.

Well, Senator, I don't know what you disagree about.

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

SENATOR LEICHTER: Thank you. You say you disagree, but you haven't told us the nature of the disagreement.

SENATOR STAFFORD: I will go into that. You hammer this out on the anvil of discussion. My point is that again I want to emphasize that Speaker Silver, Senator Bruno and the Governor have their constituencies and they have an accountability, and I am not one who will criticize us having a $38 billion budget, certain parts of it, this being 19.7, being an appropriation whereby they will make some decisions on behalf of their constituencies.

As I say, they represent us. We have our input, and it was my opinion that all three are very sensible, astute, and I don't worry about accountability and if we have any differences, I'm sure they'll be discussed and if we want to see any changes, I'm sure we can have input, but I don't want to leave here, anyone leave here with the idea that we're doing

anything that you're suggesting because I don't feel we are, and again, I would emphasize that I think it's good that we're having legislative input into these appropriations via -- by way of this vehicle.

SENATOR LEICHTER: Thank you. Mr. President. If Senator Stafford continues to yield.

Senator, if we could finally just address the Office of Parks, Recreation and Historic Preservation, do you know how the appropriations for that agency compare to the appropriations for the fiscal year 1996-1997?

SENATOR STAFFORD: I will say again that I will get it to you specifically but I think this is a little under five percent.

SENATOR LEICHTER: Increase?

SENATOR STAFFORD: Increase.

SENATOR LEICHTER: Thank you. Senator, just in that connection and I hate to ask you specific things of this nature because I appreciate you probably don't have all the information at hand, although obviously you have a lot more than I do and staff that's been working on this, but one of my concerns is cut

backs in services at River Bank Park which is in my district, along the Hudson River, but is a state facility. It's a great park, but we've seen a decline in staffing there because of cut backs in the -- in the agencies, and my -- my question to you is, and if you don't have it, if you can get me that information, if there's anything specifically in the budget or in any memoranda supporting these appropriations in regard to that specific facility.

SENATOR STAFFORD: Very good question. We will follow through.

SENATOR LEICHTER: Senator, with that I thank you. You've been, as always, most gracious and most eloquent. I don't know whether in history this will go down like the Lincoln Douglas debate, but I think in our own way - but I think in our own way, Senator, I think we shed a little light on a document that I can say in all fairness that nobody here probably had much of an idea or knowledge of, and that really leads me to my point and just very briefly on the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter, on the bill.

SENATOR LEICHTER: We've seen a horrendous budget process this year, one that has dragged on interminably and then has produced a budget that we at this moment have only the vaguest idea what is in it. I think it's unfortunate that we've reached the point where there's less and less knowledge by the members, less and less input, and action being taken by us as legislators on budgets that we really have no idea what we're appropriating.

This system of the three leaders making their decision and then putting out bills with really no time to read them, to study them, to analyze them, with no Green Book so that the members can make at least quick comparisons from year to year, I think has made the budget process a farce.

Senator, you talked about Athens and Sparta. We are Sparta in this state. The democracy insofar as the Legislature is concerned is not even a dim light. I think one can say it's been extinguished. We have a process that is totally closed, a process that ill serves the people of the state, and the one justification that maybe somebody could say is

Well, look, they got the budget out on time. Well, when have they last been able to say that? Certainly as the process has become more closed, as members have been more shut off from the process, the delays have grown and grown and grown and grown, whereas I pointed out and I think we all would have to agree, we're the laughing stock of the nation, as the state that can't get a budget done on time.

So where are we served by this process? I don't think we are served as a Legislature. I certainly don't think the people of the state of New York are served. I think we come out with very flawed budgets and budgets that are very poorly under... understood by the Legislature and totally hidden from the sort of public input, scrutiny and input that we require.

This bill which provides monies for government to carry on its functions, I'm going to support, although I have a lot of unhappiness about the appropriations to the Urban Development Corporation, appropriations for sports stadium for the Buffalo Bills and maybe we'll have a bill that will deal with that

more specifically and I can address it at that time, but with all of that, we obviously have to keep government functioning and I'm going to vote for this bill, but I do so reluctantly and as we deal with other budget bills maybe we can continue to address the whole issue of the process.

The process is important. If you have a flawed process, you're going to have a flawed end product, and I think we have a pretty flawed end product.

ACTING PRESIDENT MARCELLINO: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

Will Senator Stafford yield just for one question?

ACTING PRESIDENT MARCELLINO: Senator, will you yield? He yields, sir.

SENATOR DOLLINGER: And I just preface my -- my comment, Senator, it's nice to hear someone talk about Sparta and Athens. Senator, I'd almost ask you whether you were one of the Senators who was there at that time. I know you've been in this chamber for a long

time, but be that as it may.

ACTING PRESIDENT MARCELLINO: The Chair frowns upon personal statements.

SENATOR DOLLINGER: A sign of respect for the Senator.

What's the amount of backdoor borrowing that's included in this budget?

SENATOR STAFFORD: Well, once again, I think we have to define our terms. I -- well, would you explain to me -- will the Senator yield?

SENATOR DOLLINGER: I'd be glad to, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Dollinger yields, Senator Stafford.

SENATOR STAFFORD: I haven't asked anybody to yield in 32 years. What's backdoor borrowing?

SENATOR DOLLINGER: It's the amount of debt that the state will incur, long term debt that the state will incur that's not approved by the voters.

SENATOR STAFFORD: Not approved by what?

SENATOR DOLLINGER: By the voters.

A VOICE: The whole budget.

SENATOR STAFFORD: 425 million.

SENATOR DOLLINGER: $425 million in new borrowing that does not have voter approval?

SENATOR STAFFORD: Yes. I would say yes.

SENATOR DOLLINGER: Thank you, Mr. President. I would like to be heard on the budget for just one minute.

ACTING PRESIDENT MARCELLINO: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I'm not going to do anything other than quote someone else who said in this chamber on this budget and on this portion of it, and that was the gentleman, Senator Stafford, you recall he sat I believe right where Senator Rath sits currently. He didn't come to the chamber very often, but when he came, he'd always come in the day we approved the budget and he'd stand up in his chair and he'd sort of mumble under his breath the following: He would say, This budget has too much backdoor borrowing. This budget has too much spending. This budget is going to damage

our credit rating and make government more expensive and this budget is a continuation of the practices that have gotten New York State into trouble with everyone for the last decade, including those experts.

SENATOR STAFFORD: Who is that?

SENATOR DOLLINGER: Well, I believe he now maintains an office on the second floor of this building. He sits, I believe, in either Senator Rath's chair or in the chair next to him. He sat there for two years. He and I joined the Senate together. He and I worked on these budgets together and he and I did one other thing together. We voted against Governor Cuomo's budgets and, frankly, if Governor Pataki were in this chamber today as a Senator, he would have said exactly what I just said. There's too much backdoor borrowing. The spending is too much. We're plunging ourselves into a financial crisis. This is the second of six or seven, eight or nine steps where we're going to march down the road to a problem in the future.

