ALBANY, NEW YORK

March 25, 1998

11:10 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

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

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

We're very pleased to be joined today by the Reverend Dr. Ernest Drake who is the pastor of the Metropolitan New Testament Missionary Baptist Church in Albany.

Reverend Drake, for the invocation.

REVEREND ERNEST DRAKE: If we could bow our heads. O, Maker and Creator of our universe, please provide guidance for our legislators as they meet and deliberate major issues affecting the lives of all of our 18 million citizens of our great Empire State. Bless each legislator one by one and give them the desire of their own heart, as we ask these blessings. In His name, we pray. Amen.

ACTING PRESIDENT KUHL: Reading

of the Journal.

THE SECRETARY: In Senate, Tuesday, March 24th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. The Journal of Monday, March 23rd, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees. The Secretary will read.

THE SECRETARY: Senator Kuhl, from the Committee on Agriculture, reports the following bills:

Senate Print 473, by Senator Larkin, an act to amend the Agriculture and Markets Law;

4184, by Senator Kuhl, an act to amend the Agriculture and Markets Law;

4225, by Senator Kuhl, an act to amend the Agriculture and Markets Law;

5546, by Senator Kuhl, an act to amend the Agriculture and Markets Law;

6018, by Senator Kuhl, an act to amend the Agriculture and Markets Law;

6160, by Senator Kuhl, an act to amend Chapter 182 of the Laws of 1993;

6189, by Senator Present, an act to amend the Agriculture and Markets Law; and

6332, by Senator Kuhl, an act to amend the Agriculture and Markets Law.

All bills ordered direct for third reading.

ACTING PRESIDENT KUHL: All bills ordered directly to third reading.

Reports of select committees.

Motions and resolutions.

Secretary will read substitutions.

THE SECRETARY: On page 24, Senator Hannon moves to discharge from the Committee on Local Government, Assembly Bill Number 20-A, and substitute it for the identical Third Reading Calendar 478.

And on page 25, Senator Goodman moves to discharge from the Committee on

Investigations, Taxation and Government Operations, Assembly Bill Number 7096 and substitute it for the identical Third Reading Calendar 484.

ACTING PRESIDENT KUHL: Substitutions are ordered.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President.

Mr. President, I am honored and proud to welcome to this chamber our newest member, who will be added to the Republican Conference as a result of the election that took place last night. He is here certified, prepared to vote. We will do something on Monday that will be a little more formal. Charles, will be Senator Charles "Chuck" Fuschillo.

(Applause)

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call a Finance Committee meeting in Room 332.

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

Senator Farley, why do you rise?

SENATOR FARLEY: There will also be a meeting of the Banks Committee immediately following the Finance Committee in Room 332. Banks committee will be meeting in 332 immediately following Finance.

ACTING PRESIDENT KUHL: Immediate meeting of the Banks Committee following Finance Committee meeting in the Majority Conference Room, Room 332.

Senator Skelos, we have one privileged resolution at the desk.

Have a little order in the chamber, please. Members please take their places, staff take their places. If you need to have a conversation, please take it out of the chamber. We have some business to conduct.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a privileged resolution at the desk, sponsored by yourself. May we have the title read and move for its immediate adoption.

ACTING PRESIDENT KUHL: Secretary will read the title of the privileged resolution.

THE SECRETARY: By Senator Kuhl, Legislative Resolution 2972, congratulating the Jasper-Troupsburg Junior Senior High School Boys' Basketball Team on winning the New York State Public High School Athletic Association Section V, Class DD Title and on competing in the Class D Semi-Finals.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Skelos, that brings us to the calendar.

SENATOR SKELOS: Mr. President,

just as a reminder, I believe the Finance Committee meeting is taking place now in the Majority Conference Room. Then there will be a meeting of the Banks Committee, and I believe Senator Nozzolio has an announcement also.

ACTING PRESIDENT KUHL: Chair recognizes Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

There will be a meeting of the Committee on Crime Victims, Crime and Corrections in the Majority Conference Room immediately following the Committee on Banks.

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

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

THE SECRETARY: Calendar Number 35, by Senator Farley, Senate Print 2145, an act to amend the Banking Law, in relation to money transmitters.

ACTING PRESIDENT KUHL:

Secretary will read the last section.

THE SECRETARY: Section 6.

This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 71, by Senator Saland, Senate Print 3455, an act to amend the Family Court Act, in relation to appointment of law guardians.

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 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 193, by Senator Skelos, Senate Print 1983-B, an act to amend the Domestic Relations Law, in relation to any action or proceeding involving custody of a child.

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.

THE SECRETARY: Calendar Number 227, by Senator Volker, Senate Print 522, an act to amend the Penal Law, in relation to consecutive terms of imprisonment.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 235, by Senator Balboni, Senate Print 5950, an act to amend the Penal Law, in relation to consecutive sentences and the calculation of sentences.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT KUHL: That happens to be Senator Balboni's first piece of legislation that's passed this house.

Congratulations, Senator.

(Applause)

Secretary will continue to read.

The bill is passed.

THE SECRETARY: Calendar Number 440, by Senator Stafford, Senate Print 6484-A, an act to amend Chapter 303 of the Laws of 1988, relating to the extension of a state commission.

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 51.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 483, by Senator Maziarz, Senate Print 6584-A, an act to amend the Social Services Law, in relation to authorizing payment.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

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

SENATOR SKELOS: Mr. President, if we could call up the -- why don't we -- is there any housekeeping at the desk? Then why don't we stand at ease because I believe Senator Gold had questions to ask Senator Maziarz.

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

(The Senate stood at ease from 11:21 to 11:24 a.m.)

SENATOR MAZIARZ: Let the record show that, although Senator Gold was not here, I was, prepared to explain my bill to the rest of the chamber, all right?

ACTING PRESIDENT KUHL: Senate will come to order. Members find their seats, staff find their places.

Senator Skelos.

SENATOR SKELOS: Mr. President,

I know the Finance Committee is over and just a reminder, the Committee on Banks is going to meet, then Senator Nozzolio's committee, but at this time if we could return to reports of standing committees and have the report of the Finance Committee read.

ACTING PRESIDENT KUHL: We will return to the order of reports of standing committees. Secretary will read the report of the Finance Committee at the desk.

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

6097-B, Budget Bill, an act to amend the Corrections Law and the Criminal Procedure Law, in relation to reimbursing localities;

6100-A, Budget Bill, an act making appropriation for the support of government (Legislature and Judiciary Budget); and

6105-B Budget Bill, an act making appropriations for the support of government (Education, Labor and Family Assistance Budget.)

All bills ordered direct for third reading.

ACTING PRESIDENT KUHL: All bills are ordered directly to third reading.

Senator Skelos.

SENATOR SKELOS: If we could return to the controversial calendar and call up Senator Maziarz' bill Calendar Number 483.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 483 on the controversial calendar.

THE SECRETARY: Calendar Number 483, by Senator Maziarz, Senate Print 6584-A, an act to amend the Social Services Law, in relation to authorizing payment.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Maziarz, an explanation has been requested by Senator Gold.

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

ACTING PRESIDENT KUHL: Excuse me, Senator Maziarz. Before you enter into the debate here, if we might have the members please take your seats, please take the

conversations, if there are conversations, out of the chamber.

SENATOR MAZIARZ: Thank you, Mr. President.

The bill before us today authorizes payment through the state's Medicaid program for Medicare Part B premiums for Medicare beneficiaries whose income falls between 120 percent and 135 percent of the federal poverty level, and to pay a portion of the premium for beneficiaries with incomes between 135 percent and 175 percent of the federal poverty level.

The federal government authorized reimbursement of the premium for the aforementioned income groups through the federal Balanced Budget Act of 1997 for a period of five years. This Senate bill would authorize reimbursements to qualified Medicare beneficiaries retroactive to January 1, 1998 and would sunset December 31 in the year 2002.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah. Will the

gentleman yield to a question?

ACTING PRESIDENT KUHL: Senator Maziarz, do you yield.

SENATOR MAZIARZ: Certainly, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR GOLD: Senator, how does it work if somebody becomes eligible for reimbursement or not reimbursement?

SENATOR MAZIARZ: It all depends upon the income of the individual, Senator. A person with an income -- an individual with an income between $815 and $918 a month, and for couples with an income between 1095 and $1233 per month would be eligible Senator.

SENATOR GOLD: All right. Senator -- if the Senator would yield?

Senator, you said -

ACTING PRESIDENT KUHL: Senator Maziarz.

SENATOR GOLD: You explained that -

SENATOR MAZIARZ: I will, Mr.

