NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

August 3, 1999

11:41 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order.

I ask the members to take their seats, staff to take their seats.

At this time I ask everyone in the chamber to please stand and recite with me the Pledge of Allegiance to the Flag.

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

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

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Monday, August 2nd, the Senate met pursuant to adjournment. The Journal of Sunday, August 1st, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, I think it would be appropriate at this time to stand at ease. Sit at ease. Anything you want, stand or sit at ease.

ACTING PRESIDENT KUHL: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:44 a.m.)

(Whereupon, the Senate reconvened at 11:47 a.m.)

ACTING PRESIDENT KUHL: Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Would you please recognize Senator Nozzolio.

ACTING PRESIDENT KUHL: Senator

Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

There will be an immediate meeting of the Crime Victims, Crime and Corrections Committee in the Majority Conference Room.

ACTING PRESIDENT KUHL: Immediate meeting of the Crime, Crime Victims and Corrections Committee in the Majority Conference Room, Room 332. Immediate meeting of the Crime, Crime Victims and Corrections Committee in the Majority Conference Room, Room 332.

Senator Skelos.

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

ACTING PRESIDENT KUHL: We have.

If we could return to the order of motions and resolutions, the Chair would recognize Senator Meier.

SENATOR MEIER: Thank you, Mr. President.

I wish to call up Senator Stafford's bill, Print Number 1602B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1205, Senate Budget Bill, Senate Print 1602B, an act making appropriations for the support of government.

ACTING PRESIDENT KUHL: Senator Meier.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT KUHL: Senator Meier.

SENATOR MEIER: Mr. President, I now move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT KUHL: The bill is recommitted to the Committee on Finance.

Senator Meier.

SENATOR MEIER: Mr. President, I

wish to call up Senator Stafford's bill, Print Number 3286A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1207, Senate Budget Bill, Senate Print 3286A, an act making appropriations for the support of government.

ACTING PRESIDENT KUHL: Senator Meier.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT KUHL: Senator Meier.

SENATOR MEIER: Mr. President, I now move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT KUHL: The bill

is recommitted.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I wish to call up Senator Bruno's bill, Print Number 2A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1214, by Senator Bruno, Senate Print 2A, an act to amend the Tax Law.

ACTING PRESIDENT KUHL: Senator Marcellino.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr.

President, I now move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT KUHL: The bill is recommitted to the Committee on Finance.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I wish to call up another bill of Senator Bruno's, Print Number 3A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1215, by Senator Bruno, Senate Print 3A, an act in relation to enacting the Jobs 2000 for New York State.

ACTING PRESIDENT KUHL: Senator Marcellino.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT KUHL: The bill is recommitted to the Committee on Finance.

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT KUHL: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Stafford, I wish to call up Print Number 3287A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1209, Senate Budget Bill, Senate Print 3287A, an act making appropriations for the support of government.

ACTING PRESIDENT KUHL: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

ACTING PRESIDENT KUHL: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT KUHL: The bill will be recommitted to the Committee on Finance.

Senator Fuschillo.

SENATOR FUSCHILLO: I wish to call up Senator Stafford's bill, 3288A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1211, Senate Budget Bill, Senate Print 3288A, an act making appropriations for the support of government.

ACTING PRESIDENT KUHL: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

ACTING PRESIDENT KUHL: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Finance.

ACTING PRESIDENT KUHL: The bill will be recommitted to the Committee on Finance.

Senator Rath.

SENATOR RATH: Mr. President, I wish to call up my bill, Print Number 4036, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1015, by Senator Goodman, Senate Print 4036, an act to amend the Public Officers Law.

ACTING PRESIDENT KUHL: Senator Rath.

SENATOR RATH: Mr. President, I wish to reconsider the vote by which this bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT KUHL: Senator Rath.

SENATOR RATH: Mr. President, I now move to recommit the bill to the Committee on Rules.

ACTING PRESIDENT KUHL: The bill is recommitted to the Committee on Rules.

Senator Rath.

SENATOR RATH: Mr. President, I wish to call up my bill, Print Number 5114A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number

920, by Senator Rath, Senate Print 5114A, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Senator Rath.

SENATOR RATH: Mr. President, I now move to reconsider the vote by which the bill was passed.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

ACTING PRESIDENT KUHL: Senator Rath.

SENATOR RATH: I now move to recommit the bill to the Committee on Rules.

ACTING PRESIDENT KUHL: The bill is recommitted to the Committee on Rules.

Senator Skelos.

SENATOR SKELOS: Mr. President, the Crime and Corrections Committee is meeting now on one nomination. When they return, we will call an immediate meeting of the Finance Committee. So we will stand at ease for about five more minutes.

ACTING PRESIDENT KUHL: The Senate will stand at ease for approximately five minutes.

(Whereupon, the Senate stood at ease at 11:54 a.m.)

(Whereupon, the Senate reconvened at 11:59 a.m.)

ACTING PRESIDENT KUHL: Senator Skelos.

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

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

The Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease at 12:00 p.m.)

(Whereupon, the Senate reconvened at 12:27 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Members please take their places, staff their places.

Senator Skelos.

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

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

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

As a member of the State Board of Parole, Daizee D. Bouey, of Huntington.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: Mr. President, I'm so pleased that I can again stand today and state that we have excellent nominations.

And it is a pleasure for me now to

yield to a Senator who I'm sure is on his way in. I'm sure he'll be here in just a second. So -- he's not here, so it will be a pleasure for me to move the nomination of Ms. Bouey.

I will say to you, Mr. President, that the Governor is to be complimented on the professionals that he is putting in various positions of responsibility; in this case the Parole Board.

The Crime and Correction Committee reviewed the credentials of this fine nominee, and also the nominee appeared before the Finance Committee and gave an excellent statement. And to her credit, there was no discussion and no questions. And the nominee was moved to the floor, and it is a pleasure for me now to move the nomination.

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

Hearing none, the question is on the nomination of Daizee D. Bouey of Huntington, New York, to become a member of the State Board of Parole. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is unanimously confirmed.

We're very, very pleased to have Ms. Bouey with us here today, together with her mother, Ora. And they're in the gallery to your left.

Congratulations; good luck.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: As a member of the State Board of Parole, Joseph J. Gawloski, of Yonkers.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: We have three here taking care of the papers, and sometimes three can't do it as well as one.

But, Mr. President, again, Joseph Gawloski appeared before our committee this morning, and had appeared before. It is a renomination. And Joseph has done a fine job,

and this nominee also fits right perfectly into what I said about having professionals being appointed to these positions of responsibility. The nominee has done an excellent job in his previous responsibilities, and has done an excellent job on the board.

And with that, it's a pleasure to yield -- yield to Senator Nozzolio, who I'm sure will want to also move the nomination, due to the fact that he carries out the responsibilities of Crime and Correction so well, with sensitivity, with professionalism, and with a great deal of commitment. So I now yield to the Senator who is chair of Crime and Corrections, Senator Nozzolio.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, my colleagues, I am indeed humbled by Senator Stafford's recommendation. And thank you very much, Senator, for those kind words. I return the compliment to you for all you do on behalf of

this house.

Ladies and gentlemen of this house, that as we have three members of the parole board that are seeking nomination or renomination to that board, I rise in support of all three. I was inadvertently out of the chamber when Ms. Bouey was so nominated and confirmed by this house. I just would like to say, with your -- without objection, additional comments in praise of her nomination as a member of the City administration, one who has worked in corrections, one who has a great deal of background and training in the criminal justice system.

Indeed, she is a fine nomination, and I praise Governor Pataki for making this step and certainly congratulate Ms. Bouey on her confirmation. She will be an excellent member of the Parole Board.

Before us now is the renomination of Joe Gawloski, that because of Joe's filling an unexpired term, it was just six weeks ago -- although to many of us, that six weeks really seems like six months or six years -

since Joe Gawloski was confirmed by the Senate, that I certainly could take out the good things I said about him then and put them in his renomination.

But, Joe, you certainly, during these last six weeks and during the twenty-some-odd years that you have worked for parole -- in the parole system, you are certainly to be congratulated and thanked for all you do.