If Governor Pataki were in this chamber instead of on the second floor running

for reelection, he would stand up, once again tell you exactly what I said and he would vote against this budget. In 1993 he and I and Senator Jones, who has also gone on to other events, would have voted against this budget.

In 1994, I believe Senator Hoffmann joined us. In all of those years in 1994 Senator Pataki voted against the budget that looked just like this one. For some reason in 1995 and 1996, Senator Pataki sent up budgets that looked somewhat similar to this one. He's now sent up one that, in my judgment, the George Pataki that I knew in 1993 and 1994 would have had one simple vote on this budget and the other seven pieces. That vote is no.

On this one, I'm going to follow Senator Pataki's goal, vote against this budget delivered to us by Governor Pataki for the exact same reasons that he knows deep in his heart that this is a bad budget.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Record the negatives, announce the results, please.

THE SECRETARY: Ayes 53, nays 2, Senators Dollinger and Hoffmann recorded in the negative.

ACTING PRESIDENT MARCELLINO: Senator Present.

SENATOR PRESENT: Mr. President, can we call up Calendar 1558.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number 1558, by the Committee on Rules, Senate Print 5761, an act in relation to appropriations made by the chapter of the laws of 1997, enacting the general government budget.

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

SENATOR PRESENT: Mr. President, I move we accept the message.

ACTING PRESIDENT MARCELLINO: So moved. All those in favor of accepting the

message of necessity signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no audible response.)

The message is accepted with one exception -- two negative votes. Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays one, Senator Dollinger recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Present.

SENATOR PRESENT: Call up Calendar Number 1559, please.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number 1559, by the Committee on Rules, Senate Print 5762, an act to amend the State Finance Law.

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

ACTING PRESIDENT MARCELLINO: There is, Senator.

SENATOR PRESENT: I move that we accept the message.

ACTING PRESIDENT MARCELLINO: All in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

Opposed nay.

SENATOR DOLLINGER: Nay.

ACTING PRESIDENT MARCELLINO: With one negative vote, two negative votes, the message of necessity is accepted. Secretary will read the last section.

THE SECRETARY: Section 33. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, can we call up Calendar Number 1560.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number 1560, by the Committee on Rules, Senate Print 5763, an act in relation to appropriations made by the chapter of the laws of 1997 enacting Transportation, Economic Development and Environmental Conservation budget.

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

ACTING PRESIDENT MARCELLINO: There is a message at the desk, sir.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT MARCELLINO: All in favor of accepting the message, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted with one negative -- two negative votes. Secretary will read the last section.

THE SECRETARY: Section 50. This act shall take effect immediately.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- ayes 53, nays 2, Senators Dollinger and Hoffmann recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Present.

SENATOR PRESENT: Mr. President, call up Calendar Number 1561, please.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number 1561, by the Committee on Rules, Senate Print 5764, an act to amend the State Finance Law.

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

ACTING PRESIDENT MARCELLINO: Yes, Senator, there is.

SENATOR PRESENT: I move that we accept the message of necessity.

ACTING PRESIDENT MARCELLINO: All

those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no audible response.)

The message is accepted with two negative votes. Read the last section.

SENATOR HOFFMANN: Explanation.

ACTING PRESIDENT MARCELLINO: Senator Stafford, an explanation is requested of 1561 by Senator Hoffmann.

SENATOR STAFFORD: These are - this is an Article VII bill and it's a bill that puts in statutory form provisions which will carry out the appropriation of the transportation program, so in other words this lays out the various programs, puts the bill - what number is this?

ACTING PRESIDENT MARCELLINO: This is Calendar 1561, Senator.

SENATOR STAFFORD: 5764?

ACTING PRESIDENT MARCELLINO: 5764, you're absolutely correct, sir.

SENATOR STAFFORD: Is there a specific provision you want to discuss?

SENATOR HOFFMANN: Yes, Mr. President, if Senator Stafford would yield for a couple of questions, that might be helpful.

SENATOR STAFFORD: Sure.

ACTING PRESIDENT MARCELLINO: Senator will yield for a couple of questions.

SENATOR HOFFMANN: Senator Stafford, thank you for trying to clarify some of the questions that I have. I'm not sure in this short amount of time it's going to be possible for me to fully understand this bill but I would appreciate it if you could just answer two or three things.

First of all, is this bill being referred to as a community enhancement and facility bond measure; is that the terminology?

SENATOR STAFFORD: Once again, I'm trying to be forthcoming and try to be clear when discussing obviously a complex budget. I don't think this bill just is what you referred to, but there is a $425 million bond program for cultural facilities and economic development which I believe will be proposed and be voted upon in this bill.

SENATOR HOFFMANN: I'll wait

while Senator Stafford confers with staff.

SENATOR STAFFORD: Counsel.

SENATOR HOFFMANN: Counsel. I'm very sorry. My apologies to worthy counsel.

If Senator Stafford would continue to yield.

ACTING PRESIDENT MARCELLINO: Senator Stafford, do you continue to yield?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT MARCELLINO: I believe he does, Senator.

SENATOR STAFFORD: Then, Senator Stafford, this bill contains within it as one aspect of its provisions a bond -- a bond activity in the amount of 425 million dollars but that's only one portion of it, but it does allow bonding in the amount of 425 million; that is correct?

SENATOR STAFFORD: (Nodding).

SENATOR HOFFMANN: Thank you, Senator Stafford. You're nodding. You're sure but you're not real sure. O.K.

SENATOR STAFFORD: Real sure.

SENATOR HOFFMANN: You're real sure. Thank you. If Senator Stafford will

continue to yield.

SENATOR STAFFORD: By all means.

ACTING PRESIDENT MARCELLINO: I'm sure he does, Senator.

SENATOR HOFFMANN: Am I accurate in understanding that the bonds are to be issued by several different agencies? Could you tell me please which those -- what agencies would be issuing those bonds?

SENATOR STAFFORD: Good question. I think this is something good that we explain. The Dormitory Authority, the Thruway Authority, UDC, which has administratively changed its name to -

SENATOR HOFFMANN: Empire Development Corporation.

SENATOR STAFFORD: -- Empire State Development Corporation.

SENATOR HOFFMANN: You're welcome.

SENATOR STAFFORD: And HFA are all empowered to take part in this program.

SENATOR HOFFMANN: Thank you. If Senator Stafford would continue to yield.

ACTING PRESIDENT MARCELLINO:

Senator, do you continue to yield? He does, Senator.

SENATOR HOFFMANN: Could you explain to me the provisions by which bonds would be issued. What approval would be required; what would be the actual granting process by which bonds would be issued? Granting is probably not the appropriate word. What deliberative process would take place, if any?

SENATOR STAFFORD: The -- this is analogous to what we discussed with Senator Leichter -

SENATOR HOFFMANN: I -- some feedback on the microphone here. Have we got that under control?

SENATOR STAFFORD: Probably my fault; I'm probably not speaking into the microphone.

