NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 23, 2001

11:11 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT MEIER: 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 MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 22, the Senate met pursuant to adjournment. The Journal of Monday, May 21, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MEIER: Without 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 Nozzolio.

SENATOR NOZZOLIO: Madam -- Mr. President, on page Number 39 I offer the following amendments to Calendar Number 667, Senate Print 697, and ask that it be placed on Third Reading Calendar, on behalf of Senator Goodman.

ACTING PRESIDENT MEIER: So ordered.

SENATOR NOZZOLIO: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Thanks for noticing.

SENATOR NOZZOLIO: On page 34, I offer the following amendments to Calendar Number 610, Senate Print Number 82, and ask that it retain its place on Third Reading Calendar, on behalf of Senator Hoffmann.

ACTING PRESIDENT MEIER: The

amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

Senator McGee.

SENATOR McGEE: On behalf of Senator Goodman, on page number 30, I offer the following amendments to Calendar Number 562, Senate Print Number 3915, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: On behalf of Senator Seward, please place a sponsor's star on Calendar Number 312.

ACTING PRESIDENT MEIER: A sponsor's star will be placed on Calendar 312.

SENATOR McGEE: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Thank you, Senator McGee.

Senator Skelos.

SENATOR SKELOS: Mr. President,

there's a privileged resolution at the desk by Senator Dollinger. May we have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the title.

THE SECRETARY: By Senator Dollinger, Legislative Resolution Number 1930, honoring Herbert F. Ross upon the occasion of his induction as President of the New York State Association of Insurance and Financial Advisors on May 24, 2001.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial calendar.

ACTING PRESIDENT MEIER: The

Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 79, by Senator Goodman, Senate Print 721, an act to amend the Tax Law.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 204, by Senator Spano, Senate Print 910, an act to amend the Military Law and Chapter 606 of the Laws of 2000.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 210, by Senator LaValle, Senate Print 1103A, an act to amend the Education Law.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number

215, by Senator Skelos, Senate Print 425, an act to amend the Agriculture and Markets Law.

SENATOR PATERSON: Lay that aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 285, by Senator LaValle, Senate Print 1875, an act to amend the Vehicle and Traffic Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 369, by Senator Morahan, Senate Print 2175, an act to amend the Real Property Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the

bill aside.

THE SECRETARY: Calendar Number 436, by Senator Leibell, Senate Print 3297A, an act to amend the General Municipal Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 466, by Senator Lack, Senate Print -

SENATOR SKELOS: Lay it aside for the day, please.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 518, by Senator LaValle, Senate Print 3269, an act to amend the Highway Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 538, by Senator Marchi, Senate Print 4004, an act to amend the Public Authorities Law.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 552, by Senator Wright, Senate Print 1088, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 586, by Senator Hoffmann, Senate Print 4886, an act to amend the Agriculture and Markets Law.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 663, by Senator Meier, Senate Print 1312, an act to amend the Town Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1, 2002.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

793, by Member of the Assembly Gottfried, Assembly Print Number -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 822, by Senator Maziarz, Senate Print 4057, an act to amend the Not-for-Profit Corporation Law.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 823, by Senator Marchi, Senate Print 4067, an act to amend the Public Authorities Law and the Environmental Conservation Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 829, by Senator Bonacic, Senate Print 5119, an act to amend Chapter 915 of the Laws of 1982.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 831, by Senator Skelos, Senate Print 388, an act to amend the Penal Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 855, by Senator Lachman, Senate Print 3074, an act to amend the Public Authorities Law.

SENATOR SKELOS: Lay it aside.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR SKELOS: Lay it aside.

ACTING PRESIDENT MEIER: I'm sorry, lay the bill aside.

THE SECRETARY: Calendar Number 863, by Senator Leibell, Senate Print 5082, an act to amend the Highway Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill

is passed.

THE SECRETARY: Calendar Number 864, by Senator Leibell, Senate Print 5083, an act to amend the Highway Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the reading of the noncontroversial calendar.

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

ACTING PRESIDENT MEIER: Immediate meeting of the Finance Committee in the Majority Conference Room.

SENATOR SKELOS: Mr. President, if we could go to the controversial calendar,

please.

