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ALBANY, NEW YORK
September 22, 1997
11:30 a.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President
STEPHEN F. SLOAN, Secretary

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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.)

The invocation today will be given by Reverend Peter Young from the Blessed Sacrament Church in Bolton Landing.

Reverend Young.

REVEREND PETER G. YOUNG: Thank you, Governor. Let us pray.

As we gather on this brisk and beautiful fall day to conduct state business, we call upon you for Your blessing and guidance as we reflect after our summer recess on the benefits and the creative goodness of Your people to the New York State. We express our gratitude for the beautiful people and physical gifts of natural environment that we enjoy as your citizens.

As we approach the winter season, may our Senate members advocate for the needed heating and food resources that will allow the poor, the elderly, the sick and the disabled the

1 comfort that they seek. Our special prayer
2 today, O God, is a prayer of thanks to see
3 Senator Levy rejoining this session in good
4 health and our prayer too and condolences to the
5 members of Senator Tully's family for this great
6 loss. We pray that God remember him and be with
7 him forever. Amen.

8 THE PRESIDENT: Amen.
9 The reading of the Journal,
10 please.

11 THE SECRETARY: In Senate,
12 Friday, September 19th. The Senate met pursuant
13 to adjournment. The Journal of Wednesday,
14 September 17th, was read and approved. On
15 motion, Senate adjourned.

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

18 Senator Bruno.

19 SENATOR BRUNO: Madam President,
20 may I ask the members of the house that out of
21 deference to our departed member, Senator
22 Michael Tully, who as you all know passed away
23 since we last recessed, that we open this
24 special gathering of the Senate in his honor and
25 his memory and all of us do that by just a

1 moment of silence while we think of that, as we
2 remember Senator Mike Tully.

3 THE PRESIDENT: Thank you. A
4 moment of silence for Senator Tully.

5 (A moment of silence was
6 observed.)

7 Presentation of petitions.

8 Messages from the Assembly.

9 Messages from the Governor.

10 Reports of standing committees.

11 The Secretary will read.

12 THE SECRETARY: Senator Lack,
13 from the Committee on Judiciary, reports the
14 following nomination:

15 Justice of the Supreme Court for
16 the Seventh Judicial District, Nancy E. Smith of
17 Pittsford.

18 THE PRESIDENT: Senator Lack.

19 SENATOR LACK: Thank you, Madam
20 President.

21 I rise to move the nomination of
22 Nancy E. Smith, of Pittsford -

23 THE PRESIDENT: Quiet, please.

24 SENATOR LACK: -- as a Justice of
25 the Supreme Court for the Seventh Judicial

1 District. Judge Smith was nominated by the
2 Governor. We received the nomination in the
3 Judiciary Committee. She was -- her credentials
4 were examined by the staff of the committee,
5 found to be eminently satisfactory.

6 She appeared before the committee
7 this morning and was unanimously moved from the
8 committee to the floor and with that, Madam
9 President, I would respectfully yield to Senator
10 Alesi.

11 THE PRESIDENT: Senator Alesi.

12 SENATOR ALESI: Thank you, Madam
13 President.

14 It's a special pleasure for me
15 today to welcome Judge Nancy Smith, and her
16 family, her husband Larry, her children Conor
17 and Margaret. Judge Smith, throughout her
18 entire career as an attorney, has proven herself
19 to be a hard working and dedicated person,
20 whether an associate working with my colleague,
21 Senator Dollinger, first starting out in her law
22 career or working her way through assistant
23 district attorney, serving as acting judge, now
24 sitting judge as a County Court judge, serving
25 also as acting Supreme Court judge.

1 Judge Smith, Nancy Smith, is
2 known -

3 THE PRESIDENT: (Gaveling) Sorry,
4 Senator.

5 SENATOR ALESI: Thank you, Madam
6 President.

7 Judge Smith is known by her
8 colleagues as a true professional, someone who
9 is always totally well prepared in the court.
10 She is known by both victims and family members
11 of victims who come before her, as someone who
12 is sincere and compassionate. Those who are
13 tried in her court know Judge Smith as someone
14 who is fair and impartial, but someone who takes
15 very seriously her responsibility to interpret
16 and apply the law.