SENATOR HOFFMANN: I'm afraid cats and dogs from around the Capital District will storm the chamber if we continue to have that loud pitched feedback sound.

SENATOR STAFFORD: What will?

SENATOR HOFFMANN: Cats and

dogs. They hear a frequency that is not regularly heard by human beings.

SENATOR STAFFORD: Dogs would howl probably.

SENATOR HOFFMANN: Can make them crazy. We don't need that. We have enough problems without that.

What about the approval process?

SENATOR STAFFORD: The -- oh, I lost my train of thought.

SENATOR HOFFMANN: I apologize.

SENATOR STAFFORD: With all the howling. Amazing! The -- this is analogous to what I was discussing with Senator Leichter. Again, the Speaker, Majority Leader who have their constituencies as I have mentioned, and I would submit that there is an accountability together with the Governor who has his constituency, no matter who he or she is, who is governor, they have the entire state for a constituency. The Speaker has the various Assembly members, and the Majority Leader has the members of the Senate, so there will be an understanding, a memorandum of understanding as far as the programs that will be -- be funded.

And then bonding, it's very, very interesting. I would just suggest this, when we mention bonds sometimes, people -- they seem to -- well, they seem to, yes, and I would point out that it's a very, very important industry, if you will, in this state and nation and -

SENATOR STAFFORD: The bonding is a very, very important industry, the bond market? Yes, I'm trying to follow you, Senator Stafford, but I got lost somewhere along the way as to the -- as to the answer you were giving to my question.

SENATOR STAFFORD: And therefore, I would suggest that people who have an opportunity to invest, get a worthy return and in turn we'll have these programs.

SENATOR HOFFMANN: One further question, if you would, Senator Stafford.

Thank you, Mr. President.

Senator Stafford, for this $425 million appropriation to be issued by the Dormitory Authority, the Empire State Development Corporation, the Housing Finance Agency and the Thruway Authority subject to memorandums of understanding by the Governor,

the Speaker and the Majority Leader, does there exist a list of worthy projects?

SENATOR STAFFORD: I think that will be up to, again, the Speaker who has a constituency as I mentioned; his constituency is the members of the Assembly; the Majority Leader who has the members of the Senate, and the Governor who, as I mentioned, has the consensus -- the constituency of the entire state, of all who, of course, are accountable to their various constituencies.

SENATOR HOFFMANN: Shall I take that as a no?

SENATOR STAFFORD: No.

SENATOR HOFFMANN: There is no list?

SENATOR STAFFORD: No.

SENATOR HOFFMANN: Yes, there is no list or no, there is a list?

SENATOR STAFFORD: Yes, there is no list.

SENATOR HOFFMANN: Thank you, Senator Stafford.

SENATOR STAFFORD: But there will be when these various principals represent their

constituency so there is an accountability and I'm sure that we will all, you know, be working together and then this list will be prepared collectively so that these various constituencies that I've mentioned, receive the consideration which they deserve.

SENATOR HOFFMANN: Thank you, Senator Stafford, for responding to my questions.

On the bill, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Hoffmann, on the bill.

SENATOR HOFFMANN: I -- I can only speak for the constituency in the 48th Senate District. I won't speak for this rather vast constituency referred to by Senator Stafford that apparently is providing inspiration to the Governor, the Majority Leader and the Speaker, and hopefully will be involved in developing a list which does not yet exist, but let me speak to my constituents and, if they could collectively be here, all 300,000 of them, I know that there would be several very common comments made among them.

Number one is that they do not

support the notion that bonding is real good for New York State. It may be good, as Senator Stafford pointed out, for some people who invest in the bond market, but the taxpayers of the state who have to pay the interest on bonds in my district think that we should do less in the way of bonding and we should do more in the way of pay as you go.

Many of them have voiced their concern to me that we do not seem to have a good handle on debt here in Albany and this seems to me to be an enormous step backwards from grasping the enormity of our debt and bringing it into control.

It is further compounded by the fact that it is a -- an anticipated debt of $425 million with no clear purpose. Here we stand on the 1st of August, 1997 and suggest to the people of this state that we're only putting a budget together, but we have this rather large category generally described as projects which will include arts, cultural, educational, athletic, housing, child care, recreation, transportation, port or economic development purposes in the amount of $425 million, but we

don't have a list of those projects.

It would appear that we have either been very derelict in our responsibili ties in not soliciting from the districts around the state what people would like on that list or, and this is a very scary thought, or that this is, in fact, to be some kind of a slush fund that can be divvied up at some later time, and again, my constituents, if they were here would say, resoundingly, We do not support the notion of multi-million dollar slush funds in the hands of three people in New York State. They think that is very, very bad government, so I know that my constituents would not support this idea.

They may, in fact, like some of the individual projects which might ultimately come from that, but one or two projects that would be of benefit to them in the 48th Senate District do not justify either the notion of a slush fund and bonding capacity, or creating project capability totally unaccountable to any taxpayers by three people, three gentlemen, the Governor, the Speaker and the Assembly -- the Senate Majority Leader, without adequate review

by the entire Legislature.

That after all is why we are here. We are here to determine how the tax dollars of the state are to be spent on what worthy projects, and to make sure there is an adequate review process. This my constituents would say is an enormous step backward. It is a terrible increase in debt for no clearly stated purpose, and it once again shows that here in Albany elected legislators are willing to abdicate their duly elected responsibility to the hands of three designated budgeteers. These three budgeteers -- the Governor, the Majority Leader and the Speaker -- have an awesome amount of power. It would be far better for us to simply introduce legislation that would abolish 211 legislative positions and just have two designated budgeteers from the Legislature and the Governor to make these decisions. Why would we waste our time putting forth a document as vague as this, encumbering the taxpayers of this state with 425 million dollars in anticipated debts with no clear purpose established.

I will vote no, Mr. President.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Record the negatives and announce the results, please.

THE SECRETARY: Ayes 53, nays two, Senator Dollinger and Hoffmann recorded in the negative.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Present, what's your pleasure?

SENATOR PRESENT: Mr. President, can we take up the nominations reported by the Finance Committee.

ACTING PRESIDENT MARCELLINO: Secretary will read.

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

As members of the Board of

Directors of the Roosevelt Island Operating Corporation, Joan O. Dawson, of New York City, Francis B. McKenna, of White Plains.

ACTING PRESIDENT MARCELLINO: All in favor of moving the nomination or approving the nomination of Joan O. Dawson, of New York City, and Francis B. McKenna, of White Plains for terms as members of the Board of Directors of the Roosevelt Island Operating Corporation, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominations are confirmed - nominees are confirmed.

THE SECRETARY: As member of the Municipal Assistance Corporation for the city of New York, Robert Price, Esq., of New York City.

SENATOR STAFFORD: Move the nomination, please.

ACTING PRESIDENT MARCELLINO: All in favor of moving the nomination of Robert Price, Esq., of New York City, as a Director of the Municipal Assistance Corporation for the city of New York signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: As a member of the Mental Health Services Council, Ralph W. Standbrook, of Fairhaven.