President.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR GOLD: Yeah, you explained that in the first go-round. What's troubling me, and I might as well get right to it, in the bill memo where it says "budget implications" it says, the line, "These are not entitlement groups. Therefore, upon depletion of the designated federal allotment for the year, New York State will terminate enrollment in these programs."

That language concerns me. I was just curious how it works. In other words, are we going to be giving this to people on a first come first served basis or is there some basis by which it's determined who gets or who doesn't get?

SENATOR MAZIARZ: Yes, it's a first come first served basis until the federal funds are depleted.

SENATOR GOLD: And is there any program to alert people to the fact that this is available, or how do people find out about it to become the first, for example, or to get

in early?

SENATOR MAZIARZ: Well, I would think that would be up to the members of the Legislature, the Department of Health, I know that the executive branch is going to be having an outreach program, Senator. I think it's either publicity churned out by people like yourself, who are very good at doing things like that, and myself who is not very good at doing things like that, Senator, but I'm going to get better watching you.

SENATOR GOLD: Well, Senator, last question. Do you have any idea how many people who are eligible will be able to get these benefits versus people that will get shut out because of the cutoff?

SENATOR MAZIARZ: It's my understanding, Senator, that there are approximately 122,000 individuals eligible for the full reimbursement and 288,000 would qualify for the partial reimbursement.

SENATOR GOLD: Well, I appreciate that, and -- but what I'm trying to find out, Senator, and if you don't know it's not going to change my vote. I appreciate

very much your answering the questions, but do you have any idea, if everybody that's eligible applied, would they all be able to be covered, or is there going to be a cutoff?

SENATOR MAZIARZ: I didn't hear the last part of your question.

SENATOR GOLD: Yeah. What I'm curious about, Senator, and obviously I'm going to support the bill because whoever gets help is going to get help, but what I'm curious about is, if everybody who is eligible gets their application, is there enough money for all of these people or how is it determined who is going to get the benefit and who is not? That's all I'm really asking.

SENATOR MAZIARZ: As we stated, it would be on a first come first served basis. I'm not sure if there would be enough money to cover all of that 122- or 288,000.

SENATOR GOLD: All right. Thank you, Senator.

SENATOR MAZIARZ: Thank you.

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

Hearing none, the Secretary

will read the last section.

THE SECRETARY: Section 2.

This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR VELELLA: Mr. President, can we call up Senate Bill 6097-B, and have the bill read. Senator Stafford will be here in a moment.

SENATOR STAFFORD: Senator, we are here; we're here.

SENATOR VELELLA: Mr. President, while we're getting that bill, I want to remind the members that the Banks Committee meeting is -

SENATOR FARLEY: -- over.

SENATOR VELELLA: -- just

finished, and the Crime and Correction - Crime Victims, Crime and Corrections Committee will be meeting momentarily.

ACTING PRESIDENT KUHL: For the benefit of the members, the Banks Committee meeting has concluded. The meeting of the Crime Victims, Crime and Corrections Committee is now taking place in the Majority Conference Room, Room 332.

Secretary will read Calendar Number 490, which is Senate Print 6097-B.

THE SECRETARY: Calendar Number 490, Budget Bill, Senate Print 6097-B, an act to amend the Correction Law and the Criminal Procedure Law, in relation to reimbursing localities.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Stafford, an explanation of Senate 6097-B has been requested by Senator Paterson.

SENATOR STAFFORD: Thank you.

Mr. President, this is known as the "language bill" and it is subdivided into nine separate parts. The first five parts (a)

through (e), contain statutory provisions necessary to implement the Senate's budget plan. Parts (f) through (i) contain the language bill provisions which direct the allocations of appropriations contained in the budget bill.

ACTING PRESIDENT KUHL: Senator Stafford -- Senator Stafford, may I interrupt you. I apologize for the interruption, but there is one awful lot of noise in the chamber and I don't know how those, particularly those who asked for the explanation, could even hear you, particularly when they're talking. So could we have a little quiet in the room, please.

SENATOR STAFFORD: Thank you, Mr. President, and you just interrupted me at the right time because I was just completed.

SENATOR GOLD: Mr. President.

SENATOR VELELLA: Explanation satisfactory.

ACTING PRESIDENT KUHL: Chair recognizes Senator Gold.

SENATOR GOLD: Thank you, Mr. President, and I recognize you too.

This is the language bill, is that correct?

Mr. President, this language bill -- would Senator Stafford yield to one question?

SENATOR STAFFORD: I will.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield? Senator Stafford yields.

SENATOR GOLD: Yeah, this is the language bill that fits in with the Republican budget which was voted upon, I believe on Monday, and then we're voting on - this is not -- so, in other words, Senator, if we pass a budget which is really agreed upon between the two houses and the Governor, I assume there would have to be either amendments to this or a new language bill, is that correct or am I incorrect?

SENATOR STAFFORD: Well, Senator, as I've always pointed out, either coincidentally or not coincidentally, you and I, some would say have come up through the ranks and others would say we haven't come up through anything. You and I know that we've

been here long enough and we're here. We'll leave it at that.

SENATOR GOLD: The answer is very satis... no, no.

SENATOR STAFFORD: And you mentioned the type of budget it is. I would say that, you know, it is a budget that we are proposing and that your assumption is correct.

SENATOR GOLD: Mr. President, with my gratitude to the Senator, no further questions.

SENATOR STAFFORD: Thank you.

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

Secretary will read the last section.

SENATOR GOLD: Oh, hold it one second.

Oh, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Good to see you.

ACTING PRESIDENT KUHL: It's

nice of you to rise again.

SENATOR GOLD: Good to see you.

Mr. President, I believe there's an amendment at the desk which I've offered up, and I have a note from the desk that they'd like me to offer it so they can get rid of it. I would ask that the amendment be offered at this point. I waive its reading and opportunity -- ask for an opportunity to explain it.

ACTING PRESIDENT KUHL: The amendment is at the desk, Senator Gold. Your request for permission to have the reading waived is granted, and you now have the floor for the opportunity of explaining the amendment.

SENATOR GOLD: Thank you, Mr. President.

Mr. President, there has been some discussion about how much money we have or don't have, and this year as we did the last few years, we went through this farce of having an open meeting where people gave their budget estimates and we passed a law that says

we've got to agree on what the estimate is and, of course, we didn't do it, and all of our geniuses on all sides of the aisles are hundreds of millions or billions apart at any one time, but at any rate, this amendment really zeroes in on a problem without hurting anybody or embarrassing anybody.

The Majority in this house has told us that there is a certain amount of money available to do a budget, and what my amendment says is, gentlemen and lady, if you are wrong and there is extra money, we can now take care of a very significant problem and that is the problem of the schools, repairing schools and the problems we have with the physical plants of our schools, and this amendment would create a lock box and if there is more money than we all say there is in doing our budget, then that money would go into the lock box. There would be an appropriation, depending upon the various amounts that people get in their districts as school aid, and that money would be available for school repairs, construction, et cetera.

Now, I don't have to tell -

certainly don't have to tell Senator Padavan and Senator Maltese and Senator Goodman and my colleagues from New York City the desperate need for this money. I think it was last week there were at least, I believe, two incidents of bricks falling off of schools, and I believe in one situation there was a death of a child, in another situation some serious damage, and it is a problem that's got to be dealt with.

Last year we tried to get the people to approve one method of funding this work, and the people said they didn't want to do it, and God bless the people, we're - we're their servants, and we've got to find another way and this seems to be a painless way.

It says to the Republican Majority in this house, and it says to the world, you're presenting a budget. That budget is based upon your estimate of what the revenues are. If you are wrong, we will not touch what you have offered. The money that you have spent goes where you want it to be spent, but if you are wrong and there is extra

money, let us put it in the box, let us get it around the state and let us do what we need to do for the safety of our own children.

Thank you, Mr. President. I move the amendment.

ACTING PRESIDENT KUHL: Any other member wishing to speak on the amendment?

Hearing none, the question is on the amendment. All those in favor signify by saying aye.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR LARKIN: Party vote in the negative.

ACTING PRESIDENT KUHL: Secretary will read the -- call the roll. Excuse me.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the party line vote, announce the results.

THE SECRETARY: Ayes 23, nays 35, party vote.

ACTING PRESIDENT KUHL: The

amendment fails.

Senator Dollinger, why do you rise.

SENATOR DOLLINGER: Mr. President, will the sponsor yield to just a couple quick questions?

ACTING PRESIDENT KUHL: Senator Stafford yields.

SENATOR DOLLINGER: I got through about 50 pages, Senator Stafford, reading as quickly as I could. On page 45, line 44, it talks about traditional and flexible school years. Are we changing the school year, the public school year in New York State in this language?

SENATOR STAFFORD: No.

SENATOR DOLLINGER: Do you know what we're doing with the flex... why the term "flexible school year" is mentioned in the budget? Could you tell me what we're doing to change to a flexible school year?