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

THE SECRETARY: Calendar Number 79, by Senator Goodman, Senate Print 721, an act to amend the Tax Law, in relation to requiring.

SENATOR PATERSON: Explanation.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 204, by Senator Spano, Senate Print 910, an act to amend the Military Law and Chapter 606 of the Laws of 2000.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MEIER: Senator Spano, an explanation has been requested of Calendar 204.

SENATOR SPANO: Yes, Mr. President.

Last year we passed a bill that

would give employees who serve in a foreign country on behalf of the United States military to benefit from the same civil service protection and pension credit protection as any other public employees who are serving in the military.

This is a chapter amendment to that Chapter 606 of the Laws of 2000 that would explicitly require police officers to seek permission from their employers, which is the currently the standard practice anyway, but for administrative purposes puts this language into the statute.

SENATOR SCHNEIDERMAN: Good explanation.

ACTING PRESIDENT MEIER: Senator Paterson.

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

ACTING PRESIDENT MEIER: Senator Spano, do you yield for a question?

SENATOR SPANO: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Is there a

particular public policy that we are trying to enforce by requiring this of police? In other words, a particular need that is served by doing that as opposed to any other line of duty, any other profession?

SENATOR SPANO: No, what we're attempting to do here is for those police officers who have served -- and if you remember, Senator, last year we had representatives of those police officers who did serve in foreign countries who were here and who had not received that credit.

What this does is for administrative purposes only. We're not changing anything, any procedure. Because right now the standard procedure in the law is for the police officer to request permission anyway.

But what the City of New York asked for, and in the discussions between the Assembly, the Senate, and the Governor's office prior to the Governor signing this statute, was that we agreed to do a chapter amendment to put explicit language in there requiring the police officers to seek

permission.

So we're basically codifying in statute what is the standard practice now.

SENATOR PATERSON: Mr. President, I get it.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on this bill?

Hearing none, debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 47.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 210, by Senator LaValle, Senate Print 1103A, an act to amend the Education Law, in relation to establishing.

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 215, by Senator Skelos, Senate Print 425, an act to amend the Agriculture and Markets Law, in relation to detection dogs.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Skelos, an explanation has been requested of Calendar 215 by Senator Paterson.

SENATOR SKELOS: Thank you.

Mr. President, this legislation would define detection dogs and grant them the same privileges under state law that is afforded to other classes of working dogs, such as Seeing Eye dogs.

Detection dogs are trained for the purpose of detecting controlled substances, explosives, firearms, cadavers, or school or correctional facility contraband that are often not visible by the human eye.

ACTING PRESIDENT MEIER: Senator Paterson.

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

SENATOR SKELOS: Yes, Mr. President, I do.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: What's the difference between the working dogs that you described and the police dogs? Is there a delineation between the two in the law?

SENATOR SKELOS: Detection dogs, Mr. President, if I could answer, are used specifically for the purposes that I enumerated.

SENATOR PATERSON: I think what we're really getting at, Senator -- Mr. President, if the Senator would indulge another question.

SENATOR SKELOS: Yes, Mr. President, I do indulge him.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: I'm just trying to find out why the current law itself doesn't cover these animals, since they are in a sense employed or they are used by law enforcement, so why they don't qualify.

I don't have any real problem with the bill, I was just wondering why this

doesn't already apply to the detection dogs.

SENATOR SKELOS: Mr. President, if I could respond, these dogs could also be used by private agencies, not just by police agencies.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you. Through you, Mr. President, if the sponsor would yield for a few questions.

ACTING PRESIDENT MEIER: Senator Skelos, do you yield for a question?

SENATOR SKELOS: Yes, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: My question relates to the provision that makes it unlawful for any person operating a place of public accommodation to refuse access to someone accompanied by a detection dog. What kind of facilities does that cover?

SENATOR SKELOS: That could be a restaurant. Basically, a restaurant. Like Seeing Eye dogs, you're allowed to bring that in with you to a restaurant.

SENATOR SCHNEIDERMAN: Through you, Mr. President, I understand the provision with respect to Seeing Eye dogs.

But what is the basis for requiring people to provide admission to a detection dog? You know, unless there's some reason for an officer conducting a search or something like that.