Mr. President, I just also would like to state a word, if it's not too out of order, on behalf of Ileana Rodriguez, another renomination, that she will be on the agenda very shortly for consideration by this body.

I think it appropriate, since I am up, I'd also like to say a word about her, that she has been a true star on the Parole Board during her tenure, that her creativity and energy is exceeded by no one, and that she certainly has been a tremendous addition.

And Governor Pataki is very wise - was very wise to nominate her, and we're certainly glad that she is accepting her renomination by this -- by the Parole

Commission and by the Governor.

Mr. President, we have very outstanding candidates serving in this important criminal justice capacity. And I compliment them, I compliment the Governor. I also would like to say a word about Brion Travis, who is chairman of the board, who is also here today. That this is a team that has worked very well together, they are working very, very hard. And we will do all we can to continue helping them and assisting them in their efforts.

Thank you, Mr. President.

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

Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

It's my pleasure once again to get up to speak in favor of the nomination of Joe Gawloski. It was just a few months ago when we -- I had an opportunity to speak on the floor for his appointment.

And Joe Gawloski is a person who

is -- started with parole some twenty -- back in 1968, in 1969, as a trainee, has put all that experience within the field of parole to work during a period when he served as the executive director of the Division of Parole for five years.

I was very pleased to see the Governor appoint Mr. Gawloski as a member of the State Board of Parole. He will make us proud, as he has. He's been a dedicated public servant for the last twenty years and will continue to do well in the position as a member of the State Board of Parole.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Velella.

SENATOR VELELLA: Mr. President, I too would like to add my voice to those to confirm the current nominee.

He has exercised very, very sound judgment in choosing to live in the right part of Yonkers, the part represented by Senator Velella rather than by Senator Spano. So anyone who could exercise that type of judgment I think deserves another term on the

Parole Board.

Congratulations. I'm happy to second your nomination.

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

The question is on the nomination of Joseph J. Gawloski, of Yonkers, to become a member of the State Board of Parole. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

We're very pleased to have Mr. Gawloski in the chamber with us today. Good luck and congratulations.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will continue to read.

THE SECRETARY: As a member of the State Board of Parole, Ileana Rodriguez, Ph.D., of New City.

ACTING PRESIDENT KUHL: Senator

Stafford.

SENATOR STAFFORD: Mr. President, it's a pleasure -- for, again, a professional, excellent nominee -- it's a pleasure to yield to Senator Morahan.

SENATOR MORAHAN: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Morahan.

SENATOR MORAHAN: Thank you, Senator Stafford.

I rise in honor and in pleasure to nominate -- or to second the nomination of a most qualified constituent, Dr. Ileana Rodriguez. The doctor is a member of the New York State Parole Board and, as testified to by Senator Nozzolio, has shown creativity, energy, and dedication to the task at hand, and is eminently qualified to continue to serve in this important position.

Her doctorate is in clinical psychology, and she is currently affiliated with the Department of Community Mental Health in Westchester County. She has been a published author and, in addition to her

professional activities and affiliations, she has been a contributing member of the community. Dr. Rodriguez has served on the Cuban National Planning Council, as a member of the Cuban-Haitian Task Force amongst other high positions of importance.

As I said, it's my pleasure and honor to nominate Dr. Rodriguez for a continuing term on the New York State Parole Board.

And I'm delighted to meet you, it's good to see you, and good luck.

Thank you, Mr. Senator.

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

Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

It is my pleasure also to get up and speak in favor of the nomination of Dr. Ileana Rodriguez. Dr. Rodriguez, before moving to New City, was a resident of the city of Yonkers, and we will not hold that against you -- in my portion of the city of Yonkers.

And Dr. Rodriguez has got the type

of background in terms of psychology and psychotherapy that is very similar to the background of Daizee Bouey, who we just confirmed. And these three individuals, with Joseph J. Gawloski, will be a part of a great team working with the chairman of our Division of Parole, Brion Travis.

It is my pleasure to second the nomination, to join with my colleague, Senator Morahan, in seconding the nomination of Dr. Rodriguez, and to say that I know that she will put her valuable background and knowledge and continue to be a valuable asset to the State Division of Parole.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Mendez, on the nomination.

SENATOR MENDEZ: Yes, Mr. President, I also rise in support of the nomination of Dr. Ileana Rodriguez.

First, I want to mention that the Governor has submitted the names, for all these different positions, of very highly qualified candidates.

I am taken aback by the fact that

here we have today -- we are confirming two women, Daizee Bouey and Dr. Rodriguez, an African-American woman and a Cuban-American woman. Both of them, with extensive knowledge of the criminal justice field, are very deserving of that position that they have been nominated for.

And with the nice gentleman over there, they will make an extremely wonderful team to make the board function even more so efficiently and competently than it did before.

Thank you, Mr. President.

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

The question is on the nomination of Ileana Rodriguez, of New City, to become a member of the State Board of Parole. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is unanimously confirmed.

We're very pleased to have Dr. Rodriguez with us. Dr. Rodriguez, good luck.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: As a member of the New York State Employment Relations Board, Richard A. Torrey, of East Greenbush.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President.

An excellent reappointment. Richard and I go way back. And I certainly am pleased to yield to the Senator from Westchester.

ACTING PRESIDENT KUHL: Senator Spano.

SENATOR SPANO: It's my day today. Thank you, Mr. President.

It is my pleasure to second the nomination of Dick Torrey as a member of the State Employment Relations Board. His credentials are well-known to those members of

the Labor Committee in the Senate as well as representatives from organized labor across the state, having served for 12 years as the associate director of legislation for the state AFL-CIO. He has got extensive experience with labor and management negotiations through his service on the State Employment Relations Board, serving subject to the -- at the recommendation of the Speaker of the Assembly.

And it's my pleasure to second his nomination.

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

Hearing none, the question is on the nomination of Richard A. Torrey of East Greenbush to become a member of the New York State Employment Relations Board. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The

nominee is confirmed.

We're very pleased to have Mr. Torrey with us in the chamber today, to your left.

Congratulations and good luck.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: As a member of the Metropolitan Transportation Authority, James H. Harding, Jr., of New York City.

ACTING PRESIDENT KUHL: The question is on the nomination of James H. Harding, Jr., of New York City, to become a member of the Metropolitan Transportation Authority. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Directors of the New York State Science and Technology Foundation, Morris I. Stoler, of Greenlawn.

ACTING PRESIDENT KUHL: The question is on the nomination of Morris I. Stoler, of Greenlawn, to become a member of the Board of Directors of the New York State Science and Technology Foundation. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Long Island State Park, Recreation and Historic Preservation Commission, John Fuchs, of Huntington.

ACTING PRESIDENT KUHL: The question is on the nomination of John Fuchs, of Huntington, to become a member of the Long Island State Park, Recreation and Historic

Preservation Commission. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Veterans Affairs Commission, Ben E. Peets, of Tupper Lake.

ACTING PRESIDENT KUHL: The question is on the nomination of Ben E. Peets, of Tupper Lake, to become a member of the Veterans Affairs Committee. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As members of the

Empire State Plaza Art Commission, Barbara Kaiser Bray, of Albany; Marijo Dougherty, of Schenectady; and J. Stanley Yake, of Rexford.

ACTING PRESIDENT KUHL: The question is on the multiple nominees to become members of the Empire State Plaza Art Commission. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominees are confirmed.

The Secretary will read.

THE SECRETARY: As director of the Municipal Assistance Corporation for the City of New York, Joseph H. Holland, of New York City.

ACTING PRESIDENT KUHL: The question is on the nomination of Joseph H. Holland, of New York City, to become the director of the Municipal Assistance Corporation of the City of New York. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Public Health Council, Reverend Monsignor Dennis M. Regan, of Commack.

ACTING PRESIDENT KUHL: The question is on the nomination of Reverend Regan of Commack to become a member of the Public Health Council. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Visitors of the Queens Children's Psychiatric Center, Jeanne S. Riger, of

Whitestone.