SENATOR STAFFORD: Move the nomination, please.

ACTING PRESIDENT MARCELLINO: All in favor of moving the nomination of Ralph W. Standbrook, of Fairhaven, as a member of the Mental Health Services Council, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: As Sheriff of Cattaraugus County, Ernest J. Dustman.

SENATOR PRESENT: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Present.

SENATOR PRESENT: Mr. President, thank you very much.

I'd like to move the nomination of Ernest Dustman, of Olean, one of the communities I represent, who has been nominated by the Governor to the position of Cattaraugus County Sheriff.

By all accounts, Ernie is a dedicated professional law enforcement officer who for the past 20 years has earned the respect and the trust of his peers and the people of Cattaraugus County.

As Cattaraugus County undersheriff for the past 11 years, Mr. Dustman played a key role in the initiation of several programs and policies to combat crime and ensure the safety of Cattaraugus County residents. His efforts helped to lead the creation of a Southern Tier Regional Drug Task Force. He established D.A.R.E. programs in the local schools, the development of a nationally recognized K-9 Unit and the implementation of an E-911 dispatch and community policing program, just to name a few.

Mr. President, it's indeed an

honor for me to rise today to move for the confirmation of Ernest Dustman, whom I proudly recognize as one of New York State's finest, to the position of Cattaraugus County Sheriff. I wish Ernie well, and know that he will continue to serve the people of Cattaraugus County with the same integrity and professionalism that he has demonstrated throughout his career.

Mr. President, it also shows that Mr. Dustman has a great deal of patience for he's been waiting up in the balcony there with his wife Linda and is joined by his predecessor, former Sheriff Jerry Burrell. I wish you would welcome him. Good luck, Ernie.

ACTING PRESIDENT MARCELLINO: All in favor of moving the nomination of Ernest J. Dustman, of Olean, for a term as sheriff of Cattaraugus County signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Mr. Dustman, wife Linda, we congratulate you. Your job is indeed an important one and a difficult one. We wish you

luck and Godspeed, congratulations.

(Applause)

Secretary will read.

THE SECRETARY: As member of the Board of Visitors of the Central New York Developmental Disabilities Services Office, Louis G. Best, of Oneonta.

SENATOR TAFFORD: Move confirmation, please.

ACTING PRESIDENT MARCELLINO: All in favor of moving the confirmation of Louis G. Best, of Oneida, to a term as member of the Board of Visitors of the Central New York Developmental Disabilities Services Office, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: As member of the Board of Visitors of the Middletown Psychiatric Center, Anne Marie Maglione of Middletown.

ACTING PRESIDENT MARCELLINO: All in favor of moving the nomination of Anne Marie

Maglione, of Middletown, as a member of the Board of Visitors of the Middletown Psychiatric Center signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: As members of the State Council on the Arts, Debra Ressler Black of New York City and Wynton Marsalis, of New York City.

SENATOR STAFFORD: Move confirmation, please.

ACTING PRESIDENT MARCELLINO: All in favor of moving the nominations of Debra Black, of New York City, and Wynton Marsalis, of New York City, as members of the New York State Council on the Arts signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nomination of the nominees are confirmed.

The Secretary will read.

THE SECRETARY: As members of the Adirondack Park Agency, Jean Read Knox, of Buffalo, and Richard Lefebvre, of Caroga Lake.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MARCELLINO: All in favor of moving the nomination of Jean Read Knox, of Buffalo, and Richard Lefebvre, of Caroga Lake, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominees are confirmed.

Senator Present, that finishes our list.

SENATOR PRESENT: Mr. President, is there any housekeeping?

ACTING PRESIDENT MARCELLINO: No, sir, we do not.

SENATOR PRESENT: If not, the Senate will stand at ease.

ACTING PRESIDENT MARCELLINO: We are at ease, ladies and gentlemen.

(The Senate stood at ease at 5:15 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. There will be an immediate meeting of the Rules Committee, immediate meeting of the Rules Committee, in the Majority Conference Room, Room 332.

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

SENATOR KUHL: And the Senate will stand at ease.

ACTING PRESIDENT MARCELLINO: And the Senate will stand at ease, but before we do, Senator Leichter.

SENATOR LEICHTER: Just before, the budget bill that we just did, Calendar 1557, I was recorded in the affirmative. In view of the $425 million no name, no elaboration of bond authorization, Mr. President, I'm going to change my vote into the negative.

ACTING PRESIDENT MARCELLINO: Senator Leichter, your vote will be recorded on Calendar Number 1557 in the negative, Senator.

SENATOR LEICHTER: I'm sorry, Mr. President. Mr. President.

ACTING PRESIDENT MARCELLINO: Yes, Senator.

SENATOR LEICHTER: We're just trying to get the right calendar number.

ACTING PRESIDENT MARCELLINO: That would be useful.

SENATOR LEICHTER: And I believe, Mr. President, it's Calendar 1561.

ACTING PRESIDENT MARCELLINO: Just so that the record is clear on this one, Senator, are you sure of the bill number now?

SENATOR LEICHTER: Senator, to be truthful, I am not because I can't get staff and myself to both -

ACTING PRESIDENT MARCELLINO: It is a poor carpenter who blames his tools, Senator.

SENATOR LEICHTER: May I have -

ACTING PRESIDENT MARCELLINO: Yes, Senator.

SENATOR LEICHTER: Did we do Calendar 1561?

ACTING PRESIDENT MARCELLINO:

Yes, Senator, we did. I think you debated it.

SENATOR LEICHTER: O.K. Then on Calendar 1557, I should be in the affirmative, on Calendar 1561 in the negative.

ACTING PRESIDENT MARCELLINO: Let the record reflect that Senator Leichter wishes to remain in the affirmative on Calendar Number 1557 and reports in the negative, changes his vote into the negative on Calendar Number 1561, and I'm not sure of the exact number on that, but Senate 1561.

THE SECRETARY: Calendar 1561.

ACTING PRESIDENT MARCELLINO: Calendar Number 1561, he wishes to be recorded in the negative. That's Senate Print Number 5764, so that the record is clear.

SENATOR LEICHTER: Thank you for your patience and understanding.

ACTING PRESIDENT MARCELLINO: Not a problem.

SENATOR LEICHTER: I think we got it right.

ACTING PRESIDENT MARCELLINO: I still don't understand it, but we're patient. We are at ease.

(The Senate stood at ease from 5:22 to 6:20 p.m.)

ACTING PRESIDENT MARCELLINO: Senator Skelos.

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

ACTING PRESIDENT MARCELLINO: There is a report of the Rules Committee at the desk, Senator. The Secretary will read.