Does this require that if an officer has got his detection dog, or a private security guard, coming off duty from sniffing around, comes into a restaurant, the restaurant owner can't bar him entry?

SENATOR SKELOS: Mr. President, if I could respond, many times these dogs travel a great distance with their handler, so that they cannot just be left in a car. I'm sure you would not want them left in a car during the summer.

So because they serve a very special purpose, I think it's appropriate for them to be able to be in the same category as a Seeing Eye dog.

SENATOR SCHNEIDERMAN: And through you, Mr. President, a final question.

Would -- I'm assuming detection dogs don't start and stop their detection on command and that they probably sniff around for explosive devices or whatever they're trained to sniff for wherever they are.

Are there issues raised with respect to requiring the admission of a detection dog, the fact that it could constitute in some respects an unauthorized search? Has that -- through you, Mr. President, again, I'm sorry.

ACTING PRESIDENT MEIER: Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes, I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: Has anyone looked at that issue as far as unauthorized entry without a warrant and issues that might be raised by that?

SENATOR SKELOS: In my opinion, it doesn't raise that problem.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I understand the basis for this.

I do have a concern about this issue of requiring operators of public accommodations to admit detection dogs. I think we're, you know, on a slippery slope of expanding the categories of dogs that you have to have in a restaurant. And I'm not sure that this at this point creates any public health concerns or any concerns related to the unauthorized search of a premises, but that is an issue that I think we should keep our eyes on.

I will vote to support this bill with that caveat. Thank you.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Hearing none, debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 285, by Senator LaValle, Senate Print 1875, an act to amend the Vehicle and Traffic Law, in relation -

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 369, by Senator Morahan, Senate Print 2175, an act to amend the Real Property Tax Law, in relation to authorizing.

SENATOR MORAHAN: Lay that aside for the day, please.

ACTING PRESIDENT MEIER: Lay the bill aside for the day at the request of the sponsor.

THE SECRETARY: Calendar Number 538, by Senator Marchi, Senate Print 4004, an act to amend the Public Authorities Law, in relation to increasing.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Marchi, an explanation has been requested of Calendar 538 by Senator Paterson.

SENATOR MARCHI: This bill -- the existing law authorizes the public authorities to engage in competitive selection of vendors when purchasing five or more thousand dollars. This would raise it to $15,000. It's at the request of the New York State Thruway Authority.

And it doesn't -- if you want competitive bidding at $5,000, then obviously you won't vote for this. But we're talking about de minimis and the wasteful investment of energies and resources by not keeping in tune with the market and other considerations that go -- that warrant the invocation of competitive bidding, which is more time-consuming.

And the candle isn't worth the game if you go much below the -- below what the prevailing behavior of the market is.

ACTING PRESIDENT MEIER: Senator Paterson.

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

ACTING PRESIDENT MEIER: Senator Marchi, do you yield for a question?

SENATOR MARCHI: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: De minimis remanus [ph] lex, Senator.

SENATOR MARCHI: Pardon?

SENATOR PATERSON: I was just thinking that even in spite of the fact that it's not a substantial figure, that is there a concern that a public authority, because it's in many ways shielded from public accountability and is in a sense operating on its own, that we would just want to keep that number at the lowest possible amount to just ensure the integrity of the process.

Is this -- if you had a feeling on that, I'd just like to hear it.

SENATOR MARCHI: Well, that's a worthwhile consideration, Mr. President.

ACTING PRESIDENT MEIER: Excuse me, Senator Marchi, one moment.

Senator Skelos.

SENATOR SKELOS: Excuse me, Senator Marchi.

There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Rules Committee in the Majority Conference Room.

Excuses the interruption. Senator March, the floor is yours, sir.

SENATOR MARCHI: It's a worthwhile consideration, and I appreciate the nuance that the Senator places on it.

But there is, in the invocation of a competitive bidding process -- the invocation of a competitive bidding process is not very practical.

Now, would that be my figure? No. This is what I received from the Department of the State Thruway Authority. And in their judgment, this would be a reasonable figure. I'm not offended by that figure.

