ALBANY, NEW YORK

June 19, 1998

10:15 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. Ask the members to take their places, the staff to find their places. I would ask everybody in the chamber to rise and join with me in saying the Pledge of Allegiance to the Flag.

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

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

(A moment of silence was observed.)

The reading of the Journal.

THE SECRETARY: In Senate, Thursday, June 18th. The Senate met pursuant to adjournment, Senator Cook in the Chair upon designation of the Temporary President. The Journal of Wednesday, June 17, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos, we have some substitutions.

SENATOR SKELOS: Please make the substitutions, Mr. President.

ACTING PRESIDENT KUHL: The Secretary will read the substitutions.

THE SECRETARY: On page 31, Senator Leibell moves to discharge from the Committee on Rules Assembly Bill Number 4327 and substitute it for the identical Third Reading Calendar 1612.

On page 31, Senator LaValle moves to discharge from the Committee on Education Assembly Bill Number 7949-C and substitute it for the identical Third Reading Calendar 1613.

On page 31, Senator Seward moves to discharge from the Committee on Rules Assembly Bill Number 8893-A and substitute it for the identical Third Reading Calendar 1615.

On page 31, Senator Leibell moves to discharge from the Committee on Rules Assembly Bill Number 11040 and substitute it for the identical Third Reading Calendar 1618.

On page 31, Senator Skelos moves to discharge from the Committee on Rules Assembly Bill Number 10920 and substitute it for the identical Third Reading Calendar 1622.

On page 31, Senator Connor moves to discharge from the Committee on Rules Assembly Bill Number 11084 and substitute it for the identical Third Reading Calendar 1624.

On page 32, Senator Goodman moves to discharge from the Committee on Rules Assembly Bill Number 11283 and substitute it for the identical Third Reading Calendar 1627.

And on page 32, Senator Hannon moves to discharge from the Committee on Rules Assembly Bill Number 11301 and substitute it for the identical Third Reading Calendar 1628.

ACTING PRESIDENT KUHL: The substitutions are ordered.

(Pause)

The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the non-controversial calendar, Calendar Number 54, I don't believe an active list has been sent around yet but if we could work off of this, starting off with Calendar Number 442.

Mr. President, I would also -- I would also ask that the members please come into the chamber, especially if bills are laid aside for debate because Senator Bruno has indicated he wants to close and we will close very shortly. So please come into the chambers so we can move ahead expeditiously and enjoy the balance of the day.

ACTING PRESIDENT KUHL: If the members would please come to the chamber, those who are not here, those who are checked in, please come. As bills are reached, we're going to be expected to take them up. We'll begin with Calendar Number 442 on Calendar Number 54.

I'll ask the Secretary to read non-controversial.

THE SECRETARY: Calendar Number 442, by Senator Wright, Senate Print 4224-B, an act to amend the Vehicle and Traffic Law, in

relation to the suspension and revocation.

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

THE SECRETARY: Section 5. 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 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 660, by Senator LaValle, Senate Print 1401-B, an act to amend the Tax Law, in relation to providing an exemption.

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

THE SECRETARY: Section 5. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record

the negative. Announce the results.

THE SECRETARY: Ayes 36, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 892, by Senator Trunzo, Senate Print 6976, an act to amend the Retirement and Social Security Law, in relation to the date of membership.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1091, by Senator Goodman, Senate Print 7001, an act to amend the Arts and Cultural Affairs Law, in relation to the provision of financial assistance.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect April 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1116, by member of the Assembly Magee, Assembly Print 9443, an act to amend the Agriculture and Markets Law, the Real Property Law and the Real Property Tax Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1155, by Senator Libous, Senate Print 1927-B, an act to amend the Education Law, in relation to providing a certification.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1246, by Senator Skelos, Senate Print 6416-A, an act to amend the Civil Practice Law and Rules, in relation to the personal service.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1443, by member of the Assembly Hoyt, Assembly Print 9414-A, an act to authorize the city of Buffalo, county of Erie.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1504, by Senator Goodman, Senate Print 7776-A, an act to amend the General Business Law, in relation to veterans of the Armed Forces.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1504. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect September 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1504 -

ACTING PRESIDENT KUHL: We'll withdraw the roll call. Lay the bill aside.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: The

Secretary will continue to call the non controversial calendar.

THE SECRETARY: Calendar Number 1561, by the Assembly Committee on Rules, Assembly Print 11073, an act to amend the Tax Law, in relation to establishing.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1597, by Senator Alesi, Senate Print 7379, an act to amend the Tax Law, in relation to facilitating manufacturing.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1612, substituted earlier today, by member of the Assembly Galef, Assembly Print 4327, an act to amend the Real Property Tax Law, in relation to providing.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1613, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 7949-C, an act to amend the Education Law, in relation to

providing instruction.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1614, by Senator Skelos, Senate Print 5663-A, an act to amend the General Business Law and the Education Law, in relation to the registration.

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

THE SECRETARY: Section 3. This act shall take effect July 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1615, substituted earlier today, by member of the Assembly Faso, Assembly Print 8893-A, an act in relation to authorizing application for state assistance.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1616, by Senator Breslin, Senate Print 6434, an act in relation to authorizing the town of Bethlehem.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. 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 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1617, by Senator Seward, Senate Print 6750-A, an act to amend the Tax Law, in relation to exempting telecommunications equipment.

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

THE SECRETARY: Section 6. This act shall take effect on the same date as a Subdivision 26 of Section 124.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 44, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1618, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 11040, an act to amend the Volunteer Firefighters Benefit Law.

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

THE SECRETARY: Section 8. This act shall take effect January 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Leibell, why do you rise?

SENATOR LEIBELL: Mr. President, to explain my vote.

This bill will establish the Neuner/Goff memorial death benefit program to increase the death benefits provided to the families of deceased volunteer firefighters.

Lieutenant Michael Neuner was a 35-year-old devoted husband and father of four who was an active community volunteer and a courageous lieutenant of the Brewster Volunteer

Fire Department, heroically gave his life in the line of duty while fighting a dangerous and life-threatening residential house fire.

Timothy Goff was a volunteer firefighter for the village of Kenmore Volunteer Fire Department. At the age of 27 in the line of duty Mr. Goff sustained critical injuries while gravely fighting a fire.

This legislation memorializes these brave men and increases the amount of death benefits provided to surviving families of firefighters who died in the line of duty.

I would note that it has been a great many years since these benefits have been increased. It's a recognition of how important the role is that these volunteers play and how critical it is for this legislative body to protect their families in the event that they have a disaster.

Thank you.

ACTING PRESIDENT KUHL: The Secretary will continue to call the non controversial calendar.

THE SECRETARY: Calendar Number 1619, by Senator Skelos, Senate Print 7393, an

act to amend the Retirement and Social Security Law, in relation to the retirement of members.

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

THE SECRETARY: Section 6. This act shall take effect January 1, 1999.

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 1621, by Senator Johnson, Senate Print 7502, an act to amend the Vehicle and Traffic Law, in relation to civil penalties.

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

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

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 1622, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 10920, an act to amend the Penal Law, in relation to prohibiting disguised guns.

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

THE SECRETARY: Section 9. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.)

(The Secretary called the roll.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT KUHL: Withdraw the roll call. Lay the bill aside.

THE SECRETARY: Calendar Number 1624, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 11084, an act to require the preparation of an environmental impact statement.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1626, by the Senate Committee on Rules, Senate Print 7741, an act to amend the Education Law, in relation to mandatory continuing education in dentistry.

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

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

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 1627, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 11283, an act to amend the Tax Law, in relation to certified capital companies.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1628, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 11301, an act to amend the Public Authorities Law, in relation to the powers of Terence Cardinal Cooke Health Center.

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

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1635, by the Assembly Committee on Rules, Assembly Print 8534-B, an act to amend the Public Authorities Law, in relation to the construction and financing of facilities by the Dormitory Authority.

SENATOR SMITH: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR MARCHI: Mr. President.

THE SECRETARY: Calendar Number 1636, by member of the Assembly -

SENATOR MARCHI: Mr. President.

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

SENATOR MARCHI: I was out of the chamber just briefly when Senator Connor's bill came up, 1824. If the bill isn't out of the

house, I would like to recall it. I intend to vote for it, but -

ACTING PRESIDENT KUHL: Senator Marchi, it's out of the house. 1624 is gone.

SENATOR MARCHI: Well, too late for tears.

ACTING PRESIDENT KUHL: Too late for tears. Very well put.

The Secretary will read Calendar Number 1636.

THE SECRETARY: Calendar Number 1636, by member of the Assembly Brennan, Assembly Print 10061-C, an act to amend the Public Authorities Law, in relation to the powers of New York State ARC, Incorporated.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos, we did not have enough members in the house to take up Calendar Number 1504. So if we could go back to that one.

SENATOR SKELOS: Take up 1504 at this time.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1504.

THE SECRETARY: Calendar Number 1504, by Senator Goodman, Senate Print 7776-A, an act to amend the General Business Law, in relation to veterans of the Armed Forces who vend in cities having a population of one million or more.

ACTING PRESIDENT KUHL: The message was previously accepted. The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect September 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives. Will the negatives on Calendar Number 1504 please raise their hands and be duly

recorded.

THE SECRETARY: Those recorded in the negative on Calendar Number 1504 are Senators DeFrancisco, Farley, Fuschillo, Kuhl, LaValle, Maltese, Marcellino, Maziarz, Nozzolio, Rath, Seward, Smith -- excuse me, Senator Smith in the affirmative -- Senator Wright. Ayes 35, nays 12.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Gentile, why do you rise?

SENATOR GENTILE: Yes. Thank you, Mr. President.

Just to explain my vote. While I believe there should be no restrictions on veterans, I understand that this is an agreed upon bill between the Assembly and the Senate drafters and also the veterans who are involved.

So given that despite my initial -- my initial objection to any restrictions on veterans, since it is an agreed upon bill, I am voting in the affirmative.

ACTING PRESIDENT KUHL: Senator Gentile is recorded in the affirmative. Results

were announced. The bill is passed. Can we have a little order in the house, please. The members take their seats.

Senator Saland.

SENATOR SALAND: Has the roll been closed?

ACTING PRESIDENT KUHL: Why do you rise?

SENATOR SALAND: I request unanimous consent to be recorded in the negative on 1504.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Saland will be recorded in the negative on Calendar Number 1504.

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

SENATOR SKELOS: Please take up the controversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 1622, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 10920, an act to amend the Penal Law, in relation to

prohibiting disguised guns.

ACTING PRESIDENT KUHL: Senator Skelos, an explanation has been requested by Senator Smith.

SENATOR SKELOS: Mr. President, this bill would prohibit the use and establish certain crimes based on the possession of a disguised gun.

This legislation is necessary due to the fact that a tiny firearm that can look like a key chain has joined the arsenal of off beat -- off-beat and home made weapons challenging security screeners in different venues.

SENATOR SMITH: Explanation satisfactory.

SENATOR SKELOS: Thank you.

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

THE SECRETARY: Section 9. 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: The bill is passed.

(Pause)

The Senate will come to order. Ask the members to please take their seats.

SENATOR SKELOS: Mr. President, I believe there's one more bill right now that's live on the calendar, Number 1635, by Senator Rules.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1635, by the Assembly Committee on Rules, Assembly Print 8534-B, an act to amend the Public Authorities Law, in relation to the construction and financing of facilities.