17 My colleagues, I'm deeply honored
18 today to support the nomination of this Governor
19 for someone who has managed not only to excel in
20 her professional career but to strike that
21 balance between being excellent in her
22 profession and excellent also as a mother, as a
23 spouse and as a true member, a dedicated
24 community servant. The Governor's choice today
25 is of one who is eminently well qualified, and

1 I'm honored to support that choice.

2 Thank you, Madam President.

3 THE PRESIDENT: Senator Maziarz.

4 SENATOR MAZIARZ: Thank you,
5 Madam President.

6 Madam President I rise to also -

7 ACTING PRESIDENT KUHL: Pardon
8 the interruption. Could I recognize Senator
9 Bruno first, please.

10 SENATOR BRUNO: Mr. President,
11 forgive the interruption, but in deference to
12 our time, I'm wondering if we could now ask an
13 immediate meeting of the Rules Committee in Room
14 332, but we'll continue.

15 ACTING PRESIDENT KUHL: There
16 will be an immediate meeting of the Rules
17 Committee, immediate meeting of the Rules
18 Committee, in the Majority Conference Room, Room
19 332.

20 Thank you, Senator Maziarz, for
21 allowing that interruption. Senator Maziarz,
22 you have the floor.

23 SENATOR MAZIARZ: Thank you, Mr.
24 President.

25 Mr. President, I rise to support

1 the nomination of Judge Smith. I have known
2 Nancy Smith for a very long time. We have had
3 the occasion in the past several months to
4 interact a great deal on the left side of Monroe
5 County, and I like to think that is the best
6 side of Monroe County, and I have found her to
7 be fair, intelligent, extremely dedicated. I
8 say all those things before I knew that she used
9 to work with Senator Dollinger, but we won't
10 hold that against her.

11 Mr. President, I rise in support
12 of this nomination. I think the Governor picked
13 an excellent candidate for a very good tough
14 job.

15 Thank you, Mr. President.

16 ACTING PRESIDENT KUHL: Senator
17 Nozzolio, on the nomination.

18 SENATOR NOZZOLIO: Thank you, Mr.
19 President. Mr. President, my colleagues, the
20 judiciary in Monroe County will be at a loss
21 with Judge Smith's elevation to the Seventh
22 Judicial District. As one who represents four
23 counties in that sprawling district, that we
24 certainly will benefit greatly, not only within
25 the Seventh J.D., but also throughout western

1 New York and the entire state, because Judge
2 Smith truly is dynamic, thorough, intelligent
3 and fair, qualities that a judge must have, and
4 that we are very pleased that she, Nancy Smith,
5 will be the best justice of the Seventh Judicial
6 District, New York State Supreme Court.

7 Judge Smith, you have served with
8 distinction and honor in your capacity as Monroe
9 County Court judge. We know that that will be
10 carried through your great tenure as a justice
11 of the New York State Supreme Court.

12 Mr. President, I move the
13 nomination.

14 ACTING PRESIDENT KUHL: Senator
15 Volker, on the nomination.

16 SENATOR VOLKER: Mr. President,
17 very briefly, despite the fact Judge Smith, of
18 your relationship with Senator Dollinger, we'll
19 disregard that and let me just say that Judge
20 Smith, although she does not live in my
21 district, has been an acting Supreme Court judge
22 in Livingston County since the former judge who
23 is a good friend of mine, Ted Wiggin, got cancer
24 and eventually died, and Judge Smith has, I
25 think, got all sorts of accolades for the work

1 that she's done in Livingston County and,
2 frankly, throughout western New York, and I
3 think she's an excellent choice and probably
4 doesn't quite realize that she's in really good
5 shape today. Since she's the only judge being
6 confirmed, why, she has a chance to get a lot of
7 attention, and you deserve it, because you've
8 done a good job. I know you'll do a good job in
9 the future.