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

Senate Print 3367, by Senator Seward, an act to amend the Executive Law;

5038-B, by Senator Hannon, an act to amend the Public Health Law;

5178-B, by Senator Stafford, an act to amend the Education Law;

4535-B, by Senator Levy, an act to amend the Vehicle and Traffic Law;

4843, by Senator Goodman, an act to amend the Penal Law;

5542, by Senator Seabrook, an act authorizing the city of New York;

5439, by Senator Markowitz, an act authorizing the city of New York;

2163-A, by Senator Volker, an act to amend the Penal Law;

3293, by Senator Present, an act to amend the Penal Law;

3917-B, by Senator DeFrancisco, an act to amend the Parks, Recreation and Historic Preservation Law;

4529-A, by Senator Skelos, an act to amend the Executive Law;

4694, by Senator LaValle, an act to amend the Public Authorities Law;

5285-A, by Senator Levy, an act to amend the Vehicle and Traffic Law;

5365, by Senator Maziarz, an act to amend the Criminal Procedure Law;

5562, by Senator Maltese, an act to amend the Highway Law;

5619-A, by Senator Seward, an act to amend the Highway Law;

5621-A, by Senator Marcellino, an act to amend the General Business Law;

5622, by Senator Seward, an act to amend the Economic Development Law;

5626, by Senator Rath, an act to amend the Alcoholic Beverage Control Law;

5636, by Senator Johnson, an act to amend the Environmental Conservation Law;

5723, by Senator Bruno, an act authorizing the village of Round Lake;

5730-A, by Senator Seward, an act to amend a chapter of the laws of 1997;

5742, by Senator Spano, an act to amend the General Business Law;

5745, by Senator Hannon, an act to amend the Public Health Law;

5753, by Senator Alesi, an act to amend the Executive Law;

774, by Senator Bruno, an act to authorize Thomas G. Restino, employed by the town of Hoosick;

2877-B, by Senator Marchi, an act to amend the Public Health Law;

5346, by Senator Hannon, an act to amend the Public Health Law;

5693-A, by Senator Marcellino, an act to amend the Environmental Conservation Law;

5758, by Senator Spano, an act to amend the Labor Law;

5683-A, by Senator Cook, an act to amend the Agriculture and Markets Law.

All bills directly for third reading.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT MARCELLINO: All in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Rules Committee report is accepted.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: If we could take up Senate Supplemental Calendar Number 63-C -

ACTING PRESIDENT MARCELLINO: Wait a minute.

SENATOR SKELOS: -- controversial and if we could have some order so that we can

complete this calendar, I know Senator Dollinger is looking forward to going through this calendar and having dinner tonight, so we will start non-controversial with Calendar Number 619.

ACTING PRESIDENT MARCELLINO: Secretary will read from Calendar Number 63-C starting with Calendar Number 619.

THE SECRETARY: Calendar Number 619, by Senator Seward, Senate Print 3367, an act to amend the Executive Law.

ACTING PRESIDENT MARCELLINO: We are on the non-controversial reading, so that everybody is clear on that. Secretary will read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 781, by Senator Hannon, Senate Print 5038-B, an

act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: This bill is high. Lay it aside.

THE SECRETARY: Calendar Number 801, by Senator Stafford, Senate Print Number 5178-B, an act to amend the Education Law.

ACTING PRESIDENT MARCELLINO: There is a local fiscal impact note at the desk. Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 90 days.

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1275, by Senator Goodman, Senate Print 4843.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Gold, why do you rise? Excuse me.

SENATOR GOLD: Sorry, I had to step out a minute. Calendar Number 619, could we please reconsider the vote by which that bill was passed.

ACTING PRESIDENT MARCELLINO: Can we call the roll on reconsideration on Calendar Number 619 for Senator Gold.

THE SECRETARY: Calendar Number 619, by Senator Seward, Senate Print 3367.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 55.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside. Continue to read the calendar

non-controversial.

THE SECRETARY: Calendar Number 1275, by Senator Goodman, Senate Print 4843, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1388, by Senator Seabrook, Senate Print 5542, an act authorizing the city of New York to reconvey its interest.

ACTING PRESIDENT MARCELLINO: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1458, by Senator Markowitz, Senate Print 5439, an act authorizing the city of New York to reconvey its interest.

ACTING PRESIDENT MARCELLINO: There is a home rule message at the desk. Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1562, Senator Volker moves to discharge from the Committee on Rules Assembly Print 3379-A and substitute it for the identical Senate Third Reading 1562.

ACTING PRESIDENT MARCELLINO: Substitution is ordered. Read the last section.

THE SECRETARY: Calendar Number 1562, by member of the Assembly Clark, Assembly Print 3379-A, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Call the roll. Read the last section -- I'm sorry.

THE SECRETARY: Section 4. This act shall take effect in 45 days.

ACTING PRESIDENT MARCELLINO: Now call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1563, Senator Present moves to discharge from the Committee on Rules Assembly Print 5183-A and substitute it for the identical Senate bill Third Reading 1563.

ACTING PRESIDENT MARCELLINO: Substitution is ordered. Read the last section. I'm sorry. Read it.

THE SECRETARY: Calendar Number 1563, by member of the Assembly Parment, Assembly Print 5183-A, an act to amend the Penal Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1564, by Senator DeFrancisco, Senate Print Number 3917-B, an act to amend the Parks, Recreation and Historic Preservation Law.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside.

THE SECRETARY: Calendar Number 1565, by Senator Skelos, Senate Print 4529-A, an act to amend the Executive Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1566, by Senator LaValle, Senate Print 4694, an act to amend the Public Authorities Law.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MARCELLINO: Lay that bill aside, please.

THE SECRETARY: In relation to Calendar Number 1567, Senator Levy moves to discharge from the Committee on Rules Assembly Print 8209-A and substitute it for the identical Senate Third Reading 1567.

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

THE SECRETARY: Calendar Number 1567, by the Assembly Committee on Rules,

Assembly Print 8209-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1568, Senator Maziarz moves to discharge from the Committee on Rules Assembly Print 8064 and substitute it for the identical Senate Third Reading 1568.

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

THE SECRETARY: Calendar Number 1568, by the Assembly Committee on Rules, Assembly Print 8064, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT MARCELLINO:

Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1569, Senator Maltese moves to discharge from the Committee on Transportation Assembly Print 3807-B and substitute it for the identical Senate Third Reading 1569.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT MARCELLINO: Substitution is ordered. Bill will be laid aside.

Secretary will have to read it, I guess.

THE SECRETARY: No, lay it aside.

ACTING PRESIDENT MARCELLINO: Laid aside.

THE SECRETARY: Calendar Number

1570, by Senator Seward, Senate Print 5619-A, an act to amend the Highway Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1571, Senator Marcellino moves to discharge from the Committee on Rules Assembly Print 8435-A and substitute it for the identical Senate Third Reading 1571.

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

THE SECRETARY: Calendar Number 1571, by the Assembly Committee on Rules, Assembly Print 8435-A, an act to amend the General Business Law.

SENATOR GOLD: Which is it?

ACTING PRESIDENT MARCELLINO:

Yeah. Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar 1572, Senator Seward moves to discharge from the Committee on Rules Assembly Print 8029 A, and substitute it for the identical Senate bill, Third Reading 1572.