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

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

SENATOR SMITH: I asked for an explanation.

ACTING PRESIDENT KUHL: Senator Smith, are you asking for an explanation?

Senator Smith, are you asking -

SENATOR SMITH: That's what I asked for.

ACTING PRESIDENT KUHL: Senator Smith, if you would just merely address the Chair when you ask for an explanation, I did not hear you. I apologize for that but I can't hear it unless somebody speaks to me.

Senator Skelos, an explanation of Calendar Number 1635 has -

SENATOR SKELOS: Please recognize Senator Leibell for an explanation.

ACTING PRESIDENT KUHL: Senator Leibell will handle the explanation.

Senator Leibell.

SENATOR LEIBELL: Yes, Mr. President. This is an Assembly hand-down that will permit the Dormitory Authority to provide financing for the construction of educational, administrative and residential facilities constructed or reconstructed by the New York State Rehabilitation Association.

ACTING PRESIDENT KUHL: Senator Smith.

SENATOR SMITH: Yes. Would the

sponsor please yield for a question?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT KUHL: Senator Leibell yields.

SENATOR SMITH: Are there any facilities enumerated in the bill referred to?

SENATOR LEIBELL: No, Senator, there are not and I'm not aware of anything that was specifically indicated by this bill.

SENATOR SMITH: Would the sponsor yield for another -- to another question?

ACTING PRESIDENT KUHL: Senator Leibell, do you yield?

SENATOR LEIBELL: Yes. I'm not the sponsor, but I'm pleased to yield.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR SMITH: Do you know what precipitated this particular bill?

SENATOR LEIBELL: No, I'm sorry. I do not. You would have to -- this is sponsored by Assemblyman Dinowitz, and I'm not aware of any.

SENATOR SMITH: Thank you.

ACTING PRESIDENT KUHL: Is there

any other member wishing to speak on the bill?

(There was no response.)

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 50.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos, we have a couple of substitutions at the desk, if you would like to call those.

SENATOR SKELOS: Please, Mr. President.

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

I'll ask the Secretary to read the substitutions.

THE SECRETARY: On page 8, Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 5860-A and substitute it for the identical Third

Reading Calendar 349; and on page 23, Senator Balboni moves to discharge from the Committee on Rules Assembly Bill Number 1407-A and substitute it for the identical Third Reading Calendar 1019.

ACTING PRESIDENT KUHL: The substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Stand at ease, Mr. President.

ACTING PRESIDENT KUHL: The Senate will stand at ease momentarily.

(Whereupon, the Senate stood at ease from 10:54 a.m. until 11:00 a.m.)

ACTING PRESIDENT KUHL: Can we have a little order in the house,, please, a little order in the house.

SENATOR SKELOS: Mr. President, can we have an immediate meeting of the Rules Committee in the Majority Conference Room and if we could continue to stand at ease.

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

332. Immediate meeting of the Rules Committee in the Majority Conference Room, Room 332 and the Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease from 11:01 a.m. until 11:32 a.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their place, the staff to find their places. If you have to have a conversation, please take it out of the chamber.

Senator Skelos.

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

ACTING PRESIDENT KUHL: We will return to the order of reports of standing committees and there is a report of the Rules Committee at the desk.

The Secretary will read.

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

Senate Print 2519-A, by Senator

Cook, an act to amend the Environmental Conservation Law;

2543-A, by Senator Spano, an act to amend the Retirement and Social Security Law;

3953-A, by Senator Lack, an act to amend the Retirement and Social Security Law;

6705, by Senator Velella, an act to amend the Insurance Law;

6818, by Senator Alesi, an act in relation to permitting;

6890-A, by Senator Velella, an act to amend Chapter 19 of the Laws of 1994;

6975-A, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

7161-B, by Senator Maziarz, an act authorizing the county of Niagara;

7225-B, by Senator Farley, an act to amend the Banking Law;

7287-C, by Senator Leibell, an act to amend the Public Health Law and others;

7294, by Senator Velella, an act to amend the Insurance Law;

7752, by Senator Connor, an act to amend the Public Authorities Law;

7763, by Senator Hannon, an act

to amend the Vehicle and Traffic Law;

7839, by Senator Spano, an act making an appropriation for the support of government;

7840, by the Senate Committee on Rules, an act to amend Chapter 50 of the Laws of 1998;

7842, by Senator Velella, an act in relation to the implementation of the terms of written agreements;

5436-B, by Senator Marcellino, an act to amend the Environmental Conservation Law and others;

7429, by Senator Wright, an act to amend the Executive Law;

7349-B, by Senator Hannon, an act to authorize payments of additional Medicaid funds;

7679-A, by the Senate Committee on Rules, an act to amend the Real Property Tax Law and the New York City Charter;

7834, by Senator Hannon, an act to amend the Tax Law;

7841, by Senator Farley, an act to amend Chapter 3 of the Laws of 1997;

7816, by Senator Trunzo, an act to amend the Civil Service Law; and

7681-A, by Senator Spano, an act to amend the Workers' Compensation Law.

All bills ordered direct for third reading.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Rules report is accepted.

The bills are ordered directly to third reading.

Senator Skelos.

SENATOR SKELOS: If we could take up Supplemental Calendar 54-A non-controversial.

ACTING PRESIDENT KUHL: The Secretary will read the supplemental calendar 54-A non-controversial reading.

THE SECRETARY: Senator Cook moves to discharge from the Committee on Rules Assembly Bill Number 4040-A and substitute it

for the identical Third Reading Calendar 1623.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number 1623, by member of the Assembly Gunther, Assembly Print 4040-A, an act to amend the Environmental Conservation Law, in relation to the deer management assistance permits.

ACTING PRESIDENT KUHL: As soon as we have a little order we'll proceed. There's no way we can hear at the desk. The members still please take their chairs. Take the conversations, if you have any, out of the chamber.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Senator Spano moves to discharge from the Committee on Rules Assembly Bill Number 5341-A and substitute it for the identical Third Reading Calendar 1637.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1637, by member of the Assembly Weinstein, Assembly Print 5341-A, an act to amend the Retirement and Social Security Law, in relation to peace officers.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1638, by Senator Lack, Senate Print 3953-A, an

act to amend the Retirement and Social Security Law, in relation to membership.

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

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules Assembly Bill Number 11045-A and substitute it for the identical Third Reading Calendar 1639.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number 1639, by the Assembly Committee on Rules, Assembly Print 11045-A, an act to amend the Insurance Law, in relation to the qualified immunity of the excess line association.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 1, Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1640, by Senator Alesi, Senate Print 6818, an act in relation to permitting the reopening of the optional 20-year retirement plan.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules Assembly Bill Number 11044 and substitute it for the identical Third Reading Calendar 1641.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number 1641, by the Assembly Committee on Rules, Assembly Print 11044, an act to amend Chapter 19 of the Laws of 1994, amending the Insurance Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1642, by Senator Trunzo, Senate Print 6975-A, an

act to amend the Retirement and Social Security Law, in relation to providing three-quarters of pension.

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

THE SECRETARY: Section 3. This act shall take effect 365 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1643, by Senator Maziarz, Senate Print 7161-B, an act authorizing the county of Niagara to lease certain bonds.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1644, by Senator Farley, Senate Print 7225-B, an act to amend the Banking Law, in relation to reforming the licensing procedure.

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

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules Assembly Bill Number 11009 and substitute it for the identical Third Reading Calendar 1646.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number 1646, by the Assembly Committee on Rules, Assembly Print 11009, an act to amend the Insurance Law, in relation to binding authority.

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

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Hannon moves to discharge from the Committee on Rules Assembly Bill Number 11282 and substitute it for the identical Third Reading Calendar 1648.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1648, by the Assembly Committee on Rules, Assembly Bill Number 11282, an act to amend the Vehicle and Traffic Law, in relation to

licensing operators.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1652, by Senator Spano, Senate Print 7839, an act making an appropriation for the support of government.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1652. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1655, by Senator Marcellino, Senate Print 5436-B, an act to amend the Environmental Conservation Law and others.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1655. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Thank you, Mr. President.

This important piece of legislation will go a long way towards cleaning our air, especially in the downstate area where it is very difficult due to the congestion and high population, high density areas, if you have children or family members who suffer from

respiratory diseases, this bill will help reduce the causes of those problems.

This is a historic piece of legislation, and I wish to thank the Governor and commend him for his efforts in bringing this bill to fruition.

I wish to thank Senator Bruno, who is our Majority Leader, who has taken a leadership role in moving this bill along and thank our colleagues in the Assembly.

This bill deserves immediate and quick passage. It is a good bill. It is a strong environmental bill. And I urge everyone to vote for it.

Thank you, Mr. Chairman.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Wright moves to -- excuse me. Senator Wright moves to discharge from the Committee on Finance Assembly Bill Number 4590 and substitute it for the identical Third Reading Calendar 1656.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number 1656, by member of the Assembly Tokasz, Assembly Print 4590, an act to amend the Executive Law, in relation to the Office of Fire Prevention and Control.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1657, by Senator Hannon, Senate Print 7349-B, an act to authorize payments of additional Medicaid funds to the New York City Health and Hospitals Corporation.

ACTING PRESIDENT KUHL: The

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1660, by Senator Farley, Senate Print 7841, an act to amend Chapter 3 of the Laws of 1997, amending the Banking Law.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1660. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Farley to explain his vote.

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

This is the "wild card" bill that everybody has been waiting for so anxiously. It is the piece of legislation that extends the power to the Superintendent of Banks, to give any kind of authority that they feel is necessary that national banks have. It's to protect the state charter and the only difference here is that the thrifts are in this legislation for the insurance situation only.

I'd also like to -- I know she's going to speak on it -- to applaud Senator Santiago who's been very cooperative and very

helpful and the entire Senate that has been very helpful working with the Assembly to put this together and the Governor.

This is absolutely crucial for New York State, if we are to maintain state chartered banks which have to be headquartered in New York, which actually provides a lot of jobs and the whole Banking Department is self-funded by the industry itself.

So this is a good piece of legislation. I wish it was permanent, but it's the best we could do.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Farley will be recorded in the affirmative.

Senator Santiago, to explain her vote.

SENATOR SANTIAGO: Mr. President, I was hoping not to see this bill again, Senator Farley, certainly not in this form.

This legislation -- and I tried to minimize it so you could understand it clearly -- only extends the "wild card" banking law another two years.

This means that we will revisit.

We will go through this process again in the year 2000 and that part of the bill and that process is something I'm really not looking forward to.

I think it's a shame because it will keep state banks resistant to expanding their power for fear of losing them later. This bill keeps banks competitively behind and you need to underscore "behind" national banks.

However, we're grateful that it came out of committee. We waited. I would like to thank Senator Farley from the bottom of my heart because he kept me informed every step of the way with good news and bad news. It was probably the best experience I have had in the Senate, and I think the developments of this bill reflect the fact that we worked so closely together, sir, and I want to thank you for that.

I vote in the affirmative.

ACTING PRESIDENT KUHL: Senator Santiago will be recorded in the affirmative.

Senator Leichter, to explain his vote.

SENATOR LEICHTER: Yes. Mr. President, I hate to rain on this parade. I

know that for Senator Farley this bill is just a little bit behind the Holy Grail in significance and importance and I understand how hard he and Senator Santiago, with the best of intentions, have worked on it, but I think the one thing that we need to understand as a body is that we are giving up our legislative powers, powers that, I think are very important be exercised by the Legislature and not by the Banking Board, and when you strip the bill of all of its rhetoric, what does it do? Well, it's going to keep state chartered banks here, and so on, but it means that the state chartered banks will not be under the same control of the Legislature and also will mean that by and large state chartered banks may be given powers of national banks that we feel are not in the interest of New York State consumers.