SENATOR STAFFORD: The answer -- I think your question is very, very well taken and many of us in various areas of the state are very, very concerned with changing

the school year and, as a matter of fact, there are others that argue that there are good reasons. I talked to our people at length concerning this issue, and as a matter of fact, to the best of my recollection, what this does do is give some of the districts, especially New York City, the option to really review and possibly experiment with changing some of the -- some of the calendars.

I would say to you that this will give us an opportunity to see if this really is something that will be helpful. I share the concern of changing the overall calendar myself, changing the school year, because I selfishly am very concerned about it.

On the other hand, I don't think we should stop the experimentation and let them really see if it is necessary.

SENATOR DOLLINGER: Again through you, Mr. President.

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

SENATOR DOLLINGER: I know this

matter has been talked about but do you know whether this has actually gone through the Education Committee, the question of creating a flexible school calendar that would allow the city of New York or others -

SENATOR STAFFORD: I know it's something -- I know again, your question as always is very well taken, and you're getting to the heart of the procedure of our house and I understand that, and in which you're entirely competent to do so, but I would share with you as one who's been here in the house, this is an issue that has been discussed, reviewed and discussed by the educational establishment, by those on the committee, by those who are interested in education and, of course, it has now come to being included. It is as an experiment. Whether that actual specific item was voted on by the committee, I see your point, but I assure you that it's something that's been out there and has been -- as a matter of fact, for those who don't agree with you and me, who think that maybe this is something we should really move toward, they think it's been discussed,

reviewed, and too much.

SENATOR DOLLINGER: Again through you, Mr. President, if Senator Stafford would yield.

SENATOR STAFFORD: Sure.

SENATOR GOLD: Just one final question. Does this language bill give them the authority to implement a flexible school calendar, or does it simply give them the authority to study? Is it a study bill or is it an authority bill?

SENATOR STAFFORD: Well, I hear you. It's an option. I think it's understood that it's more of an experiment and what we're doing, and again, I'm as concerned about changing the calendar as anyone. All you have to do is look at my district, where it is, but what we're doing, they're going to be able to experiment and study this and they won't lose school aid if they do.

SENATOR DOLLINGER: O.K.

SENATOR STAFFORD: That's really what it's for.

SENATOR DOLLINGER: Thank you for that clarification.

Just one other series of questions, and again I got only through the first 55 pages. If Senator Stafford would continue to yield.

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

SENATOR DOLLINGER: Referencing pages 53 through 55 which talks about the relationship between boards of education and the Dormitory Authority, does this language bill allow a board of education to use the Dormitory Authority to bond and borrow funds for capital construction for school buildings?

SENATOR STAFFORD: Yes, and again I think this is something that's worthy of discussion here on the floor, because I, for one, have been one who has argued that we should be using the Dormitory Authority rather than creating new entities, new facilities, so to speak.

I think the Dormitory Authority in the administrations that I have been here and that's one, two, three, four, five, six -

A VOICE: Decades.

SENATOR STAFFORD: That's right, decades -

SENATOR DOLLINGER: I was going to say decades.

SENATOR STAFFORD: Not decades, no, administrations. You have to halve that as far as decades, but I think the Dormitory Authority has done well, and I think it's a good -- good agency, and I think it makes sense to have them here and to save money, which I think is good.

SENATOR DOLLINGER: Again through you, Mr. President, if Senator Stafford will yield, and I know this is a budget bill, but and again I've only been through the first 50 pages, but this again is an issue that has been a subject of discussion, but I don't know that it's actually been reviewed and that we've got a bill from the Education Committee or from the Higher Education Committee about this topic.

My question is, does this change the bidding procedure that a school district would use, and specifically does it allow a school district to avoid the Wicks Law

in the imposition of school contracting?

SENATOR STAFFORD: First, I - all at once, a light went on, and I do have to point this out, that when you said it hadn't been considered by the committee, the issue that we just discussed has been passed two years in a row through the Education Committee in this house, so I think that should be pointed out.

Finally, with the Wicks Law it would be exempt, as you know, because the Dormitory Authority is exempt from the Wicks Law.

SENATOR DOLLINGER: So in essence this would allow public boards of education to do their reconstruction, their capital projects, through the Dormitory Authority and avoid the restrictions of the Wicks Law?

SENATOR STAFFORD: The Dormitory Authority is exempt from the Wicks Law.

SENATOR DOLLINGER: O.K. Through you, Mr. President, I appreciate the chairman of the Finance Committee. Just on

the bill, briefly.

SENATOR STAFFORD: Sure.

SENATOR DOLLINGER: This is the -- I won't say the danger of the current budget process, but this is clearly one of its temptations is that I understand that this is a big bill. This is making policy choices, very significant policy choices, in critical areas and I've just been through the education part, reading enormously quickly, speed reading as fast as I could.

We're already doing two things. We're creating a flexible school calendar option for some school districts which would allow them to impose compulsory attendance on students in July and August. Very important issue. Maybe critical, I understand the difficulties in the city of New York, the idea of the year round education, all age, an important educational issue for this state; but here we are on the floor of this Senate doing a bill that has -- oh, I don't know, 600 pages of material attached to it and we're about to go into a commitment for a flexible school year, something that I think

we ought to debate in greater detail on the floor of this house, even though I know while Senator Cook and the Education Committee has been thinking about this issue, they've had conversations but certainly it's never come to the attention of me as a member of this house. I'm not a member of the Education Committee, but we're already going down that road in a huge bill with, the best I can tell from this Senator's, perspective 20 minutes of aggressive reading through the bill.

That is an enormous change in state policy, one that I think we should look at apart from the context of a huge budget bill.

The second policy change that I found, and again through quick reading, is we're now going to change the relationship between the Dormitory Authority and local boards of education, again an issue that is not new in the sense it hasn't been discussed by others, but nonetheless we're doing it in the context of this budget. We're now going to allow public boards of education to avoid the strictures of the Wicks Law by doing it

through the Dormitory Authority -- a significant change in public policy accomplished in the context of this budget with what I anticipate will be little or no debate on the floor of this chamber.

I would love to hear the enlightening arguments about why we're doing this, and the pros and cons, and have this issue debated in total if these were free standing bills. Instead, it's all wrapped in this grand compromise or this grand attempt at legislating quickly, so that we can meet our budget deadline.

These issues should be debated here on the floor in separate debates, and I -- I think I've indicated to the chairman of Finance that I'll vote against this bill. My fear is that this bill is loaded with policy changes like that, over which no one in this chamber other than members of the staff, and God bless them, they've worked very hard to put it together, but the staff may know a lot about what's in here that's changing public policy but I doubt that the members of this body know that, and I would simply like

everybody to have the time to read through it in greater detail and maybe better understand what we're doing -- creating a flexible school year, changing the relationship between local boards of education and the Dormitory, and the impact of the Wicks Law, two significant policy changes in the first 50 pages.

I don't doubt there are lots of other complicated changes in public policy included in this budget that won't even be talked about today and that may surprise us when we finally find out what we voted on.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: Mr. President, Senator Dollinger and I this year, we're setting an example of the epitome of collegiality, and we find that we get a lot more done that way.

I want to say that, when we passed the budget bills last week, I want to make it very clear that no one criticized it, so I got thinking about, I kind of criticized myself, because I tend to say too little, when it comes to bills in debate, and -- but I've

been here 33 years, and I've learned that what I learned when I came down here in 1956 and 1957 -- I was a junior in college in '56 and a senior in '57.

Most of the work and the really substance that goes into this with the various committees, various members, various staff members, various people involved who have interest in legislation. You find that most of the work is done -- I hate to use this term, but it's true -- it's done off the floor. I mean it just is; it is. When it comes to these bills, and your point is well taken, I think we've got to continue to make sure that we do things in the light of day, and without being argumentative, I would point out, for instance -- for instance, we've taken the provision that was in the Governor's Article -- the Governor's Article VII bill since January, and that was the item with the -- I wanted to make sure they were both there, in the Dormitory Authority provisions and in the flexible school year, so that's been in front of us for three months. Now, three months, some days have 31 days, others

have 30, but if we multiply just say 30 days, that means that it's been in front of us for 90 days.

Now, the only reason I say this, when the bills come out, we can all say there's a lot here and, wait a minute, have we -- I'm not saying there aren't exceptions, I think we have to guard against it, but I want to point out that after the years I've been here, when the legislation passes, for the most part and almost always it's issues - it involves issues that have been considered, been debated, been reviewed, in other words they've been there, and this legislation is no different.

