NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

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3:06 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. I ask everyone present to rise and repeat with me the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

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

(Whereupon, a moment of silence was observed.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, March 22nd. The Senate met pursuant to adjournment. The Journal of Friday, March 19th was read an approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

1274 The Secretary will read.

THE SECRETARY: Senator Fuschillo from the Committee on Consumer Protection reports:

Senate Print 896-A, by Senator Marcellino, an act to amend of General Business Law;

902-A, by Senator Skelos, an act to amend the General Business Law and the Town Law;

2100, by Senator Libous, an act to amend the General Business Law;

2530, by Senator Velella, an act to amend the General Business Law;

3372, by Senator Skelos, an act to amend the General Business Law; and.

3766, by Senator Fuschillo, an act to amend the General Business Law.

Senator Lack, from the Committee on Judiciary reports:

Senate Print 3392, by Senator Lack, a concurrent resolution of the Senate and Assembly;

3393, by Senator Lack, an act to amend the Estates, Powers and Trusts Law;

3396, by Senator Lack, an act to amend the Surrogates Courts Procedure Act.

3398, by Senator Lack, an act to amend the Judiciary Law.

3400, by Senator Lack, an act to amend the Estates, Powers and Trust Law.

3401, by Senator Lack, an act to amend Surrogate Courts Procedure Act; and.

3402, by Senator Lack, an act to amend the Domestic Relations Law.

Senator Hannon from Committee on Health reports:

Senate Print 126, by Senator Rath, an act to amend the Public Health Law.

1708, by Senator Trunzo, an act to amend the Public Health Law.

1718, by Senator Hannon, an act to amend the Public Health Law and the Education Law;

3478, by Senator McGee, an act to amend the Public Health Law; and

3882, by Senator Maziarz, an act to amend Chapter 81 of the laws of 1995.

Senator Spano, from the Committee on Labor reports:

Senate Print 3704, by Senator Maltese, an act to amend the Labor Law and the Penal Law;

3883, by Senator Spano, an act to amend Chapter 511 of the Laws of 1995; and

3909, by Senator Spano, an act to amend the Labor Law and the Civil Service Law.

Senator Rath from the Committee on Local Government reports:

Senate Print 24, by Senator Larkin, an act to amend the Real Property Tax Law;

25, by Senator Larkin, an act to amend the Real Property Tax Law;

631, by Senator Volker, an act to amend the Local Finance Law;

735, by Senator Stafford, an act in relation to the lease or rental, certain lands in Warren County;

833, by Senator Marcellino, an act to amend the Real Property Tax Law;

1061, by Senator Seward, an act to amend the County Law;

1613, by Senator LaValle, an act authorizing the Town of East Hampton;

1748, by Senator LaValle, an act to

amend the General Municipal Law.

2794, by Senator Rath, an act to amend the General Municipal Law.

2855, by Senator LaValle, an act to establish the Island Volunteer Exempt Fireman's Benevolent Association; and

3066, by Senator Skelos, an act to amend the Real Property Tax Law.

Senator Saland from the Committee on Children and Families reports:

Senate Print 1469, by Senator Spano, an act to amend the Social Services Law;

2976, by Senator Saland, an act to amend the Social Services Law;

2977, by Senator Saland, an act to amend the Social Services Law; and

3464, by Senator Holland, an act to amend the Social Services Law.

Senator Wright from the Committee on Energy and Telecommunications reports:

Senate Print 2423, by Senator Wright, an act to amend the Public Service Law; and

3612, by Senator Wright, an act to

direct the Chairman.

Senator Goodman from the Committee on Investigations, Taxation and Government Operations reports:

Senate Print 1229, by Senator Wright, an act to amend the Tax Law;

1230-A, by Senator Wright, an act to amend the Tax Law;

1552, by Senator Kuhl, an act to amend the Alcoholic Beverage Control Law;

2875, by Senator McGee, an act to amend the Public Officers Law;

2885, by Senator Wright, an act to amend the Tax Law;

2898, by Senator Seward, an act to amend the Tax Law;

3304, by Senator Bonacic, an act to amend the Tax Law.

Senator Nozzollio from the Committee on Crime Victims, Crime and Correction reports:

Senate Print 649, by Senator Maziarz, an act to amend the Correction Law;

969, by Senator Skelos, an act to amend the Correction Law and the County Law;

972, by Senator Skelos, an act to amend the Correction Law and the Executive Law; and

1126, by Senator Maltese, an act to amend the Executive Law.

Senator Holland from the Committee on Social Services reports:

Senate Print 1348, by Senator Holland, an act to amend the Social Services Law;

1502, by Senator Padavan, an act to amend the Social Services Law and the Education Law;

3463, by Senator Holland, an act to amend the Social Services Law; and

3933, by Senator Holland, an act to amend the Social Services Law.

All bills ordered direct for third reading.

THE PRESIDENT: Without objection all bills ordered direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, on behalf of Senator Bonacic, on page number 14, I offer the following amendments to Calendar Number 261, Senate Print Number 2324, an ask that said bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendment is received and the bill will retain its place on the Third Reading Calendar.

SENATOR NOZZOLIO: Madam President, on behalf of Senator Volker, I move the following bill be discharged from its respective committee and it be recommit with instructions to strike the enacting clause, Senate Number 2393.

THE PRESIDENT: So ordered.

Senator Bruno.

SENATOR BRUNO: Madam President, I would move that we adopt the Resolution Calendar with the exception of Resolutions 718, 728 and 729.

THE PRESIDENT: All in favor of adopting the Resolution Calendar with the

exception of Resolution 718, 728 and 729, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we, at this time, take up my Resolution Number 728, have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution 728, commemorating Good Joes Day 1999.

THE PRESIDENT: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we open sponsorship on this outstanding, excellent resolution commemorating all the good Joes in this chamber and throughout this state in memory of the good Joes and Joseph, Saint Joseph, our patron, at least my patron.

So anyone that would like to get on this resolution, please indicate so at the desk. This is a Good Joe resolution.

THE PRESIDENT: This resolution will be open for sponsorship. All those who wish to be on the resolution, please notify the desk.

All those who wish not to be on the resolution should notify the desks.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up the privileged resolution at the desk by Senator Nozzolio, Number 718, ask that it be read in its entirety and move for its immediate adoption.

PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator

Nozzolio, Legislative Resolution 718, memorializing Governor George E. Pataki to proclaim March 23, 1999 as New York Apple Country Day in the State of New York.

Whereas, the $144 million apple industry represents an important segment of New York State's economy, ranking second in the nation with an annual average production of 25 million bushels, 650 family farms provide employment to ten thousand direct agricultural workers; and

Whereas apple processors form a vital part of the economy in several New York State communities, the apple processing industry makes apple sauce, apple juice, cider, apple slices, dried apples, vinegar, and other apple products, utilizing 57 percent of the total apple crop, the presence of these industries supports packaging, ingredient, equipment and transportation industries, and

Whereas, the fresh wholesale apple industry supplies New York and many other states with high quality apple country apples, the fresh apple export business now exceeds one million cartons per year, shipping to the

United Kingdom, Canada, Israel, Central America and the Caribbean, 7,500 indirect jobs flow from this industry, including handling, distribution, marketing, and shipping of apples in the domestic and overseas markets, New York State direct marketers sell their apples, cider, pies, and other value added apple products directly from the farm to the consumer from upstate farm markets to the green markets of New York City, these farm markets provide an important link between the farm and the consumer with economic, historic, and cultural connections, and

Whereas, New York State has remained in the forefront of innovations in apple growing, the industry pioneered new varieties, advanced integrated pest management, growing techniques, and controlled atmosphere storage, which allows consumers to enjoy harvest fresh apples year round, New York apple growers harvest more varieties than any place in the nation. Apple country growers continue to grow traditional favorites such as Macintosh, while keeping an eye toward to newer varieties such as Gala, Fuji and

Ginger Gold. Some of today's most popular apples such as Empire and Crispin grow very well in the New York State's rich glacial soil warmed by breezes from Lake Ontario, Lake Champlain, and the Hudson River, and

Whereas, this Legislative Body applauds the efforts of New York State's apple industry and its non profit trade association, the New York Apple Association, Incorporated, to insure the continued growth and strength of the industry, now therefore be it

Resolved that this Legislative Body pause in its deliberations to memorialize Governor George E. Pataki to proclaim March 23rd 1999 as New York Apple Country Day in the State of New York, and be it further

Resolved that copies of this Resolution, suitably engrossed, be transmitted to the Honorable George E. Pataki, Governor of the State of New York, and Michael V. Durando, President, New York Apple Association, Incorporated.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, my colleagues, there are many

important things that this Legislative body does from day to day, but there is no one more important single industry than New York's apple growing industry. $144 million each year directly into the New York State economy. And on each desk of every Senator today is a small reminder of how important the apple industry is to us in New York State, how wonderful a product is grown in New York State, and how we as a state need to promote the wonderful work done here by the apple farmers of this state.