10 Good luck.

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

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

15 This governor continues to put me
16 in difficult situations where I rise to speak on
17 behalf of judicial candidates who are friends of
18 mine and also very accomplished lawyers who may
19 some day, if something happens in November, run
20 against other friends of mine, but in this case,
21 this nominee is exceptionally well qualified for
22 the position of Supreme Court Justice in the
23 Seventh Judicial District.

24 I've known Judge Smith for the
25 better part of 12 or 13 years. She and I worked

1 together as associates in a law firm, and I'd
2 just say that her experience, my experience in
3 watching her during that year and a half that we
4 worked together was very instructive. She was
5 at the time balancing the roles of mother and
6 spouse and family and practicing law at the same
7 time. She had come to us from the district
8 attorney's office. She went back there and had
9 a distinguished career, especially in an area
10 where many of us have had concerns in the course
11 of the last decade involving domestic violence.
12 She was very much involved in that and was an
13 advocate for victims of domestic violence. She
14 has taken that perspective on that particular
15 issue to the County Court and she will take it
16 to the Supreme Court with the same skill and
17 aplomb.

18 I think Judge Smith represents a
19 continuing trend that I find very favorable and
20 that is that this governor has found top quality
21 candidates for the bench. I have been pleased
22 to support them. In the Seventh Judicial
23 District they have continued to be of the
24 highest quality. Judge Smith is a continuing
25 part of that legacy. I praise the Governor for

1 the choice. She will make an excellent state
2 Supreme Court Justice.

3 Good luck to you, Judge Smith,
4 and all of your family.

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

8 Hearing none, the question is on
9 the nomination of Nancy E. Smith to become a
10 Justice of the Supreme Court for the Seventh
11 Judicial District. All those in favor of the
12 nomination, signify by saying aye.

13 (Response of "Aye.")

14 Opposed nay.

15 (There was no response.)

16 The nominee is unanimously
17 confirmed.

18 We're pleased to have Justice
19 Smith in the chamber with us. Nancy,
20 congratulations and good luck.

21 (Applause)

22 Senator Bruno, we have the report
23 of the Rules Committee at the desk if you would
24 like to return to the order of Rules.

25 SENATOR BRUNO: If we could have

1 it read at this time.

2 ACTING PRESIDENT KUHL: All
3 right. We'll return to the order of reports of
4 standing committees. Secretary will read the
5 report of the Rules Committee.

6 THE SECRETARY: Senator Bruno,
7 from the Committee on Rules, reports the
8 following bill direct to third reading:

9 Senate Print 5793, by the
10 Committee on Rules, an act to amend the Racing,
11 Pari-Mutuel Wagering and Breeding Law.

12 ACTING PRESIDENT KUHL: Senator
13 Bruno.

14 SENATOR BRUNO: Move to accept
15 the report.

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

19 (Response of "Aye.")

20 Opposed nay.

21 (There was no response.)

22 The report is accepted.

23 Senator Bruno.

24 SENATOR BRUNO: Third reading.

25 ACTING PRESIDENT KUHL: Secretary

1 will read.

2 THE SECRETARY: Senator Bruno
3 moves to discharge from the Committee on Rules
4 Assembly Bill Number 8686 and substitute it for
5 the identical Third Reading Calendar 1689.

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

9 THE SECRETARY: Calendar Number
10 1689, by the Assembly Committee on Rules,
11 Assembly Print Number 8686, an act to amend the
12 Racing, Pari-Mutuel Wagering and Breeding Law,
13 in relation to horse racing.

14 ACTING PRESIDENT KUHL: Bill is
15 before the house. Secretary will read the last
16 section.

17 THE SECRETARY: Section 5. This
18 act shall take effect on the same day as a
19 chapter of the laws of 1997.

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 54.

24 ACTING PRESIDENT KUHL: The bill
25 is passed.

1 Senator Bruno.

2 SENATOR BRUNO: Mr. President,
3 can we stand in recess while we call for an
4 immediate meeting of the Majority Conference in
5 Room 332.