I will not say that we don't have to be careful, that we just don't put something out that's never been considered, but to the -- to compliment the leadership in both houses and to compliment the Governor, my friends, and you know you get so sick of hearing, Oh, you should have seen the way it was the old ways, I know we get fed up with that. We cannot have it any more where we just pass things that have never been

considered, because the first thing you know there'd be more than one or two of us standing up.

Now, do we have to make sure that we have items, that we have consideration of issues that have matured, that have been reviewed? Yes, and I will stand here and say that those are two issues that have been out there and, interestingly enough, you have people on both sides of this issue and there are many of them who feel it's been considered too long, you know, and now we finally got something in writing which I think has been, New York City have an interest there, and rightfully so. They want to really look at this and see if they can do something with the flexible school year, and I have said for years, well, I'm very concerned about it, but I don't think we should be blocking it, and I think this is again just putting it out there.

SENATOR DOLLINGER: Mr. President. If I could, Mr. President, just briefly.

I agree with Senator Stafford.

I don't so much critique the process. I understand the compromise necessary to get this -- and that this, because it's a language bill, has lots of details in it, and ideas in it, proposals that may come from the Governor's budget and certainly the concept of compulsory education in July and August is not new. It's just never been specifically debated on the floor, that I recall, and the same thing is true with the Dormitory issue and the school districts, and I'm just suggesting that I understand the political and other needs to get this done in a big package and to put other things on it so that the snowball has everything, a concept for lots of people to make a compromise work. I don't criticize that, Senator Stafford. I'm just - I want to make sure that I know what I'm voting on, and seeing those two issues just suggest to me that there are a lot of other changes in here as well that further we could find.

So thank you, Mr. President.

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

this bill?

SENATOR STAFFORD: Last section, please.

ACTING PRESIDENT KUHL: Secretary -- Senator Paterson.

SENATOR PATERSON: Mr. President, I believe, recognize Senator Lachman. We have another amendment at the desk.

ACTING PRESIDENT KUHL: Chair recognizes Senator Lachman.

SENATOR LACHMAN: Thank you, Mr. President.

These amendments that I will be discussing should not be considered as hostile amendments. They're not so hostile, because I consider them to be enhancement amendments. I consider them to be enhancement amendments because they enhance the possibility of children to learn and the possibility of teachers to teach, and these enhancement amendments provide enhancements in education, not only for the children of the city that I attend, that I live in and represent, but also for the Big Five cities. Let me take them one

at a time if I may, Mr. President. O.K.

The first amendment deals with -

ACTING PRESIDENT KUHL: You would need to address -- Senator Lachman.

SENATOR LACHMAN: -- teacher support aid.

ACTING PRESIDENT KUHL: All right. You're asking -- you're offering that amendment up, asking -

SENATOR LACHMAN: I'm offering that amendment now.

ACTING PRESIDENT KUHL: And asking that the reading of it be waived and that you be afforded an opportunity to explain it.

SENATOR LACHMAN: I'm asking that the reading for this amendment be waived and that I may be permitted to speak on the amendment.

ACTING PRESIDENT KUHL: Reading of the amendment is waived. You now have the floor for the purpose of explaining the amendment.

SENATOR LACHMAN: O.K. This

amendment supplies greater funding to teacher support aid that is currently supplied, and it supplies this aid in a way that enhances the learning of students, and it does not limit this enhancement to New York City as the Assembly bill does. It increases the enhancement to the Big Five, Buffalo, Rochester, Syracuse, Yonkers and New York City, and they comprise -- their students comprise 42 percent of all public school students in the state of New York.

Now, the New York State Education Department figures show a discrepancy between the pupil-teacher ratio, the median teacher salary and the teacher turnover rate from the Big Five urban areas as against -- in comparison to the rural areas and to the non-urban suburban areas in New York.

The Big Five should stand together, and that is Buffalo, Rochester, Syracuse, Yonkers and New York City, but they should not stand together against the rest of New York. They should stand together with the rest of New York. As I earlier this week

emphasized in supporting the barn and farm amendment that was introduced by Senator Hoffmann, we are one state, and if you find a pupil-teacher ratio in New York City and the large city districts, the Big Five, of about 15 percent and districts excluding the Big Five of 14 percent, if you have salary discrepancies of 3- to $4,000 a year and if you have teacher turnover rates that are double what they should be in other parts of the state, then we know we have a serious problem.

Now, NYSUT, the New York State United Teachers, and the UFT claim that the teacher support aid, if it is not reinstated, the teachers in New York City and other cities would lose thousands of dollars each. The Big Five school districts and New York City need teacher support aid in order to compete with the higher salaries offered in nearby suburban districts. The Big Five districts, again Buffalo, Rochester, Syracuse, Yonkers and New York City, because they have this competition, this higher turnover of teachers and lower salaries and poor working conditions, are in

need of this amendment which would increase teacher support aid by the tune of $10,800,000 and I urge the adoption of this amendment at this time.

ACTING PRESIDENT KUHL: Any other member wishing to speak on the amendment?

The question -- Senator Stavisky, on the amendment.

SENATOR STAVISKY: Mr. President, I'm going to comment on the higher education implication of this amendment, and waive the reading and request the opportunity to explain it.

We are a single state, and I recognize that, and that's why this deals with a restoration of funds to compensate for the cuts that are in the Governor's budget for CUNY and SUNY, and we are suggesting that the restorations take place in the reduction of tuition by $250 in each instance.

More about this when my amendment comes up. I thought it was all part of a single amendment, so I will defer my comment now.

Thank you.

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

SENATOR PATERSON: Mr. President, why don't we vote on the amendment that is on the floor and then move to the next amendment.

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

SENATOR PATERSON: Party vote in the affirmative.

SENATOR LARKIN: Party vote in the negative.

ACTING PRESIDENT KUHL: Secretary will call the roll, record the party line votes and announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes 25, nays 35, party vote.

SENATOR PATERSON: Mr. President.

SENATOR LACHMAN: Mr.

President, I have another amendment dealing with teacher centers. I'd like to have the reading waived so that I may speak on it.

ACTING PRESIDENT KUHL: Senator Lachman, the reading of your second amendment is waived, and you're now afforded the opportunity to explain the amendment.

SENATOR LACHMAN: Thank you. I have read many studies dealing with the improvement of education via the changes in the governance of education, and they have mixed results. Studies that I have read dealing with teacher centers and how this improves education in elementary and secondary education, are universally positive. Teacher centers do provide a positive impact upon the learning experience of children in the public schools of New York State.

My second amendment provides an additional $10 million to teacher resource and computer training centers for the coming school year. Teacher centers are not new. They have been around for at least a decade, and they are designed and they are operated and run by teachers and provide useful

training and skills development. They have played a major role, Mr. President, in taking a number of the SURR schools off the list of New York City. This is what I consider another education enhancement amendment.

ACTING PRESIDENT KUHL: Senator Stavisky, on the amendment, did you wish to speak now?

SENATOR OPPENHEIMER: He has an amendment.

ACTING PRESIDENT KUHL: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: On the amendment.

SENATOR OPPENHEIMER: Yes, on the amendment.

I just want to speak on behalf of teacher centers which are so vital to at least education certainly in my area, and I would assume around the whole state.

Teaching tends to be an isolating experience. A teacher normally is in a single classroom most of the day and

doesn't have much opportunity to communicate with other teachers. The teacher center offers that opportunity. The teacher center also offers the opportunity to enhance skills. The fact is that many of my teachers say that some of their children in their classes could teach them about the -- how the computer works and how they can benefit from utilization of the computer in their preparation of their daily lessons.

It is so significant to the advancement of the learning of our teachers. I was fortunate enough to be taken into one class in a teacher center in my district, and I must say it was a very edifying experience. They are remarkable, teacher centers, when they work well. They can work in consolidation with several different school districts. I have an example of that, and the cross-fertilization that occurs when teachers are able to explore new fields, advance their learning in fields they already know and communicate with one another, it is simply extraordinary and we need to support additionally the teacher centers by

the amount of $10 million.

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

Hearing none, the question is on the amendment. All those in favor signify by saying aye.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR LARKIN: Party vote in the negative.

ACTING PRESIDENT KUHL: Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the party line votes.

THE SECRETARY: Ayes 25, nays 35, party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Montgomery? Excuse me. Senator Leichter, did you have an amendment on this that you'd like to offer?

SENATOR LEICHTER: I believe I

do, Mr. President.

ACTING PRESIDENT KUHL: Are you asking that the reading be waived at this time, Senator Leichter?

SENATOR LEICHTER: Yes, the reading be waived and if I may have an opportunity to explain it.

ACTING PRESIDENT KUHL: The reading is waived, and you have the floor to explain the amendment.