Madam President, I know you know first hand the importance of this industry and that seated in the balcony today are members of the New York State Apple Growers Association. Farmers who work diligently from every corner of this state producing a unique product, our state's official fruit, but a very important industry to all of Yorkers.

Madam President, I applaud those who are supporting the resolution and that certainly I know that the apple growers of this state appreciate the attention given to them today by the New York State Senate.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Will Senator Nozzolio yield for a question?

THE PRESIDENT: Senator, will you yield?

SENATOR NOZZOLIO: Yes.

SENATOR CONNOR: Senator, have you contacted the Medical Society to see if they support your resolution?

SENATOR NOZZOLIO: We understand through their official memorandum sent around that an apple a day helps them in their works.

SENATOR CONNOR: Thank you.

SENATOR STAFFORD: Madam President.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Coming from apple country, we support Senator Nozzolio's resolution a thousand times.

THE PRESIDENT: Thank you. And only once the question is on the resolution.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

I think there is another privileged resolution at the desk by Senator Seward. It is 729. I would ask that it be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Seward, Legislative Resolution 729, expressing sincerest sympathy on the death of Town of Oneonta Chief Constable Norman F. Carr, Jr., killed in the line of duty on December 3rd, 1998.

Whereas, it is the intent of this Legislative Body to extend its grateful appreciation and acknowledgement of the heroic actions of those who give their lives in the courageous performance of their duties, and

Whereas, this Legislative Body takes this occasion to pay tribute to Town of Oneonta Chief Constable Norman F. Carr, Jr.,

who was killed in the line of duty on December 3, 1998.

Norman Carr, a native of Oneonta, was chief constable and on-call fire fighter, special sheriff's deputy, state employee, Viet Nam era army veteran and devoted husband.

Constable Carr was on duty when he was hit and killed while directing traffic on State Route 23 in the Town of Oneonta after responding to the scene of a motor vehicle accident.

Directing traffic is among the most dangerous responsibilities of law enforcement officials; and

Whereas, Norman Carr was a man with a wonderful sense of humor who gave his all to his work, he was commended on August 1998 by Captain Kevin Molinari of the State Police at Oneonta for assisting a woman who was being stalked by another vehicle on Interstate 88.

Norman Carr was praised as a dedicated professional who unstintingly provided emergency services for the citizens of Oneonta.

Norman Carr knew every road and

deer trail in Oneonta. He was generous with his time and resources and turned the town's constabulary from an untrained civilian response unit to a proactive agency that worked closely with local police agencies, the sheriff's department and the New York State Police.

Norman Carr was an operating supervisor who managed buildings and grounds for the State Department of Environmental Conservation, where he had worked for 30 years. As operations manager in Stamford he was responsible for crews that worked at parking areas, boat launches, camp grounds and recreational areas including Bear Spring Mountain and Little Pond in Delaware County.

Norman Carr was in charge of the sheriff's department boat control. In summers during the past seven years he spent time in a boat on Oswego, Goodyear and Canadarago Lakes as the special deputy on boat patrol, and

Whereas, Norman Carr, survived by his wife Norma is sorely missed by his family, friends and associates, Chief Constable Carr's name will be added to the National Law

Enforcement Memorial in Washington, D.C. on May 13, 1999, one of only two officers in New York. Now, therefore, be it

Resolved, that this Legislative Body pause in its deliberations to express sincerest sympathy on the death of Town of Oneonta Chief Constable Norman F. Carr, Jr., killed in the line of duty on December 3, 1998, and be it further,

Resolved, that a copy of this Resolution, suitably engrossed, be transmitted to Mrs. Norman F. Carr, Jr.

THE PRESIDENT: Senate Seward.

SENATOR SEWARD: Thank you, Madam President, and my colleagues.

On behalf of the family of Norman F. Carr, Jr., his many colleagues and friends and associates and all of the people in the area that I represent, I rise to thank you for this is a very kind expression of sympathy through your support of this resolution.

By day Norman F. Carr, Jr., was a 30 year devoted state employee, employed by the Department of Environmental Conservation, a base in the Stamford office, but in his off

hours as a state employee, Norm Carr gave of himself through various; an on call fire fighter, a special sheriff's deputy, and most notably as the Chief Constable of Town of Oneonta.

And during Norm Carr's tenure with the constable's office in the Town of Oneonta he brought that from an untrained civilian response unit to a very well trained response, very pro active agency that worked very, very closely with all of the other police agencies in the Oneonta area, worked very closely in order to provide protection and assistance to the people of the area.

Norm Carr was known for his sense of humor, his common sense approach to law enforcement, and his firm but fair way in which he carried out his duties.

And so I rise to thank my colleagues for the support of this resolution. I know that it will mean a great deal to Norm's family and friends in the Oneonta area. We have lost a good friend, a very devoted public servant, and we miss him very much.

THE PRESIDENT: The question is

on the resolution.

All in favor, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, can we return to reports of Standing Committees?

I believe there is a report of the Finance Committee at the desk.

THE PRESIDENT: Reports of Standing Committees.

The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution 765, adopting a budget resolution proposing amendments to the 1999-2000 Executive Budget submission.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, thank you.

We have before us the Budget

Resolution that we are presenting through the Senate and to the public. And this resolution is $73.3 billion worth of spending an revenue in it. It is 2.7 percent over last year's budget.

In this budget we restore some of the important items that were not in the Governor's budget proposal to us. And in that we add overall funds of about $750 million to secondary education, close to $180 million in higher education, restoring TAP, and funding the CUNY an SUNY contracts.

In Medicaid to a total of over 800 million all funds in restorations. Transportation over 200 million for roadside, for bridges.

We have in this resolution over a billion one hundred million in tax cuts including the earned income tax for people out there that need this kind of support with incomes of 25,000 and less.

We restored the BOCES cuts that took place in the proposal by the Governor.

So we think that the resolution before us is responsible, it is prudent, it

does the kinds of things that are necessary to keep our economy growing, to keep job creation in place here in the state and to fund the necessities for the standard of living that all you of us enjoy here in this state.

We have to be careful and I say prudent and responsible because I think this is the year for all of us to be careful. We have a surplus in this state this year. We inherited, all of us five years ago, a $5 billion deficit. That deficit was the result of over spending. And not resulting from anything other than an irresponsible over spending binge, and had we spent only the inflation rate in terms of increases over the previous year during the previous administration we would have had five years ago a $5 billion surplus, $15 billion surplus instead of a $5 billion deficit. So I am just suggesting that this is the time for us to be focused, to be responsible and to be prudent.

Now, would we like to spend another couple billion, yes. But we are taking 2.7 plus billion and putting it into a reserve fund to fund the STAR program, the real estate

tax cuts that are critically important to all of the seniors of this state and to all of the citizens of this state and all of the other tax cuts that are now law, so that if this economy takes a little dip or a large dip we will have a reserve. And prudently any family, any individual, when times are good, what do you do. I know what Senator Stafford does as chair of Finance, he puts something aside for emergencies. He shared that with me while he was working diligently on this resolution. And that's what we have to do as a state. We have to put money aside when times are good for any contingency, any emergency that may -- that might exist next year or the year after.

I am concerned as you are about the out years. And that's why we have this 2.7 billion reserve.

Now, we differ from the other house. In the other house their reserve account gets added to by 600 million, a billion two with the reserve that is already there. So as I said, our spending is 2.7 percent. We think it is realistic. It is

reasonable, it is affordable, its prudent. So I would urge my colleagues here in the Senate to be realistic and to be supportive.

Thank you, Madam President.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

Thank you, Senator Bruno for bringing this resolution forth so we can move forward in the budget process.

Let me say right now with respect to your tax cut proposals, they are good.

I would point out to the Majority that the earned income tax credit was offered as an amendment on this floor by the Senate Minority in 1994 and 1995 and again last year, and voted down by the Majority, which just proves that redemption is always possible. We're delighted that you have embraced this. Imitation is the best form of flattery, and we saw that with the STAR program a couple of years ago, and now we see it with the EITC.