ACTING PRESIDENT KUHL: The question is on the nomination of Jeanne S. Riger, of Whitestone, to become a member of the Board of Visitors of the Queens Children's Psychiatric Center. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the Board of Visitors of the Western New York Developmental Disabilities Services Office, Kay F. Cook, of Batavia.

ACTING PRESIDENT KUHL: The question is on the nomination of Kay F. Cook, of Batavia, to become a member of the Board of Visitors of the Western New York Developmental Disabilities Services Office. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

Senator McGee.

SENATOR McGEE: Mr. President, will you please recognize Senator Dollinger.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

There will be an immediate conference of the Minority in the Minority Conference Room, Room 314.

Mr. President, my understanding is that the Majority will report a bill out before we go to conference. We'd consent to that, Mr. President.

Thank you.

ACTING PRESIDENT KUHL: The Secretary will continue to read the report of the Finance Committee.

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

following bill direct to third reading:

Senate Print 6077, by the Senate Committee on Rules, an act to amend the Social Services Law.

ACTING PRESIDENT KUHL: Without objection, the bill is ordered directly to third reading.

Now, Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

With that in mind, we'd like to repeat the call for a Minority conference, conference of the Minority, in Room 314. Immediately, Mr. President.

ACTING PRESIDENT KUHL: There will be an immediate conference of the Minority, immediate conference of the Minority in the Minority Conference Room, Room 314.

Senator McGee.

SENATOR McGEE: Mr. President, the Senate will stand at ease.

ACTING PRESIDENT KUHL: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 12:49 p.m.)

(Whereupon, the Senate reconvened at 1:05 p.m.)

ACTING PRESIDENT KUHL: Senator McGee.

SENATOR McGEE: Mr. President, there will be an immediate conference of the Senate Majority in the Senate Majority Conference Room, please.

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

And the Senate continues to stand at ease.

(Whereupon, the Senate stood at ease at 1:06 p.m.)

(Whereupon, the Senate reconvened at 1:50 p.m.)

ACTING PRESIDENT KUHL: The members will come to order. If the staff could find their places.

Senator Skelos.

SENATOR SKELOS: If we could return to the order of motions and resolutions.

ACTING PRESIDENT KUHL: We will return to the order of motions and resolutions.

The Chair recognizes the distinguished Senator from the western part of New York, Senator McGee.

SENATOR McGEE: Thank you, Mr. President.

I move that the following bills be discharged from their respective committees and be recommitted, with instructions to strike the enacting clause. And this is on behalf of Senator Marcellino. Senate Number 823, Senate Number 832, Senate Number 1499, Senate Number 3221, Senate Number 5409.

ACTING PRESIDENT KUHL: The enacting clauses on those bills will be stricken. The bills will be recommitted.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 1645.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1645, by the Senate Committee on Rules, Senate Print 6077, an act to amend the Social Services Law, in relation to medical assistance exclusion.

SENATOR DOLLINGER: Explanation.

ACTING PRESIDENT KUHL: An explanation has been requested of Calendar Number 1645, Senator Farley, by Senator Dollinger.

SENATOR FARLEY: Senator Dollinger, this is a Rules bill that we pass every year. Actually, this talks about Medicaid abortions.

All this is is a conformity bill that puts us in conformity with almost the vast preponderance of states, 40 some odd states, that follow the federal guidelines for Medicaid funding for abortions.

It provides that Medicaid will not pay for an abortion unless it's necessary to

save the mother's life, where a pregnancy is a result of rape or incest which was reported by a law enforcement agency, or under conditions required by federal law as a condition of continued state participation in the federal matching funding.

New York is only one of 14 states which funds abortion on demand. This means that New York taxpayers bear a hundred percent of the cost of Medicaid abortions, as federal Medicaid funds are only available in medically indicated abortions. Nearly half, 43.4 percent, of the 145,000 abortions performed annually in New York are paid by Medicaid, at a cost of $33 million. A vast majority of Medicaid funded abortions, 92 percent, are for nonmedical, convenience reasons.

Most New Yorkers oppose abortions. A New York Times poll found that 72 percent of those polled believed that costs should be paid directly by the women who have the abortions.

I realize this is for poor women. We're not saying that poor women can have - cannot have abortions. This does not ban

abortions. The Supreme Court has spoken on that issue. But it does say that, for instance, for elective abortions that are not medically necessary, that that person either should be paid for by a private fund or by the individual.

We're not talking a great deal of a situation. It's a conformity bill. It's how most of the nation feels. New York is out of step here. This Senate has for years and years, for the 24 years that I've been here, has always supported this legislation.

Actually, in years past, I guess my first 10 or 15 years here, maybe 10 or 12, they used to do an amendment -- I think many of us believe that -- where we held up the budget until this was taken out. Then other people would have to jump off so that we'd have to pass a budget. We always wanted to pass this bill, but it never really happened.

This is a bill that passes, goes over to the Assembly. Unfortunately, they don't even take it up. But it is -- this is not a political issue. This is not an issue that follows party lines. As a matter of

fact, some of the most devout pro-life people are on the other side of the aisle.

And with that, I can recall over the years the debate that's been on this issue. It is an emotional issue. But more and more, it's just an issue that we're making a statement that Medicaid funding of elective abortions will be only funded by the federal guidelines, which I think is reasonable. It's not -- it's not banning abortions.

Always during the debate of this bill, they say "We don't want to go back to the coat hangers. We don't want to go back to women not having -- being able to have abortions in the back rooms," and all of this. Abortions are legal in this state. They're allowed. And there's no reason to go into a back room. You can go to a doctor, to a clinic.

And all of the money that is spent by the pro-choice people -- and they are very heavy contributors, and we realize that - they ought to be able to pay for some of these abortions for poor women.

I can recall Senator Nolan, who

served in this Legislature for a number of years, he said to me -- he said on the floor of the Senate, he says, "You know, I have one of the more affluent districts in the Senate." He says, "And I also have a lot of poor women. They come into my office all the time. They've got a lot of problems. They have problems with their rent. They have problems with paying their bills. They have all kinds of problems. I've never had a poor woman come into my office and say, 'We need more abortions.'" "What I do have," he says, "is a lot of my most affluent women coming in and saying, 'These poor women need their abortions. They've got to have lots of abortions, these poor women.'"

I kind of think that's an elitist statement. And I can recall a Congressman once saying that "You know what? Either pay for them now, or you pay for them later." And the press asked me what I thought about that statement. I said, "A lot of people grew up poor, and they didn't end up on welfare, they didn't end up as a -- on the dole." I said, "I think that's very much of an elitist

statement."

And I think that unfortunately so many people feel that it's necessary for the poor and the minorities, to make sure they have lots of abortions. I think it's wrong. I personally feel very, very strongly, being one of six children, that -- and my mother, who was the most feminine -- incidentally, my mother was a suffragette. And my mother felt very, very deeply on this subject.

And I remember when she was in her nineties, she was never impressed with the fact that I was a Senator, but she was very impressed that I had a vote on this issue. And she reminded me every year that I was in office how I should vote on this issue. And even though my mother is not alive today, Mom, I'm bringing up in the -- I'm explaining this bill, even though it's not my bill. It's the bill of the people in this Senate that feel deeply on this subject.

I respect other people's opinions on this. I don't think because you feel you're pro-choice and you feel that you should fund all abortions that you're a murderer. I

don't feel that way. I don't feel that all kinds of abortions should be outlawed, even. I think -- I don't think that anybody, including my faith, feels that where the life of a mother is in danger, that that woman has to sacrifice her life for that fetus. I certainly wouldn't feel that way with my wife and my children.

I know that my daughters and my wife feel as deeply and as strongly on this subject as I do, and they're certainly very - in my judgment, very fine women.

With that, I'd be happy to answer a question. But I think everybody knows this issue and everybody intends to vote their conscience and what they think is right here.

ACTING PRESIDENT KUHL: Senator Skelos.

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

ACTING PRESIDENT KUHL: Immediate meeting of the Higher Education Committee, immediate meeting of the Higher Education

Committee in the Majority Conference Room, Room 332.