So what do we gain? Well, if they have a state charter, it means they pay some money to the state Banking Department but they don't do what we want them to do and what we think is necessary for the benefit of consumers.

We realize we have a real problem

because more and more banking is becoming a national operation under national control. It becomes harder and harder for the state really to have any role and for us to exercise the jurisdiction that we would like to, but rather than go along and join the march of defeatists, I would like to see us assert that the New York State Legislature will not give up its powers to the Banking Board to regulate something as important as banking.

Mr. President, I vote in the negative.

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

Senator Gold, to explain his vote.

SENATOR GOLD: Yeah. Mr. President, Senator Farley, you have been a gentleman and I appreciate that and I've listened to the remarks of Senator Santiago.

So I will tell you, Senator Farley, I will vote for the bill today, but I will not vote for it in the year 2000.

(Laughter)

ACTING PRESIDENT KUHL: Senator

Gold will be recorded in the affirmative. Announce the results.

THE SECRETARY: Ayes 56, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1662, by Senator Spano, Senate Print 7681-A, an act to amend the Workers' Compensation Law.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

Senator Skelos, that completes the non-controversial reading of Supplemental Calendar 54-A. What's your pleasure?

SENATOR SKELOS: Mr. President, are there any live bills on the calendar needing to be debated?

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Can we return to motions and resolutions. Would you please recognize Senator Cook.

ACTING PRESIDENT KUHL: We'll

return to the order of motions and resolutions.

The Chair recognizes Senator Cook.

SENATOR COOK: Mr. President, on page 14, I offer the following amendments to Calendar 633, Senate Print 6276-B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 633 are received and adopted. The bill will retain its place on the Third Reading Calendar.

SENATOR COOK: Mr. President, for the advice of the members, we expect to vote on this next Tuesday, so they might want to be reading the amendments.

ACTING PRESIDENT KUHL: Senator Gold and Senator Leichter have acknowledged that they'll be here.

SENATOR MARCHI: Mr. President.

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

SENATOR MARCHI: I seek the consent of this august body to -- the bill that just recently left the house, Calendar Number

1624, Senate -- well, 1624 -- we'll let it go at that -- to be recorded in the negative.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Marchi will be recorded in the negative on Calendar Number 1624. The Senate will stand at ease momentarily.

(Whereupon, the Senate stood at ease from 11:58 a.m. until 12:10 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the first active list, would you please call up Calendar Number 1234, by Senator Leibell.

ACTING PRESIDENT KUHL: For the benefit of the members, on the first calendar of the day, Calendar Number 54, Calendar Number 1234 on that calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 1234, by Senator Leibell, Senate Print 3929-B, an act to amend the Real Property Actions and Proceedings Law, in relation to a special procedure.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: There's a message of necessity at the desk. The motion is to accept the message on Calendar Number 1234. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted. The bill is before the house.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Explanation of Calendar Number 1234 has been requested, Senator Leibell, from Senator Leichter.

SENATOR LEIBELL: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you call up Calendar Number 1653 on Supplemental Calendar 54-A.

ACTING PRESIDENT KUHL: The

Secretary will read.

THE SECRETARY: Calendar Number 1653, by the Senate Committee on Rules, Senate Print 7840, an act to amend Chapter 50 of the Laws of 1998.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar 1653. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the same calendar, would you please call up Calendar Number 1658.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1658, by the Senate Committee on Rules, Senate Print 7679-A, an act to amend the Real Property Tax Law and the New York City Charter, in relation -

SENATOR SKELOS: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1658. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted. The bill is before the house.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Explanation has been requested.

Senator Skelos, who would you like to have explain Calendar Number 1658?

SENATOR HANNON: Mr. President.

ACTING PRESIDENT KUHL: Senator Hannon, for the purpose of an explanation.

SENATOR HANNON: Mr. President, this deals with procedures in regard to the challenge of real property taxes. In effect, it applies only to those who would challenge commercial parcels. It does a number of things. It includes restoring the proofs to what was the proof available as of one year ago and -

SENATOR GOLD: Mr. President, it's very hard to hear. I'm sorry.

ACTING PRESIDENT KUHL: Senator Gold is having a difficult time hearing as are other members, Senator Hannon.

Could we please have the members

take their chairs, have the staff their places, curtail the discussions in the chamber.

Senator Hannon, as soon as Senator Leibell and Senator Maltese are through with their discussion, we'll proceed.

Senator Hannon, for the purpose of an explanation.

SENATOR HANNON: Thank you, Mr. President.

This bill deals with the type of proof that can be offered in regard to challenges to real property tax assessments.

As a matter of fact, it only deals with commercial parcels. It has no effect on the small -- small -- the residential which are still available to go through the small claims assessment review process.

It would restore to the statutes the types of proof that were available up until last August when, I believe, in a technical error the -- there was changes made and it only does -- it only affects the two special assessing units in the entire state which are the city of New York and the county of Nassau.

It would save significant dollars

to each municipality. It would allow for proof still to be offered in appropriate circumstances and what it does, in essence, is remove items that are just inappropriate for the circumstances.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah. Will the gentleman yield to a question?

ACTING PRESIDENT KUHL: Senator Hannon, do you yield to a question from Senator Gold?

SENATOR HANNON: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Senator Hannon, to break it down in just a little simpler language, my understanding -- by the way, Senator, you're a gentleman. I want you to know that there will be a slow roll call on the bill, but to break it down into simpler language, right now if somebody believes that there is an inequitable assessment against their property, they can use certain methods of showing the inequity and

whether they were put into the statute you say as an error or -- I don't know whether it was an error -- it was put into the statute in some way, by passing this, aren't we, in effect, limiting the manner in which somebody who believes they are inequitably assessed, can prove their case?

SENATOR HANNON: No.

SENATOR GOLD: Senator, let me ask you another question.

SENATOR HANNON: I continue to yield.

SENATOR GOLD: Pardon me?

SENATOR HANNON: I continue to yield.

SENATOR GOLD: Thank you, sir.

As I understand it, Senator, under the existing law, so-called comparable sales could be used today in challenging the assessment. Is that true?

SENATOR HANNON: Yes.

SENATOR GOLD: If this becomes law, Senator, will the people affected be able to use comparable sales?

SENATOR HANNON: No.

SENATOR GOLD: Well, so -- on the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, on the bill.

SENATOR GOLD: I am perplexed by Senator Hannon's answer to my question three questions ago, but maybe he'll explain it. There is unquestionably, based upon his last two answers, a change in the ability of a property owner to prove their case.

Now, there are people opposed to this and I respect the city of New York and they're opposed but, you know, I don't know any defendant in any litigated matter who would not like to be able to limit the way a plaintiff can submit their proof and we have cadres of law which define how you can prove cases, and these are set up to do some equity, not to stop plaintiffs or protect defendants or hurt defendants and help plaintiffs but the bottom line issue in these cases is a simple issue. Was there an inequitable assessment of a taxpayer? That's the issue.

Now, from the point of view, as I understand the city of New York's memorandum, if

the current law remains, it is, quotes "easier", end quotes, for someone who is being handled inequitably to establish what? To establish that they are being handled inequitably.

If this law passes, it will eliminate one of the methods by which someone who has property can prove -- can prove what? Can prove that they are being treated inequitably.

Now, I don't know why the city of New York or any other municipality would want to be in the situation of saying that if we are treating a taxpayer inequitably we want to make it harder for them to prove -

SENATOR HANNON: Senator Gold, may I interrupt?

SENATOR GOLD: Yes, sir.

SENATOR HANNON: Senator Gold, are you aware that there are continued procedures and there are continued standards for people to make sure that equality can be continued even after this bill is passed and becomes law?

SENATOR GOLD: No, no, because -

SENATOR HANNON: You're not aware

of that.

SENATOR GOLD: Excuse me. Excuse me. You asked me a question. I say no because it's a loaded question. The fact is that if this bill becomes law, there will be two methods of proof still available, as I understand it, but those methods of proof are harder than the method of proof that you're eliminating and, Senator, my objection to the bill is that if a taxpayer is being inequitably treated, they ought to be getting some relief. We shouldn't be determining bills that make it harder for a taxpayer to just get equal treatment with the other taxpayers in equal situations. That's all that the bill is talking about and that's all that I'm talking about.

If you put in a bill, Senator Hannon, that increased five other ways they could prove their case, I would support it. It doesn't mean that taxpayers are going to get a break they're not entitled to. The only issue in these proceedings is whether or not taxpayer A is being treated on the same basis as taxpayer B, and I don't know why any -

SENATOR HANNON: Senator Gold.

SENATOR GOLD: Yes.

SENATOR HANNON: Let me just interrupt.

SENATOR GOLD: Are you asking me to yield, sir?

SENATOR HANNON: Yes, sir.

SENATOR GOLD: Senator Kuhl, I will yield, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR HANNON: Do you believe that when somebody's assessed, then they should be able to challenge it on the same basis that they're assessed on?

SENATOR GOLD: I think that when somebody is assessed, the bottom line result, which I know you have to agree with me on, the bottom line result is that the assessment should be fair as it is to everybody else in the community.

SENATOR HANNON: Second question. Will you continue to yield?

SENATOR GOLD: Yes, sir.

SENATOR HANNON: Do you know that they're not assessed on sales price right now in

the city of New York?

SENATOR GOLD: Yes, sir.

SENATOR HANNON: Do you know that they're assessed on the basis of the value derived from the income that's produced?

SENATOR GOLD: I know, sir, that the attempt over the last few years has been to get an assessment basis that is fair.

I know, Senator Hannon, that over the years there has been much question raised, should we be at 100 percent of value? Should we be this; should we be that and all those questions resolved themselves down one issue and the one issue is shouldn't we not be fair to each taxpayer to make sure that as between taxpayers and their neighbors it's fair, and so, Senator, that's more important to me. It really is. That's more important to me than whether or not we are using this particular setup in the city and in Nassau but in Albany and Rochester you can do it any darn way you want.

It seems to me that when you're talking about how somebody proves their case, I have to -- my ears perk up because if the bottom line is to correct -

SENATOR HANNON: Let me ask you another question.

SENATOR GOLD: Let me finish the sentence. -- if the bottom line is that we here are protecting that at least between all of our constituents they be treated equally, I don't know why we would want to limit the manner of proof that somebody gives to show that they're being treated inequitably.

SENATOR HANNON: These commercial taxpayers that you're trying to argue for, do you know that they're now assessed based on their income producing stream and if you allow sales, that's an entirely different standard and allows, in fact, inequality if you change the standard?

SENATOR GOLD: Senator, I think that the concept that by limiting the proof you are running into a situation of inequality, is something that I have a lot of problem with.

I know, as you do, that there are thousands of cases every year where taxpayers bring certiorari cases in order to try to argue that they are in some way being inequitably treated.

In seems to me, Senator, that in a situation in Nassau County -- and I look over there at -- and I look back here at our two newest members and I say, My gosh, I've got to protect them -- actually I don't. They protect themselves very well, but in Nassau and in New York City, I don't know how this bill prejudices taxpayers.