As I have said many times since I have been leader, we Senate Democrats rarely see a tax cut we don't like. We do have a

little bit more conservative approach than the Majority. We like to pay for them when we see them and embrace them. In the past five years we have -- this house has done tax cuts totalling $7.7 billion but we have only paid for $1.3 billion of those tax cuts and sooner or later they have to be paid for.

I recognize the Majority here says they are spending less than the Assembly, but you know, tax cuts are spending too and you propose $1.1 billion in tax cuts. That's good. But you only pay for $45 million of it this year, a year when we have a couple billion dollars surplus. That is not good. That offends our inherent fiscal responsibility, sense of fiscal responsibility and conservative fiscal approach.

I guess it is Republican fiscal policy, I don't understand it, the fact that you are making a small down payment is better than our Governor proposed when he proposed billions in tax cuts that wouldn't kick in until after his term of office was over. I guess that is the extreme Republican fiscal view point, pass the press release now and let

somebody pay for the tax cuts three or four years from now.

You know, ultimately the budget is about choices. It is about choices. Where do you choose to invest the people's money. And I will say this for the, Assembly they put their money where their mouth is. They put up money now to invest in education, health care and other needs of the State as opposed to incurring liabilities that don't get paid, substantial liabilities that get paid in the future.

Meanwhile we have a surplus. Last year the Senate Minority, faced with a surplus said lets give everybody a rebate. We thought that was a very conservative approach. Oh, we took in more than we needed, give it back to the people. Frankly, there was no ground swell for this, but it remains a conservative approach and I would point out maybe for another day that we ought to consider something like Governor Ventura in Minnesota has proposed, a sales tax rebate. It avoids all sorts of federal complications and it is a good way to use part of a surplus.

We proposed other things and we - I'm not saying this is a bad resolution at all. In fact I intend to vote for it. There are things in there I like; tax cuts, restoring TAP, some of the restorations don't go far enough, but they are better than no restorations. It is better than the Governor proposed. So I intend to vote for it. But we do have amendments to offer.

Madam President, we have amendments to offer to try to make this is a better resolution and I hope at the end of today I can vote for this resolution as amended by some of our ideas.

The amendments we are putting forward try to reflect our values. You know, isn't the budget really about where you choose to spend your money, who you are for, what you care about and what your priorities are. So our amendments will try and articulate some of these priorities. Some of the other proposals that we have made, I would not note made it last year, you will hear it again, a mortgage recording tax holiday for a year. Let our homeowners refinance at new lower interest

rates. The cost to us is nothing compared to what they will save, thousands of dollars in interest payments as well as the mortgage recording tax. This was a proposal this conference made last year. It seemed to be rejected. I don't understand why even in Nassau County the Republicans there are proposing increasing the mortgage recording tax. I say let those homeowners save money, let them refinance. Lets put of this state surplus into making that possible, into reimbursing the localities and letting people refinance. Let's have a one year moratorium on that tax.

We will also propose amendments to end the marriage penalty. We think that is a good family values way to cut taxes and cut the tax burden on New York families.

I applaud your tuition tax credit. We will have an amendment to make it even better and it won't cost much. For another $5 million you can make that meaningful. Instead of a credit or a deduction, just make an adjustment to income. Lower middle class working families can then get full advantage

of that tuition tax credit thing. And I commend it to you. It is not a lot more money and it will help a lot more people. So we will officer that amendment.

Now, something we proposed in the past because we think it helps generate jobs in New York were energy tax cuts and I applaud the Majority for now proposing energy tax cuts, except frankly, and I have never -- I have said it before, I don't like gross receipts taxes at all, forget lowering them. They are a bad way to go. They are a bad feature. They are an economic disincentive. They are a cost of doing business rather than a tax on productive wealth.

I hate to say this, I think the Governor is right in his approach to this. I think the Governor's approach to the energy tax is the right way, lets take a whole new approach.

Now, some of the other amendments you will hear from, Madam President, concern debt reduction, debt reduction. For example, we have this big surplus and everybody is setting up a reserve. The Assembly has there

reserves, the Majority has a whole lot in reserve, the Governor has his reserves. Well, why don't we use some of these reserves in a productive way to reduce debts.

For example, we all know that out standing to communities upstate, the school districts upstate as well as to New York City are prior year claims on education aid. Why don't we take some of this reserve fund money, cut a deal, reduce prior year claims and maybe they will even use it for school construction and we'll shoot two birds with one shot. We will be proposing that.

While the Majority proposes to restore money for education, frankly we feel that the level at which you are restoring the education money is woefully inadequate because, in effect, you are embracing what the Governor tried with pre-K and the other things, the block grant, and you are blocking a whole lot of money for education and you are going to say, well, that is for the teacher support aid and that is for the school aid formula and so on, but you know what, when you add up the numbers, if you have really

restored teacher support aid, if you have really restored building maintenance, pre-K, categorical stuff then you are short about 407 million dollars in formula aid. So I asked my colleagues, which one of your districts, you have school runs, which one of your districts is taking the hit? You are short $407 million. And if you really restored pre-K, building maintenance, teacher support and so on, then you are short 407 and it must be coming out of the school aid formula that drives the money to your districts.

So we think we can't walk away from education that way and we will be offering an amendment at $407 million to take that total education pot up to a full restoration of teaching support, pre-K, building maintenance, as well as what the school aid formula would drive to all of your districts.

So these in some are our approach to this budget. I regret, I regret that the Majority has not addressed some of the fiscal controls and reforms that the Comptroller has recommended. We really -- and I applaud the Assembly, and it may be surprising, but they

at least have measures to step away from the past practice of back door borrowing. I think we ought to embrace that because it is a bad way to go and a year of surplus is a good year to get our hands around that issue and stop the fiscal games. And I would, again, I intend to vote for this resolution. I hope, at the end of the day we are able to vote for this resolution as amended. Why wait. Why wait and come back next year or the next year with some of our good ideas and your budget the way you are doing with the EITC. Take it now in the spirit of collegiality. Hopefully this is, I recognize, almost not quite the budget process, but early, I hope the later stages can be quick. When we get to the conference committees lets take some of these ideas, and I might point out, we have other amendments that will address some other serious needs and the sponsors will be addressing those, for example we have a tax cut to benefit farmers that's very important to us in this conference. We have some other measures and some of them you have heard from before and we'll offer them.

Mr. President, I thank you. Let the festivities begin.

ACTING PRESIDENT KUHL: The chair recognizes Senator Marchi.

SENATOR MARCHI: Mr. President, I want to compliment the Minority leader on at least one point. He recognizes the strictures and the limits that were not reflected in the product by the Assembly, which would blow the -- our chances and expose us to serious danger in the future if we accepted its implications.

I certainly welcome his endorsement of proceeding so that we may embrace the conference committees and their deliberations and perhaps some of this maybe reflected, but let us reflect very seriously on the basics that are involved here. We're close to the closure of the 20th Century. We are not going to have a more serious responsibility facing us this year than the one that we're addressing today. I don't mean this particular item, because I think it is a very fine, prudent temperate response to a very skidish situation, but if we fail to recognize the warning signals and the clouds that are on

the horizon we will have made a horrendous mistake.

As Yogi Berra said, we can make mistakes as long as they are not the wrong mistakes. And the wrong mistake would be to ignore fiscal realities that confront us throughout the world.

Senator Bruno and the Majority and Senator Stafford and his valiant staff, all of them have cooperated and we have had liberal exchange within our own conferences on the constitution of something that will meet that challenge. Is it on anybody's preference list? No, there are 211 people, we all have our priorities. And I could suggest some. And there are some things you said that did not offend me at all. But I would suggest that we reflect seriously on some of the warning clouds that are on the horizon.

I would suggest to those of you who have missed the report that was made several weeks ago by Alan Greenspan, chairman of the Federal Reserve to Congress. He said, quote, it appears stretched, meaning our economy, in a number of dimensions, nationally.

This is a problem we all face. Europe is on questionable grounds right now and we enjoy somewhat of a benefit because we're able to get cheap imports as a result of their distress. Asia is in the same position. Other areas in the world are suffering the same experience.

He has said somewhat earlier, we can not remain in an oasis of prosperity. Doesn't anybody listen to what he is saying?

Celebrated economists such as Warren Buffet and Robert Solo, a Nobel economist, economist lauriate, said that, quote, we have had three awfully good years now and an incredible fourth quarter. Who knows what is next. Do you know? I do not know, but I know that we can not go over board.