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

My colleagues, this amendment really deals with the legislative budget. The reason I'm bringing it up at this time is because, as you know, we now need to make any language changes to the language bill. What my amendment does, very simply, is itemizes the legislative budget. As you know, for these many years, I've stood up on this floor and beforehand in the Assembly, and pleaded with my colleagues to do what is required by law, to be honest with the public and to itemize the legislative budget.

I guess it's a reflection on my

persuasion that 30 years later, that budget is in almost the identical form that it was 30 years ago. It's a budget that's shrouded in secrecy, has lump sum appropriation. Nobody can figure out really what the monies that are being appropriated -- and they're very substantial sums -- are really going to be spent for.

So I've argued with my colleagues, Democrats in the Assembly as well as Republicans in the state Senate, that we ought to be honest, that we should not be contemptuous of the public, and I think if the fact that we continue to have the same budget, maybe reflects on my powers of persuasion or lack thereof, I think it also reflects on a certain cavalier and contemptuous attitude that the Legislature has for the public, and I guess you could describe it, Listen, as long as we can get away with it, we're going to do it; but it's unfortunate, it's sad, and I think it's one of the reasons that this legislature is not held in the high esteem that all of us would like to see it.

There's no reason in the world

why we can't honestly, fully, openly describe to the public how we're going to spend the money. If we don't think we're spending it in an appropriate manner, then maybe we shouldn't be spending it and, if it is appropriate, if the money is going be spent for the public good, if it's going to be spent in a way that's reasonable and sensible, why can't we let the public know? What are we hiding?

I think we know some of the things that we're hiding. We're hiding, one, a great disproportion between what goes to the Majority and what goes to the Minority. Total unfairness. Majority in the Assembly completely discriminates against the Minority and some of you served in the Minority in the Assembly, and you know, our recent colleague Senator Balboni, I'm sure, could tell us about the bias and the discrimination in the allocation of funds that exists in the Assembly and, of course, the same thing exists here in the Senate, and it's inexcusable.

One of the reasons or one of the ways that that is achieved is by having this undetailed legislative budget, a budget

that really shouldn't be called by the term, quote, "budget", unquote, because budget means that you specify and you detail what expenditures are being made; but that's not the case with this budget. Some people have said in excuse and rationale, well, it's difficult to set it forth, and so on. Not difficult at all. Very simple, and my amendment shows how you could have very simply, very easily and very clearly a detailed budget.

Now, I regret to say that the Majority Leader is failing to keep a promise that he made to this body three years ago when I got up and complained about the legislative and judicial budget in 1995, had a debate with Senator Bruno. Here's what Senator Bruno said on the floor. This is from the record:

"Senator, I think all of us in this chamber are in agreement that we should have more detailed budgets, that the public has a right to know and, as I assume the leadership in this house, I publicly declare that we will have in the Legislature, in the Senate, full disclosure of all the

expenditures in this Senate, and we are presently contemplating that starting January, as we have mentioned before, of next year, that you will see every cent -- every cent that we appropriate and spend itemized -- your staff, my staff, Senator Gold's staff, even Senator Stafford's."

"SENATOR LEICHTER:" I replied, "Just so that I'm clear, Senator Bruno, as I understand it, that itemization and that information, that openness that you have committed yourself to, will also be reflected in the legislative budget?"

Senator Bruno replied: "I think you will be very happy, very satisfied, as will my colleagues here, to see every cent that we spend itemized, so that everyone's salary is itemized, all the expenditures, for travel, for office expense, for your district office, itemized, and don't know how much more fully we can disclose than that."

Well, I'm sorry, Senator Bruno, that itemization isn't there. Not only don't you tell us how every cent is spent, you don't tell us how millions are being spent.

Now, it's true that we finally forced this body to come out with an expenditure report, but that comes out six months later. That's not a budget. A budget, you should know in advance, this is how the money is going to be spent. To come six months later and to say to somebody, Well, thanks for appropriating this money, here's how we spend it, is certainly not the same thing.

You know, there's no reason, no justification for not having an itemized budget. We ought to do it, and as long as I'm in this chamber or in this Legislature, and have been here some say too long -- I don't know whether it will be longer, maybe it will, maybe it won't -- but I certainly will get up and make this point. Some have said, you know, Why don't you give up, and so on. Well, I'm not going to let ennui, I'm not going to let discouragement overcome me.

I just think what we do is wrong. We can be better; we can do the right thing; we can do what the executive does, what we demand of the executive, have an itemized budget. We can do what Senator Bruno

committed himself to do which is to itemize every cent.

So, Mr. President, that's what my amendment does, and I hope finally after 30 years, I'm a little more persuasive and we'll pass it.

SENATOR STACHOWSKI: Party vote.

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

(Response of "Aye.")

Opposed nay.

(Response of "Nay.")

The amendment is lost.

The Chair recognizes Senator Montgomery for the purposes of an amendment.

SENATOR MONTGOMERY: Yes, Mr. President. I believe I have an amendment at the desk. I would like to waive the reading of it.

ACTING PRESIDENT KUHL: The reading of the amendment is waived, Senator, and you are now afforded the opportunity to explain.

SENATOR MONTGOMERY: Yes, I

would like to explain my amendment.

Mr. President, I have an amendment to this budget, the language budget, which simply would ensure that we are including school-based health centers as part of our overall Child Health Plus insurance program. It would do several things.

Number one, it would require that Child Health Plus insurers include school-based health centers in their network of health care providers in order to be eligible to offer the program.

Secondly, it would stipulate that Child Health Plus providers must have appropriate experience in providing services to children and youth, and be of sufficient size and cover a large enough geographic area to ensure access for children; and

Three, it would allow the school-based health clinic to function as an outreach and enrollment location so that they are part of our very, very important mission of enrolling larger numbers of eligible children.

Mr. President, this amendment

is, in fact, an amendment that if not overlooked by the Governor, it would have been supported and included by him because it will assist in making it possible for us to reach the goal which has been stated by the Governor himself, through his Commissioner, and that is to expand our child health insurance program and to enroll larger numbers of children into -- so that they're covered by health - health insurance.

The amendment goes one step further in that it brings out the access issue into the equation so that not only do we insure those youngsters but we also provide a network of accessible health care clinic programs at their school sites, and it reduces the need to go out and find them. They are already there.

We will be providing for them the health care that they need. We will be covering them with insurance, and basically with this amendment today, when we all vote yes on it, we will be fulfilling the mission of our Governor.

So, Mr. President, I ask that

we have a yes vote by all parties in the room on my amendment.

Thank you.

ACTING PRESIDENT KUHL: Question is on the amendment. Secretary will call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Record the party line votes, announce the results.

THE SECRETARY: Ayes 25, nays 35, party vote.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 59, nays one, Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Would you call up Senate 6100-A, please.

THE SECRETARY: The Secretary will read the title to Calendar Number 491, it's Senate Print 6100-A.

THE SECRETARY: Calendar Number 491, budget bill, Senate Print 6100-A, an act making appropriations for the support of government on Legislature and Judiciary Budget.

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.)

ACTING PRESIDENT KUHL: Senator

Hoffmann, why do you rise?

SENATOR HOFFMANN: May I have my name called to explain my vote.

ACTING PRESIDENT KUHL: Senator Hoffmann, to explain her vote. Record the negatives that have their hands raised. Will the members who are voting against 6100-A please raise their hands.

Senator Hoffmann.

SENATOR HOFFMANN: Mr. President, I share the concerns voiced by Senator Leichter with such eloquence and brevity, and I will not take any more of this chamber's time today, but I would like to assure my colleagues this is an issue which does not go away when we leave this chamber or when we do eventually pass a budget.

The taxpayers of this state would like to know how their money is being spent by their legislators. Sooner or later, we will find it politically expedient if not in our deepest personal interest to make it clear to people that we are spending their money in an appropriate manner.

So I will vote no until such

time as I can safely assure them that it is, in fact, all being spent in an appropriate manner and is fully documentable.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 491 are Senators Dollinger, Hoffmann, Leichter, Montgomery and Seabrook. Ayes 55, nays 5.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Would you call up Senate 6105-B, please.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 492, Senate 6105-B.

THE SECRETARY: Calendar Number 492, Budget Bill, Senate Print 6105-B, an act making appropriations for the support of government (Education, Labor and Family Assistance Budget.)

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT KUHL: Senator

Stafford, an explanation of Calendar Number 492, which is Senate Print 6105-B, has been requested by Senator Stachowski.

SENATOR STAFFORD: Thank you.

Mr. President, this, like all the budget bills, is important, but many would argue that this is one of the most important and I would -- I would agree. This is the Education, Labor and Family Services Budget.

Now, this part of the budget increases spending by 196.6 million over what was originally proposed and sent to us. The increase is a combination of 330 million in increased elementary and secondary school aid for the 1998-99 school year and 55 million for increased higher education support offset by lower public assistance expenditures.