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

THE SECRETARY: Calendar Number 1572, by the Committee on Rules, Assembly Print 8029-A, an act to amend the Economic Development Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1573, by Senator Rath, Senate Print 5626, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1574, Senator Johnson moves to discharge from the Committee on Rules Assembly Print 8319 and substitute it for the identical Senate bill, Third Reading 1574.

ACTING PRESIDENT MARCELLINO: Substitution is ordered. The Secretary will

read.

THE SECRETARY: Calendar Number 1574, by the Committee on Rules, Assembly Print 8319, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1575, by Senator Bruno, Senate Print 5723, an act authorizing the village of Round Lake.

ACTING PRESIDENT MARCELLINO: There is a home rule message at the desk. Please read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1577, by Senator Seward, Senate Print 5730-A, an act to amend a chapter of the laws of 1997.

SENATOR GOLD: Home rule message too?

ACTING PRESIDENT MARCELLINO: The bill is high. Lay it aside.

THE SECRETARY: Calendar Number 1578, by Senator Spano, Senate Print 5742, an act to amend the General Business Law.

ACTING PRESIDENT MARCELLINO: The bill is high. Lay it aside.

THE SECRETARY: Calendar Number 1579, by Senator Hannon, Senate Print 5745, an act to amend the Public Health Law.

ACTING PRESIDENT MARCELLINO: The bill is high. Lay it aside.

THE SECRETARY: In relation to Calendar Number 1580, Senator Alesi moves to discharge from the Committee on Rules Assembly Print 5193 and substitute it for the identical

Senate bill, Third Reading 1580.

ACTING PRESIDENT MARCELLINO: There is a message of necessity -- no, no, there is a substitution ordered. I'm sorry.

Secretary will read.

THE SECRETARY: Calendar Number 1580, by member of the Assembly Robach, Assembly Print 5193, an act to amend the Executive Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Calendar Number 1582, by Senator Bruno, Senate Print 774, an act to authorize.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT MARCELLINO: Laid aside.

THE SECRETARY: Calendar Number

1583, by Senator Marchi, Senate Print 2877-B, an act to amend the Public Health Law.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT MARCELLINO: Lay the bill aside.

THE SECRETARY: Calendar Number 1584, by Senator Hannon, Senate Print 5346, an act to amend the Public Health Law.

SENATOR DOLLINGER: Lay the bill aside, please.

ACTING PRESIDENT MARCELLINO: Lay the bill aside, please.

THE SECRETARY: Calendar Number 1585, by Senator Marcellino, Senate Print 5693 A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MARCELLINO: There is a message of necessity at the desk. Secretary will read.

I'm sorry. Senator Holland, do you want to move to accept the message?

SENATOR HOLLAND: I move.

ACTING PRESIDENT MARCELLINO: Move to accept the message of necessity. All 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.
SENATOR GOLD: Which one is this?
ACTING PRESIDENT MARCELLINO: I'm not going to tell you. We're not telling.
1585.
SENATOR GOLD: 1585.
THE SECRETARY: Section 8. This act shall take effect immediately.
ACTING PRESIDENT MARCELLINO: Call the roll.
(The Secretary called the roll.)
THE SECRETARY: Ayes 55.
ACTING PRESIDENT MARCELLINO: The bill is passed.
THE SECRETARY: Calendar Number 1586, by Senator Spano, Senate Print 5758, an act to amend the Labor Law.
ACTING PRESIDENT MARCELLINO: The bill is high. Lay it aside.
THE SECRETARY: Calendar Number 1587, by Senator Cook, Senate Print 5683-A, an

act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MARCELLINO: This bill is not on the printed calendar that was reported out of Rules. There is a message of necessity at the desk.

SENATOR HOLLAND: Move to accept the message.

ACTING PRESIDENT MARCELLINO: Motion is to accept the message of necessity. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Read the last section.

SENATOR GOLD: Hold on a minute. Don't lay it aside.

ACTING PRESIDENT MARCELLINO: This is Senate Print Number 5683-A.

SENATOR GOLD: Last section. Thank you very much.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Holland, that completes the non-controversial reading of the Calendar.

SENATOR HOLLAND: Can we do the controversial reading, please, Mr. President.

ACTING PRESIDENT MARCELLINO: Yes, we can. Secretary will read.

THE SECRETARY: Calendar Number 619, by Senator Seward, Senate Print 3367, an act to amend the Executive Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT MARCELLINO: Can we lay that bill aside temporarily, please.

THE SECRETARY: Calendar Number 1564, by Senator DeFrancisco, Senate Print 3917 B, an act to amend the Parks, Recreation and Historic Preservation Law.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco, an explanation has been

asked for by Senator Paterson.

SENATOR DeFRANCISCO: Yes. The state of New York has many leases of some parts of park lands for various projects, and generally they're less than 20 years. Sometimes they're a little bit more. They have to be required -- they have to have special legislation and the concept is that, if you have huge investments in the various leases, that 10 or 20 years won't justify the investment, so rather than having -- we earlier tried -- the administration earlier wanted a bill that would basically be open ended that if it was a lease, an investment of so much, then you could have a lease of a longer term automatically without designating the project.

Version A of this bill had five projects in it, specific projects, rather than giving blanket authority on all leases with certain investments that were required. There was some concern about structures in Empire Fulton Ferry State Park and that was in the "A" version. That was left out. That was in Senator Connor's district, so that is not in here. The four other ones that remain that are

requiring long-term leases, and that's what this is authorizing, would be a project in Senator Nanula's district, Niagara Reservation State Park and Observation Tower, a project in Senator Leibell's district, brick cottage and out buildings on John Jay State Park, and two in Senator Saland's district, Hoyt house and barns on Mill State Park and the out buildings at Olana State Historic Site, and this would authorize long-term leases because of the amounts of money that is required to renovate these projects by private industry, doesn't justify a shorter term.

SENATOR PATERSON: All right.

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: The bill is passed.

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: In

anticipation of that vote, the bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we lay aside for the day 1566 and also 781 for the day, please.

ACTING PRESIDENT MARCELLINO: Yes, we can. We can lay aside Calendar Number 781 for the day and Calendar Number 1566 for the day.

THE SECRETARY: Calendar Number 1569, by member of the Assembly Weprin, Assembly Print 3807-B, an act to amend the Highway Law.

ACTING PRESIDENT MARCELLINO: Read the last section.

SENATOR PATERSON: Explanation, please.

SENATOR HOLLAND: Lay aside temporarily, please, Mr. President.

ACTING PRESIDENT MARCELLINO: Lay that bill aside temporarily.

THE SECRETARY: Calendar Number 1582, by Senator Bruno, Senate Print 774, an act to authorize Thomas G. Restino, employed by the village of Hoosick.

ACTING PRESIDENT MARCELLINO:

Read the last section.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MARCELLINO: Lay it aside temporarily, please.

THE SECRETARY: Calendar Number 1583, by Senator Marchi, Senate Print 2877-B, an act to amend the Public Health Law.