Bare in government -- bear in mind that the government -- the federal government has many options that we don't have. They can monitorize their debt. And you know how easy that is. I was reading recently that the total gross product of bras was something like $11 billion. You ran World War II at the

height of its activity with that amount of money, so what do you do with the money that you borrowed? You monitorize it. You give it back in water.

You can pump -- prime the pump as they say, you can raise taxes and I have voted for an increase in taxes at some occasions in my life when I thought that it was necessary and you can reduce them when especially after 1986 when we had the tax reform act and we no longer had Uncle Sam. And it was started by President Kennedy incidentally back in the 60's. We no longer had Uncle Sam as a partner in our deductability.

Putting us at a competitive disadvantage with 49 other states, inducing as it did, as our Majority leader Senator Bruno reminded us that if we wanted to stay in this ball game and remain competitive we had to take those very painful steps.

Alan Greenspan helped me 30 years ago when I ran unsuccessfully for mayor with economic planning. I did a fundless campaign. But a lot of the things that were said at that time came to fruition and we had to respond to

them and we did later on.

I do not know how many of you remember Mike Press, the same Mike Press who is a senior researcher for Alan Greenspan, the same Mike Press that worked with Senate Finance when I was chairman many years ago, 20 years ago, over. He said as one of his top lieutenants made the point, might people, business managers, consumers, investors be taking risks that we would not have taken were it not for an exaggerated confidence in the ability of the fed to cushion the economy. Oh, they will rescue us in financial markets against any and all shots. What do you need? What do you need by way of warning and asking us to be prudent and not to be reckless. And I ask you to reflect on five factors that were featured recently in an article by Louis Ukatel in the New York Times, five factors that sustain a strong economic hand, a soaring stock market, low inflation, the consequences of people becoming richer, spending more money and making the economy stronger. And the observation is made, we're aware of the fact that if any one of these factors collapse that

whole house of cards will also collapse.

Do we know what we're playing with? Do you know and what we know and appreciate what the risk is if we act imprudently?

We are aware that these factors are vulnerable. Have you reflected on the fact that wages have risen, people are spending their new wealth by selling stocks or borrowing against it? And savings and liquidity is not very robust.

The stock is not actually collateral in the borrowing process. And the confidence is placed in the belief that homes as collateral may be sold to repay if necessary.

The stock market has become a way of extracting equity from housing and it is at its highest level according to the federal reserve and the reputable Jerome Levy institute.

Since the economic slow down in Europe, Asia and Russia, as I said before, the run off benefits sometimes increase our ability to purchase foreign commodities at bargain prices. They are plain inference that

this condition will not rest and the height of folly that we could engage in as I have said to many of my acquaintances and people in discussing this, we should not play Russian roulette with the economic and fiscal integrity of the people of this state and we will be doing exactly that, not by some of the disputes that we may have and some of the differences we may have in ordering our priorities within the limitation of our avails. But by engaging in the folly that was passed in its aggregated by the Assembly.

The perpetual motion economy was a headline that was in the Times weekend review. The stronger it gets the sweater the palms, so the hands that are on the throttle are not sweating, if you act prudently. If you don't act prudently. But if you say full speed ahead under those circumstances where there are so many voices pleading us -- pleading with us to be realistic, to face up to our responsibilities, then indeed we have a serious problem to answer to before we become speculative and reckless.

I would suggest that the commitment

that you are making not foreclosing other options and reordering priorities because that is the objective that we all have to be able to address them, but to bring this process in the context of responsibility to do it so we can move forward to the conferences and make those orderly decisions.

I believe each and every one of you have a serious sense of responsibility with respect to the events that are taking place. I believe that each and every member of this house is anxious to see the process go forward under the aegis of conferences responsibly conducted. And you have your motions and you have your amendments. This is all part of a process. I'm not against saying that. But let's keep our eye on the big picture. Let's keep our eye on those awesome considerations that we must engage in before we go willy nilly and spend billions beyond that which can be reasonably predicted under any given scenario. So I invite your cooperation and I believe with the historic experience we have had we're going to get it.

ACTING PRESIDENT KUHL: Senator

Paterson, why do you rise.

SENATOR PATERSON: Mr. President, would you recognize Senator Nanula?

ACTING PRESIDENT KUHL: Senator Nanula.

SENATOR NANULA: Thank you, Mr. President.

I believe there is an amendment at the desk. I would like to ask that its reading be waived and I would like to speak on the amendment.

ACTING PRESIDENT KUHL: Senator Nanula, there is a resolution amendment at the desk. Reading of it is waived and you now have the opportunity to explain it.

SENATOR NANULA: Thank you, Mr. President.

I want to start by thanking our esteemed senior member for his economics lesson. Senator, I only hope that this economy continues to roll along at least at a moderate pace, because we in upstate New York, in particular western New York, have not seen really any growth unlike so many other parts of the country and I couldn't imagine a down

turn of the economy and what it could do to us in the Buffalo area. And with respect to that, my resolution addresses what I believe to be an investment in our future. A restoration of in the engineering services fund. It is a $63 million piece, and it would be a restoration of the Governor's cut to last years funding level.

These dollars are critical to cover all aspects of design and construction of roads and bridges on the state's highway and bridge system. And in my opinion it is a critical restoration for two reasons; number one, it reinforces the importance of investment in our New York State infrastructure, and again with respect to western New York in particular, but really across New York State, our infrastructure is the key to commerce and growth and as well with respect to the federal T-21 funding, it is absolutely critical that we, as a result of the T-21 federal funding that our Governor, Governor Pataki, fought to get out our pieces for in New York State that we'll be receiving next year in the year 2000, that that funding

we have done the infrastructure work for, meaning we have designed the infrastructure, we have engineered for the roadside and bridges. This funding in effect will leverage significant additional investment in facilitating construction in this state.

It is a responsible restoration and it is one that is critical to not only the infrastructure of our state but the future of our economy in New York. With that, I thank you, Mr. President.

ACTING PRESIDENT KUHL: Any other members wishing to speak in the amendment?

The question is on the amendment to the resolution. All those in favor, signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Paterson.

SENATOR PATERSON: Mr. President, would you please acknowledge Senator Smith?

ACTING PRESIDENT KUHL: The chair recognizing Senator Smith.

SENATOR SMITH: Thank you. Mr. President, I believe there is an amendment at the desk. I request that the reading of the amendment be waived and I would like to be heard on the amendment.

ACTING PRESIDENT KUHL: If you will give me just a minute Senator, let me just take a quick look at the proposed amendment.

Senator Smith, the reading of the amendment is waived and your now afforded the opportunity to explain it.

SENATOR SMITH: Thank you, Mr. President.

I believe that this amendment to the transportation budget is self explanatory. First, it increases a total transit aid of 95 million, which would eliminate the one person

trains for the New York City transit authority operation for the amount of $5 million. It would also increase the school fair assistance program for young people for the New York City transit authority in the amount of 15 million.

It also would give additional transit aid to downstate in the amount of $50 million, and to upstate in the amount of $25 million, but I would like to add that the fund balances of the ENTOA funds would cover that $75 million, which would not really be an increase to the budget.

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

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

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost. Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. I believe there is an amendment at the desk. I would ask that its reading be waived and I would ask to explain the amendment.

ACTING PRESIDENT KUHL: If you will give me just a minute, Senator.

Senator Dollinger, I will direct the clerk to waive the reading of the amendment and you are now afforded the opportunity to explain.

SENATOR DOLLINGER: Thank you, Mr. President.

This amendment has two parts. Two years ago, in 1997, when we didn't have a booming economy, it was still growing, we took $200 million from nursing homes and hospitals through cost containment measures. We pinched them because we didn't have the funds.

What this amendment seeks to do is to restore those $200 million in Medicaid cuts

to nursing homes and hospitals because this year we do have the money to pay those and we ought to pay our past bills, give back to people that we took something from, give back to our hospitals and nursing homes the ability to care for the people in this state to the tune of $200 million before we announce billions of dollars in tax cuts.

And secondly what this amendment does is this amendment keeps a promise that we made to local communities that we all represent. The Governor proposed reducing the states contribution to Medicaid and increasing local communities. That's known as cost shifting. That is known as an unfunded mandate. That is known as shifting part of our responsibility, something we paid for to require local counties to pay for by raising their property taxes. This amendment would restore the state share to 25 percent keeping our promise to local communities. It is $228.5 million, Mr. President, and I strongly suggest, lets keep our promise to local communities and lets give back to the hospitals and nursing homes whom we took funds

from and effected their quality of care, lets give it back to them now this year when we can afford to do it.