I do know that from the point of view of the municipalities they are concerned that if the bill doesn't pass they may have to pay people back some of the tax money that they took which perhaps they received in an inequitable way, and that's the way I look at it, and if I were the mayor of the city of New York, maybe I would not want to have this bill pass, although I'll tell you this. With all due respect to the mayor -- he's a fine gentleman - I wouldn't want something on the books that was allowing me to gain income in an inequitable way.

SENATOR HANNON: And do you know that if your argument would be to prevail -- and I can go at it at length -- if your argument prevails, Senator, and I know that you should -

you're skilled in the courtroom, that you know about standards of proof, that you will be causing an inequality, that you will be causing an unfairness and that's because these properties are assessed on the basis of their value derived from the income they produce. The rent roll, that gives you a certain value. If you use sales, you're changing the standard and sales are very random. They're very rare.

What has happened in the city of New York, beginning under, I believe Ed Koch and continued under David Dinkins but under their commissioners of finance, totally revised their system of doing it to try to bring their rolls into an equality and for commercial property, they took a look at their revenue streams and they said the values derived from them will hit a 45 percent assessment ratio.

Now, if you change around and in proof -- and in proof allow for sales, you're using a whole different standard and you will create inequality where you have had equality and that's the problem.

SENATOR GOLD: Will the Senator yield to a question? Will the Senator yield to

a question?

SENATOR HANNON: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Senator, if this bill becomes law, will the following still be a method of proving the case, using the New York State Board of Property Services class equalization rate?

SENATOR HANNON: For part of it. The other part would be dealt by Section 2 of the bill for the city of New York where their established system, which they had worked for decades, the home, would be the ratio established by the commissioner of finance, and which I believe it may or may not be in effect because it's a question of whether last year's last August law overrides it or not.

Now, it's been a long time since I have been an expert in doing these things and I don't practice this at all, but I watch it as a taxpayer and I do believe that the fairness you get is by making sure that a few favored commercial property owners don't get an unfair break and rather you get the money distributed

to all of the property owners, including to the residential people who we're trying to make sure get a fair break.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yeah. Senator, I'm looking at some legal work on this issue - and I don't practice -

SENATOR HANNON: You have the advantage of a memo from some law firm that I don't have the advantage of and if you would share it with me, I would go through it. I could respond appropriately, but I don't have the advantage of that.

SENATOR GOLD: Well, Senator, my suggestion -- because I think that there are legitimate questions being raised and -

SENATOR HANNON: I offered before the debate -- I heard that you had questions in Rules -- to go over and explain it and I still -- that offer still stands.

SENATOR GOLD: Well, what I would do is by way of counter-offer -

ACTING PRESIDENT KUHL: Would the

two of you like to go outside?

SENATOR GOLD: No. What I would like to do -- what I would like to do is to offer to have him look at the memo and perhaps put this bill over to next week, give us some time to study the issue.

I think, Mr. President -- on the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Gold, on the bill.

SENATOR GOLD: I believe that it's unfortunate that the issue is coming up today at this time, and I think that this end of session leaves me with a good feeling. I think I've seen the two sides of the aisle cooperating very, very well over the last few days and I think we have been able to work through our work pretty well, but it doesn't mean that there aren't some bills that just need a better look than to come flying out of Rules the last minute and it certainly is no -- I don't mean to cast any aspersions upon Senator Hannon because you're in the same predicament we all are, but I'm looking at one memo and it indicates that one of the methods used here, which would

continue, deals with the New York State Board of Property Services and that under their system it is based upon appraisal data and not actually sales, and it seems to me as a non-expert in this field that I don't know why you would set up a system based upon appraisals, quesses, when the fact of the matter is that you have the opportunity to use real sales, real money, and I can tell you that every one of us has experience in buying and selling items and as that old terrible joke where the guy is advised to buy, buy, buy and then he wants to sell and the broker says to who, the sales price of a property is very significant and there are many people who believe that their castles, be they residential or commercial, are worth fortunes until they go to sell it and they find out it's not exactly so.

So, Senator Hannon, I'm nervous. I hear what you say, Senator. You may know more about this than I. I don't deny that, but I do know that if the issue is equity here, I don't know why we would want to limit the kinds of proof that a property owner could offer in order to seek equity, not to seek an advantage over

their neighbor, not to get a benefit other than to say, Look, this is what's going on. This is what my property is really worth and maybe, Senator Hannon, the city of New York should change the standard altogether. Maybe it shouldn't be "X" standard. Maybe it should be "Y", but I think taxpayers should be taxed on the value of their property. If you're using 100 percent, fine, if you're using 45 percent, fine, but at least give them the opportunity to argue that they are being treated inequitably and the way I look at the bill, I think we are taking away one of the options of proof.

ACTING PRESIDENT KUHL: Senator Hannon, on the bill.

SENATOR HANNON: Yes. Senator Gold raises some interesting objectives for us to meet and I agree with those objectives, equality and fairness. That's what this bill tries to do.

When we talk about bills whizzing out of Rules, this is all caused because attached to the STAR program legislation that whizzed out of Rules last year in August, had these changes and standards that nobody looked

at and nobody realized the implications and it's a difficult measure to argue because I'm talking about standards of proof, but I think I can argue it because I have some familiarity with the property tax system and the property valuation system, especially in New York and Nassau.

If we were to allow the sales to be used here, we actually introduce unfairness. That's because the courts, when they review the assessments of commercial property, say that the municipalities must assess based on the income producing stream and resulting value. That actually is a good thing because it gives you a steady stream, a steady predictability as to what the value is.

If we just look at the last ten years downstate, we know that there's been a roller coaster of values. We know that a lot of municipalities have seen widely varying aid to their -- to especially the school districts because the values have swung so widely. So the courts have said we should use the income system. That's still available as questions of proof.

If we continue with this, we will be facing the unfair creation of inequality. We'll be giving people who bring the petitions an unfair advantage and we will be causing everybody else who has to pay real property taxes a burden and that burden will be borne by the non-challenging commercial and it will be borne by all of the residential homeowners. So we're trying to save money.

This has been the statute since the mid-'80s until last August. This restores it. It affects only Nassau and New York City. It saves a great deal of money. I believe it makes logic. If makes sense. It is fair and it ought to be enacted.

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

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

ACTING PRESIDENT KUHL: Call the roll.

SENATOR PATERSON: Mr. President.

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

SENATOR PATERSON: Mr. President,

we would like a slow roll call on this.

ACTING PRESIDENT KUHL: The Secretary will call the roll. Ring the bells. Are there five members? There are five requesting a slow roll call.

The Secretary will call the roll slowly.

THE SECRETARY: Senator Abate.

SENATOR ABATE: No.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Yes.

THE SECRETARY: Senator Balboni.

SENATOR BALBONI: Mr. President.

ACTING PRESIDENT KUHL: Senator Balboni, to explain his vote.

SENATOR BALBONI: To characterize this particular measure as somehow injuring the ability of the plaintiff to bring the case and to somehow disenfranchise the ability of a Nassau County taxpayer, real property taxpayer, to bring these types of suits is frankly just disingenuous.

This bill restores the system that's been there for decades. It is a system that in a county where we have the only

countywide assessor, in a system -- in a year where we're dealing with STAR and all of the other issues, what this basically does is keeps the playing field level. It provides the same parity.

I vote in the affirmative. Thank you.

ACTING PRESIDENT KUHL: Senator Balboni will be recorded in the affirmative.

Continue the slow roll call.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: No.

THE SECRETARY: Senator Bruno.

(Affirmative indication.)

Senator Connor.

(Negative indication.)

Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

(There was no response.)

Senator Farley.

SENATOR FARLEY: Aye.
THE SECRETARY: Senator Fuschillo.
SENATOR FUSCHILLO: Aye.
THE SECRETARY: Senator Gentile.
SENATOR GENTILE: No.
THE SECRETARY: Senator Gold.
SENATOR GOLD: No.
THE SECRETARY: Senator Gonzalez.
(There was no response.)
Senator Goodman.
SENATOR GOODMAN: Aye.
THE SECRETARY: Senator Hannon.
(Affirmative indication.)
Senator Hoffmann.
(There was no response.)
Senator Holland.
SENATOR HOLLAND: Yes.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Aye.
THE SECRETARY: Senator Kruger, excused.
Senator Kuhl.
SENATOR KUHL: Aye.
THE SECRETARY: Senator Lachman,

excused.

Senator Lack.

(There was no response.)

Senator Larkin.

(There was no audible response.)

Senator LaValle.

(There was no response.)

Senator Leibell.

SENATOR LEIBELL: Aye.

THE SECRETARY: Senator Leichter.

SENATOR LEICHTER: No.

THE SECRETARY: Senator Libous.

(There was no response.)

Senator Maltese.

SENATOR MALTESE: No.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Yes.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Yes.

THE SECRETARY: Senator Meier.
SENATOR MEIER: Yes.
THE SECRETARY: Senator Mendez.
(There was no response.)
Senator Montgomery.
(There was no response.)
Senator Nanula.
SENATOR NANULA: No.
THE SECRETARY: Senator Nozzolio.
SENATOR NOZZOLIO: Aye.
THE SECRETARY: Senator Onorato.
SENATOR ONORATO: No.
THE SECRETARY: Senator Oppenheimer.
(There was no response.)
Senator Padavan.
SENATOR PADAVAN: No.
ACTING PRESIDENT KUHL: Senator Paterson, why do you rise?
SENATOR PATERSON: Mr. President, in alphabetical order was Senator Mendez' name ever called?
ACTING PRESIDENT KUHL: She was. She was not in her seat. We didn't record a vote for her but, Senator Mendez, how do you

vote?

SENATOR MENDEZ: No.

ACTING PRESIDENT KUHL: No. Senator Mendez will be recorded in the negative.

Continue the slow roll call.

ACTING PRESIDENT KUHL: Senator Padavan -- Senator Padavan, how are you voting?

SENATOR PADAVAN: Negative.

ACTING PRESIDENT KUHL: In the negative. Senator Padavan recorded in the negative.

Continue the slow roll call.

THE SECRETARY: Senator Paterson.

SENATOR PATERSON: No.

THE SECRETARY: Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Rosado.

SENATOR ROSADO: No.

THE SECRETARY: Senator Saland.

(There was no response.)

Senator Sampson.

(There was no response.)

Senator Santiago.
SENATOR SANTIAGO: No.
THE SECRETARY: Senator Seabrook.
(There was no response.)
Senator Seward.
SENATOR SEWARD: Yes.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Spano.
(There was no response.)
Senator Stachowski.
SENATOR STACHOWSKI: No.
THE SECRETARY: Senator Stafford.
(There was no response.)
Senator Stavisky.
(There was no response.)
Senator Trunzo.
SENATOR TRUNZO: Yes.
THE SECRETARY: Senator Velella.
(There was no response.)
Senator Volker.
SENATOR VOLKER: Yes.
THE SECRETARY: Senator Waldon.

(Negative indication.)
Senator Wright.
SENATOR WRIGHT: Aye.
ACTING PRESIDENT KUHL: The Secretary will call the absentees.
THE SECRETARY: Senator Dollinger.
SENATOR DOLLINGER: No.
THE SECRETARY: Senator Gonzalez.
(There was no response.)
Senator Hoffmann.
SENATOR HOFFMANN: No.
THE SECRETARY: Senator Lack.
SENATOR LACK: Aye.
THE SECRETARY: Senator LaValle.
(There was no response.)
Senator Libous.
SENATOR LIBOUS: Yes.
THE SECRETARY: Senator Montgomery.
(There was no response.)
Senator Oppenheimer.
SENATOR OPPENHEIMER: No.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.