SENATOR MARCHI: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Marchi, why do you rise?

SENATOR MARCHI: Yes. I just wanted to make a short statement on this bill.

I intend to recommit this bill and I'll give you -- I just want to make a brief statement explaining why.

I'm fully and completely committed to the enactment of the legislation and I feel that this bill does, but I'm also disquieted to some extent that there are still people who have some, at least if not in my terms meritorious, but at least they are disquieted because of sincere questions that they have raised on the appropriateness of this bill as it relates especially to research and development, and I believe that when we enact

legislation of sweeping proportions such as this issue raises, that we ought to have sturdy underpinnings, so that there is general satisfaction that all legitimate concerns are fully met.

Great Britain has enacted legislation and indeed they were the progenitors or the genitors of the concept and of its implementation in animals, but I feel that there should be stronger undergirding of legislation of this sweep and effect in the 48 states -- the 50 states, I'm dating myself -- before we proceed further.

So my commitment is not to be interpreted in any way. My commitment remains strong and sturdy to this legislation and I will be working on future bills to be re-submitted at the next session on this bill, and I hope that will enjoy the confidence and support of all people who are -- who may have some genuine concerns at this time.

ACTING PRESIDENT MARCELLINO: Thank you, Senator. The bill is recommitted.

Secretary will continue to read the controversial calendar.

THE SECRETARY: Calendar Number 1584, by Senator Hannon, Senate Print 5346, an act to amend the Public Health Law.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT MARCELLINO: Senator Hannon, an explanation has been requested of you by Senator Paterson.

SENATOR HANNON: This bill repeals the 8.18 percent assessment for the health care format as it is applied to laboratory services for free-standing laboratories.

ACTING PRESIDENT MARCELLINO: Senator Dollinger.

Senator Holland, would you yield to Senator Dollinger, please? He yields, Senator.

SENATOR HANNON: Yes. Senator Hannon.

ACTING PRESIDENT MARCELLINO: Senator, could you -- I know the hour is late, ladies and gentlemen, but could we just keep it calm so we can hear the debate and move this thing along a little bit quicker.

Thank you for your patience.

SENATOR DOLLINGER: Again, through you, Mr. President. Thank you. Senator, why would we do this just for the clinical labs? I know you have worked in your position as chair of the Health Committee to establish a competitive environment in the New York State health care system in which competitive advantages are balanced off among all the players as we try to keep this system efficient and keep it changing and keep it evolving to keep up with the needs of industry and the needs to control costs.

Why would we take that competitive model that, frankly, you are one of the architects of and throw in a situation where we would create a huge competitive advantage for clinical laboratories but not give that same advantage to hospital laboratories or other provider laboratories?

I just -- it seems inconsistent with the model of the health care system that you have been a part of devising.

SENATOR HANNON: Well, when we pass this, which puts on assessments that are not general fund things but within the fund that

supports activities in the health care system, specifically the bad debt and charity care for hospitals specifically, the graduate medical education payments to hospitals, our teaching hospitals, and to the Child Health Plus program and some other lesser programs, we were trying to broaden these now unbundled payments among all providers.

It turns out, however, that for these providers they probably have a couple unique situations unlike the other health care providers subject to the assessment, and these providers, more important than anything else, never see their customers. They are given an order form from physicians or other health care practitioners who may be authorized to do so. They don't have any direct relationship with that -- the customer, which is the patient and yet it's the customer who should be -- the insurer who should be giving the information and so there is a lot of misinformation out there as to who's covered and who's not covered, and second, the sheer volume of these, they're measured in the millions as opposed to the far lesser number of patients in their hospital

bills, and so it became obvious that there was a problem and, in trying to address it, a number of different avenues were offered and it's my simple statement that the best way to do it at this particular time is just to take that off the free-standing clinical laboratories.

SENATOR DOLLINGER: Again through you, Mr. President, but -

ACTING PRESIDENT MARCELLINO: Senator, do you continue to yield? Excuse me. Senator Hannon, do you continue to yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT MARCELLINO: He continues to yield.

SENATOR DOLLINGER: Senator, if this bill became law free-standing clinical laboratories would be able to discount their services an automatic 8.1 percent less than comparable identical services provided by a hospital or a non-free-standing clinical laboratory, isn't that correct? Because they won't have to collect the assessment.

SENATOR HANNON: Anybody can discount anything right now under the deregulation we did already, and that's really

not been really measured, the impact. The hospital laboratories are really the ones who already know their patients, know whether or not they have insurance that will pay these assessments directly, have them already in their billing system, and don't have to enter them into it, so under that measure of competition, you could say that this is more or less addressing some inner quality that's already existing under this system.

SENATOR DOLLINGER: Again through you, Mr. President, if Senator Hannon -

ACTING PRESIDENT MARCELLINO: Do you continue to yield? He yields, Senator.

SENATOR HANNON: Yes, Mr. President.

SENATOR DOLLINGER: And again, Mr. Chairman, I apologize for perhaps the insistence of my questioning, but doesn't this mean that, if you have laboratory work that you could refer out, that you would be able to, if you were a physician and you would look at the costs of referring it out and realize that if it were done by a free-standing clinical laboratory it would be 8.18 percent less expensive, doesn't

that put a -- well, first of all, the question is that accurate and secondly, doesn't that put a huge incentive to drive business to clinical laboratories over other laboratories in our system?

SENATOR HANNON: Yes, but to carry your reasoning one step further and using history as our model, one would think that if that were to be the case, then the existing hospitals would simply say, easy enough to do, we'll just buy a few of these free-standing and then we'll be able to take care of it in that way, which is actually one of the reasons we decided to try to apply this across the board.

It -- when you're dealing with - you're really dealing with a number of different economic models when you come to each of the different health care providers, you know. The physician is a much different model than a clinic. The clinic is much different than the hospital. Even in-patient and out-patient is different and yet you're trying to bring them all together, and you're also, by the way - have a requirement under federal law that you impose any surcharges in an even-handed fashion

on the provider tax rolls, so there's a number of things that can happen, and they're all speculative, but at the moment I think this proposal fits the best solution.

SENATOR DOLLINGER: O.K. A final question through you, Mr. President, then I'll address the bill.

ACTING PRESIDENT MARCELLINO: Senator, do you yield for one more question?

SENATOR HANNON: Yes, last question.

ACTING PRESIDENT MARCELLINO: He yields, Senator, last question.

SENATOR DOLLINGER: Senator, what's the hit on the bad debt and charity care pool by creating this special exemption for clinical laboratories?

SENATOR HANNON: My guess is somewhere between 18 and 20 million, but that pool -- the pools, I think, have been made up by the fact that this recently is part of the Medicare waiver. You have more money coming for the purpose of the cost of training and, therefore, we obviate the need to spend those monies on the state work force you're training

because we've already made certain allotments, so I believe that the funding is there.