Senator Dollinger, does that answer your question?

SENATOR DOLLINGER: That explanation is sufficient.

I'd ask that you recognize Senator Oppenheimer.

ACTING PRESIDENT KUHL: Senator Dollinger yields the floor to Senator Oppenheimer.

Senator Goodman, why do you rise?

SENATOR GOODMAN: Is there a list on this? And if so, may I -

ACTING PRESIDENT KUHL: You are on the list, Senator Goodman. You're - immediately after Senator Oppenheimer, you'll be recognized for purposes of discussion.

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

ACTING PRESIDENT KUHL: Senator Dollinger will be speaking a second time.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, like Senator Farley, I certainly don't hold any ill

will to people who certainly oppose this - support this issue. I, for one, oppose it.

It almost sounds, in listening to Senator Farley, like a poor woman would choose abortion because of the Medicaid funding. The choice on whether to bring a child in this world or not is not decided because of Medicaid funding being available. It might make the difference between having a clean, safe abortion and one that might cost considerably less and be considerably less safe. But it sounded almost like the decision to abort would be made by poor women because, oh, yes, there's Medicaid.

That isn't why women make this decision. They make this decision because they feel they are not in a position to support an infant, to nurture an infant. Perhaps they're young and have a lifetime ahead of them where they have to gain education and gain some job skills before they feel they're in a position to parent a child.

All this sounds very logical to me, and something that I would like to see. I would like to see these younger women

certainly have an opportunity to fulfill the potential of their lives, even though at the current time of their pregnancy they may be poor and they may be young and maybe the only way for them to access their future in their lives is to have this abortion and have it paid for by Medicaid.

I was looking through a paper that I just came across of a few things I said about 13 years ago on the Senate floor, and I think I'll extrapolate a few of the things. I'm currently rehabbing my house, and I'm finding all kinds of interesting old papers.

"Once again, I'm supporting poor women in need of abortions to assure that they have equal access to safe medical care. This freedom must apply equally to all women, both rich and poor. We must not allow the freedom to exist only for the privileged of this state.

"Prior to 1970, the poor suffered disproportionately high maternal mortality due to high-risk childbearing and due to illegal abortion. The data proves beyond a doubt that affluent women could always manage to avail

themselves of needed abortion services, while the poor gained access only through government subsidy.

"As we look at the information that has become public about the difficulties faced by poor single mothers and their children, it is even more clear that using funding as a means to bribe poor women to bear unwanted children is senseless and inhumane public policy. It causes many mothers to become dependent on the community for the rest of their lives instead of staying in school and getting job training and holding down a decent job and hopefully becoming self-supporting members and contributing members to our society.

"We can never allow New York State to return to the disproportionate suffering, ill health, and deaths that poor women faced prior to the legalization of abortion services and to the provision of funding for poor women to receive these services. We should be very proud that New York State's long-standing and enlightened policy ensures that the constitutional right to choice is not

predicated on the ability to pay for care.

"Impartial coverage for both maternal care and abortion services safeguard poor women's health and benefits the state as a whole and adds luster to this state's government, which is humane and caring for all women and treats women as mature human beings who know what's best for them and who want to have babies when they can have them and can love them and can provide for them.

"And therefore, I urge people within my hearing that they should come to the chamber and vote against this bill.

ACTING PRESIDENT KUHL: Senator Goodman.

SENATOR GOODMAN: Mr. President, once again this year we go through a procedure which is completely fruitless and without purpose, since it is generally known and understood that the Assembly will never pass this bill. Nonetheless, it seems as though we are required each year to debate this on its merits, and so I will proceed to try to give you the perspective which it seems to me is relevant in this case.

First of all, let's be very clear that when Roe versus Wade passed in 1973, it passed for the purpose of making it possible for women of all economic groups to have the right of choice. Through the restrictions which this bill would propose, that right of choice is now limited only to those who can afford the luxury of having an abortion if they believe it is necessary. That, in my opinion, is rank discrimination, and it's inappropriate for our party on this side of the aisle to identify with such an attempt to prevent the equal application of law.

Now, there are some other aspects of this that we should consider very carefully. Keep in mind, Mr. President, that the number of unwanted births which occur each year, would occur each year, and did occur prior to Roe v. Wade were very substantial indeed, and that as a result of those unwanted births we had a situation in which the state was required to pay significant amounts of welfare to youngsters whose birth might not have occurred if they had been given the opportunity to have been aborted before

quickening -- that is to say, before they became human beings, before they were anything that could remotely resemble on actual human individual.

And what we are saying is that if we are in a position to provide services of abortion to people of all income groups at an early enough stage, prior to the quickening of the fetus, it's not -- we're not taking a human life. We're not doing anything of the kind. And those who would suggest that this is murder are obviously not acquainted with the medical aspects of this situation.

So I respectfully suggest to you that it becomes extremely important for us to realize the cost to society by not permitting women who can otherwise not afford abortions to have them.

Now, Mr. President, each year when this comes up we fail to realize, I think, adequately the fact that we're imposing upon the public rolls enormous numbers of unwanted births if we do not make abortion available to poor women. Let me say to you that the implications of this economically to the state

could be disastrous. The unwanted births that occur as a result of poor women being unable to seek abortions and obtain them would result in spreading upon the public rolls thousands and thousands of babies. Instead of being in a position that their births could have been prevented due to timely reaction prior to the quickening of the fetus, to be placed in society in such fashion as to make it impossible for us to do anything other than to support them at a minimum rate of no less than $5,000 a year. This, contrasted to the very modest investment of an early abortion.

But obviously this is not simply an economic question. Mr. President, the benefit of New York's decision to legalize abortion and to fund it under Medicaid were immediate after the adoption of Roe v. Wade, and more precisely the action that we took preceding the adoption of Roe v. Wade. In the first two years after legislation that we passed, the annual rate of abortion-related deaths in the state fell over 50 percent. As the procedure became both legally and financially accessible to women of all socioeconomic backgrounds,

death from abortion complications became almost unheard of.

In states where public funds do not cover the cost of abortions, 23 percent of Medicaid-eligible women are forced to carry unwanted pregnancies to term because they cannot afford the procedure, and 22 percent of Medicaid-eligible women having second trimester abortions are forced to undergo these later, riskier procedures because of their need to raise the necessary money.

New York State legislators have long understood it is not the function of government to control people's reproductive choices. Let me stress that those of who take this view are not pro-abortion. We are very strongly in favor of the notion that women have the right to free choice.

Mr. President, if we stop to think about this matter objectively, it becomes increasingly clear that the attempt to pass this bill each year is simply an attempt to try to discriminate against those whose economic position places them at a distinct disadvantage. Why we should think that this

is judicious policy is very much beyond me.

I think it's really a most regrettable torture of logic to reach such a conclusion, and I urge strongly that the house take its own initiative in defeating this. If it does not do so, fortunately we will have the safety net of negative action by the Assembly, because they will never pass this bill. And with that in mind, this seems to be a complete charade, which I trust we will not try at too great length to pursue.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I agree with much of what Senator Goodman and Senator Oppenheimer have said on this bill, that we do this bill every year, we discuss its merits, and I think at least from my point of view, the fundamental argument that Senator Goodman makes with respect to the unfairness of having a health-care system that would begin to have two tiers, one tier for those who can afford to exercise their rights

under Roe against Wade and a second tier for those who will not be able to, by virtue of their economic status, and not be able to access that care through the Medicaid system.

I'd just like to clarify three quick things. First of all, Senator Goodman is correct that Roe against Wade was a constitutional principle established under the right to privacy. But remember, Senator Goodman, what exactly Roe against Wade did. It set about a principle that said criminalizing abortion was unconstitutional because it interfered with the right to privacy, and that there was a right to privacy that the government could not interfere with. That's what Roe against Wade was all about.

And I think that what this bill does is this plunges us into the possibility that the great danger that Roe against Wade was designed to prevent, which is women who want to have abortions not getting them from competent physicians, will again be a part of our landscape in this country.