THE SECRETARY: Senator Sampson.
(There was no response.)
Senator Seabrook.
(There was no response.)
Senator Spano.
SENATOR SPANO: Aye.
THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: No.
THE SECRETARY: Senator Stavisky.
(There was no response.)
Senator Velella.
(There was no response.)
ACTING PRESIDENT KUHL: Announce the results.
THE SECRETARY: Ayes 31, nays 22.
ACTING PRESIDENT KUHL: The bill is passed.
Senator Skelos.
SENATOR SKELOS: Mr. President, would you call up Calendar Number 1654 on Supplemental Calendar 54-A.
ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1654, by Senator Velella, Senate Print 7842, an act in relation to the implementation of the terms of written agreements.

ACTING PRESIDENT KUHL: Senator Skelos -- Senator Skelos.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1654. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you call up Calendar Number 1659, by Senator Hannon.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1659, by Senator Hannon, Senate Print 7834, an act to amend the Tax Law, in relation to the payment of certain lottery prize.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1659. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted. The bill is before the house. 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.)

ACTING PRESIDENT KUHL: Senator Gold, to explain his vote?

SENATOR GOLD: Do I have to abstain?

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you call up Calendar Number 1661, by Senator Trunzo.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number

1661, by Senator Trunzo, Senate Bill 7816, an act to amend the Civil Service Law, in relation to promotional eligibility.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1661. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: Bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, on Calendar Number 54, would you call up Calendar Number 1334. It's on the main calendar.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1334 on the first calendar of the day.

SENATOR SKELOS: Mr. President, call up -

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1334, by Senator Johnson, Senate Print 7101-A, an act to amend the Transportation Law, in relation to the regulations.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is

to accept the message of necessity on Calendar Number 1334. All in favor, say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: If we could, I believe there are substitutions to be made, housekeeping to be done.

ACTING PRESIDENT KUHL: Housekeeping.

SENATOR SKELOS: Please make the substitutions.

THE SECRETARY: On page 10, Senator Present moves to discharge from the

Committee on Rules Assembly Bill Number 5278 and substitute it for the identical Third Reading Calendar 475.

And on page 17, Senator Alesi moves to discharge from the Committee on Rules Assembly Bill Number 8892-A, and substitute it for the identical Third Reading Calendar 759.

ACTING PRESIDENT KUHL: Substitutions are ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, on Calendar Number 54, will you please lay aside for the day Calendar Number 1234, by Senator Leibell.

ACTING PRESIDENT KUHL: Calendar Number 1234 will be laid aside for the day.

SENATOR SKELOS: Mr. President -

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: On the original calendar, on page 4, please call up Calendar Number 1079.

ACTING PRESIDENT KUHL: Original calendar, page 24, Secretary will read Calendar Number 1079.

THE SECRETARY: Calendar Number 1079, by member of the Assembly McEneny, Assembly Print 6872-A, an act to amend the New York State Archives Partnership Trust Act.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: If we could stand at ease again.

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

(The Senate stood at ease from 12:55 to 1:18 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT NOZZOLIO: Senator Skelos.

SENATOR SKELOS: On the original

calendar, Calendar Number 54, would you please call up Calendar Number 906, by Senator Farley.

ACTING PRESIDENT NOZZOLIO: Secretary -- Calendar Number 906, by Senator Farley. Secretary will read.

THE SECRETARY: Calendar Number 906, by the Assembly Committee on Rules, Assembly Print 11218-A, an act to amend the Banking Law.

ACTING PRESIDENT NOZZOLIO: Senator Skelos? Read the last section.

THE SECRETARY: Section 3. This act shall take effect January 1st, 1999.

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

SENATOR SKELOS: Excellent job, Mr. President.

Senate will stand at ease.

ACTING PRESIDENT NOZZOLIO: Stand at ease.

(The Senate stood at ease from

1:19 to 1:25 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senate will come to order. Senators will take their places.

SENATOR SKELOS: On the Supplemental Calendar 54A, would you please call up Calendar Number 1645, by Senator Leibell.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar 1645.

THE SECRETARY: Calendar Number 1645, by Senator Leibell, Senate Print 7287-C, an act to amend the Public Health Law, Public Officers Law and the State Finance Law.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion to accept the message of necessity on Calendar Number 1645. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

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

THE SECRETARY: Section 6. This act shall take effect January 1st, 1999.

ACTING PRESIDENT KUHL: Chair recognizes Senator Leibell, to explain his vote.

SENATOR LEIBELL: Mr. President, in bill establishes, this legislation, the Spinal Cord Injury Research Trust Fund and Board.

First, I'd like to thank Governor Pataki for his tremendous assistance, Senator Bruno, Assemblyman Griffith, our counsel Bob Farley, for a job that's been tremendous in getting this legislation through.

This legislation was requested by Paul Richter, who is a New York State Trooper retired who was shot seriously and injured in the line of duty. I'd also like to thank my constituent who I spoke to the other day, Christopher Reeve, who is certainly very well known for his activities in this area.

Mr. President, every year 10,000 Americans tragically sustain spinal injury. There is now great hope. There is tremendous scientific research in this area. It's the intent of this legislation to further research greatly in this area. This is a tremendous commitment on the part of our state to put some very, very substantial amount of money every year into research.

We are all very hopeful and optimistic that, in the not too distant future, there will be found a cure for this terrible injury to spinal cords.

This legislation, I believe, is landmark certainly for the Northeast. We hope that it will be a model for our sister states in the region and throughout the country and, as I said, I thank all of those who have been so helpful. This is a great piece of legislation.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Volker, to explain his vote.

SENATOR VOLKER: Mr. President, I want to compliment Senator Leibell also. I initially, as you know, Senator Leibell I had a

problem with this bill, not the intent and all that is wonderful, but initially as I understand this bill it was going to be another surcharge on traffic offenses, and so forth. The problem, so that everybody understands, in my committee there must be 15 or 20 requests for new surcharges on traffic -- on summonses and also on penal -- on crimes.

The problem is that, to a certain extent, we already have somewhat of a problem the local justices are telling us it's hard for them to fine anybody because the surcharges are becoming so much that they're eating up a great deal of revenue. This bill, however, does not do that because it takes a part of the revenue that's already in place from -- from a surcharge that's already there.

The only reason I point it out is that there is a tendency, I think, on the part of everybody to try to say, well, this is a wonderful thing, so let's -- let's just stick another surcharge on. That's not what's happening here. This is certainly a very noble reason and taking this out of the present surcharge money is fine.

The trooper who has been promoting this is a very great fellow who I happen to know, and my compliments to you, Senator Leibell, because I think this is a great bill.

I vote yes.

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

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the same calendar, would you lay aside for the day Calendar Number 1662.

ACTING PRESIDENT KUHL: Calendar Number 1662 will be laid aside for the day.

SENATOR SKELOS: Stand at ease, Mr. President.

ACTING PRESIDENT KUHL: The Senate will stand at ease.

We do have one substitution, Senator Skelos, before we stand at ease, substitution. Secretary will read the

substitution.

THE SECRETARY: On page 19, Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill 10684 and substitute it for the identical Senate bill 6953.

ACTING PRESIDENT KUHL: Substitution is ordered, and the Senate will stand at east.

(Senate stood at ease from 1:30 to 1:35 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the original Calendar Number 54, would you please call up Calendar Number 699.

ACTING PRESIDENT KUHL: On the original calendar, Calendar Number 699, the Secretary will read.

THE SECRETARY: Calendar Number 699, by member of the Assembly Canestrari, Assembly Print 10235, an act to amend the Education Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1st, 1999.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the same calendar, would you call up Calendar Number 1160.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1160.

THE SECRETARY: Calendar Number 1160, by the Assembly Committee on Rules, Assembly Print 8556-A, an act to amend the Education Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: We're cleaning up here right now.

SENATOR LEICHTER: Mr. President.

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

SENATOR LEICHTER: Just one second.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Please call up Calendar Number 1607 on Calendar Number 54.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1607.

THE SECRETARY: Calendar Number 1607, by Senator Larkin, Senate Print 7760, an act to amend the Real Property Tax Law.

SENATOR SKELOS: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move we accept.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1607. All those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President,

on the Farley agenda here, would you please call up Calendar Number 903, by Senator Farley.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 903.

THE SECRETARY: Calendar Number 903, by Senator Farley, Senate Print 5716-A, an act to amend the Banking Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT KUHL: Senator Farley.

SENATOR FARLEY: Somebody ask for an explanation?

SENATOR GOLD: Everybody.

ACTING PRESIDENT KUHL: An explanation of Calendar Number 903 has been requested by the Acting Minority Leader, Senator Paterson.

SENATOR FARLEY: Thank you, Senator -- Mr. President, Senator Paterson.

This sounds like a rather

complicated bill. It is not. It's a bill that would enable licensed budget planners to be organized as for-profit entities rather than only being organized as not-for-profit corporations. These entities would be subject to all of the same requirements which currently apply to licensees such as fingerprinting of applicants, maintaining extensive records, submitting regular reports on their activities, being examined by the Department and having their fees subject to the review and adjustment of the Superintendent of Banks.

In addition, the bill adds new provisions to ensure that proper regulations of all the licensed budget planners include, they require them to post a bond; it requires them to enter into written contracts which must contain certain information. It establishes criminal and civil penalty for persons that operate without a license, and it tightens the attorney exemption.

We believe that, with appropriate regulation and supervision, for-profit companies can offer budget planning services in a responsible and capable manner with appropriate

supervision. For-profit entities operate as budget planners in other states, and New York wanted to become part of this.

I'll be frank with you. The -- I believe that the non -- not-for-profit budget planning people oppose this, and what else is new?

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Farley would yield for a question.

SENATOR FARLEY: I'll try.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator, with the expanded jurisdiction that would apply to for-profit companies, would this not impinge upon the ability of not-for-profits to act in the marketplace?

SENATOR FARLEY: It would impinge. Are you asking me would it impinge?

SENATOR PATERSON: Well, let me put it this way. I really -- a few weeks ago, I saw a number of bills in opposition from these not-for-profit credit counseling services and

the like.

SENATOR FARLEY: Yes.

SENATOR PATERSON: And maybe the more direct question would just be to ask you are they still in opposition?

SENATOR FARLEY: Yes, they are. Yes, they are. To my knowledge, they are.

SENATOR PATERSON: Then I'll refer to my first question.

SENATOR FARLEY: Yes.

SENATOR PATERSON: And ask you what's the basis for their opposition?

SENATOR FARLEY: I think the opposition -- I suppose it's territory as so many areas are. They are in a not -- generally speaking, these budget planners are helping people that are having credit problems, and the not-for-profits, I presume from an altruistic point of view say that they're able to help these people on a very low cost basis for free usually, and they -- you don't need this - these for-profit budget planners, that they only take away from -- actually they probably are taking away from the creditors because they arrange the credit allocation usually or the -

and they're taking away mostly from the proceeds that would go to -- to the people, but you know, from my point of view, particularly with credit card debt kind of being a serious problem with our society, if the for-profits can succeed and do a good job and they're certainly well regulated, I think that they should be able to enter the free marketplace.

ACTING PRESIDENT KUHL: Gentlemen, excuse me just a minute for the interruption.