I move the amendment, Mr. President.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the amendment? Hearing none, the question is on the amendment.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Gentile.

SENATOR GENTILE: Mr. President, I believe there is an amendment at the desk. I ask that the reading be waived and allow me

to explain.

ACTING PRESIDENT KUHL: If you will give me just a minute.

I direct the clerk to waive the reading and you are now afforded an opportunity to explain it.

SENATOR GENTILE: Thank you, Mr. President.

As of January 1st this year we have a new form of refugee in New York among our senior population, those are the HMO refugees, those seniors, 55,000, seniors in the State of New York who were dropped by their HMOs as of January 1st of this year. Many of those 55,000 seniors cannot afford a drug prescription plan. As a result we now have tens of thousands of seniors without drug prescription coverage. And when that happens we have a choice between seniors buying food or buying drugs. Let not that be the choice here in New York State.

The amendment that I propose raises the EPIC pharmaceutical drug program eligibility limit to $30,000 for individuals, $35,000 thousand for couples. Under those

limits, which is something we can afford in this state, many of those seniors who were dropped as of January 1st by their HMOs can join this program.

It is an on going, running program. It is something that we should do for our senior population. Let not this state turn its back on the seniors who can not afford a drug prescription program.

I ask you, Mr. President and the rest of this body to vote for this amendment.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the amendment? Hearing none, the question is on the amendment.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Duane, why do you rise?

SENATOR DUANE: Thank you, Mr. President. I believe that there is an amendment at the desk.

ACTING PRESIDENT KUHL: Senator Duane, give me just a moment and let me take a look at your proposed amendment.

SENATOR DUANE: As you do that, I would request that the reading of the amendment be waived.

ACTING PRESIDENT KUHL: Would you would like an opportunity to explain it too?

SENATOR DUANE: Very much so.

ACTING PRESIDENT KUHL: I direct the Secretary to waive the reading of the amendment and you are now afforded an opportunity, Senator, to explain the amendment.

SENATOR DUANE: Thank you, very much.

This amendment would, for the most part, restore funds for programs for families and seniors and community health services that

were vetoed last year and in a few instances for programs it would add a modest additional amount of money in addition to what the Majority already has in their proposal.

I think that these services provided by these programs are so critical that we must include them in our budget plan.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the amendment? Hearing none, the question is on the amendment.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Mr.

President, I believe there is an amendment at the desk and I would request the reading of the amendment be waived.

ACTING PRESIDENT KUHL: I direct that the reading of the amendment be waived and you are now afforded an opportunity to explain the amendment.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

The amendment that I am offering is very small. I think if there is one theme throughout the amendments that the Minority is offering today is a theme of investment, investment in most cases in the economic health of our state.

The amendment I am offering is a million dollars for a different kind of investment. It is really an investment in saving lives. It is a small amount of money in the context of the State Budget, but this is an amendment that I think is very important. It would provide for safety equipment at family planning clinics, bullet proof glass, bomb detection equipment, and other things that unfortunately are necessary

in our state because of the continued violence against the providers and recipients of reproductive health services.

I am hopeful hope that we will take other steps in this session to protect the doctors and the workers and the women who are attempting to exercise their constitutional rights and who deserve the treatment in the State of New York, the protection of the State of New York as law abiding citizens, but I think this amendment will be a very important step and a signal that we are not silent on this is issue and that people should not have to risk being shot or blown up and that we do take the rule of law in this state very seriously.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the amendment? Hearing none, the question is on the amendment.

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT KUHL: The

Secretary will call the roll, record the party line vote, and announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35, party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

The chair recognizes Senator Waldon for the purposes of an amendment.

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

I believe there is an amendment at the desk. I ask that its reading be waived and I respectfully request an opportunity to explain the amendment.

ACTING PRESIDENT KUHL: Senator, if you will just give me a couple seconds here. Senator Waldon, I will direct that Secretary waive the reading of the proposed amendment and you are afforded an opportunity to explain.

SENATOR WALDON: Thank you very much, Mr. President. My colleagues, I have a golden opportunity for our chamber. We can do something that is only is not -- is righteous,

but is right. This is something that will save lives into the millennium. If there is ever a time that we needed to look at diversity training amongst our police it is now. Post Diallo, plus a whole host of other confrontations with our police departments not only in New York City but across the state. The district I represent alone can be characterized as a polyglot. There is just so many languages in the district, so many cultures represented. Now, I think that is true across the width and breadth of New York State. Our police need to know more about the people they are constitutionally bound to serve. We need to have also more community policing grants for our police officers so that the CPOP teams in uniform will get to know the people they serve. O. W. Wilson and all the great writers in law enforcement say that when uniformed officers have a chance interface constantly with the people they serve they are able to render better service. And I believe we need to enhance that in New York State at this time. The fastest growing population in our criminal justice system is

our youth and if we are to interdict that problem we need to create very creative situations for our youth to occupy themselves. My grandmother Maude Barbara Wallace said, "idle hands is the devil's playground." And I believe that is true even in 1999. And so if we can have creative programs in the schools that last not just until 7:00 but until midnight and after. If we can have centers everywhere a young person needs to involve him or herself, we will go a long way in preventing bad decisions being made regarding the criminal justice system. And I believe that our woman and children who suffer constantly in this state from domestic violence, need to have a friend. And we, the Legislature can be that friend. And I want us to creates 375 additional beds for them and the necessary legal services to ensure that the battered woman and children of this state are adequately cared for. And I offer this for our consideration more mere pittance, $26.45 million. I ask my colleagues to join me in taking care of business on behalf of the youth and the mothers and children of this

state. Thank you very much, Mr. President

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the amendment? Hearing none. Question is on the amendment.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: Amendment is lost. The chair recognized Senator Oppenheimer for the purposes of an amendment.

SENATOR OPPENHEIMER: Do you have the amendment at the desk -

ACTING PRESIDENT KUHL: We do, Senator.

SENATOR OPPENHEIMER: Okay. Then I -- I would request that the reading would be waived and I would explain it.

ACTING PRESIDENT KUHL: The

reading of the amendment is waived, Senator, and you are now afforded an opportunity to explain it.

SENATOR OPPENHEIMER: Well, unlike my previous colleague, mine is not a pittance, mine is big, but it is important. It's $407 million this amendment. I -- I concur completely with Senator Marchi who said that we have to be responsible and not be reckless. But I can't believe that there is a better investment in the world than investing in the kids of our country and our state. What this amendment would do is it would deny the block grant. Many of us know that block grant is merely a synonym for funding reduction. That's always been true and probably always will be. This amendment would add school aid, the amount of $300 million. That is amount that would be there were the formula and categoricals brought forth into this year and not reduced. This would also include $91 million which would be for teacher centers and teacher support aid. I do not know how these teachers would be able to teach to the new standards if they are not given

assistance themselves. And as far as technology, our teachers certainly need the assistance in the technological advancements. Without teacher centers and without teacher support aid, this isn't going to happen. And the last piece is $156 million and that's for universal pre-k, for day -- full-day kindergarten for minor maintenance at schools and for class size reduction. We made a commitment last year we said there would be a program for these for items for four years. And here we are, one year later saying, whoops, we must have made a mistake. I can only tell you that in my school districts, several of my school districts did start pre-k and they are at a total loss to figure out what are they going to do now that the state has turned it's back on them. So I say make your reductions where you want to, but please do not reduce our investment in our children.

ACTING PRESIDENT KUHL: Any other Senator wish to speak on the amendment? Hearing none, the question is on the amendment.

SENATOR PATERSON: Party vote in

the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: Amendment is lost. The chair recognized Senator Hevesi for the purposes of an amendment.

SENATOR HEVESI: Mr. President, I believe there is an amendment at the desk. I request that the reading of the amendment be waived and that I be heard on the amendment.

ACTING PRESIDENT KUHL: Senator, the amendment is at the desk. I direct the Secretary to waive the reading of it and you are now afforded the opportunity to explain the amendment.