Senator Farley makes reference to the very notorious metaphor of the coat

hanger. And thank God that that time is behind us. The great danger, Senator Farley, is that without funding for poor women who elect to exercise their rights under Roe against Wade, we will go back to a coat-hanger day. We will go back to a day when poor women will simply say, "Boy, I would -- for some reason, I want to take advantage of my choice." But they will be told that it cannot be paid for, and as a consequence of that, they will go to other alternatives.

With all due respect, Senator Farley, I think that's the one great danger, is that without access to funds to pay for abortion, poor women will be left with no alternative but the coat hanger, and we'll plunge ourselves, for a large number of women in New York, right back to their status before Roe against Wade.

I'll conclude, Senator Farley, with one other note. My grandmother was a suffragette. My grandmother -- we have a wonderful picture of my grandmother in 1920, wearing a suffragette banner, walking down Main Street in Rochester, New York. And,

Senator Farley, you know why she got the right to vote? Because the men who controlled the voting process in this nation said, "We trust the women of this nation to do exactly what we do every year, which is walk in a voting booth and vote for someone -- Republican, Democrat, independent, or whatever variety -- we trust them to go in and vote, not only in their own interest, but to do what's right for them."

And I would just suggest, Senator Farley, as your family traces its past -- you come from a large family, as do I. As your family traces its history back to a suffragette, so do we. And all I would ask you, Senator Farley, is give the women of this state, the poor women of this state, the same respect that men in 1920 gave the women of this state when they recognized that you can trust women to make the right judgment for themselves.

Let them make that choice. Let them make it in the context of their relationship with their physician and their family. And don't, please don't put the barrier of economics between that choice and

their judgments. Don't erect a barrier that says if you happen to be too poor to afford to exercise your right to choose, we're going to take that right away from you. Because that's as a practical matter what we're doing.

A good suffragette, it seems to me, would stand up in this chamber and say, as Senator Oppenheimer said, "Trust the women of this state. Trust them if they don't have enough economic funds to pay for this health care. Trust them if they do. Let them make that judgment by themselves." I think under our Medicaid system, we ought to continue to pay for that choice.

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

SENATOR DOLLINGER: Slow roll call, Mr. President.

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

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Can we lay the bill aside temporarily.

ACTING PRESIDENT KUHL: The bill

will be laid aside temporarily.

Senator Skelos.

SENATOR SKELOS: We'll stand at ease, Mr. President.

ACTING PRESIDENT KUHL: The Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease at 2:16 p.m.)

(Whereupon, the Senate reconvened at 2:53 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: There will be an immediate conference of the Majority in the Majority Conference Room.

ACTING PRESIDENT KUHL: There will be an immediate conference of the Majority in the Majority Conference Room, Room 332. Immediate conference of the Majority in the Majority Conference Room, Room 332.

The Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease at 2:54 p.m.)

(Whereupon, the Senate reconvened at 6:23 p.m.)

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Mr. President, there will be an immediate meeting of the Majority in the Majority Conference Room, 332, immediately.

ACTING PRESIDENT KUHL: There will be an immediate conference of the Majority, immediate conference of the Majority in the Majority Conference Room, Room 332. Immediate conference of the Majority in the Majority Conference Room, Room 332.

And the Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease at 6:24 p.m.)

SENATOR MENDEZ: Mr. President, I want to announce an immediate Democratic conference of the Minority in Room 314 at a quarter to 7:00. Thank you.

(Whereupon, the Senate reconvened at 7:58 p.m.)

ACTING PRESIDENT KUHL: The

Senate will come to order. I ask the members to find their places, staff to find their places.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's some housekeeping. So if we could return to motions and resolutions.

ACTING PRESIDENT KUHL: We'll return to the order of motions and resolutions. The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President. I wish to call up my bill, Print Number 5406, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 975, by Senator Marcellino, Senate Print 5406, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I move to reconsider the vote by

which this bill was passed and ask that the bill be -- and ask that the bill be restored to the order of third reading.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: Senator Marcellino, the bill is before the house.

SENATOR MARCELLINO: Mr. President, I now move to commit Senate Print Number 5406, Calendar Number 975, on the order of third reading, to the Committee on Rules, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT KUHL: The enacting clause is stricken, and the bill will be committed.

SENATOR MARCELLINO: Mr. President, I wish to call up my bill, Print Number 5408, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 977, by Senator Marcellino, Senate Print 5408, an act to amend the Environmental Conservation Law.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I now move to commit Senate Print Number 5408, Calendar Number 977, on the order of third reading, to the Committee on Rules, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT KUHL: The enacting clause will be stricken. The bill is recommitted.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I wish to call up my bill, Print Number 5805, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1402, by Senator Marcellino, Senate Print 5805, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT KUHL: Senator Marcellino.

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

ACTING PRESIDENT KUHL: The Secretary will read.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Mr.

President, I now move to recommit Senate Print Number 5805, Calendar Number 1402, on the order of third reading, to the Committee on Rules, with instructions to said committee to strike out the enacting clause.

ACTING PRESIDENT KUHL: The enacting clause will be stricken. The bill will be committed.

SENATOR MARCELLINO: Thank you, sir.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a privileged resolution at the desk by Senator Seward. I ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the privileged resolution by Senator Seward, the title only.

THE SECRETARY: By Senator Seward, Legislative Resolution commending Donna Bostwick for her 25 years of dedicated service as a professional childcare provider, to be celebrated Sunday, September 26, 1999.

ACTING PRESIDENT KUHL: The

question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Skelos.

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

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno, I hand up the

following committee changes for filing, and also the following leadership assignment, and ask that it be filed in the Journal.

ACTING PRESIDENT KUHL: The notice is received and will be filed, made part of the record.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar 1645, that was previously debated. And I believe the Minority is going to ask for a slow roll call.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1645, get it before the house.

THE SECRETARY: Calendar Number 1645, by the Senate Committee on Rules, Senate Print 6077, an act to amend the Social Services Law.

ACTING PRESIDENT KUHL: Read the last section.

SENATOR DOLLINGER: Request a slow roll call, Mr. President.

ACTING PRESIDENT KUHL: Let's get to that point first, Senator Dollinger.

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.)

SENATOR DOLLINGER: Slow roll call, Mr. President.

ACTING PRESIDENT KUHL: Are there five members, one of the Minority? One, two, three, four, five. Just made it.

SENATOR DOLLINGER: One more than four, Mr. President.

ACTING PRESIDENT KUHL: A slow roll has been requested. The Secretary will ring the bells and call the roll slowly.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: I know we're about to commence the slow roll call, but I just want to urge members who are interested in voting on this bill to please come to the chamber.

And, on behalf of Senator Bruno, just to let the members know we're hopefully

going to be very active in our voting this evening, so please they should come to the chamber so that we can complete this evening's work at a reasonable hour.

ACTING PRESIDENT KUHL: Thank you, Senator Skelos.

The Secretary will call the roll.

THE SECRETARY: Senator Alesi.

(No response.)

THE SECRETARY: Senator Balboni.

SENATOR BALBONI: Aye.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: No.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: No.

THE SECRETARY: Senator Bruno.

(Senator Bruno was indicated as voting in the affirmative.)

THE SECRETARY: Senator Connor.

(Senator Connor was indicated as voting in the negative.)

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator

Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Duane.

SENATOR DUANE: No.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Aye.

THE SECRETARY: Senator Gentile.

SENATOR GENTILE: No.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: No.

THE SECRETARY: Senator Goodman.

(No response.)

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hevesi.

SENATOR HEVESI: No.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: No.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: (No response.)

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lachman.

(No response.)

THE SECRETARY: Senator Lack.

(No response.)

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator Leibell.

(No response.)

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi, excused.

Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: Yes.

THE SECRETARY: Senator McGee.

SENATOR McGEE: No.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Aye.

THE SECRETARY: Senator Mendez.

(No response.)

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: Yes.

THE SECRETARY: Senator Nanula.

(No response.)

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Aye.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: No.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Paterson.

(No response.)

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Rosado.

(No response.)

THE SECRETARY: Senator Saland.

(No response.)

THE SECRETARY: Senator Sampson.