Senator Holland, why do you rise?

SENATOR HOLLAND: There will be an immediate meeting of the Rules Committee in Room 332. Last Rules.

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

Senator Paterson, you had the floor.

SENATOR PATERSON: Yes, Mr. President, if Senator Farley would continue to

yield.

ACTING PRESIDENT KUHL: Senator Farley.

SENATOR FARLEY: Certainly.

SENATOR PATERSON: Now that all those people have left, Senator Farley, and just you and me can talk.

ACTING PRESIDENT KUHL: I don't know what it was he said, Senator.

SENATOR FARLEY: He says it's just you and me.

ACTING PRESIDENT KUHL: And thee.

SENATOR FARLEY: And thee.

SENATOR PATERSON: There are a lot of these not-for-profit types of services have been particularly successful in areas where there's a relatively large credit card debt, and (phone rings) -- hello -- sorry, Mr. President, that was the Office of the Independent Counsel.

But I feel that, in these situations, they have not only been able to provide a low cost but they have also been able to bring assurances to people who probably didn't understand the system as well when they

got into it, and to some degree I'm not saying they were fraudulently induced but certainly were over-sold on what credit actually does and we had a bill in here the other day where Senator Maziarz wants to limit this kind of application to college students, and I think that's very good actually; but for those who have already been victimized, this has been an avenue of relief for them, and I just wanted to make sure that there would still be some kind of ability on the part of these not-for-profits to actually exist, and I'm a little concerned that the expanded jurisdiction is actually going to run them right out of any -

SENATOR FARLEY: Oh, I doubt that very much. From my own perspective, I think that the for-profits would probably have a tough time of it, because the not-for-profits certainly have an advantage. They don't charge, so you know, it's one of those things that, whether you -- it's like the no-load mutual funds and the load mutual funds. They both exist.

I think this is a for-profit credit counseling group that wants to get into

the marketplace and no one knows whether they'll succeed, but I -- and we have -- I think what we have to be careful of, what this bill does, it provides plenty of safeguards and it -- the Banking Department is going to be looking at them very, very carefully to prevent any concerns that all of us may have.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes -- ayes 56, nays 2, Senators Connor and Paterson recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, on Supplemental Calendar Number 54A, could we take up Bill Number 1647, please.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1647.

THE SECRETARY: In relation to Calendar Number 1647, Senator Connor moves to discharge from the Committee on Rules Assembly bill 11354 and substitute it for the identical Senate Bill 7752.

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

THE SECRETARY: Calendar Number 1647, by the Assembly Committee on Rules, Assembly Print 11354, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: Senator Holland.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: We'll stand at

ease for a couple minutes, sir, please.

ACTING PRESIDENT KUHL: Senate will stand at ease.

(The Senate stood at ease from 1:50 to 1:52 p.m.)

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

Senator Skelos.

SENATOR SKELOS: Mr. President, on Calendar Number 54, will you please call up Calendar Number 1606, by Senator Cook.

THE SECRETARY: On the regular calendar, Calendar Number 54, Secretary will read Calendar Number 1606.

THE SECRETARY: Calendar Number 1606, by Senator Cook, Senate Print 7759, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1606. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT KUHL: We'll

return to the order of standing committees. There is a report of the Rules Committee. The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bills directly to third reading:

Senate Bill 7848, by Senator Balboni, an act to permit the sale or lease of Pond View Homes;

7845, by Senator Goodman, an act in relation to creating the Hudson River Park;

7846, by Senator Marcellino, an act making appropriations from the Environmental Appropriation Fund;

7847, by Senator Seward, an act to amend the Economic Development Law;

7408, by Senator Paterson, an act to amend the Public Authorities Law, and

1492-A, by Senator Velella, an act to amend Chapter 1976 of the Laws of 1975.

All bills directly for third reading.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Move to accept

the report.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The report is accepted. The bills are ordered directly to third reading.

Senator Gonzalez, why do you rise?

SENATOR GONZALEZ: Mr. President, may I be recorded in the negative on Calendar Number 903, without objection.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Gonzalez will be recorded in the negative on Calendar Number 903.

Senator Seabrook, why do you rise?

SENATOR SEABROOK: Yes, I ask unanimous consent to be recorded in the negative on Calendar Number 903.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator

Seabrook will be recorded in the negative on Calendar Number 903.

Senator Rosado, why do you rise?

SENATOR ROSADO: Mr. President, I would like to be recorded in the negative on Calendar Number 903.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Rosado will be recorded in the negative on Calendar Number 903.

Senator Onorato, why do you rise?

SENATOR ONORATO: I would like unanimous consent to be recorded in the negative on Calendar Number 903.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Onorato will be recorded in the negative on Calendar Number 903.

Senator Skelos.

SENATOR SKELOS: Calendar Number 54B, if we could take it up controversial beginning with 1649.

ACTING PRESIDENT KUHL: For the benefit of the members on Calendar Number 54B, the Secretary will read the controversial

reading beginning with Calendar Number 1649.

THE SECRETARY: Calendar Number 1649, by Senator Balboni, Senate Print 7848, an act to permit the sale or lease of Pond View Homes.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1649. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

SENATOR SKELOS: Last section.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR SKELOS: Mr. President, will you call Calendar Number 1650, by Senator Goodman.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1650, by Senator Goodman, Senate Print 7845, an act in relation to creating the Hudson River Park.

SENATOR SKELOS: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1650. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Message is accepted. Bill is before the house. Secretary will read the last section.

THE SECRETARY: Section 18. This act shall take effect -

SENATOR LEICHTER: Mr. President, may I explain my vote, please.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

SENATOR LEICHTER: Yes, Mr. President, my colleagues.

ACTING PRESIDENT KUHL: Senator Leichter. Excuse me, Senator Leichter. Senator Leichter, to explain his vote.

SENATOR LEICHTER: Yes. Mr. President, my colleagues, this indeed is one of the most significant bills we're passing this session. I think maybe a hundred years from now, of all the actions we've taken, this one will be most cherished by the people of New York State because we're creating a magnificent park along a stretch of the Hudson River in Manhattan where there are now deteriorated piers. We're

making that stretch of the river available to the public, that water... wonderful water front.

You know, John Kennedy said victory has a thousand fathers, defeat is an orphan, and this victory truly does have a thousand people who truly are the fathers who ought to be thanked for their achievement. I first want to start and thank Senator Goodman who lends his status and persuasiveness and skill to seeing that the bill was passed. I particularly want to thank the Governor. It's obvious to say that it wouldn't have passed without the Governor, but it deserves to be reiterated because the Governor has been such a staunch supporter of the idea that we could create a wonderful public space at this part of the Hudson River waterfront.

I thank the Mayor, the Speaker and certainly last but not least, somebody who worked so hard on this, my counterpart Assemblyman Richard Gottfried. We had a lot of contributors, Senator Abate, Assemblyman Stringer and others who worked on it, and I'm really most grateful because we are creating

this, what is going to be truly one of the great magnificent parks of the world and will much enhance not only the enjoyment of the river but it will also, I think, be a wonderful magnet to people coming into New York.

It will have wonderful economic consequences. I said yesterday that my cup overfloweth, but now it overfloweth in torrents.

Thank you. I vote in the affirmative.

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

Senator Johnson.

SENATOR JOHNSON: Yes, Mr. President.

I'd like everyone to know that Senator Leichter and I were together on this issue 14 or so years ago, and he praised a lot of people for helping to make this happen. I think he forgot to praise the striped bass which is the reason we stopped the development initially and the property is there to use today. Congratulations, Franz; you and I were together in the beginning and we're together at

the end. It's great.

Thank you.

ACTING PRESIDENT KUHL: Senator Johnson will be recorded in the affirmative.

Senator Goodman, to explain his vote.

SENATOR GOODMAN: Mr. President, do you know the old song, East Side, West Side, all around the town? The fact of the matter is that this is an amenity of enormous importance to the entire island of Manhattan and indeed to many people who come to visit Manhattan, and I'd like to tip my hat to Senator Leichter, who has had a consistent and steadfast devotion to this project, and also to Senator Johnson, whose environmental concerns relate to this, and also to say that the Governor has been a driving force behind the development of this legislation and the bringing of it before us today in this house.

I don't know that any of you are familiar with the present conditions that exist in the area where this project will exist, but they are unfortunately very bad. They do not do any credit to the city whatsoever, and the

bringing on of this great amenity will, I think, transform an area and be consistent with the rebirth and renaissance of New York City in general.

Mr. President, I believe strongly that this is an exceedingly fine and worthwhile project, and I'm happy to be its prime sponsor in this house.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Like to call up Calendar -- I'm sorry.

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

SENATOR STACHOWSKI: Mr. President, could I have unanimous consent to be recorded in the negative on Calendar 903, please.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator

Stachowski will be recorded in the negative on Calendar Number 903.

Senator Smith, why do you rise?

SENATOR SMITH: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 903.

ACTING PRESIDENT KUHL: Similar request, Senator Breslin?

SENATOR BRESLIN: Similar request.

ACTING PRESIDENT KUHL: Senator Nanula, similar request?

Without objection, hearing no objection, Senators Smith, Breslin and Nanula will be recorded in the negative on Calendar Number 903.

Senator Leichter, why do you rise?

SENATOR LEICHTER: Mr. President, would you also record me in the negative on Calendar Number 903.

ACTING PRESIDENT KUHL: Without objection, Senator Leichter will be recorded in the negative on Calendar Number 903.

Secretary will read Calendar

Number 1651.

THE SECRETARY: Calendar Number 1651, by Senator Marcellino, Senate Print 7846, an act making appropriations from the Environmental Protection Fund, in relation to state parks and lands.

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

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1651. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 1663, by Senator Seward.

ACTING PRESIDENT KUHL: Secretary will read 1663.

THE SECRETARY: Calendar Number 1663, by Senator Seward, Senate Print 7847, an act to amend the Economic Development Law and the public authorities law.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1663. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Message is accepted. Bill is before the house. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Oppenheimer, why do you rise?

SENATOR OPPENHEIMER: I'd like unanimous consent to be in the negative on 903.

ACTING PRESIDENT KUHL: Senator Gentile, similar request?

SENATOR GENTILE: Yes.

ACTING PRESIDENT KUHL: Senator Dollinger, similar request?

SENATOR GOLD: (Senator Gold raises hand.)

ACTING PRESIDENT KUHL: Without

objection, hearing no objection, Senators Gold, Oppenheimer, Gentile, and Dollinger will be record in the negative on Calendar Number 903.

SENATOR SKELOS: Would you call up Calendar Number 1664, by Senator Paterson.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1664.

THE SECRETARY: Calendar Number 1664, by Senator Paterson, Senate Print 7408, an act to amend the Public Authorities Law.

SENATOR SKELOS: Mr. President. Mr. President.

ACTING PRESIDENT KUHL: Ladies and gentlemen, ladies and gentlemen, may we please have some quiet.

SENATOR SKELOS: Mr. President, Senator Paterson is asking for an explanation of his bill.

ACTING PRESIDENT KUHL: Would you like to give it to him?

Senator Paterson, would you like to ask a question?

SENATOR PATERSON: Explanation satisfactory.

SENATOR SKELOS: Very good. Last

section.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos. Senator Skelos.

SENATOR SKELOS: Mr. President, on Calendar Number 54, would you please call up Calendar Number 1168, by Senator LaValle.