But the requirement that we have - that we require every purchase, a pencil or an

eraser or a piece of chalk, to competitive bidding obviously falls.

So that it's reductio ad absurdum. At what figure do you entertain some elasticity? Since the Thruway Authority is subject to review, and we go into their budgets, I think that this -- it does not, on its face, to me appear offensive. That's my explanation.

Is that my figure? No, I really don't know. But they say that $15,000 would be a reasonable adjustment upward. And in view of the behavior of the market, I feel that this is not an unwarranted assumption.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Yeah, I'm satisfied, Mr. President. I just am hoping that that figure does not provide for what would be unintentional in its request but perhaps some abuse in the practice.

But based on how long we've had the previous figure, $5,000, I'd say Senator Marchi, as usual, is correct.

ACTING PRESIDENT MEIER: Any

other Senator wish to be heard on the bill?

Hearing none, debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 586, by Senator Hoffmann, Senate Print 4886, an act to amend the Agriculture and Markets Law and the Education Law, in relation to purchases.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Hoffmann, an explanation has been requested of Calendar 586 by Senator Paterson.

SENATOR HOFFMANN: Thank you, Senator.

Senator Paterson, I'm happy to tell you that this measure would allow New York farm products to reach the schools in New York

State in a much higher percentage than presently is the case, providing an enormous advantage both to the farmers who would like to market their locally produced and grown products as well as a higher nutritional advantage to the students who presently have school lunches.

Right now, the New York State school meal program serves 1.5 million meals a day, with a value over $500 million per school year. This is a huge potential market for New York farm products. But in point of fact, right now much of that, most that goes to out-of-state and frequently out-of-country food products.

So we're very excited about the possibility of capturing more of this market at the same time that we improve the nutritional benefit to the students of New York State schools.

This measure is carried by Assemblyman Ortiz in the Assembly.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President,

if Senator Hoffmann would yield for a question.

SENATOR HOFFMANN: I'd be pleased to yield for a question.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: I was just wondering, how do we always determine -- for instance, some of the schools might buy frozen products. And I think the real genesis of my question is, are we requiring the schools to purchase products that are grown in New York State? And not that I necessarily would even be opposed to that. It would be fine with me.

But if we are requiring, as opposed to, I guess, insisting, then how does the school become aware if the product is not grown in New York State?

In other words, perhaps you might just want to explain to me, is that a complicated process or is that something that's pretty reasonable for the school to be able to determine?

SENATOR HOFFMANN: This actually should be a fairly reasonable process. This

better is explained in terms of marketing. It represents a marketing opportunity for the farmers and a consuming opportunity for the schools that have not been correctly identified.

The bill contains language which directs the Department of Education and the Department of Ag and Markets to coordinate both these two aspects. With a survey of the school lunch program needs, and a better understanding of that opportunity, the farmers of this state, with the assistance of Cornell University and the Department of Ag and Markets, can then better market to the existing school lunch program.

There would be no requirement, per se, to have a quota of New York State products purchased. But the goal is such a laudable one that both parties are very enthusiastic about complying.

SENATOR PATERSON: And I'll comply as well.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 793, by Member of the Assembly Gottfried, Assembly Print Number 7494A, an act to amend Chapter 725 of the Laws of 19 -

SENATOR LARKIN: Lay it aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 822, by Senator Maziarz, Senate Print 4057, an act to amend the Not-for-Profit Corporation Law.

SENATOR LARKIN: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 855, by Senator Lachman, Senate Print 3074, an act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Mr. President, we await the Finance Committee results.

How about the report of the Rules Committee?

ACTING PRESIDENT MEIER: The report of the Rules Committee has just arrived, Senator.

SENATOR LARKIN: Please read the report of the Rules Committee.

ACTING PRESIDENT MEIER: We'll return to the order of standing committees.

The Secretary will read.

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

Senate Print 1092, by Senator Volker, an act to amend the Local Finance Law.

1720, by Senator Sampson, an act authorizing the City of New York.

1963, by Senator Kuhl, an act to amend the Alcoholic Beverage Control Law.

2228, by Senator Volker, an act to authorize the reopening.

3204, by Senator Saland, an act to amend Chapter 797 of the Laws of 1871.