SENATOR HEVESI: Thank you, Mr. President. Mr. President, this is the largest of the amendments that we are offering up today. This amendment would allocate $600

million in consideration of prior year school aid receivables. I have been heard on this issue before on the floor of this institution. New York City is owed 700 -- owed a minimum of $725 million of prior year school aid. And many, many school districts throughout the State of New York, all over the state are all, are owed in the aggregate $95.3 million. $95.3 million. Compounding this problem the executive budget this year includes a woefully inadequate $36 million in consideration of these receivables. And New York City with 88 percent of the claims currently pending is capped at 40 percent of the allocation. Making matters even worse if the City of New York does not receive $39 million by June 30th of this year, the New York City Board or Education will forfeit, write-off $39 million. Mr. President, we face extraordinary educational challenges. We are trying to implement universal pre-k. We are trying to reduce class sizes. We are trying to reduce student-teacher ratio we are trying to better prepare our students for the standards that we have recently and wisely implemented. And

most pressingly Mr. President, we have a crisis in overcrowding in my home county. There are currently 22,000 students that do not have seats in the classroom and over the next five to seven years we are getting an additional 60,000 students into the classroom. The amendment before us today is not a New York City aid package. I will remind everybody in this institution that this package will provide money immediately that is due for counties throughout the entire state including $1.1 million, for example, for the Binghamton school district, $1.6 million for the Auburn school district, $207,000 for Northern Adirondack school district. And in conclusion, this proposal today, a $600 million allocation does a series of things that we must move in the -- in the direction of doing, including reducing the state's long-term obligations. At the same time that we correct an injustice that has been before us for many years. And lastly, allocating those funds as a consequence of this policy to address our most pressing educational challenges where ever they are in the state of

New York. I move that this motion be adopted and that my colleagues support it. Thank you.

ACTING PRESIDENT KUHL: Is there any other Senators wishing to speak on the amendment? Hearing none, the questions on the amendment.

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

ACTING PRESIDENT KUHL: Hold on just -

SENATOR LACHMAN: Oh.

ACTING PRESIDENT KUHL: Hold on, Senator. Senator, let's take a vote. The question is on the amendment.

All those in favor signify by saying aye.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35.

Party vote.

ACTING PRESIDENT KUHL: The amendment is lost. Chair recognizes Senator Lachman for the purposes of an amendment.

SENATOR LACHMAN: I have an anticipatory amendment at the desk, Mr. Chairman, and I request that the reading be waived and I be heard on the amendment. Okay. We in New York State -

ACTING PRESIDENT KUHL: Senator Lachman, Senator Lachman, excuse me, just - I'm checking just to see that it is germane to the issue before the house. Okay. So give me just a minute. Senator Lachman, I will direct the Secretary to waive the reading of the amendment. You are now afforded an opportunity to explain the amendment.

SENATOR LACHMAN: I thank you, Mr. President. We in this chamber are justly proud of SUNY, the largest state public university in the nation and CUNY the largest university in urban area in the nation. But quantity is not the sole measure of greatness. It's quality. And even though there are - have been some restorations, there can be more

restorations. We want to maintain these two jewels in our state. Now, my amendment which is an addition of $25 million, accomplishes many things. But want to stress on thing and one thing only, the Republican Majority in this chamber last year added an additional 150 faculty positions to SUNY and an additional 150 faculty positions to CUNY. And I'm just asking you, appealing to you to exercises the same wisdom that you did in '98, in '99. Please, we need these faculty positions even more than that. Thank you.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the amendment? Hearing none, the questions on the amendment.

All those in favor signify by saying aye.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35, party vote.

ACTING PRESIDENT KUHL: Amendment is lost. Senator Lachman for purposes of an amendment.

SENATOR LACHMAN: This amendment that I'm requesting that the reading be waived and be heard on deals with community colleges. As you can see I believe you have it at the chair.

ACTING PRESIDENT KUHL: Senator Lachman, it does appear to be germane so I will direct the Secretary to waive the reading of the amendment. You are afforded an opportunity to explain the amendment.

SENATOR LACHMAN: Okay. This is an amendment that will only cost $28.5 million. It concerns community colleges in a very important way. The New York State community colleges charge the second highest tuition in the nation and this is outrageous, because this is a means of upward mobility to enter the middle class. This is also a means of fueling the economies of many communities in the state. And what my amendment does,

very briefly, is it attempts to eliminate any future increase in tuition for students attending community colleges. Initially there was an unspoken agreement of a one-third, one-third, one-third, state-local-student participation in funding community colleges. This no longer exists. It's imperative that we have as many young people entering the middle class, entering the main stream as possible, and the community colleges of this state, both SUNY and CUNY are the vehicle for this. Thank you.

ACTING PRESIDENT KUHL: Any other member wishing to speak on the amendment. Hearing none, the question is on the amendment. All those in favor signify by saying aye.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: Amendment is lost. Chair recognizes Senator Stachowski -- excuse me, Senator Dollinger for the purposes of an amendment.

SENATOR STACHOWSKI: Thank you very much, Mr. President. I believe there is an amendment at the desk. I'd ask that it's reading be waived and that I'd be heard on the amendment.

ACTING PRESIDENT KUHL: Waive the reading of the amendment. Senator Dollinger now afforded the opportunity to explain the amendment.

SENATOR DOLLINGER: Mr. President, I take my lead from Senator Marchi, who talked about a historic moment. Fire, the alphabet, Gutenberg press and the computer. Probably the four most important things that have happened to mankind that we can now see the benefit of. Fire that got us started. The alphabet which brought us language. And printing, and the concept of transmission by paper. The Gutenberg press, which

revolutionized the way we think and the way we look. And computers, which are radically changing this continent, this planet, and in fact, our whole perception of ourselves. The amendment is simple, Mr. President. It takes the same principal we've used with respect to clothing and use it for computers. They're so important to education of our children. So important to an understanding of our world. So important to our ability to communicate that for one week every year, we ought to give everybody that buys a computer that is worth less than $2,000, a one-week sales tax holiday. Give then $160 savings on their computer so that they can buy the portal to the 21st century that Senator Marchi talked to us standing on the verge of. If we want to get to the 20th century, get there quicker and be sure that this insure state and students in it and the families in it are ready for that century, let's encourage everybody to buy a computer. Let's give them a one-week sales tax holiday on the purchase of a computer so that we'll prepare New Yorkers for the 21st century. That's my amendment and I move it,

Mr. President.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the amendment hearing none the question is on the amendment.

All those in favor signify by saying aye.

Opposed, nay.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost. The chair recognizes Senator Stachowski for the purpose of an amendment.

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

ACTING PRESIDENT KUHL: There is

one, Senator.

SENATOR STACHOWSKI: I would like to request that I waive the reading and that I be heard on the amendment.

ACTING PRESIDENT KUHL: I'll direct the Secretary to waive the reading of the amendment. You are now afford the opportunity, Senator Stachowski, to explain the amendment.

SENATOR STACHOWSKI: This amendment would eliminate what is known as a turnover tax on business. Turnover taxes are taxes that are charged on either other goods or services that are used to produce the product that businesses then in turn sells. This turnover tax as it currently exists in New York is an unfair -- unfair business tax on the businesses that are located in New York and gives them an unlevel playing field when competing with out-of-state business on bidding contracts and just the everyday sales of their products. This amendment would eliminate these turnover taxes and make business better in New York State, therefore I move the amendment.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the amendment? Hearing none the question is on the amendment. All those in favor signify by saying aye.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

THE PRESIDENT: The Secretary will call the roll, record the party line votes, announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: Amendment is loss. The chair recognizes Senator Stachowski for the purposes of an amendment.

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

ACTING PRESIDENT KUHL: There is.

SENATOR STACHOWSKI: I would also like that waive that -- the reading of that amendment and be heard on it.

ACTING PRESIDENT KUHL: The

reading of the amendment is waived. Senator Stachowski, you are now afforded the opportunity to explain it.

SENATOR STACHOWSKI: Now, in the package that was presented to us by the Majority, they took out part of the truck tax. The problem with only taking out a part of the tax is the same problem we had last year with the truck tax. And that is if you leave part of it in, then they still have all the paperwork. The biggest objection they have was never the money. It was the paperwork. So by taking out another portion of it and still leaving a portion of it existing, we still leaving them with all that paperwork and all those headaches. And the fact is that out-of-state truckers don't have to do that paperwork and some New York truckers just ignore doing and don't fill the requirement and don't pay the tax. What the trucker brought to us this year and what this amendment includes is revenue neutral position where they would pay an increased fee at registration in exchange for the removal of this tax. This is a good idea. It is revenue

neutral. I don't understand why it wasn't included in your package. It was proposed by the truckers themselves. So you know they are not against it. And therefore I move the amendment.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the amendment? Hearing none the question is on the amendment.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary calls the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: Amendment is lost. Chair recognizes Senator Gentile for the purposes of an amendment.