6 ACTING PRESIDENT KUHL: There
7 will be an immediate meeting of the Majority
8 Conference, immediate meeting of the Majority
9 Conference, Majority Conference Room, Room 332.

10 Senator Mendez.

11 SENATOR MENDEZ: Mr. President,
12 there will be an immediate meeting of the
13 Minority.

14 ACTING PRESIDENT KUHL: Immediate
15 meeting of the Minority, immediate meeting of
16 the Minority in the Minority Conference Room,
17 Room 314.

18 The Senate stands at ease.

19 (The Senate stood at ease from
20 11:45 a.m. until 1:31 p.m.)

21 ACTING PRESIDENT KUHL: Senate
22 will come to order.

23 Senator Skelos.

24 SENATOR SKELOS: Mr. President,
25 there will be an immediate meeting of the Rules

1 Committee in the Majority Conference Room.

2 ACTING PRESIDENT KUHL: Immediate
3 meeting of the Rules Committee, immediate
4 meeting of the Rules Committee in the Majority
5 Conference Room.

6 Senate will continue to stand at
7 ease.

8 (The Senate stood at ease from
9 1:32 p.m. until 1:42 p.m.)

10 ACTING PRESIDENT KUHL: Senate
11 will come to order. Ask the members to find
12 their places.

13 Senator Skelos.

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

19 ACTING PRESIDENT KUHL: We will
20 return to the order of reports of standing
21 committees, ask the Secretary to read the report
22 of the Rules Committee.

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

1 Senate Print 390, by Senator
2 Spano, an act to amend Chapter 677 of the Laws
3 of 1977;

4 Senate Print 4102, by Senator
5 Goodman, an act to amend the Tax Law;

6 5790, by Senator Maziarz, an act
7 to amend the Facilities Alternatives for
8 Schools;

9 5424, by Senator Breslin, an act
10 in relation to allowing the town of Colonie; and

11 Assembly Print 8056, by the
12 Assembly Committee on Rules, an act to amend
13 Chapter 704 of the Laws of 1991.

14 All bills ordered direct to third
15 reading.

16 ACTING PRESIDENT KUHL: Senator
17 Skelos.

18 SENATOR SKELOS: Move to accept
19 the report.

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

22 All those in favor signify by saying aye.

23 (Response of "Aye.")

24 Opposed nay.

25 (There was no response.)

1 The Rules report is accepted.

2 The bills will go directly to third reading.

3 SENATOR SKELOS: Could we have
4 the reading of the calendar now.

5 ACTING PRESIDENT KUHL: Secretary
6 will read.

7 THE SECRETARY: Senator Goodman
8 moves to discharge from the Committee on Rules
9 Assembly Bill Number 6385-A, and substitute it
10 for the identical Third Reading Calendar 894.

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

14 THE SECRETARY: Calendar Number
15 894, by member of the Assembly Gottfried,
16 Assembly Print 6385-A, an act to amend the Tax
17 Law, in relation to exempting.

18 ACTING PRESIDENT KUHL: Senator
19 Skelos, an explanation has been asked for. Who
20 is going to handle that matter of the
21 explanation?

22 SENATOR GOODMAN: Mr. President.

23 ACTING PRESIDENT KUHL: Senator
24 Goodman, Senator Dollinger has requested an
25 explanation on the bill before the house.

1 SENATOR DOLLINGER: Senator
2 Dollinger, this bill seeks to eliminate the 4
3 percent New York City tax on property and
4 services used in producing dramatic and musical
5 act performances in New York City.

6 The bill is approved by the city
7 government and it will provide tax relief to
8 stimulate an industry in which we're all greatly
9 interested -- and in which we're all greatly
10 interested and have great concern.