This budget bill finances the total year of increased -- aid increase of 846 million, or 7.7 percent, and I might add this is the largest increase in the history of the Empire State. The bill funds an $18 million TAP increase for the 1998 academic year, a $150 per pupil increase in community college aid for both SUNY and CUNY and provides a $5

million Bundy Aid increase for independent colleges, and expands the current economic job training contract course program which many of us have found very beneficial, and just tremendous in our areas.

And finally, the bill lines out the SUNY and CUNY capital projects be included in the Governor's five-year $3 billion program based upon the capital plan submitted by both SUNY and CUNY.

Thank you.

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

Senator Gentile.

SENATOR GENTILE: Mr. President, I believe I have an amendment at the desk.

ACTING PRESIDENT KUHL: There is, Senator Gentile. You asking that the reading of it be waived?

SENATOR GENTILE: I do, sir.

ACTING PRESIDENT KUHL: The request is granted, and you are now afforded the opportunity to speak on the amendment.

SENATOR GENTILE: Thank you,

Mr. President.

Last -- in the Environmental Bond Act this state made a commitment to convert the coal-burning furnaces in our schools across New York State, and in the first allocation of money from that bond act and in the second allocation, it has become clear to those in this state, especially those in the public schools, that the money allocated in this and the slow pace of these conversions of coal-burning furnaces is not acceptable. It is such a slow pace that those students who are now attending grade school will graduate with their high school diploma before all the schools in this state have converted their coal-burning furnaces under the Environmental Bond Act.

It is certainly -- it is certainly a sight to see as schools are using 19th Century technology as we are about to enter the 21st Century, as you go around and see them actually shoveling coal into the burners in the schools.

My amendment, Mr. President, increases, therefore, the appropriation for

the clean air -- Clean Air for Schools program funded through the Clean Water/Clean Air Bond Act to a recommended level of $53 million. 53 of the 279 schools with coal-burning furnaces in New York City, for example, are ranked 1-B, 2 and 3-A by the Board of Education, the highest rankings meaning the worst schools with the coal-burning furnaces.

It costs approximately a million dollars per conversion to complete this work. Therefore, our amendment that we are proposing here today, that I am proposing, would ensure that the work -- that the schools get fixed on an expedited basis. Indeed, in my district, in Brooklyn for example, district 20, 65 percent of the schools still burn coal as their heating source. That's 19 schools, 19 schools, just in my district in Brooklyn still burn coal in their burners, and I'm sure the other members of the New York City delegation can say much the same about their districts too.

I also have four schools in the Staten Island portion of my district that still burn coal. Again this is as we enter

the 21st Century, we are still using 19th Century technology. It's clear as has been studied that the coal-burning furnaces pose health hazards to the faculty and staff at the school, certainly to the students of the schools. The pollution it creates in the community and the soot and grime it creates throughout the community is something that we, as we enter the year 2000, should not have to be saddled with.

The money in a surplus year can be provided to expedite this process. That's the purpose of this amendment, and I ask that we pass it.

ACTING PRESIDENT KUHL: The question is on the amendment. All those - Senator Markowitz on the amendment.

SENATOR MARKOWITZ: I'd like to join with Senator Gentile. There are several of these schools that are located in my district. It's kind of hard to explain to the kids and the staff that work in these schools that -- that they're still burning coal in 1998. You can just imagine the fumes, the dirt, the inefficiency and, frankly, we should

all be ashamed of ourselves whether we're here in a state Legislature or other responsible educational agencies, to allow a condition like this to be existent in 1998.

We're not even talking about the decrepid quality of the buildings themselves and how we can expect our kids to learn when the schools are in such horrible condition, but certainly passing Senator Gentile's amendment would be an indication to the students and their families in New York City that this would be a positive step and a value in their educational future.

So I urge all of us, let's make this amendment the first time in the modern history of the state Senate where the Republicans join with the Democrats together in passing this wonderful amendment. I'm going to keep my fingers crossed, Senator.

ACTING PRESIDENT KUHL: Senator Waldon, on the amendment.

SENATOR WALDON: Thank you, Mr. President.

There are four such schools in the area that I am representing, and I just

want to go on record that I want the children in Southeast Queens to have the same quality of environment that other schools have and have the same ability to be heated in the winter when it is very difficult to learn in a cold classroom, so Al Waldon is now on record that not only do I support this amendment, but I want some of that money to quickly find its way into Southeast Queens.

Thank you very much, Mr. President. I applaud Senator Gentile's amendment.

ACTING PRESIDENT KUHL: Senator Dollinger, why -- the question is on the amendment. All those in favor signify by saying aye.

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Secretary will call the roll, record the party line votes, announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes 25, nays 35, party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Stavisky.

SENATOR STAVISKY: Yes, Mr. President, I indicated previously that I would like to speak on part of this package and we're now at that point.

The Governor has spoken about tax cuts for families, moderate income, middle income families, so that people will have more money in their coffers and will be able to take care of their families' needs.

At a time when the goal is to provide higher educational opportunities for increasing numbers of students in the state of New York, I am proposing that we cut by $250 all of the tuition increases that have been put into effect previously and make this a way of giving the equivalent of a tax cut to the people of this state.

The net effect of this would be to reduce to $320 the tuition at CUNY and to $340 the tuition at SUNY. There are various ways to grant reductions, and this would be one of the most civilized ways to provide for

aid upstate and downstate as well, and one of the amendments now before you would implement that program.

Certainly it would do one other thing. It would increase aid for part-time study by $10 million. Part-time study is now increasingly utilized by students who, for a variety of reasons, family obligations, the need to continue their commitment to their institutions, is now used increasingly and yet the TAP award is not made applicable to all of the students who are in part-time education.

So the second part of this amendment raises from 90 percent to 100 percent the support the state of New York gives to TAP programs, students who are studying under the TAP program.

Finally, it increases the goal of the state of New York in fulfilling obligations to different parts of the state, in fulfilling the need to be even-handed in the way that aid is apportioned at the higher educational level.

We have -- we have in this amendment aid to part-time study, which goes

from 15 million to $25 million more, something that was provided in previous budgets, something that was denied in the current Governor's proposal, so we're asking for part-time study increases; we're asking for the reduction in the CUNY and SUNY tuition rates, so that in place of a tax saving, there will be a return to the taxpayer, to those who are providing for study in the higher educational institutions of our state, and also in the City.

I hope that these changes will be recognized. I hope that they will be incorporated in the budget that we finally adopt, and I ask every member of the Legislature, every member of the Senate, to come on board in support of this form of reduction of burden by government, a cost of government to the people of this state.

I move the amendment.

ACTING PRESIDENT KUHL: Senator Stavisky's amendment is before the house. The reading is waived. The Chair recognizes Senator Markowitz, to second the amendment.

SENATOR MARKOWITZ: Thank you

very, very much, Mr. President.

Senator Stavisky, I appreciate, we all do, the persuasiveness of the reasons why we should all join together in adopting this amendment, and I have to say that, as someone who has been your student for many years, there will be no one more qualified or more articulate in fighting for both public education and higher education ever in this Senate than you, and I think Senator Stavisky laid it out very directly why we should unanimously pass this amendment, and I know I'm looking at Senator Dean Skelos, and I know you feel the way I do, and I know, Nick Spano, you definitely for sure, all of us representing whatever part of the state have units of SUNY and CUNY, and I can't think of a better way -- look at these poor students who over the last number of years, because of our budgets in this state, that tuition has dramatically increased -- dramatically increased -- and believe me, it's hard sometimes to understand that a couple hundred dollars a semester more for a student may be the difference between them seeking a higher

education or not.

We're not all wealthy, not even Senators, that's for sure, and a lot of us that live on this income know what a struggle it is just to live on the income we get paid as a state Senator. Just imagine if you're a student who -- whose only income is a few bucks your parents may give you or after school or week ends, so this is a way that we can return something back to the students of the state of New York, and further by helping part-time students. Now, I'm an example. Whether you laugh or not laugh, I'm an example of a part-time student. Had it not been for tuition assistance when I went to school, and I don't know when it was right now, but whatever years it was, it seems like yesterday. 1898 -- it may have been, but I mean I went to college nine years at night as a part-time student because I knew that it was important to graduate, and no matter how long it would take, I knew I had to do it. Had it not been for assistance in those days when we had free tuition or very modest tuition in the City University, I imagine that hundreds of

thousands, millions of students that today are in their careers would have never had a chance.

So I know Senator LaValle is listening to me. He is someone who has sponsored and supported higher education. I turn to you, Senator LaValle, join us and we join you in returning a modest decrease of tuition to the students of the state of New York, in SUNY and CUNY, and also increase part-time assistance to students like me and today's generation that need it even more - even more than in days -- than in yesterday. So I hope you'll join us, and I'm going to keep my fingers crossed that this will be the amendment that all of us will adopt together.