SENATOR SAMPSON: No.

THE SECRETARY: Senator Santiago.

(No response.)

THE SECRETARY: Senator Schneiderman.

SENATOR SCHNEIDERMAN: No.

THE SECRETARY: Senator Seabrook.

SENATOR SEABROOK: No.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: No.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Yes.

THE SECRETARY: Senator Smith.

(No response.)

THE SECRETARY: Senator Spano.

SENATOR SPANO: No.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Yes.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

SENATOR WALDON: No.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT KUHL: Call the absentees.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Yes.

THE SECRETARY: Senator Goodman.

(No response.)

THE SECRETARY: Senator Kruger.

(No response.)

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: No.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Aye.

THE SECRETARY: Senator Mendez.

(No response.)

THE SECRETARY: Senator Goodman.

SENATOR GOODMAN: No.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: No.

THE SECRETARY: Senator Paterson.

(No response.)

THE SECRETARY: Senator Rosado.

(No response.)

THE SECRETARY: Senator Saland.

SENATOR SALAND: Aye.

THE SECRETARY: Senator Santiago.

(No response.)

THE SECRETARY: Senator Smith.

(No response.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes, 31. Nays, 22.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President,

there will be an immediate meeting of the Finance Committee in the Majority Conference Room.

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

Senator Skelos.

SENATOR SKELOS: Stand at ease pending the report of the Finance Committee.

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

(Whereupon, the Senate stood at ease at 8:16 p.m.)

(Whereupon, the Senate reconvened at 8:30 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. I ask the members to find their places, staff to find their places.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we at this time return to the reports of standing committees. I believe there's a report from the Finance Committee. I ask that that be read.

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

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

Senate Print 1602D, Senate Budget Bill, an act making appropriations for the support of government;

3286C, Senate Budget Bill, an act making appropriations for the support of government;

3287C, Senate Budget Bill, an act making appropriations for the support of government;

6106, by the Senate Committee on Rules, an act to amend the Executive Law;

6108, by the Senate Committee on Rules, an act to provide for the use of petroleum overcharge restitution funds;

And 6107, by the Senate Committee on Rules, an act to amend the Executive Law.

All bills ordered direct for third reading.

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

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1205.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1205, Senate Budget Bill, Senate Print 1602D, an act making appropriations for the support of government, on General Government Budget.

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

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Ask the message be accepted.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1205. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes, 54. Nays, 2. Senators Dollinger and Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we call up Calendar Number 1207.

ACTING PRESIDENT KUHL: The

Secretary will read.

THE SECRETARY: Calendar Number 1207, Senate Budget Bill, Senate Print 3286C, an act making appropriations for the support of government: Transportation, Economic Development, and Environmental Conservation Budget.

ACTING PRESIDENT KUHL: Senator Bruno.

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

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Ask that the message be accepted.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1207. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes, 54. Nays, 2. Senators Dollinger and Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Calendar Number 1209.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1209, Senate Budget Bill, Senate Print 3287C, an act making appropriations for the support of government: Public Protection, Health, and Mental Hygiene Budget.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Ask that the message be accepted.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1209. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes, 53. Nays, 3. Senators Breslin, Dollinger, and Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Calendar Number 1655.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1655.

THE SECRETARY: Calendar Number 1655, by the Senate Committee on Rules, Senate Print 6106, an act to amend the Executive Law.

ACTING PRESIDENT KUHL: Senator Bruno.

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

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move the message be accepted.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity

on Calendar Number 1655. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives.

THE SECRETARY: Ayes, 53. Nays, 3. Senators Dollinger, Duane, and Schneiderman recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we at this time call on Senator Schneiderman.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

I request unanimous request to be recorded in the negative on Calendars 1205, 1207, and 1209.

ACTING PRESIDENT KUHL: Without objection -

SENATOR SCHNEIDERMAN: Thank you.

ACTING PRESIDENT KUHL: - hearing no objection, Senator Schneiderman will be recorded in the negative on Calendar Numbers 1205, 1207, and 1209.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Number 1656.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1656.

THE SECRETARY: Calendar Number 1656, by the Senate Committee on Rules, Senate Print 6108, an act to provide for the use of petroleum overcharge restitution funds.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Is there a message of necessity from the Governor at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1656. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes, 54. Nays, 2. Senators Dollinger and Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Calendar Number 1657.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1657, by the Senate Committee on Rules, Senate Print 6107, an act to amend the Executive Law.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, is there a message of necessity from the Governor?

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1657. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Those recorded in the negative on Calendar Number 1657 are Senators Dollinger, Duane, and Schneiderman. Ayes, 53. Nays, 3.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we ask for a immediate meeting of the Finance Committee in Room 332.

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

Senator Bruno.

SENATOR BRUNO: Mr. President, may we ask for an immediate meeting of the Rules Committee in Room 332.

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

The Senate will continue to stand at ease.

(Whereupon, the Senate stood at ease at 9:15 p.m.)

(Whereupon, the Senate reconvened

at 9:33 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to the reports of standing committees. I believe there's a report from the Finance Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT KUHL: Return to the order of reports of standing committees. There is a report of the Finance Committee at the desk. The Secretary will read.

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

Senate Print 3288C, Senate Budget Bill, an act making appropriations for the support of government;

3B, by Senator Bruno, an act to enact the Jobs 2000 for New York State Act;

And Senate Print 1600B, Senate Budget Bill, an act making appropriations for the support of government.

All bills ordered direct for third

reading.

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

Senator Bruno.

SENATOR BRUNO: Mr. President, can we call up Calendar Number 1211.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1211.

THE SECRETARY: Calendar Number 1211, Budget Bill, Senate Print 3288C, an act making appropriations for the support of government: Education, Labor and Family Assistance Budget.

Senator Bruno.

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

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1211. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed,

nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes, 54. Nays, 2. Senators Dollinger and Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we now call up Calendar Number 1215.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1215.

THE SECRETARY: Calendar Number

1215, by Senator Bruno, Senate Print 3B, an act in relation to enacting the Jobs 2000 for New York State Act.

ACTING PRESIDENT KUHL: Senator Bruno.

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

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1215. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Those opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, the bill that's before the house now is the legislation that we have been referring to as

J2K, Jobs 2000. This is one of the most innovative, far-reaching, insightful pieces of legislation that will be enacted into law as part of this budget.

I want to at the offset highlight Senator Ken LaValle, who has been instrumental in helping construct what results tonight over the last several years.

This will put New York State in the forefront in competing for high-tech jobs throughout the United States and throughout the world. New York State has been lagging California, Texas, Massachusetts, many other states, through the entire previous administration.

We have watched other states, other universities -- like the University of California, that has been in the forefront in attracting researchers of the highest caliber with the greatest research facilities and attracting literally billion dollars in research that have turned into businesses. Around SUNY California, 2,000 new businesses have sprung up, creating hundreds of thousands of high-tech jobs. Around Massachusetts and

their university system, there are over 4,000 companies over the last several years. In New York State, we have had something like 140 companies as a result.

So J2K brings us into the 21st century in the right way. This is a program that will allow New York State to partner with over $600 million of state resources. It's in several parts. And the main part creates a new Office of Science Technology here in the state. It will be headed up by a board of 11 people, with a chair, and with an executive director that be confirmed by the Senate.

In one part of this, dollars will be made available to attract the best researchers in the world. Because the billions of dollars in research, as I've said, follow many of these people that are in the forefront in research. But to get these people you need facilities that are world-class. So there's over a $135 million worth to attract personnel, to upgrade the facilities. We have Centers for Advanced Technology here in the state that we created in the good wisdom of this chamber, the other,

and the Executive Branch. This will add $10 million to those centers.

And the end result will be that we would be putting millions of dollars into technology transfer, so the research that is developed will be turned into jobs through the assistance of helping businesses get into existence.

Part of this package is $280 million worth of venture capital money. And that will come from the public funds that have been investing all over the world. They will now be investing to the tune of $280 million in companies that will be created in New York State that will eventually create tens of thousands of new jobs.