11 SENATOR DOLLINGER: Mr.
12 President, just one question.

13 ACTING PRESIDENT KUHL: Senator
14 Goodman, do you yield to a question?

15 SENATOR GOODMAN: Yes, I will.

16 ACTING PRESIDENT KUHL: Senator
17 yields.

18 SENATOR DOLLINGER: Senator, does
19 this only apply in the city of New York?

20 SENATOR GOODMAN: Yes, it does.

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

23 THE SECRETARY: Section 4. This
24 act shall take effect on the first day of a
25 sales tax quarterly period.

1 ACTING PRESIDENT KUHL: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 59.

5 ACTING PRESIDENT KUHL: The
6 bill's passed.

7 THE SECRETARY: Senator Maziarz
8 moves to discharge from the Committee on Rules
9 Assembly Bill Number 8601 and substitute it for
10 the identical Third Reading Calendar 1671.

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

14 THE SECRETARY: Calendar Number
15 1671, by the Assembly Committee on Rules,
16 Assembly Print 8601, an act to amend the
17 Facilities Alternatives for Schools to Expedite
18 Replacement Act.

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

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

23 ACTING PRESIDENT KUHL: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 59.

2 ACTING PRESIDENT KUHL: The bill
3 is passed.

4 THE SECRETARY: Senator Breslin
5 moves to discharge from the Committee on Rules
6 Assembly Bill Number 6319 and substitute it for
7 the identical Third Reading Calendar 1688.

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

11 THE SECRETARY: Calendar Number
12 1688, by member of the Assembly Prentiss,
13 Assembly Print 6319, an act in relation to
14 allowing the town of Colonie.

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

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

20 ACTING PRESIDENT KUHL: Call the
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 59.

24 ACTING PRESIDENT KUHL: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 1690, by the Assembly Committee on Rules,
3 Assembly Print 8056, an act to amend Chapter 704
4 of the Laws of 1991.

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

8 The Assembly bill is before the
9 house. Secretary will read the last section.

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

12 ACTING PRESIDENT KUHL: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 59.

16 ACTING PRESIDENT KUHL: The bill
17 is passed.

18 THE SECRETARY: Senator Spano
19 moves to discharge from the Committee on Rules
20 Assembly Bill Number 3125, and substitute it for
21 the identical Third Reading Calendar 1691.

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

25 THE SECRETARY: Calendar Number

1 1691, by member of the Assembly Vitaliano,
2 Assembly Print 3125, an act to amend Chapter 677
3 of the Laws of 1977.

4 SENATOR CONNOR: Explanation.

5 ACTING PRESIDENT KUHL: Senator
6 Spano, an explanation of the bill before the
7 house has been requested by Senator Connor.

8 SENATOR SPANO: Mr. President.

9 ACTING PRESIDENT KUHL: Senator
10 Spano.

11 SENATOR SPANO: The bill before
12 us is the New York State agency shop bill.

13 ACTING PRESIDENT KUHL: Senator
14 Connor.

15 SENATOR CONNOR: Mr. President, I
16 offer up an amendment, ask its reading be waived
17 and will explain.

18 ACTING PRESIDENT KUHL: The
19 amendment is at the desk, Senator Connor. Your
20 request to have an opportunity to explain it is
21 being honored by the Chair. The floor is yours
22 for that purpose.

23 SENATOR CONNOR: Thank you, Mr.
24 President.

25 The amendment I offer would make

1 the agency shop provisions permanent. It's not
2 the first time I've offered this amendment.
3 I've offered this amendment just about every
4 other year since 1979. I believe, and I don't
5 have my glasses, but I think now we're extending
6 this experiment to its 24th year. Is that what
7 we're doing?

8 It was originally adopted 24
9 years ago, 22 years ago as an experiment.
10 That's why it was two years in duration. It
11 seems to me that it's probably the longest
12 running experiment in the western world. It's
13 certainly taking longer than it took to put a
14 person on the moon, and all the experimentation
15 and scientific endeavors that went into that,
16 and it can't be such a bad idea to make it
17 permanent. Senator Spano has a bill that he's
18 sponsoring that would make it permanent, so it
19 must be a good idea. The Assembly's passed a
20 permanent extension. Yet we time and time again
21 in this house on this occasion every two years,
22 although this occasion seems to be a little bit
23 later than usual in the year, have extended this
24 law for two years, and I've said it before on
25 this floor, and I say it again, Mr. President.