3299, by Senator Saland, an act to establish.

3356A, by Senator Skelos, an act to amend the Bay Park Library Services Act.

4236, by Senator Stafford, an act to amend Chapter 688 of the Laws of 1955.

4268, by Senator Kuhl, an act authorizing the City of Canandaigua.

5212, by Senator Bruno, an act to authorize the Office of General Services.

5269, by Senator Marcellino, an act

to amend the Environmental Conservation Law.

All bills ordered direct to third reading.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT MEIER: All those in favor of accepting the report of the Rules Committee signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a report of the Finance Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

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

Senate Print 5361, by the Senate

Committee on Rules, an act to amend Chapter 20 of the Laws of 2001.

ACTING PRESIDENT MEIER: Without objection, directly to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please take up Calendar 958 at this time.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 958.

THE SECRETARY: Calendar Number 958, by the Senate Committee on Rules, Senate Print 5361, an act to amend Chapter 20 of the Laws of 2001.

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

ACTING PRESIDENT MEIER: There is a message at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT MEIER: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(Response of "Nay.")

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

SENATOR DOLLINGER: Explanation, please.

ACTING PRESIDENT MEIER: Senator Stafford, an explanation has been requested by Senator Dollinger.

SENATOR STAFFORD: I thought it was Senator Paterson.

ACTING PRESIDENT MEIER: Senator Dollinger is louder. He's the one I heard.

(Laughter.)

SENATOR STAFFORD: Thank you, Mr. President.

This bill is easy to explain. It is -- I won't say it's innocuous, but I will say, rather, that it's very important. It provides statutory extension to June 17th of the Armory Rental deposit authorization, the Lower Manhattan Commercial Revitalization Program, and the authority of judges to suspend the requirement for jury sequestration in certain cases.

I think that really, really -- as I often say, that's a broad stroke with a conceptual brush. I think that explains the bill.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Just on the bill, briefly.

Anyone who has read Williston can continue to draw that broad stroke with a conceptual brush, Senator Stafford. And I actually welcome it, as I'm sure Senator Marchi does. So Williston lives.

Mr. President, I'm going to vote against this bill. I've continued to vote against the extenders. I think this is astounding that we can get agreement. And I know that there was an earlier conference committee held, or at least attempted to be convened by the Majority Leader here in the Senate to get this process going. I know that that is a continuation, and I can understand the Majority Leader's continuing desire to see if we can bring this budget together.

But I stand by my statement earlier

this year, earlier this week -- it seems like a year -- earlier this week when the question is, when you get a marriage invitation, the mere fact that you have an earnest bride or an earnest groom, you need both parties to have this marriage ceremony occur.

And once an invitation comes that is for a marriage between two willing parties to get together and do a budget, I'll be at the conference committee, as I think all Democrats will.

I think it's discouraging to the people in this state that we have this continuing need for extensions but we can't seem to get the budget done itself.

And just a final word. I know -- I gather that my bill on joint conference committees was made something of a focal point of the discussion this morning with Senator Bruno. I am perfectly willing to let Senator Bruno be the chief sponsor of the joint conference committee bill, which I and I believe 14 or 15 of my colleagues here in the Senate support.

Senator Bruno wants to turn it into

law so that we have an actual law that requires joint conference committees and sets up a process, as that bill does, for how to convene a joint conference committee in exactly the circumstances under which we are today; that is, when bills pass both houses but yet the houses are unwilling to convene the committee themselves.

There's a way to break the logjam, there's a way to do it. That bill does it. I understand Senator Bruno put the bill up on the screen at his discussion this morning. I welcome Senator Bruno's embracing of Assemblywoman Galef's bill and my bill, and we look forward to the day when that becomes law. And then we won't have the logjam, the very logjam that now exists.

So my hope is that Senator Bruno will send me a buck slip on the bill, and I'll be glad to approve it, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Senator Stachowski.

SENATOR STACHOWSKI: Yes, very briefly on this bill.

A lot of these things we had extended before. I think that they have a major importance of being extended again. They have an interest -- different parts of this particular bill, although it's small in nature, has impact on a lot of the members that are on both sides of the aisle. And for that reason, I think we should vote for it, and I plan on voting yes.