Another part of this is referred to as Pipeline for Progress. Many of the high-tech companies need fresh water. We talk about chip fab plants. A chip fab plant that's located in California, Texas -- none in New York State -- they need about 6 million gallons of fresh water a day. We have $100 million in this, private and public money, to help get water where it will do the

most good, to help businesses get established and create jobs.

We have a large piece called the retraining -- Workers Retraining, Reemployment Act of 1999. Part of this money was already used to help retain Delphi Harrison in the western part of the state, 19 million. This is a total of close to a hundred million dollars. And it corrects an omission here in this state where people who needed to be retrained to stay in the high-tech area, with new machines, new equipment, could not be trained with any state dollars.

We have over a billion dollars in state money available to train people, but they had to be on welfare. They had to be unemployed. So that people literally had to be laid off or fired and be on unemployment or welfare before dollars could be used. This program corrects that, so that companies will get dollars to train people to keep on the leading edge of technology.

The last part of this program is called the Entrepreneurship Program, where youngsters in grammar school will be taught

what it means to go into business, how to get into a business. There will be seminars for adults. There will be a college degree, for the first time, in entrepreneurship, through the Empire State College, which will be the end result. There's approximately $5 million that's earmarked for that plan.

So in the package we refer to this as J2K, New York STAR, Science, Technology and Research. This is a credit to Governor George Pataki, who has had the vision, who has had the wisdom to support and help initiate what we are voting on here tonight. Speaker Silver has partnered in what we are doing, in having recognized the necessity of helping get New York State in the forefront as we go into the next century.

So there's plenty of credit to go around for everyone that has participated in getting us to where we are. And again, I want to single out Senator Ken LaValle, who has for years been a voice out there preaching that this was the way to go and this is the direction that we should take. And finally people listened, and we are where we are.

So I want to thank you, Mr. President, my colleagues, for your support of this program that will finally get New York State on the road where we should have been and where we will be, going into this next century.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator LaValle.

SENATOR LAVALLE: Thank you, Mr. President.

I think Senator Bruno really spoke quite eloquently -- and, for those who were listening, again, I mention, extemporaneously, without a note, because this bill has been very, very important to him. He has truly been a visionary in understanding why this is important in marrying higher education and economic development together.

Senator Bruno and I, along with Senator Farley, are in the class of '76. We were elected in that election. Senator Bruno and I have, from the time we were elected, talked about economic development and higher education and how we bring these things

together.

And to show you that what has culminated in 1999 in an important piece of legislation, if you look at Senator Bruno's district, in which he brought together RPI and development of the North Greenbush campus of high-technology development and corporations there, and all of the things that have taken place in and around that enterprise. And downstate also, with high-tech parks and using State University at Stony Brook and Polytechnic and Centers of Advanced Technology, we have very deliberately and slowly built a foundation in which we put this legislation today.

So many times we in this chamber, we hear words, we look at a piece of legislation, and it is not until things develop before our eyes in our own districts that it has relevance. What Senator Bruno said today, each member in this chamber and the people of the State of New York will see job creation in the area of high technology, where there are good-paying jobs, educational opportunities for people to be trained or

retrained so that what they're doing is relevant to the time.

And so truly this measure brings together our fiscal, physical, and intellectual resources, and will empower our economic development strategies in this state to be competitive with California, North Carolina, Massachusetts. We will no longer take a back seat to any of those states.

And, Senator Bruno, you have today put forth what I think will be truly a legacy for you that will go forward into New York State's history. Congratulations.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we at this time return to reports of standing committees. I believe there's a report from the Rules Committee. I ask that the report be read at this time.

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

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

Senate Print 3089B, by Senator Kuhl, an act to amend the Agriculture and Markets Law;

6100, by Senator Skelos, an act to amend the Corrections Law, the Criminal Procedure Law, and the County Law;

And Senate Print 6101, by Senator Nozzolio, an act to amend the Correction Law.

All bills ordered direct for third reading.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Move to accept

the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The motion is adopted. The bills are ordered directly to third reading.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we ask for an immediate conference of the Majority in the Conference Room, 332.

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

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, there will be an immediate conference of the Minority in Room 314.

Immediate.

ACTING PRESIDENT KUHL: Immediate meeting of the Minority Conference in the Minority Conference Room, Room 314.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 9:54 p.m.)

(Whereupon, the Senate reconvened at 10:36 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we call up Calendar Number 1660.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1660.

THE SECRETARY: In relation to Calendar Number 1660, Senator Kuhl moves to discharge, from the Committee on Rules, Assembly Bill Number 5747B, and substitute it for the identical third reading calendar, 1660.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1660, by Member of the Assembly Magee, Assembly Print Number 5747B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Calendar 1661.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1661, by Senator Skelos, Senate Print 6100, an act to amend the Correction Law, the Criminal Procedure Law, and the County Law.

ACTING PRESIDENT KUHL: Senator Bruno.

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

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

THE SECRETARY: Section 29. This act shall take effect on the first day of January.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record

the negative and announce the results.

THE SECRETARY: Ayes, 55. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we call up Calendar 1662.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1662, by Senator Nozzolio, Senate Print 6101, an act to amend the Correction Law, in relation to the use of local government institutions.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1662. All those in favor

signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, we ask for an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT NOZZOLIO: An immediate meeting of the Senate Finance Committee in Room 332.

The house will stand at ease.

(Whereupon, the Senate stood at ease at 10:57 p.m.)

(Whereupon, the Senate reconvened at 11:05 p.m.)

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

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to reports of standing committees. I believe there's a report from the Finance Committee. I ask that it be read at this time.

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

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bills direct to third reading:

Senate Print 6109, by the Senate Committee on Rules, an act to amend the Real Property Tax Law;

And Senate Print 6110, by the

Senate Committee on Rules, an act to amend the Tax Law.

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

Senator Bruno.

SENATOR BRUNO: Mr. President, can we call up Calendar Number 1658.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1658.

THE SECRETARY: Calendar Number 1658, by the Senate Committee on Rules, Senate Print 6109, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Senator Bruno.

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

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move to accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes, 55. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: Senator Padavan, do you wish to be recorded in the negative on Calendar Number 1658?

SENATOR PADAVAN: Mr. President, may we have the roll call withdrawn, please.

ACTING PRESIDENT KUHL: The motion is to reconsider the vote on which the

bill was passed in the house.

The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1.

ACTING PRESIDENT KUHL: The bill is before the house. The Chair recognizes Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President. I appreciate your indulgence. I'll be very, very brief.

Contained within this particular bill is the issue which we're all familiar with, referred to as Quick Draw. Back in 1995 when it was first adopted by the Legislature, there was a specific requirement, among others, that called for a study to be done by the State Lottery Division, with the Office of Mental Health, to evaluate both the economic and the social impact of Quick Draw. We were supposed to have received that study prior to Quick Draw's expiration on March 31st, earlier this year. We're now here in August, and we've not seen that study.

There are two things we know. It was contracted for with a marketing firm that does work in the area of lottery; and OMH, the Office of Mental Health, has not been involved in any way, shape or form. Beyond that, we can only speculate. Was the study done and it's kept suppressed because the information it contains will tell us that Quick Draw is all the things that experts have told us that it is, none of them positive? Has the study not been done?

But the fact still remains, we don't have it. And why and how and the justification for renewing it without that study is something that I believe we should consider.

Now, other studies have been done. Our State Council on Problem Gambling did two studies, and they indicate quite clearly that Quick Draw is a factor, a significant factor in our serious problem in this state involving compulsive gambling and problem gambling. And on a per-capita basis, we are the worst state in the nation across the board, and the lottery is one of the primary culprits. And

among that lottery, Quick Draw stands out as the most insidious of all the games that are sponsored by any state.

The other study that was done is by the National Gambling Impact Study Commission. And for two years they have studied all issues related to gambling throughout the nation, including New York, where they've had many hearings and meetings. There are a whole host of recommendations, but the one that stands out and is pertinent to what we're doing now relates specifically to Quick Draw.