1 It's a good law; it's worked; it's fair. It's
2 fair to all the workers. It's fair to their
3 collective bargaining agents. Let's make it
4 permanent. Let's end what I believe has become
5 in these past decades a very, very unseemly
6 process of holding the labor organizations that
7 represent our public employees on a string, on a
8 two-year string, so that every two years it
9 could be wound up and they can be wound in
10 before they are given a new, very short two-year
11 lease on things.

12 The politics of that, what it
13 says about the way we operate in the New York
14 State Senate, what it says about the government,
15 what the government and the Legislature in the
16 state of New York has become, I think, Mr.
17 President, it's time to step away from that.
18 It's time to stop these experiments that sunset
19 every two years.

20 What is the fear? Is the fear
21 that we'll have nothing to do, that we don't
22 spend all of our time renewing laws that we just
23 reenacted two years ago? Or is it just the
24 political politicking to keep everybody
25 supplicant, to keep everybody supplicant to the

1 Legislature, to make sure everybody knows who's
2 boss.

3 Yes, the Assembly has passed a
4 permanent bill in the past and, as I say,
5 Senator Spano is sponsoring it, so it kind of
6 makes the bill before us, Senator Spano's other
7 bill, better and much more like his permanent
8 agency shop bill.

9 I urge this body to adopt my
10 amendment and pass a permanent agency shop
11 bill. As permanent as anything can be. If
12 there's a problem that develops, we can always
13 repeal it, but we really shouldn't do this
14 two-year charade year -- every other year,
15 because literally we're now in our third
16 decade.

17 ACTING PRESIDENT KUHL: Senator
18 Spano, on the amendment.

19 SENATOR SPANO: On the
20 amendment.

21 (Senator Spano's comments were
22 partly unintelligible through his microphone.)

23 I think on the issue of the
24 legislation and the amendment and the discussion
25 of that, and the future of agency shop, the

1 possibility of passing a permanent bill, which
2 I'm privileged to co-sponsor, and that's why the
3 Senate passed its version of that and the
4 Assembly has not passed the bill making the
5 agency shop permanent. They did not pass the
6 bill making it permanent this year, and for us
7 to adopt this amendment would do nothing but to
8 sabotage agency shop in New York State.

9 SENATOR CONNOR: Mr. President,
10 will the Senator yield?

11 SENATOR SPANO: Yes.

12 SENATOR CONNOR: I believe the
13 Assembly will come back next week if we pass it
14 to pass it.

15 SENATOR SPANO: I think that the
16 (unintelligible) or so public organizations, but
17 I don't think that we should hold them hostage
18 to the Assembly coming back here on the promise
19 of possibly passing a permanent agency shop next
20 week. The bill that we have before us today is
21 a bill that extends agency shop. All we need to
22 do today is say yes to the extension of agency
23 shop, and at the same time we can continue to
24 work toward our goal, final goal, which is to
25 see a permanent bill in the future, but to do

1 anything other than that today is putting in
2 jeopardy the law that was put in place to
3 protect the employees across the state, and I
4 don't think that we should be engaged in that
5 type of sabotage.

6 I, therefore, urge the defeat of
7 the amendment.

8 ACTING PRESIDENT KUHL: Question
9 is on the amendment.

10 Senator Connor?

11 SENATOR CONNOR: Senator Spano
12 yield to a question?

13 ACTING PRESIDENT CONNOR:
14 Senator, will you yield?

15 SENATOR SPANO: Yes.

16 SENATOR CONNOR: Senator Spano,
17 if we were to contact the Speaker right now to
18 ask the Assembly to come back to pass the
19 permanent bill, would you support this
20 amendment?

21 SENATOR SPANO: At this point,
22 the bill that we have before us is a bill that
23 my colleagues and I have only had a short
24 opportunity in our Majority Conference to
25 discuss. The amendment that is presented by the

1 Minority Leader (unintelligible).

2 SENATOR CONNOR: Mr. President, I
3 would offer to Senator Spano that if he doesn't
4 want to do my amendment, we wait a few minutes
5 and we could do his bill. I have no pride of
6 authorship. We could do his permanent bill.