Thank you very, very much.

ACTING PRESIDENT KUHL: Question is on the amendment. Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 25.

SENATOR PATERSON: Party vote in the affirmative.

THE SECRETARY: Nays 35, party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Gentile, why do you rise?

SENATOR GENTILE: Mr. President, I believe I have another amendment at the desk.

ACTING PRESIDENT KUHL: There is.

SENATOR GENTILE: There is? I'd ask the reading be waived and allow me to explain the amendment.

ACTING PRESIDENT KUHL: Reading is waived. The floor is yours for the purpose of explaining the amendment.

SENATOR GENTILE: Thank you, Mr. President.

My amendment would provide for an increase in pre-K education by $17 million. It provides an additional $17 million appropriation for the universal pre-K program, that commitment we made in the 1997-98 budget. It provides the necessary

appropriations in addition to what was previously appropriated.

Now, we all know that commitment that we made here, both Republicans and Democrats alike in this house, in the Assembly and with the Governor, in committing last year's budget to universal pre-K. We all have learned of the benefits and the viability of a pre-K program on the education of -- and the educational success of four-year-olds and so there's no question that the universal pre-K is something that is good for this state, and I believe that is why we all joined in a bipartisan way to support universal pre-K in last year's budget, and thank God we did. Thank God we put universal pre-K into the state -- directly into the state education budget because no longer then will pre-K be subject to the whims of a Majority Leader as happened in this house last year.

The Majority Leader impounded member item dollars promised to the four-year-olds in my district for pre-K programs in 1997. As a result, those pre-K programs closed. Now, we may have a political

war waging in this house, but to make -- to make four-year-olds, four-year-olds, the victims of that war is really outrageous partisanship.

With universal pre-K, we will never again nor can we put politics over four-year-olds. Politics will not take priority over four-year-olds. Never again will majority politics pit your kids against my kids and punish the good people of my district because of the political loss of a Republican Senate seat. The most outrageous show of partisanship was the impounding of that pre-K money last year.

Now, hopefully, with universal pre-K, something like that will be a thing of the past. It will be history. Yet, New York City officials tell us with this universal pre-K funding that to properly implement the universal pre-K even on the phased-in basis that we propose to do, additional funds may be needed to adequately run even just several programs per district. Indeed the Board of Education officials in New York City estimate that on a statewide basis, a large number of

districts will apply for this program and that the current funding in Phase I will not be enough to cover.

That is why this amendment adds an additional $17 million. The Assembly budget bill recognizes this potential need. They have put it in their bill. We should do so too. We should put our legislative votes where our legislative vision has been, and that is to adequately fund the commitment we make to universal pre-K. Let's make it a reality once and for all.

Mr. President, I ask for a vote in the affirmative.

ACTING PRESIDENT KUHL: Question is on the amendment. Secretary will call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Record the party line votes, announce the results.

THE SECRETARY: Ayes 25, nays 35, party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Seabrook.

SENATOR SEABROOK: Yes, Mr. President. I think I have an amendment at the desk.

ACTING PRESIDENT KUHL: There is.

SENATOR SEABROOK: I'd like to ask the waiving of that and permit an explanation.

ACTING PRESIDENT KUHL: The reading of the amendment is waived and you are now afforded the floor for the purpose of explaining the amendment, Senator.

SENATOR SEABROOK: Mr. President, this is a chapter amendment to the Senate Bill 6105-B, and it adds an appropriation authority to the Office of the Aging and that these dollars would be used as follows:

It adds $4 million for the community service for the elderly. That's the CSE program which provides transportation, shopping assistance, homemaker, housekeeper

and other services for the elderly. It also adds $1 million for the community service initiative which provides services through governmental or non-profit organizations in community settings and provides information, support and referral service.

It also adds $4 million for the expanded in-house service for the elderly program, ISEP, which provides personal care, homemakers, case management service as an alternative to nursing home placement.

It also adds $6 million for the supplemental nutrition assistance program which is SNAP, for the elderly. The most notably active is Meals on Wheels, and, Mr. President, this amendment would provide for those who have been the most loyal troopers in this state who have provided to sustain our existence here in this state and that's the seniors who, many of us, are at that point and certainly a number of us who are approaching that point; and what a fine way to deal with sending a message to those who are in need and those who will be in need, is by voting for this amendment for the seniors, and this has

been their package on which they have come to Albany on numerous occasions this year to talk to legislators about the importance of their agenda, their needs. So we should not have them making a choice between their medicine and their meals, and we have a golden opportunity with a surplus that's rumored in this budget, that we should provide this small token of appreciation to those who have given so much.

So I say and urge all of my colleagues to vote on this amendment because perhaps one day it might be beneficial to all of us.

ACTING PRESIDENT KUHL: Question is on the amendment. Secretary will call the roll.

SENATOR PATERSON: Party vote in the affirmative.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the party line vote, announce the results.

THE SECRETARY: Ayes 25, nays 35.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Waldon, for purposes of an amendment.

SENATOR WALDON: Mr. President, I have, I believe, an amendment at the desk. I waive its reading and respectfully request I be afforded an opportunity to explain same.

ACTING PRESIDENT KUHL: Your request is granted. The reading is read - excuse me, the reading is waived -

SENATOR WALDON: Thank you, Mr. President.

ACTING PRESIDENT KUHL: I'll get that right, and you now have the floor for the purpose of explaining the amendment.

SENATOR WALDON: Thank you, Mr. President.

This amendment is in regard to Senate Bill 6105-B, and I wish to have placed on page 127, after line 38, the following:

"*** for additional services and expenses related to programs providing special delinquency prevention or other development delinquency prevention services for youth. No

expenditure shall be made from this appropriation until a plan has been approved by the Director of the Budget and a certificate of approval allocating these funds has been issued by the Director of the Budget." The amount involved is $30 million.

Now, Mr. President, my colleagues, we can no longer say that crime is driving our budgets in regard to the criminal justice program. Over the last 10 or 11 years, crime has remained at the very least stable and in many areas has gone down. So what is driving the criminal justice budget and the absence of improving prevention programs is the fear of crime, not the crime itself.

When I look at the proposals from the Assembly, those proposed in the Majority's budget pale in comparison. The juvenile delinquency program in the Assembly has appropriated $24 million for the specific program that I want $30 million. It has proposed $3.3 million for post-placement, after-care, substance abuse treatment to youth leaving residential facilities. It has

proposed $2.3 million be added for pregnancy prevention programs.

The total increase recommended by our Majority colleagues is $2 million for added delinquency prevention and youth development programs. That is insufficient.

The anomaly which occurred yesterday in Jonesboro, Arkansas, is just that, an anomaly. An 11 and a 13-year-old - I can't hear, Mr. President.

ACTING PRESIDENT KUHL: Your point is very well taken, Senator Waldon. Can we have the members please take their chairs, staff please take their seats. There's a lot of activity, a lot of conversation in the chamber. Please show the member some respect for his position and his amendment.

SENATOR WALDON: I thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: What happened was an anomaly. An 11-and a 13-year-old dressed as Rambeaus in camouflage uniforms murdered children and a school teacher. I

don't know what we could do to prevent that act. I don't know how we can console the parents of the children who were killed and the family of the teacher who lost her life. What can we offer to the parents of the children who committed these murders?

I don't know what we can do in those kinds of instances, but I believe that, if we were to take a stronger stand in regard to prevention overall and to shoring up our children and giving them a sense -- a better sense of self, giving them more activities, creating viable programs to prevent delinquency, that maybe there will be more frequent in the future situations occurring as did yesterday.

I believe that we ought to look at the three Ms, monitoring, men-i-toring - mentoring, I'm sorry, and ministering in regard to our juveniles. We should monitor their activities to a greater degree than we're doing now so that we will at least know where they are, what they are doing, and what activities they are involving themselves with.

We must mentor them better than we have. In the Greek language -- I'm just finding the spot please -- the term "mentor" occurred in regard to Odysseus and his mentoring of Telemachus. The term is synonymous with "counselor", "guide", "tutor" or "coach". Obviously, when we have 57 percent of our children with parents not at home to care for them, we need mentors. We need people who they can relate to, people who will be adults and responsible for them and to them.

But because of things like Jonesboro, we need even something beyond mentoring, so I would like for this body to focus on the concept of ministering and incorporating that into whatever we do. When someone ministers to a child, he takes responsibility for that child in perhaps a religious setting, but certainly within a community setting and says, "I will make a difference in this child's life."

So I think that we not only need to appropriate more money and have a more hands-on policy with regard to our juveniles,

but I think we need to monitor them, to mentor them, and to minister to them.