SENATOR DOLLINGER: On the bill, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I appreciate the candor of the chairman of the Health Committee. He has been one of those who last year led the fight for parity and for equality in the extension of the state health care system and especially in the funding of the bad debt and charity care pool. He was one of the leaders who said that, if you're going to finance this, we've got to come up with a way to make it work without creating economic disincentives and changing the competitive environment that's present in New York's health care system because, as he has often so well articulated, is the notion that by introducing competition, by freeing ourselves from the reins of the NYPHRM system, we would introduce competition, it would make the system more efficient and save us money.

Now, unfortunately, and this is

where I disagree with the chairman, what I think we're doing is, I think we're taking that finely tuned or at least to the best we could fine tune it last year, we're now introducing exactly what the system just tried to be rid of, and that is exceptions to the rule that would drive health care services in a certain direction, that would take these and create incentives which start to skew the factors of economic determinism and of economic activity in the marketplace.

One of the ways to do that is to say we have an assessment on all the providers, on all the payers into the system to fund bad debt and charity care. Now, for the first time we're saying except, and really what we've done is selected a group and we've said we're not - you're not going to participate. We're going to say that the 8.18 percent that we assess on everyone is not going to be assessed on you. This is the first exception.

What this will do, Mr. Chairman, I'm afraid, is this will drive the engine of exceptions to swallow the rule and the system that we worked so hard to develop and that, frankly, you worked so very hard to develop that

was a system that required the assessment across the board will get everybody to pay into the bad debt and charity care pool.

It would have all the participants in the health care system fund these public goods. We've now created an exception. When we create an exception, we open the door for others who want to save 18 to $20 million on what they pay into the system. They'll be knocking on our door fast and furious and lo and behold, at some point, some time the next two or three years we'll have a system that's riddled with exceptions that has all kinds of favored entities and unfavored entities and we won't have a competitive -- truly competitive system. We'll have a system that's totally out of whack and out of balance and will require us to go back and sweep our table clean, clean up all the exceptions and go back to a uniform rule.

I think this is ill advised at this stage. I think that the fact that HANYS and other hospitals are against it shows that this will dramatically alter the competitive landscape in New York. If we were going to save

the bad debt and charity care pool 18 to $20 million -- and the chairman is correct, there have been changes in our health care system driven by competition which have already reduced our need to draw out from the bad debt and charity care pool -- we ought to extend that benefit across the board, reduce the assessment by one percent for all the providers so that we keep them all on that even playing field that we've worked so hard to develop.

With all due respect to the chairman, I'm going to vote against this bill. I just think it reflects bad policy and it will swallow the very diligent efforts of the chairman of the Health Committee and the members in this chamber who worked so hard to create a fair and equitable system last year.

I urge my colleagues to vote no.

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Record the negatives and announce the results, please.

THE SECRETARY: Those recorded in the negative on Calendar Number 1584 are Senators Abate, Breslin, Connor, Dollinger, Gold, Leichter, Nanula, Onorato, Paterson, Smith and Stachowski. Ayes 44, nays 11.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Holland.

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

ACTING PRESIDENT MARCELLINO: Senator, we don't have anything particularly. We're waiting for some messages on some bills.

SENATOR HOLLAND: Messages are not coming, we're told.

ACTING PRESIDENT MARCELLINO: If they're not up there yet.

SENATOR HOLLAND: We're told the messages are not coming, and the Senate will be adjourned until 1:00 o'clock tomorrow afternoon.

SENATOR GOLD: Hold it.

SENATOR HOLLAND: David?

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Paterson.

SENATOR PATERSON: There will be an immediate Minority Conference in the Minority Conference Room.

ACTING PRESIDENT MARCELLINO: Immediate conference of the Minority. We are in discussions. We are accepting two messages of necessity. We can hold.

Senator Holland. Excuse me.

SENATOR HOLLAND: I'm informed that we have two messages coming very quickly, so can we stand at ease until those two messages get here.

ACTING PRESIDENT MARCELLINO: Yes, we can. The Senate will stand at ease and they're approaching the desk momentarily, this instant. Don't drip.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we do bill 781, please.

ACTING PRESIDENT MARCELLINO:

Calendar 781, yes, there is a message of necessity on the bill. We have to read the bill first. Secretary will read.

THE SECRETARY: Calendar Number 781, by Senator Hannon, Senate Print 5038-B, an act to amend the Public Health Law.

SENATOR HOLLAND: Move we accept the message.

ACTING PRESIDENT MARCELLINO: Everybody in favor of accepting the message of necessity for Calendar Number 781 signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Secretary will read. Read the last section.

THE SECRETARY: Section 18. This act shall take effect November 1st.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

SENATOR HOLLAND: Can we do 1579, please.

ACTING PRESIDENT MARCELLINO: Yes, we can, Senator, Calendar Number 1579.

THE SECRETARY: Calendar Number 1579, by Senator Hannon, Senate Bill 5745, an act to amend the Public Health Law.

SENATOR HOLLAND: Is there a message at the desk?

ACTING PRESIDENT MARCELLINO: Senator, there is a message of necessity at the desk.

SENATOR HOLLAND: Move we accept the message.

ACTING PRESIDENT MARCELLINO: All those in favor of accepting the message of necessity, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted, Senator.

Secretary will read the last section.

THE SECRETARY: Section 3. This

act shall take effect on January 1st, 1998.

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

SENATOR DOLLINGER: Just for a point of order, Mr. President. Which calendar number is this, Mr. President?

ACTING PRESIDENT MARCELLINO: 1579, Senator.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1st, 1998.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, I'll try this once more. There being no further business.

ACTING PRESIDENT MARCELLINO: Oh,

oh, oh.

SENATOR HOLLAND: Housekeeping.

ACTING PRESIDENT MARCELLINO: Housekeeping. We found some for you.

Senator Alesi.

SENATOR ALESI: On behalf of Senator Trunzo, I offer the following amendments to Calendar Number 1552, Senate Print 5694, and I ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: It will be done as you ask, Senator.

Now, Senator Holland.

SENATOR HOLLAND: Is there anything further before we do this?

ACTING PRESIDENT MARCELLINO: The house is clean.

Senator Paterson.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT MARCELLINO: Yes, sir.

SENATOR PATERSON: On conclusion of session, which should be momentarily, there will be an immediate meeting of the Minority Conference. There will also be a Minority

Conference tomorrow at noon. Talking to Minority members, we will not turn away Majority members. For tickets please call the Minority office, and we'll work it out.

ACTING PRESIDENT MARCELLINO: The way I understand it there will be an immediate Minority Conference following the recess of the session and tomorrow morning, I don't recall the time, Senator -- did you say at noon? -- there will be a Minority Conference as well.

Senator Holland.

SENATOR HOLLAND: Mr. President, I move we adjourn until 1:00 o'clock tomorrow, Saturday, the 2nd of August.

ACTING PRESIDENT MARCELLINO: Senate will stand adjourned until Saturday, the 2nd of August, at 1:00 p.m.

(Whereupon at 7:13 p.m., the Senate adjourned.)