7 ACTING PRESIDENT KUHL: Senator
8 Bruno?

9 SENATOR BRUNO: Mr. President,
10 are we having a problem of laying this bill
11 aside and coming back next week? We're open to
12 that. I just talked to the Governor, so that
13 may be the best course of action, Senator, if
14 that's what you'd like to have happen.

15 I didn't know anything about -
16 you want to do that? That's fine with us. I
17 didn't know anything about your amendment until
18 five minutes before I walked in here and
19 contrary to the rules of this house, we like to
20 be informed about the action that's going to
21 take place on the floor.

22 For that reason, I would vote
23 against your amendment, and have a party vote
24 against your amendment at the appropriate time.
25 I also want to suggest that we have been talking

1 with the Governor and will talk with the Speaker
2 about doing some of the other labor issues that
3 we think are critical for labor such as the
4 hours of work legislation, some of the pension
5 legislation, unemployment insurance benefits,
6 things like that have come from our Conference
7 and I hope your Conference. We've talked to the
8 Governor about that. We were hopeful that we
9 might get the Assembly back here and do those
10 things and do a wrap-around package bill that
11 would really enhance the ability of labor to go
12 out and do things on behalf of the people of
13 this state that they do so well.

14 But the Assembly is not here. As
15 Senator Spano ably stated, the only bill before
16 this house now is this bill, and that calls for
17 a two-year extender and we're prepared to do
18 that if that's the wishes of the majority of the
19 house.

20 ACTING PRESIDENT KUHL: Question
21 is on the amendment.

22 SENATOR CONNOR: Party vote in
23 the affirmative.

24 SENATOR BRUNO: Party vote in the
25 negative.

1 ACTING PRESIDENT KUHL: Secretary
2 will call the roll on the amendment.

3 THE SECRETARY: Ayes 25, nays 34,
4 party vote.

5 ACTING PRESIDENT KUHL: The
6 amendment is defeated. We're on the bill.
7 Secretary will read the last section.

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

10 ACTING PRESIDENT KUHL: Call the
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT KUHL: Record
14 the negatives and announce the vote.

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 1691 are
17 Senators Levy, Maltese, Marcellino, Padavan and
18 Skelos. Ayes 54, nays 5.

19 ACTING PRESIDENT KUHL: The bill
20 is passed.

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

23 SENATOR DOLLINGER: Mr.
24 President, earlier in today's session, on
25 Calendar Number 5793 I was recorded in the

1 affirmative. I ask unanimous consent to be
2 recorded in the negative on that bill.

3 ACTING PRESIDENT KUHL: Without
4 objection, hearing no objection, Senator
5 Dollinger will be recorded in the negative on
6 Calendar Number -- Senate Print Number 5793.

7 Senator Hannon.

8 SENATOR HANNON: No.

9 ACTING PRESIDENT KUHL: Like
10 unanimous consent to be recorded in the negative
11 on the last bill that was before the house, is
12 that correct?

13 SENATOR HANNON: That's correct.

14 ACTING PRESIDENT KUHL: Without
15 objection, hearing no objection, Senator Hannon
16 will be recorded in the negative.

17 Senator Bruno.

18 SENATOR BRUNO: Mr. President,
19 there being no further business to come before
20 the Senate at this time, I would suggest that we
21 recess and adjourn at the call of the Majority
22 Leader, and that we recess and adjourn in memory
23 of our departed colleague, Senator Michael
24 Tully.

25 ACTING PRESIDENT KUHL: Without

1 objection, hearing no objection, Senate will
2 stand in adjournment in memory of our former
3 colleague, Michael Tully. I'll ask the people
4 at the adjournment to please stand in
5 recognition.

6 (A moment of silence was
7 observed.)

8 ACTING PRESIDENT KUHL: The
9 Senate is adjourned.

10 (Whereupon at 2:04 p.m., the
11 Senate adjourned.)

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