We, in this state, are about to have an explosion of youth come the 21st Century, and if all the indicia are right from the national level, when that explosion occurs, unless we take the kinds of steps that I'm talking about, we will have an explosion in crime amongst our youth.

So I encourage my colleagues today to vote with me on this amendment. It is but $30 million, a droop in the bucket if we can save lives and if we can turn lives around.

I move the amendment.

ACTING PRESIDENT KUHL: Question is on the amendment. Secretary will call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the affirmative.

SENATOR ALESI: Party vote in the negative.

ACTING PRESIDENT KUHL: Record

the party line votes, announce the results.

THE SECRETARY: Ayes 25, nays 35, party vote.

ACTING PRESIDENT KUHL: Amendment is lost.

Senator Paterson.

SENATOR PATERSON: Mr. President, I'd like to inquire of the Chair how many amendments have been brought before the house today.

ACTING PRESIDENT KUHL: On this bill five.

SENATOR PATERSON: Five.

ACTING PRESIDENT KUHL: One of the prior bills I believe three. Excuse me, four. Four.

SENATOR PATERSON: Four. And how many have been won, Mr. President?

ACTING PRESIDENT KUHL: This is a tough tally, Senator Paterson. It probably will take me a couple minutes so you'll probably be best served by my recollection, and that is that none have passed.

SENATOR PATERSON: I see. Well, thank you, Mr. President. This is the

tenth amendment and, Mr. President, as Ed McMahon once said to Karnak, This is the last envelope.

ACTING PRESIDENT KUHL: Read the last section. No.

Senator Paterson, for the purpose of offering an amendment.

SENATOR PATERSON: Mr. President, this amendment involves a $700 million surplus that the state has received in terms of temporary aid for needy families, and we find that to this point 458 million have probably been spent on other programs, leaving us about 242 million and some will obviously go to defer some other costs, and so for that reason, we wanted to try to find a prudent way to bring some money to certain areas of temporary aid for needy families, spending without it impacting on the budget process.

Actually, in a previous nine amendments, there have been less than $300 million added to what's being proposed. So what the Minority has tried to look at, in addition to need, is also the sense of budgeting priority.

Already, the Senate has added $65 million to child care. We are proposing an additional $40 million for child care. Already, the Senate has added $12 million to compensate counties for drug testing, drug screening and drug rehabilitation. We're proposing another $18 million, and finally, the Senate has already proposed $7 million for transportation of individuals who are going back and forth to work, and we're proposing to round that figure off to 10 million.

So when we look at the three areas that we would like to address, we're talking about $61 million added on, 40 million for child care, 18 million for substance abuse and 3 million for transportation.

Child care, the state would have an average of $3.5, so we're talking about bringing people back to the work place, and one of the areas we'd like to address is the stabilizing of child care for those who are now going back into the work place. Probably 30 or 40 years ago it became the philosophy that perhaps there wasn't enough

money that the individual could make on net and so, therefore, it would probably be better to keep these individuals on social services.

In the '90s, our point of view now is that the more people we can have work, the better and so to subsidize that and to provide assistance to those who are trying to assist themselves, we would find that, even in passing this amendment, we would still be only servicing one out of every 12 children who would be -- meet the eligibility threshold, but the fact remains that we would still, by passing this amendment, benefit 10,000 children who aren't getting adequate child care right now while their parents are attempting to work under the new Welfare Reform Act that we passed last year; and so we think that $40 million is a modest addition to what the Senate has already proposed and would also like to point out that, in the area of substance abuse, we have many unfunded mandates to cities and townships who, unfor tunately, are having to bear the cost of drug testing, and also of scrutiny of substance abuse.

What we are proposing is an additional $18 million, which also goes for substance abuse treatment and also to some areas of prevention. Obviously, individuals who are coming back into the work place, individuals who have had these problems cannot spend their entire lives on social services. It would be helpful for them in terms of job maintenance, and we think that this would be an offer that would not cost any great deal since it would be pretty much enveloped by the surplus that we have currently in the area of temporary assistance for needy families.

Finally, one of the most difficult aspects of employment of those who are coming back into the work place is transportation and the ability to get back and forth from one's work place and also the ability to afford transportation, so that it does not significantly reduce the revenue that one can generate just from having a job, that which the Senate has already recognized to the tune of $7 million, and we think that to add an additional $3 million will benefit a great number of workers.

One last point about child care, Mr. President. One of the reasons that we feel there must be more revenues devoted to that particular area is that the individuals who are coming back into the work place are not always just getting 9:00 to 5:00 jobs. They're getting whatever jobs are available and so, therefore, child care that fluctuates, child care that goes far into the late evening is something that they need because their jobs are not necessarily regulated, and it's something that we feel is important for us to address through our budget as we negotiate this year.

So that is the amendment, Mr. President. It's done with prudence and care and it's done in the understanding that this is the last chance to pass an amendment today; and so I'm very optimistic that we will have a favorable vote on this.

I would like to thank Senator Mendez for her assistance and the staff who prepared these -- these amendments, and also the Majority who will now have the foresight, will have the wisdom that they come to

recognize the validity and the need of these amendments, in all seriousness.

ACTING PRESIDENT KUHL: Senator Paterson's amendment is before the house. The reading of it has been waived. It has been explained.

The Secretary will call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT KUHL: The Secretary will record the party line vote, announce the results.

THE SECRETARY: Ayes 25, nays 35, party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Read the last section.

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

ACTING PRESIDENT KUHL: Call

the roll.

(The Secretary called the roll.)

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

Senator Gentile, to explain his vote.

SENATOR GENTILE: Thank you, Mr. President.

Notwithstanding my comments earlier on the amendment for increased funding for pre-K, this bill does contain the funding -- some funding for the pre-K program and it's critical, I believe, to my area and every area of the state, and that is the reason I am voting yes.

Hopefully, in conference, we can see the light of day and come out with some more money in the final version of this budget.

ACTING PRESIDENT KUHL: Senator Gentile will be recorded in the negative.

SENATOR GENTILE: No, affirmative.

ACTING PRESIDENT KUHL:

Affirmative. I misheard you. Thank you. Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 492 are Senators Dollinger, Leichter and Seabrook. Ayes 57, nays 3.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Leichter, why do you rise?

SENATOR LEICHTER: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 490. That's -- I think that was Print 6097-B.

SENATOR SKELOS: No objection.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Leichter will be recorded in the negative on Calendar Number 490, which is Senate Print Number 6097-B.

Senator Seabrook why do you rise?

SENATOR SEABROOK: Yes, Mr. President. Without objection, I'd like to be

recorded in the negative on 6097-B.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Seabrook will be recorded in the negative on Calendar Number 490, Print Number 6097-B.

Senator Skelos.

SENATOR SKELOS: Mr. President, can we return to the order of reports of standing committees. I believe there are two reports to be read.

ACTING PRESIDENT KUHL: Yes, Senator Skelos. We'll return to the order of reports of standing committees. Ask the Secretary to read.

THE SECRETARY: Senator Nozzolio, from the Committee on crime Victims, Crime and Correction, reports:

Senate Print 176, by Senator Maltese, an act to amend the Correction Law;

215-A, by Senator Alesi, an act to amend the Correction Law;

1749, by Senator Skelos, an act to amend the Correction Law;

1965, by Senator Nozzolio, an act to amend the Executive Law;

3410-A, by Senator Skelos, an act to amend the Correction Law and the County Law;

5259, by Senator Skelos, an act to amend the Correction Law;

5426, by Senator Maziarz, an act to amend the Correction Law and the Penal Law;

5941, by Senator Alesi, an act to amend the Correction Law;

6301, by Senator Alesi, an act to amend the Correction Law;

6465, by Senator Nozzolio, an act to amend the Executive Law;

6505, by Senator Nozzolio, an act to amend Chapter 887 of the Laws of 1983.

Senator Farley, from the Committee on Banks, reports the following bills:

Senate Print 3755-A, by Senator Farley, an act to amend the Banking Law; and

Senate Print 4246, by Senator Farley, an act to amend the Banking Law.

All bills ordered direct for third reading.

ACTING PRESIDENT KUHL: All bills ordered directly to third reading.

Senator Skelos.

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

ACTING PRESIDENT KUHL: There is none.

SENATOR SKELOS: There being no -- oh, Senator Paterson has an announcement.

SENATOR PATERSON: I have an announcement: As Bert Wilson, who preceded Harry Carey as announcer for the Chicago Cubs said: "We'll get them tomorrow."

SENATOR SKELOS: There being no further business, I move we adjourn until Thursday, March 26th, at 11:00 a.m.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Thursday, March 26th, at 11:00 a.m.

(Whereupon at 1:07 p.m., the Senate adjourned.)