ACTING PRESIDENT KUHL: On the regular calendar, first calendar today, Calendar Number 54, Secretary will read Calendar Number 1168.

THE SECRETARY: Calendar Number 1168, by Senator LaValle, Senate Print 7134-A, an act to amend the Education Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 7. This

act shall take effect on the same date as the Chapter.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Senator -- Calendar 1665, by Senator Velella.

ACTING PRESIDENT KUHL: Secretary will read Calendar 1665. Members please take their chairs, staff please take their seats. We're going to finish this session before 5:00 o'clock.

Secretary will read.

THE SECRETARY: Calendar Number 1665, by Senator Velella, Senate Print 1492-A, an act to amend Chapter 576 of the Laws of 1975.

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: Yes. Will Senator Velella yield to just one question?

SENATOR VELELLA: Yes, sir.

SENATOR GOLD: Senator, I was told that this is the last bill on the last Rules report, that our distinguished leader is on his way in. I've read this bill, it's not that long, and I reread it.

Senator, will you please tell me what this has to do with racing?

SENATOR VELELLA: Senator, the only thing I can say to that is this may not be the last bill, under that premise. There may be one that the leader is bringing with him and may take out of his pocket in his closing remarks, but then I'm sure you would object to the procedure.

However, traditionally, the last bill is a racing bill, and I don't know if our leader has a surprise for us or not.

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

SENATOR STACHOWSKI: Senator, I just rise to remind the members on this side that last year an identical bill was opposed by

Senator Breslin, Senator Connor, Senator Gentile, Senator Hoffmann, Senator Kruger, Senator Montgomery, Senator Sampson, Senator Smith, Senator Stavisky and a few on the other side.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

ACTING PRESIDENT KUHL: Record the negatives. Senator Waldon to re -

SENATOR WALDON: No, no.

ACTING PRESIDENT KUHL: Record the negatives. Negatives, please raise your hands. A lot of activity in the chamber.

THE SECRETARY: Those recorded in the negative on Calendar Number 1665 are Senators Balboni, Breslin, Connor, Fuschillo, Gold, Hannon, Hoffmann, Leichter, Marcellino, Onorato, Paterson, Seabrook, Skelos, Stachowski and Stavisky, also Senator Montgomery. Ayes 43, nays 16.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Excuse me, also Senator Abate. Ayes 42, nays 17.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Waldon, why do you rise?

SENATOR WALDON: Mr. President, while the chamber was considering Senate 903, I was elsewhere on Senate business. I respectfully request, without objection, unanimous consent to be recorded in the negative on Calendar 903.

ACTING PRESIDENT KUHL: Senator Abate, did you want to be recorded negative on Calendar Number 903 likewise. Senator Montgomery also.

SENATOR MONTGOMERY: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Stavisky also?

SENATOR STAVISKY: (Negative indication.)

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senators Waldon, Abate, Montgomery and Senator Stavisky

will be recorded in the negative on Calendar Number 903.

Senator Velella, why do you rise?

SENATOR VELELLA: On calendar 1658 -

ACTING PRESIDENT KUHL: Can there be some quiet in the chamber, please. We're very, very close. We have a couple of crosses we have to take care of. We are very, very close to the end. We can do it a lot quicker and a lot more harmoniously if we have some quiet in the chamber. Please help us out.

Senator Velella.

SENATOR VELELLA: Mr. President, on Calendar Number 1658, Print Number 7679-A, I was out of the chamber. I would like the record to reflect that had I been in here, I would have voted in the negative.

ACTING PRESIDENT KUHL: The record will so reflect.

Senator Skelos.

SENATOR SKELOS: If we could return to motions and resolutions, please recognize Senator Farley.

ACTING PRESIDENT KUHL: Return to motions and resolutions. Chair recognizes Senator Farley.

SENATOR FARLEY: Mr. President, I wish to call up Senator Nozzolio's bill, Senate Print 7574.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Nozzolio, Senate Bill 7574, an act to amend the Family Court Act.

SENATOR FARLEY: I move to reconsider the vote by which this bill was passed, and ask that the bill be restored to third reading.

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

(The Secretary called the roll on reconsideration. )

ACTING PRESIDENT KUHL: Senator Farley.

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

ACTING PRESIDENT KUHL: Amendments are received.

SENATOR FARLEY: And I now move to discharge the Committee on Rules from Assembly Print 294-B and substitute it for Senator Nozzolio's identical bill.

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

THE SECRETARY: Calendar Number 1268, by member of the Assembly John, Assembly Print 294-B, an act to amend the Family Court Act.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I wish to call up Senate Print Number 7408, by Senator Paterson, which is now at the

desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: By Senator Paterson, Senate Print 7408, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: Bill is restored and before the house. Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I now move to to discharge from the Committee on Rules Assembly Print Number 8826 and substitute it for the identical bill.

ACTING PRESIDENT KUHL:

Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 1664, by member of the Assembly Wright, Assembly Bill 8826, an act to amend the Public Authorities Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Calendar Number 1268, move to reconsider the vote by which it passed.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 1628, right? 1268, excuse me.

THE SECRETARY: Calendar Number 1268, by member of the Assembly John, an act to amend the Family Court Act.

SENATOR SKELOS: Lay the bill aside.

ACTING PRESIDENT KUHL: Motion is to reconsider the vote by which the bill passed the house.

Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 59.

SENATOR SKELOS: Lay the bill aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Bill is laid aside.

SENATOR SKELOS: Mr. President, Senator Bruno wants to know, does anybody want one more bill?

SENATOR BRUNO: Fine, thank you. Thank you, Senator Skelos. Well, we do have one more bill. We have one more bill.

SENATOR SKELOS: We have one more

bill.

SENATOR BRUNO: I think I'll excuse myself, Mr. President.

ACTING PRESIDENT KUHL: Senate will come to order.

SENATOR BRUNO: Can we at this time return to messages from the Assembly.

ACTING PRESIDENT KUHL: Return to the special order of messages from the Assembly. I'll hand the message down. Ask the Secretary to read.

THE SECRETARY: The Assembly sends for concurrence the following bill: Assembly Bill Number 11352, by the Assembly Committee on Rules, an act to amend the General Municipal Law.

ACTING PRESIDENT KUHL: Secretary will read. Last section.

SENATOR DOLLINGER: What is this bill?

SENATOR PATERSON: Explanation.

SENATOR DOLLINGER: Can we have an explanation? What is this bill?

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

SENATOR HOFFMANN: Mr. President, with all due respect to the Assembly Committee on Rules, there are a number of members, on this side of the aisle anyway, who are not speed readers, and the 12 pages of this bill in very fine print are somewhat difficult to comprehend, and speaking for several other members over here, we would request an explanation in some detail.

ACTING PRESIDENT KUHL: Excuse me. Excuse me. Senator Bruno.

SENATOR HOFFMANN: Thank you.

SENATOR BRUNO: Mr. President, lay it aside. All right? If you would like not to have this done, be my guest.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: All right? That's fine, fine, fine! We're just so congenial and together here this afternoon, I can hardly stand it, Mr. President.

Thank you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Bruno.

(Pause)

ACTING PRESIDENT KUHL: Senate will come to order.

At this time, the Chair would recognize Senator Connor for closing remarks.

SENATOR CONNOR: Thank you, Mr. President.

I'll be brief, although it's a pleasant task to see the session come to a close, and know that I'll be able to use the sunglasses I put in my pocket today because it's still daylight.

It's been an interesting session. This is the earliest close of session I can really remember. Actually this week was the last week of session nine years ago; the 19th of June was the next last day of the end of session. I know that because it's my son's ninth birthday today, so I'm glad to get out of here and get home, and he was born on the next last day of session, and I think that was probably the earliest, nine years ago, the earliest we've ever concluded session, and it's a wonderful start that we this year finished the calendar not staying around Albany weeks more. I don't think it would be -- you know, and I

leave it to others to judge how productive we have or haven't been -- but I don't know that hanging around here for a few more weeks would change that judgment.

It's been an interesting session -- and I will be brief -- but certainly we've seen an important start in the changes in the budget process, a more open process which resulted in a budget, whether you were pleased or displeased with the final result in view of the vetos which in many cases did appear to people to be somewhat politically motivated, somewhat of a lashing out. We now have a new process, and I don't think we'll ever be able to go back on that and everyone from their different partisan viewpoints, their disappointments, appreciation for what they got or didn't get in the budget, knows where to assess the blame. Maybe it's us; maybe it's the other house; maybe it's the Governor, but people have a lot more information as we go to the polls this year.

Certainly, in my role as Minority Leader, I can't do it without a very, very strong right arm and that's Senator David

Paterson, who day in and day out leads our Conference on the floor with grace, wit and wisdom, and I am grateful to him for doing that.

The other, my other strong arm and supporting the work of this Conference deals with the budget, someone who we had a lot to say about yesterday but once again, Manny, thank you for everything, Senator Manny Gold, ranking on Finance. Senator Bill Stachowski fills in in so many ways in the Rules Committee and on the floor as the Assistant Minority Leader, and our Conference is so ably chaired by Senator Olga Mendez.

To the others who are in leadership, and I'm -- I don't know whether to name you all and go around, but I guess I got to keep this brief, right, Senator? But I thank all of you. I thank all of my colleagues for my support.

I thank Senator Bruno for his leadership, his friendship, his courtesies. I think, Senator, if I may say, in these past years -- and we've commented on this before - sometimes we've gotten a little too partisan in

our battles on the floor, I mean generally, our colleagues perhaps. I think yesterday we saw how we can actually in the courtesies you extended to two Minority members who have decades of service here, how we can perhaps restore some of the collegiality and cooperation that used to prevail in this chamber, that 20 years ago as a freshman Minority Senator got me 19 chapters passed. I don't -- you know, and they were all Republican chairmen putting those bills out, O.K.?

So, and I think the people were well served when we cooperated that way when we perhaps reached across the aisle and exchanged ideas informally as well as on the floor much more. It is an election year though, so the election battles ought to be fought in the districts a couple months before the election. They shouldn't be two years of trench warfare on the floor of the Senate. I subscribe to that, and I think we ought to restore that attitude.

To my colleagues on this side of the aisle who are not running for reelection, Senator Gold, Senator Leichter and also Senator

Abate, I wish you well in all of your future endeavors. To those who are running for reelection, I wish you a win.

To my colleagues on the other side of the aisle, I don't wish you ill; I hope you -- I don't wish you win -- place or show, but I hope -- and I'll be very happy. But I do thank you all and Senator Bruno for the leadership.

We're only as good as all the staff in the house, and I thank all the staff as well as the Minority, particularly my counsel Michael Boxley, who has done a phenomenal job on behalf of the Senate Democrats; John Ewashko, who was our Secretary to Minority Finance, and we all learned on this side of the aisle at a little party we had the other night that he's quite an accomplished artist, quite an accomplished musician. It's no surprise, though, that we observed in his work here that he does everything he does very, very well and with a great deal of intensity and dedication.

To Peter Slocum, my press secretary and policy advisor; to Merci Miglino, my director of communication services, to

someone who is not here and I urge all of you, many of you know her -- she served as a staff member in the other house, then as a staff member here, then as a member of the other house, and then as my staff member -- Eileen Hickey, she's been ill these past few months. I'm sure she would appreciate your cards and notes and, more importantly, your prayers that she prevail in a courageous battle she's fighting for her health and, of course, to Amy Solomon, Mona DeMay, Jeff Korman, my thanks for your dedicated efforts. I couldn't do it without all of you.