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

ACTING PRESIDENT KUHL: There is.

SENATOR GENTILE: I ask that the

reading be waived and allow me to explain.

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

SENATOR GENTILE: Thank you, Mr. President. This amendment would repeal the sales tax on clothing and shoes effective January 1st of 2000. We have all seen over the last several years that the sales tax free weeks have worked. The experiments have worked. The -- it has been good for business, for small businesses. It has been good for consumers, it has been good for families. And most of all it has been good for our economy. Indeed, the sales -- the repeal of the sales tax during the sale tax free weeks that we've had has shown that we can create as many as 20,000 new jobs in New York City alone, just 20,000 new jobs by repealing the sales tax on clothing and shoes. It is time we stop the experiments and make it a permanent repeal, completely repeal the sales tax on clothing and shoes. Call it my conservative view but my conservative view is that creating jobs in

the free market is a much better jobs program and a much better use of those sale tax dollars then giving those dollars to the government and allowing the governments decide how to spend it. Give the money back to the people. So I ask you to join me and my colleagues on this side of the aisle and Republican mayor Rudy Guiliani and Staten Island borough president, Guy Molinari, in calling for the repeal of the sales tax on clothing and shoes.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the amendment? Hearing none the question is on the amendment.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

THE PRESIDENT: Amendment is lost. Chair recognizes Senator Gonzalez for the purposes of an amendment.

SENATOR GONZALEZ: Mr. President, I request that the amendment -- the reading of the amendment be waived and that I would be heard on the amendment.

ACTING PRESIDENT KUHL: Senator Gonzalez, I'll direct the Secretary to waive the reading of the amendment. You are now afforded an opportunity to explain the amendment.

SENATOR GONZALEZ: Thank you, Mr. President. Very short and sweet. Eliminate the marriage penalty by increasing the standard deduction for married joint filers from 13,000 to 15,000. Thank you Mr. President.

ACTING PRESIDENT KUHL: Any other senator wishing to speak on the amendment? Hearing none the question is on the amendment.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: Amendment is lost. The chair recognizes Senator Stachowski for the purposes of an amendment does.

SENATOR STACHOWSKI: Mr. President, I believe I have an amendment at the desk. I request that that amendment be waived -- that the reading be waived and that I be heard on it.

ACTING PRESIDENT KUHL: The Secretary will waive the reading of the amendment. Senator Stachowski, you are now afforded an opportunity to explain the amendment.

SENATOR STACHOWSKI: As many in this room will remember last year the Senate Minority brought forth an idea to cut the energy taxes on farmers, a rebate so to speak on any expense incurred by farmers in using

different energies, for example, oil or gas.

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

SENATOR STACHOWSKI: Yes.

ACTING PRESIDENT KUHL: It is getting awfully noisy. We have members out of their seats and talking. We have staff running back and forth. So let's just get a little control in this chamber. Thank you. Senator Stachowski.

SENATOR STACHOWSKI: To continue. This would be a rebate to farmers who would help them. As you know agriculture is still our number one industry. One of the largest expenses that farmers incur is their energy cost. The cost of electricity, natural gas, gasoline, oil and other energy products continue to rise while often times the money that farmers get for their products doesn't. So giving them a rebate, this 10 percent credit that we call for in this amendment is a very good idea. It would be a great stimulus to the agricultural industry, a great help to our family farms and all farms in the New York State. And I think that it was a good idea

last year and it's a great idea this year. So therefore, I move for the amendment.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the amendment? Hearing none, the question is on the amendment.

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

THE PRESIDENT: The amendment is lost. The chair recognizes Senator Montgomery for the purpose of an amendment.

SENATOR MONTGOMERY: Yes, Mr. President, I believe you have an amendment at the desk.

ACTING PRESIDENT KUHL: I do, Senator.

SENATOR MONTGOMERY: I request

that the reading of the amendment be waived and I would like to be heard on the amendment.

ACTING PRESIDENT KUHL: Reading of the amendment is waived. Senator, you are afforded an opportunity to explain the amendment.

SENATOR MONTGOMERY: All right. My amendment is to the -- amend the tax - tuition tax break in our budget. As we know, tuition payments advance an educated and skilled citizenry and work force. It improves the economic development and standards of living in our state. And affords an opportunity to higher education for people in our state no matter what their income. So my amendment would simply allow tuition payments, under the tuition tax break program to be excluded from income. My amendment would make it a fairer and simpler process and thereby more accessible by taxpayers in our state.

ACTING PRESIDENT KUHL: Any other senator wishing to speak on the amendment? Hearing none, the question is on the amendment.

SENATOR PATERSON: Party vote in

the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost. The chair recognizes Senator Onorato for the purposes of an amendment.

SENATOR ONORATO: Mr. President, I believe there is an amendment at the desk. I request that the reading of the amendment be waived and I would like the opportunity to explain my amendment.

ACTING PRESIDENT KUHL: This one is definitely germane, Senator. And your reading is waived and you are afforded the opportunity of explaining the amendment.

SENATOR ONORATO: All right. Thank you Mr. President. Due to the, you know, the rising cost of entertainment today,

it is becoming increasingly difficult for our people of our state to entertain themselves at the few available public beaches and parks throughout the state. My amendment would reject the Governor's proposal to increase the day use of parking fees from $4 to $5 at most parks. And from $5 to $7 at most beaches. It would also reject the Governor's proposal to increase the annual charge for Empire passports from $39 per car to $49 per car. And also to reject the Governor's proposal to double pool admissions fees from the current $1 for adults and 50 cents for children. It would double our rates. But most importantly, the Governor also plans to propose an increases of golf fees by 20 percent and to create an additional $10 golf surcharge on nonresidents. I think this is reprehensible, Mr. President, and I urge that we adopt this resolution.

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

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

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

(The Secretary called the role.)

THE SECRETARY: Ayes 24, nays 35. Party vote.

THE PRESIDENT: The amendment is lost. The chair recognizes Senator Stachowski to close for the Minority on the resolution.

SENATOR STACHOWSKI: Mr. President, I rise to close for the Minority on the resolution. I think that, although we believe that our package of amendments had some good ideas, and we are sorry that they all lost, we hope that the mention of all of them will at least be fresh in everybody's mind when we start the conference committees. And that some of them or at least part of them will move forth in conference committee procedure. We think that the package in front of us is an improvement over the Governor's budget as a whole. We like some of the increases. In some cases obviously we wish

they were more. But any increase is better then the sever cuts that the Governor proposed in his budget to many of the areas of the budget that we have to deal with as we have been hearing from all our constituents that have been coming up. For example, today when we had the students up and the library people, people from the colleges. There is cuts all over. There is some put backs here. It's a good starting point. We look forward to moving ahead with the budget process. We are anxiously awaiting the start of the conference committees and hopefully we can do the same good work we did last year only without the bad result of the Governor's vetoes that took out all of the good work that we did. And hopefully if he should veto it, that this year will return to override many of those vetoes and put back the things if we happen to do the good work that we did last year. So with that I would like move that we -- we help with this. This is a good package. I think that I'm going to support it. I know that Senator Connor already said that he was going to support it. Thank you Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford to close for the Majority.

SENATOR STAFFORD: Thank you, Mr. President. They have me closing because I'm brief. We are closed.

(Applause)

ACTING PRESIDENT KUHL: Secretar y, call the roll.

SENATOR STAFFORD: Mr. President, I believe we are not supposed to applaud in the chamber, but thank you. I would just second what has been said very well here today. Mr. President, it is a very complex state. We have to be very, very carefully that we don't get discouraged and we don't get is cynical. I share with you very briefly, that although there are sever differences to the point that we feel there are certain proposals that have been made here that are irresponsible -- and I say that. Still, where we are in the budget process right now -- and I mean this -- is so far ahead of where we were 30 years ago when we used to consider this issue. Granted we have to sit down now on the anvil of discussion, on the anvil of

reason and get this done. As has been mentioned very clearly here, we acknowledge work to be done in education, work to be done in health care, work to be done in the infrastructure. That will be done. Mr. President, I close by reminding us that many of us were here when this locomotive -- if we want to call the state that -- when the engine was about ready to run out of fuel. That we remember that. When rather than arguing about a 2 to $3 billion deficit that we are arguing about today, we were talking about a 5 - excuse me. 2 to $3 billion surplus that we're arguing about today. We were talking about a 5 sometimes $6 billion deficit and this state was going down the drain. We simply could not function and I says to all who are so concerned about this budget -- and they should be -- that unless we have reason and sensibility and don't fall for any irresponsibility. We will not be able to meet the needs of this state so many that have been mentioned today. So with that I move the resolution and has been mentioned on both sides of the aisle, we're moving toward

getting the job done. Thank you.