Thank you.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Hearing none, debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 958 are Senators Dollinger, Schneiderman, and A. Smith. Ayes, 52. Nays, 3.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 79, by Senator Goodman.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 79.

THE SECRETARY: Calendar Number 79, by Senator Goodman, Senate Print 721, an act to amend the Tax Law, in relation to requiring.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MEIER: Senator Goodman, an explanation has been requested of Calendar 79 by Senator Paterson.

SENATOR GOODMAN: Mr. President, this bill would require the Commissioner of Taxation and Finance to report to the Governor and the Legislature in one year with recommendations concerning a method of simplifying the income tax by allowing a taxpayer to compute income tax liability as a percentage of federal income tax liability, with the aim of allowing taxpayers to file income tax returns on a form as small as a postcard.

At the present moment, as you are perhaps aware, Mr. President, since we've just been through tax payment time, there are serious difficulties in the preparation of tax returns by our state's taxpayers. Specifically, we have a situation in which we've got a 16 -- we've got a long form for non-itemizers of 43 lines, an instruction book that accompanies it of 52 pages in length, and a worksheet of 80 pages.

Obviously, a shorter form using a more efficient means of computing the tax is highly desirable, and that's the purpose of this legislation, to mandate that the Tax Department study this carefully and come back within one year with an improved form.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Through you, Mr. President, if Senator Goodman would just yield for one question.

SENATOR GOODMAN: Yes, I will, Senator.

ACTING PRESIDENT MEIER: Senator Goodman, do you yield for one question?

He yields.

SENATOR DOLLINGER: Senator, the concept of tax simplification seems to always clash with the concept of tax relief, in the sense, as you know, Senator Goodman -- I think you've been an advocate and certainly a vote in favor of child care deductions, earned income tax credits, college tuition savings plans, medical savings plans, all of those tools that we've put in the tax code, the Majority of this house has voted and approved, to really -- which require greater complication because they require more accounting, more lines on the tax form for each of those deductions.

My question is, how does this bill, requiring to look at tax simplification, doesn't it really clash with what we've done and tried to do in enhancing income tax benefits to particular groups of New Yorkers who need help?

SENATOR GOODMAN: Senator, my answer is a distinct negative. We would not be working in the contrary fashion as you've described in the slightest.

In a sense, it's an improvement, because by simplifying the form we make it easier for people to take the deductions which we encourage them to take for purposes of their self-improvement and for relief from the onerous tax laws that are now in existence.

Specifically, the legislation would point to a way to a new and simplified method of computing the tax by eliminating the confusing current structure of tax rates and base taxes and instead allowing the taxpayers to make a simple calculation. Even the fastest personal income tax form in existence at the moment, the so-called "fast form," is 16 lines long and leaves control of calculations in a state of considerable confusion to the taxpayer.

I think any taxpayer wishing to take advantage of the types of deductions you mention is in a position to aggregate these and to put them on a single line rather than to enumerate them in the complex fashion envisaged by the present law.

SENATOR DOLLINGER: Just briefly on the bill, Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger, on the bill.

SENATOR DOLLINGER: I applaud the goal that Senator Goodman articulates, and I think it's a laudable one.

I'm just not so sure that as we attempt to provide specific forms of tax relief, especially for working families -- I know, Senator Goodman, you've worked on this, you're well familiar with this. Those types of tax relief are all indigenous to New York State. They may not be directly related to the federal income tax return. We may have other tax benefits for working families that don't show up in the federal return.

So as a consequence, the simplification of either using the federal return and taking a percentage of that and paying it to the state may not work. As well as the decrease in complexity or trying to simplify the tax code may mean that people don't get the benefit of all the types of tax relief that this house has put in effect in the eight or nine years that I've been here alone.

I'm going to vote in favor of the bill, because certainly we should rely on our experts through the Tax and Finance Department to try to figure out how to balance that. But quite frankly, Senator Goodman, I hope that that's what they've been doing for the last ten years, trying to figure out how to make it relatively simple and at the same time achieve the complex goal of providing directed tax relief to specific portions of the New York State electorate who need it.