And I'm just going to read their recommendation, their conclusion. The commission found that gambling in neighborhood outlets provides fewer economic benefits and creates potentially greater social costs. Their recommendation: States should not authorize any further convenience gambling operations and should cease and roll back existing operations.

So we have a national commission, we have our state council, both telling us - and these are experts, people well-studied in all aspects of the problem -- telling us don't

do it. And if you've done it, stop it. Because you're not gaining anything economically, and you're causing a great many social problems.

But we're ignoring that. There's one other fact that we know very well, and that is the total handle on Quick Draw on an annualized basis is about half a billion dollars. That's a half a billion dollars being taken out of the economy better spent on goods and services, true economic development, and not going into this bottomless pit.

There is one entity and only one entity that is making a profit, in the purest sense of that word, and that is G-Tech and their four lobbyist firms representing them here in the capital.

As far as I am concerned, and as far as the experts are able to tell us, there is no economic benefit to this type of gambling. It's insidious because it is such a rapid-fire type of operation, every five minutes numbers shooting across the screen. Generally the 3200 outlets in the main are places where alcohol is served. People can

lose their paycheck in the blink of an eye. You can fill out a card, bet a hundred dollars every five minutes. You don't even have to pick the numbers; you can let the computer do it for you. It's a game you find in casinos. And that's where it belongs, not in our neighborhoods.

And where are those neighborhoods? Predominantly in communities where the economic level, the earning level is in the middle-to-low-income category. In other words, the people who can least afford it. And those are the ones the State of New York has become a predator upon.

And we ought to stop it. We ought to accept these recommendations. We ought to step back.

Now, I wish to acknowledge the fact that our leadership and others have done two things for us that are positive. Number one, they prevented the Governor from expanding the number of outlets, expanding the hours, and eliminating some of the controls that we put on it relative to food being served and size of the establishment. The Governor proposed

we do away with all that.

And the other is that instead of a four-year extender, we have one until next March. Which means that we'll be back again revisiting this issue. And I hope between now and then we come to our senses and say we're not really making money on this deal, in the next sum of it all, we're losing money, and most certainly in the process we're hurting a lot of people.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, just very briefly.

I applaud Senator Padavan for his views with respect to Quick Draw. I would just add two other real quick ones.

Senator Padavan, this is in essence a poor person's tax. There are those who say that this is a game you participate in voluntarily, and therefore it's not compulsory in the nature of the tax. I think the experience that's drawn on for the report both of the national commission and the state commission demonstrates that too often this is

obsessive behavior. This is behavior that becomes all but compulsive.

And this therefore becomes a compulsory tax, which, as Senator Padavan properly points out, is unfortunately largely confined to poorer neighborhoods in this state. It becomes a poor person's tax.

It strikes me as unusual, Senator, that this year when we're going to increase the benefits from an earned income tax credit to give more people in the lower levels of our economic sphere a better opportunity to move up, we're doing that with one hand and with the second hand we're throwing this temptation in front of them by putting in their local bar, by putting in their local facility, the temptation of compulsory gambling. I couldn't think of a worse idea.

And the notion somehow, Senator, that we're generating $175 million in revenue off the incomes of people in modest incomes in this state seems to me a travesty.

I'll conclude with one other thought, Mr. President. I'm not one of those who believes in a dollar and a dream. I don't

believe in a dollar and picking five numbers. I believe that if you're going to make it in this state or anywhere else, there's no substitute for hard work and commitment. Unfortunately, gambling sends the message to those people who should move up the economic ladder, who should use hard work and diligence, determination and education to move up the economic ladder -- this sends a message that if you just happen to pick the right five numbers, you can somehow overcome all that. You don't have to work hard, you don't have to get a good education.

By allowing Keno, by allowing Quick Draw to continue, we are sending the absolute wrong message to the people of this state. As public officials in this state, we are sending the wrong message to the people in this state, and that is that they can make it on a dollar and a dream, when we all know that isn't true.

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

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

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

THE SECRETARY: Those recorded in the negative on Calendar Number 1658 are Senators Dollinger, Duane, Montgomery, Padavan, and Schneiderman.

Ayes, 51. Nays, 5.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we go to Calendar Number 1250.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1250.

THE SECRETARY: Calendar Number 1250, Senate Budget Bill, Senate Print 1600B, an act making appropriations for the support of government: Legislature and Judiciary Budget.

ACTING PRESIDENT KUHL: Senator Bruno.

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

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1250. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes, 55. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we take up Calendar Number 1659.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1659.

THE SECRETARY: Calendar Number 1659, by the Senate Committee on Rules, Senate Print 6110, an act to amend the Tax Law.

ACTING PRESIDENT KUHL: Senator Bruno.

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

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The message is accepted. The bill is before the house.

The Secretary will read the last section.

SENATOR DUANE: Explanation. Explanation.

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: Could I have an explanation on 1659?

ACTING PRESIDENT KUHL: Senator Bruno, an explanation has been requested by Senator Duane on Calendar Number 1659.

SENATOR BRUNO: Mr. President, the bill before us is the tax cut package that contains over 300-some million dollars in tax cuts that will be added to the 12 billion plus passed in this state, in this chamber, over the last several years. Tax cuts that relate to sales taxes on clothing under $500 for two-week periods. The earned income tax credit that goes up 5 percent, $125 million worth, for people with incomes of $30,000 or less here in the state.

ACTING PRESIDENT KUHL: Senator Duane, is the explanation satisfactory?

SENATOR DUANE: Satisfactory.

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

SENATOR BRUNO: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Excuse me. Senator Connor, why do you rise?

SENATOR CONNOR: Just a brief comment on the bill.

I'm certainly delighted that the EITC is contained in here. It's something that the Senate Democrats advocated both last year and the year before, I believe. We offered amendments on it. I'm glad it's been adopted. It will help low-income families. Some of the other tax cuts that are in here I think will also help our economy.

I regret that the truck tax isn't repealed. I think that's an important thing we ought to address next year. I also think the marriage penalty ought to be something that we address next year, and we will continue to advocate for it.

As I've said before, this Democratic Minority is generally disposed in these kind of economic times to support sensible tax cuts that help our families and help our economy. I do regret the Nassau situation. That's a tax increase that Nassau County is asking for. Frankly, Mr. President, it absolutely baffles me, you know -- and with all due respect to those who are in upstate and western New York, because I know the economy of this state has not been booming in those regions, but in the New York City metropolitan area, which includes Long Island, the economy has been booming for years now. All the other counties in New York City have been realizing billion-dollar surpluses even while they cut taxes.

And frankly, I note this just comes as a tax increase requested by Nassau County without the kind of supervisory mechanism that was imposed on other municipalities, including New York City, when they seemed to be in bad fiscal straits.

My warning to Nassau County is this: If you're running big deficits in good

times like this and you're raising taxes when everyone else is lowering taxes, you have a problem. Whether you have a fiscal control board or not, you have a problem that you ought to -- a structural problem that you ought to address, or you're going to be in big trouble when the economy is not so good. Big, big trouble. You're headed in the wrong direction.

This conference many years ago, I think under the leadership of Senator Gallagher, for example, examined the school districts in Nassau County and found that there were school districts with only five, six, eight schools, yet maintaining a very high overhead.

I think it's time for perhaps Nassau County to look to more conservative government, more conservative delivery of services, less duplication among municipalities. And believe me, I never advocate layoffs. But certainly through attrition, they ought to cut back on the size of government. That's the good kind of conservative philosophy that -- particularly

with respect to Nassau County, that my conference is proud to support.

So I'm going to vote for this bill, but it really, really is a shame that Nassau County sees a necessity to raise taxes when the state, the city, and everyone else has great surpluses even though they've been able to significantly reduce taxes.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

THE SECRETARY: Ayes, 54. Nays, 2. Senators Duane and Schneiderman recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, I am proud to say that this chamber has just

passed the budget for the people of this state, one that we can be proud of.

And there being no further business to come before the Senate at this time, I move that we stand adjourned until 1:00 p.m. tomorrow.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, August 4th, at 1:00 p.m.

(Whereupon, at 11:29 p.m., the Senate adjourned.)