Also to Senator Skelos, the Deputy Majority Leader who is so cooperative and able in interaction with the members of this Conference day in and day out.

Mr. President, I look forward to this summer, and I look forward to a good portion of us returning next January, and maybe some new faces as well.

Thank you very much.

ACTING PRESIDENT KUHL: Chair recognizes Senator Bruno.

SENATOR BRUNO: Thank you, Mr.

President, and thank you very much, Senator Connor, for your excellent closing remarks and very appropriate in most ways.

One of the things, Mr. President, that we're going to quickly review is that Marty got 19 bills in his first year. I didn't get 19 bills this year, and that is a problem. Thank you. Thank you.

You know, and Marty comments, and thank you, we are here in the middle of the day. It is daylight, quarter of three, and we are winding up this session for the year '98, and we are doing it about 48 days earlier than we wound up last year's session, and last year's session set a record in terms of late budgets and longevity in session.

We have this year, in a remarkable timetable, accomplished some truly outstanding things and we did that together. My colleagues here, my colleagues on this side of the aisle who always made some contribution in some way to effect the process hopefully in a positive way, and we did do, Mr. President, my colleagues, we know the first time ever in the history of this state, a budget with almost

every member of the Legislature involved in a public forum, and we put together a budget in an open public way with open discussion. First time ever, and never again in this state will a budget for the people of New York be put together behind closed doors. So that's something that all of us can be proud of.

Did we learn something from the process? Absolutely. Will we improve it going forward? We certainly will; but it was an accomplishment that all of us can be proud of because the people of this state are the beneficiaries.

We did a lot of other good things. In the budget, we passed a record school aid increase, 850 million. Why? Because it's a priority here in the Legislature, priority of the Governor's, to educate our young people. 743 million in tax cuts, business tax cuts, on top of about 13 billion previously enacted by this Legislature in partners with our Governor, to create jobs, stimulate the economy and turn New York State around and make us more competitive. That, again, is something that we can be proud of.

We accelerated the STAR program. About a half a billion dollars worth for seniors to keep on their real property taxes. Again a Governor's program. We accelerated it. This year seniors have that much more money that they can spend to enhance their quality of life and the way they live. We have increases TAP - tuition assistance -- for young people to help them get a better education and be more productive.

A number of legislative things we did like pension supplementation, that a lot of people feel was overdue. We did that, and it is now law. We did the external review for managed care and the experimental approach giving people an opportunity to get the proper medical attention that people should get here in this state.

The child health care initiative, increasing health insurance for young people. Again, we in the Legislature with the Governor did that and that was hard, a difficult thing to do. That will be law very, very shortly, and tens of thousands of young people and families will benefit.

We reformed the unemployment insurance laws of this state together. That is going to accrue by the hundreds of millions of dollars worth of benefit for people of this state, lowering the cost of doing business, helping us be more competitive with other states.

We did the HIV notification bill. That was a hard thing to do. People feel very strongly. That is done, and again we did that together.

And we expanded a lot of what was necessary to ensure that our environment stayed clean and neat for ourselves and for our children and our grandchildren and we did that.

Now, there are some things that we didn't do and, like any good things, there are always ways that you can look back and wish that you had been more successful. One of the most disappointing things is that we do not have a Jenna's Law that is going to be signed, at least not now. The Assembly will stay in session, I understand, for a few hours behind us, and they may see fit to pass a bill that we passed for the second time just a couple of days

ago, and that was an attempt to meet the Assembly at least halfway towards a bill that they had passed that had put a lot of things in our original Jenna's Law bill, and by the way, I want to comment here that the Jenna's Law that we passed is a bill that was done in this chamber, I think, four years ago the first time, and we've had four years to reconcile any differences with the other house and we haven't been able to. That's a great disappointment, but we are going to continue to try and get something done that can be signed into law because we all believe that violent felons should get sentenced if they're convicted and stay in jail until they serve their term so that they're not back out on the street killing people like Jenna.

We failed so far to get a compact bill for the dairy industry which is critically important to the people of New York State. That hasn't happened. But we're going to continue. We're going to continue with some of the juvenile justice reform bills, school violence that didn't happen. We're going to continue and those will be the struggles that we'll work on

together, and we'll get there and we'll get there when we are back together.

All of the things we did do, we can be proud of. We'll go back to our districts. We're going to face a constituency. We're going to have elections in November, and the public will make their choices and we'll be back here together, but all the good things we did, we did together. We did them with the Speaker and the Assembly, those that are going to the Governor to get signed into law, and I'm indebted to the Speaker and the Assembly for their partnership.

We're especially indebted to the Governor for his leadership in the initiatives with the budget, with the budget reform, with the tax cuts, with all of the things that are part of the laws of this state -- this Governor who has helped turn this state around in three and a half years in a way that most people thought was impossible, and we're proud to have partnered with this Governor to move this state forward, so that everyone in this state enjoys an improved quality of life.

A lot of people here help us get

the job done because we couldn't function without the back-up -- I couldn't -- that I get and I start with -- and I can say to each and every one of you, thank you. Everyone that's standing here, everyone that's sitting in the chairs, thank you, because you are an integral part of everything that happens to make us effective here in this chamber and in the Legislature:

Senator Stafford, who chairs Finance, among other things, who has been a friend for a lot of years, and who carries the burden of doing a lot of what has to get done through that Finance Committee, and I thank you for that, and Senator Skelos, who is the deputy here on the floor, spends a lot of time, a lot of hours, and I know he enjoys his work immensely; all of the good things that take place on this floor, and in all of the positive changes he is the greatest beneficiary and that's why he gets the big bucks that he gets. But, Dean, thank you very, very much for really the excellent way that you relate and handle and manage, and Senator Owen Johnson is here, is one of the senior members as the Assistant President

Pro Tem, and, Owen, I thank you for your conscientious help and support and as a mentor; and my senior assistant, to pick out one, Senator Velella who is here also chairing the Insurance Committee, and all the other leaders, and Guy does a lot of extraordinary things like debating -- I don't think, Mr. President, I have to say any more. But thank you, thanks very much, Guy, and the other leaders, you all know who you are, that are here in the chamber. I just say thank you because we couldn't function without you.

And the front desk, the Journal Clerks and everyone that's up there who worked diligently day and night and when we leave you're still working. Thank you because when we get here, things are prepared for us to do business and we couldn't do that without you.

I have John McArdle, director of communications, who helps us all in terms of our ability to communicate, our Steve Boggess, Secretary to the Senate. I think this is Steve's first year in serving as Secretary to the Senate and we're still here and the place looks admirable and everybody is content and happy and

I think that's a direct testimony to Steve's ability to act as Secretary to the Senate, and any of you that have any complaints about anything, see Steve.

And Pat Stackrow, Pat is here, my executive assistant that many of you have gotten to know as I have, as a very diligent and very efficient and capable and able person who helps us in terms of what goes on in our daily lives and is a great gatekeeper at times and especially in these last two days, so Pat, thank you very, very much.

And for those of you that have been trying to have a conversation with Pat, she's here now. Senator Connor, I -- I just want to say that you commented on the cameraderie here, and that is so true. I think that -- I don't know what the days were like, you know, way back, but I know that today whether we are debating, whether we're arguing, whether it takes place in the same way there is a feeling here of togetherness, and we're together in the chamber now and we're winding up. We respect each other. We admire each other, and we recognize that even though, on

occasion, a Senator might get overly zealous, Mr. President, with an "explanation please" and we have to lay a bill aside, that happens sometimes, you know, but Mr. President, we may revisit some of those things and, by the way, with the one piece of legislation, we need a message from the Governor, and we're waiting for that message and you have the privilege of listening to me while we wait.

Oh, it's here. It just arrived.

Our Finance staff, to finish that all up, we have Abe Lackman; Abe, hopefully, is in the chamber, and Mary Louise Mallick, Lee Van Riper, with all of the things that go on and take place, we wouldn't be functioning as efficiently as we do without them, and our two counsels that are here, Dave Dudley and Ken Riddett, who really have to carry the burden of moving the process and keeping some order for me and with you, that is one difficult job, and for that I want to say again thank you.

We've got some Senators with us here that are electing not to be back with us again, and I want to say that Senator Leichter, Senator Abate, and Senator Charlie Cook and -- I

can never forget Senator Gold, many times I wished I could, but I certainly could not forget Senator Gold or Senator Leichter. You really, I've got to say very sincerely from my heart that we are going to miss you here in this chamber, and I can say to you that this chamber will never be the same and the debates that take place and the changes that take place, the relationships truly will never be quite the same and I think yesterday you commented, Senator Connor, on some of what went on, and I think that's an indication of the respect that we have here for you in this chamber and the really sincere and strong feeling and, as you go forward in your life, I'm sure that we are going to stay in touch because once you're a Senator, it's never out of your life, you're always a Senator. So we will be talking with you and seeing you and, hopefully, and I only say this in jest, the fact that we're ending 48 days sooner with these changes, we might be 48 days even earlier next year. But you've contributed a great deal and you can be proud of your careers. When you look back on your years and how you affected this process, you all can be

very, very proud and we are very proud of you.

Charlie Cook, who has carried the burden with the Education Committee and having served as the chair of Agriculture and so many things over the years and represented a district that is extremely difficult in upstate New York, Charlie, thank you for being just so stand-up and stand-out and staying with us for the length of time that you have and wish you good health in all the things you're going to be doing in the future, and I'm going to move -- but I guess Marcia White, my press secretary -- is Marcia here? -- who is usually bugging me about something, and I have to say thank you because you did a press conference and we're going to have the press availability after, and I do appreciate all of the difficult things that Marcia has to do when I am saying things that are totally inappropriate and we're always trying to give it the best spin and that keeps her and others awake during the daytime and that's important.

And while you are still awake, and you can't help but stay awake because the sun is shining, I think I'm going to just

conclude my remarks by sharing with you that we'll all be -- let me rephrase that. We'll get back together in January, '99, and I want to take this opportunity to be the first to wish you all a very happy Thanksgiving, a Merry Christmas and a Happy New Year.

And, Mr. President, can we at this time call down Assembly handdown 11352.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 1667, by the Assembly Committee on Rules, Assembly Print 11352, an act to amend the General Municipal Law.

SENATOR BRUNO: Is there a message at the desk, Mr. President?

ACTING PRESIDENT KUHL: There is. The motion is to accept the message -

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT KUHL: -- on 1667 which is at the desk. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, at this time, I would like to ask that we recommit all the bills that are on the floor back to the Rules Committee.

ACTING PRESIDENT KUHL: Bills are recommitted.

SENATOR BRUNO: And we are -- Mr. President, we're at the moment where we're going to adjourn, but I wanted to adjourn and just recognize one of our most distinguished Senators who has served, I believe, in the Legislature longer than any living person, Senator John

Marchi.

(Applause)

SENATOR BRUNO: May I ask, Mr. President, before we adjourn, that our colleagues who won't be here on the floor, Senator Abate, Gold, Leichter and Senator Cook just stand up so that we can just properly recognize them with an ovation also.

(Standing ovation)

SENATOR BRUNO: And Mr. President I hope all our colleagues are leaving here happy and well and safe, and there being no further business to come before the Senate at this time, I move that we adjourn subject to the call of the Majority Leader.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned subject to the call of the Majority Leader.

(Whereupon at 3:09 p.m., the Senate adjourned.)