We in this house I think have done a reasonably good job of providing that targeted tax relief. And my concern is that simplification should not be the guise under which we reduce that targeted tax relief to especially needy New Yorkers, New Yorkers that have very specific goals in their life that we believe comport with the overall goal of this state, whether it's financing college education or providing daycare services or providing adequate funds for health care.

So I recognize, Senator Goodman, the intention. But I think this is an area in which my hope is that the Tax and Finance

Department is doing this job which you're asking them to do all the time. This I know simply requires a report. But I don't think we should forget that simplification doesn't necessarily mean less tax. Sometimes it's going to be complex, but that's the nature of the way we target our tax relief to New Yorkers.

ACTING PRESIDENT MEIER: Senator Stachowski.

SENATOR STACHOWSKI: Just -- if Senator Goodman would yield for just one question.

ACTING PRESIDENT MEIER: Senator Goodman, do you yield for a question?

SENATOR GOODMAN: Yes.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR STACHOWSKI: Senator, in reading your bill, couldn't the Tax Department do this kind of change or even a report on this kind of change just by a request of your Investigations Committee, as opposed to having to pass legislation in both houses to get this done?

SENATOR GOODMAN: As you know, Senator, some years ago we declared war on complexity in tax reporting as a basically very difficult, convoluted issue that many of the constituencies around the state had to deal with.

And I'm not yet fully satisfied, as I hope to be in the near future, by the amount that's been done to create an adequate short form. There are certain objections to it that have been amply discussed by your colleague.

But the fact is, all this bill does is to mandate that a study be made and that they come back within a year, having intensely examined this to see in what way the simplifications which can exist under present law without impairing the deductions described by the Senator can be undertaken. And that's exactly its purpose.

SENATOR STACHOWSKI: Thank you.

ACTING PRESIDENT MEIER: Senator Marchi.

SENATOR MARCHI: Mr. President, Senator Goodman probably will be surprised when I -- in going back over the years, when

he was -- you were with Finance, you were in charge of Finance under the administrations of '65 to '70. At that time, corporate taxes were levied on the basis of total activity, even if they lost money.

And it was Senator Goodman, then commissioner, who prompted them to move to profits. As a result, profits increased. And the heavy foot that was on the corporate endeavor got some relief. And they, in turn, became contributors to this tax system.

So there are large presumptions that go when he gets up on one of these bills. And I'm certainly very much in favor of its enactment.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the bill?

Debate is closed.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 793, by Member of the Assembly Gottfried, Assembly Print Number 7494A, an act to amend Chapter 725 of the Laws of 1989.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Explanation.

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT MEIER: Lay the bill aside for the day.

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

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

ACTING PRESIDENT MEIER: Yes, I believe we have a motion, Senator.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator DeFrancisco, I offer the following amendments to these Third Reading Calendar bills: Page 5, Calendar 64, Senate Print 470.

On behalf of Senator McGee, page 55, Calendar 837, Senate Print 3520.

On behalf of Senator Wright, page 58, Calendar 877, Senate Print 5206.

On behalf of Senator Kuhl, on page 60, Calendar 895, Senate Print 1629.

I offer these amendments and I ask that these bills retain their place.

ACTING PRESIDENT MEIER: The amendments are received and adopted, and the bills will retain their place on the Third Reading Calendar.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I believe at the desk there is a written notice of a motion to amend the Rules of the Senate. That notice is given pursuant to Rule XI, and it seeks to add a new rule, XV, which will set ethical standards for

members, officers, and employees of the Senate. I ask that it be filed in the Journal.

ACTING PRESIDENT MEIER: The notice is at the desk, and it will be filed in the Journal.

Senator Skelos.

SENATOR SKELOS: Mr. President, on today's active list I inadvertently starred Calendar Number 312, by Senator Seward. And with the consent of the Minority, if we could take the bill up at this time.

ACTING PRESIDENT MEIER: Without objection, the star is removed.

The Secretary will read.

THE SECRETARY: Calendar Number 312, by Senator Seward, Senate Print 2810, an act to amend the Insurance Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect January 1, 2002.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn until Tuesday, May 29th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, May 29th, at 3:00 p.m. Intervening days will be legislative days.

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