ACTING PRESIDENT KUHL: Secretary , call the role on Resolution 765.

(The Secretary called the roll.)

THE PRESIDENT: Senator Padavan, explain his vote.

SENATOR PADAVAN: Thank you, Mr. President. And knowing how long and hard we've deliberated on this issue, I will be very brief. The Majority leader earlier started this discussion by saying that this plan that is before us, the resolution, is both prudent, reasonable, and a proper approach. And I fully agree with that and comments made by our distinguished chairman of finance obviously were right to the mark. And the characteristically intellectually superior observations of Senator Marchi were also more than beneficial to all of us. However, there is one part of this resolution that is neither prudent nor desirable. And that relates to the continuation of something that is called Quick Draw. Quick Draw as you all know is a Keno game played in casinos. Several years ago it was adopted by this Legislature for the

benefit of those new members by tying it together with a tax cut bill. Because most of us, if not virtually all of, found that the idea was somewhat displeasing to say the least, it became law. It became law however with several provisions. One that a report should be given prior its renewal at its sunset of three years. So the report to rendered by the state lottery division in conjunction with the Office of Mental Health on the impact of Quick Draw. Well, I haven't see this report, I assume neither have you. I will get a report with, but OMH -- and I have direct communication with the commissioner - will not have been involved, totally uninvolved. It will come from a marketing firm, the Goldfarb and Company under contract with the state lottery. In addition, the state counsel on problem gambling was suppose to be involved, totally uninvolved. And the director of that agency has communicated with us and I've shared that with all of you so I won't bore you by reading it. Simply saying, this is a big mistake, they haven't done it and when they do say they've done it, it won't

be worth the paper it is written on. Now the fact remains, this is not economic development, the profits from the lottery last year were $147 million by their accounting. And that's $147 million worth of problems. 18 percent of the people calling the hot line that's set up by the counsel relate to the lottery and quick draw as their problem. The reason they got to that very critical point, and I suggest to you anyone who dials an 800 number, pleaing, calling for help, pleading for help, is in bad shape. The issues here are rather lengthy and involved. And there will be a time when we deal with the budget bills where we will address it once again. But I just want this body to know and to think as we work toward that, hopefully, near term solution to a budget, that Quick Draw should come to an end. We didn't wanted it in the first place and we certainly don't want to continue it for another two years. I will vote for this resolution, however.

ACTING PRESIDENT KUHL: Senator Padavan will be recorded in affirmative and announce the results.

THE SECRETARY: Ayes 58, nays 1. Senator Duane recorded in the negative. Also Senator Schneiderman.

Ayes 57, nays 2.

THE PRESIDENT: The resolution is adopted. Senator Velella.

SENATOR VELELLA: Mr. President, let there be an immediate meeting of the Economic Development Committee in the Majority Conference Room.

ACTING PRESIDENT KUHL: Immediate meeting of the Commerce and Economic Development Committee in the Majority Conference Room, Room 332. Immediate meeting of Commerce and Economic Development Committee in the Majority Conference Room, Room 332.

SENATOR LARKIN: Do the non-controversial calendar, Mr. President.

ACTING PRESIDENT KUHL: Sir, before we do that we have a couple substitutions at the desk and we return to motions and resolutions.

SENATOR LARKIN: Excuse me, Mr. President.

ACTING PRESIDENT KUHL: Return to

motions and resolutions. The Secretary will read the substitutions.

THE SECRETARY: On page 15, Senator Trunzo moves to discharge from the Committee on Transportation, Assembly Bill Number 5181 and substitute for the identical Third Reading Calendar 266.

On page 17, Senator Hannon moves to discharge from the Committee on Civil Service and Pensions Assembly Bill No. 3440A and substitute for the identical Third Reading Calendar 296.

ACTING PRESIDENT KUHL: Substitut ions are ordered. The Secretary will read the non-controversial calendar.

THE SECRETARY: Calendar Number 152, by Senator LaValle, Senate Print 27, an act to amend the Education Law, in relationship to the membership of professional licensing boards.

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 calls the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 215, by Senator Alesi, Senate Print 1605, an act to amend the General Business Law, in relation to recordkeeping.

ACTING PRESIDENT KUHL: Secretary read the last section.

THE SECRETARY: Section 7. 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 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 300, by Senator Kuhl, Senate Print 1725, an act to amend Agriculture and Markets Law, in relation to duties of the Commissioner of Agriculture and Markets.

ACTING PRESIDENT KUHL: Secretary read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes 57, nays 2. Senators Duane and Oppenheimer recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 301, by member of the Assembly Magee, Assembly Print 3097, an act to amend the Agriculture and Markets Law, in relation to making technical amendments.

ACTING PRESIDENT KUHL: Secretary 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.

THE SECRETARY: Calendar Number 302, by Senator Kuhl, Senate Print 2728, an act to amend the Agriculture and Markets Law and the Vehicle and Traffic Law, in relation to exempting farm vehicles.

ACTING PRESIDENT KUHL: Secretary , read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives, announce the results. Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, just to explain my vote, this is a bill that we -

THE PRESIDENT: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: We have

debated on a number of occasions and I think there were a number of my colleagues who voted against it in the past Senator Breslin, myself, Senator Kruger, Senator Lachman, former Senator Leichter, Senator Nanula, and Senator Stavisky. So we've just -- we'll let the bill go on the non-controversial calendar and have them vote and express their's.

ACTING PRESIDENT KUHL: Senator Dollinger, recorded in the negative.

SENATOR DOLLINGER: Thank you, Mr. President.

THE SECRETARY: Those recorded in the negative on Calendar Number 302 are Senators Breslin, Dollinger, Duane, Kruger, Montgomery, Schneiderman, and Stavisky. Ayes 52, nays 7.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 303, by Senator Kuhl, Senate Print 2729, an act to amend the Agriculture and Markets Law, in relation to the producer referendum under the Rogers-Allen law.

ACTING PRESIDENT KUHL: Secretary

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 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 304, by Senator Johnson, Senate Print 2785, an act to amend the Agriculture and Markets Law, in relation to creating an advisory counsel on seafood policy.

ACTING PRESIDENT KUHL: Secretary 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.

THE SECRETARY: Calendar Number

310, by Senator Skelos, Senate Print 2622, an act to amend the Education Law, in relation to notification to parents of an elementary school pupil's absence from school.

ACTING PRESIDENT KUHL: Secretary read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 1st day of September.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 321, by Senator Kuhl, Senate Print 3244, an act to amend the Vehicle and Traffic Law, in relation to authorizing the operation of farm motor vehicles.

ACTING PRESIDENT KUHL: Secretary read the last section.

THE SECRETARY: Section 2, this act shall take effect immediately effect.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58, nays 1. Senate Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 323, by Senator Farley, Senate Print 1917, an act to amend the Environmental Conservation Law, in relation to making technical correction thereto.

ACTING PRESIDENT KUHL: Secretary read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

THE SECRETARY: Ayes 59.

ACTING PRESIDENT KUHL: The bill is passed. Senator Montgomery, why do you rise.

SENATOR MONTGOMERY: Yes, Mr. President. I would like to have unanimous consent to be in the negative on Calendar 310.

ACTING PRESIDENT KUHL: Without

objection. Hearing no objection Senator Montgomery will be recorded in the negative on Calendar Number 310. Senator Lachman, why do you rise.

SENATOR LACHMAN: I'd like to have unanimous consent to be recorded in the negative on 302.

ACTING PRESIDENT KUHL: Without objection. Hearing no objection, Senator Lachman is recorded in the negative on Calendar Number 302. Senator Larkin?

SENATOR LARKIN: Is there any other housekeeping at the desk, Mr. President.

ACTING PRESIDENT KUHL: There is none. The desk is clean.

SENATOR LARKIN: Mr. President, then I recommend that we adjourned until Wednesday, March the 24th at 11:00 a.m.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, Wednesday, March 24 at 11:00 a.m.

(Whereupon, at 4:58 the Senate adjourned.)