NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 3, 2004

11:04 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will please come to order.

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

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

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

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

THE PRESIDENT: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Madam President.

On behalf of Senator Skelos, I wish to call up Senate Print Number 556, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 84, by Senator Skelos, Senate Print 556, an act to amend the Family Court Act.

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

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR FUSCHILLO: I now offer

the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Marchi, I wish to call up Senate Print Number 6477, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 598, Senate Print 6477, an act to amend the Administrative Code of the City of New York.

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

THE PRESIDENT: The Secretary will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

SENATOR FUSCHILLO: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR FUSCHILLO: Madam President, on behalf of Senator Flanagan, on

page 51 I offer the following amendments to Calendar Number 1085, Senate Print Number 7088, and ask that said bill retain its place on Third Reading Calendar.

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

SENATOR FUSCHILLO: On behalf of Senator Morahan, I move to amend Senate Bill Number 6030A by striking out the amendments made on March 31st and restoring it to its original previous print number, 6030.

THE PRESIDENT: So ordered.

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, are there any substitutions at the desk?

THE PRESIDENT: Yes, there are, Senator.

SENATOR SKELOS: Thank you. If we could make them at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 78, Senator Alesi moves to discharge, from the

Committee on Local Government, Assembly Bill Number 7448B and substitute it for the identical Senate Bill Number 5677A, Third Reading Calendar 1416.

On page 78, Senator Maziarz moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9885 and substitute it for the identical Senate Bill Number 5880, Third Reading Calendar 1418.

On page 78, Senator Volker moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 10318 and substitute it for the identical Senate Bill Number 6588, Third Reading Calendar 1423.

And on page 79, Senator Golden moves to discharge, from the Committee on Veterans, Homeland Security and Military Affairs, Assembly Bill Number 10414 and substitute it for the identical Senate Bill Number 7091, Third Reading Calendar 1425.

THE PRESIDENT: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Madam President,

there's a resolution at the desk, 5350, by Senator Hoffmann. Could we have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Hoffmann, Legislative Resolution Number 5350, honoring Charles E. Read upon the occasion of his retirement after 33 distinguished years as an educator.

THE PRESIDENT: All in favor please signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the noncontroversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 417, by Senator McGee, Senate Print 2777B, an

act to amend the Agriculture and Markets Law, in relation to award of grants.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 40.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 961, by Senator Trunzo, Senate Print 7189, an act to amend the Executive Law and Chapter 22 of the Laws of 2003, amending the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 970, by Member of the Assembly John, Assembly Print Number 10290, an act to amend the Labor Law and the Executive Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1047, by Senator Little, Senate Print 6485, an act to amend the Local Finance Law, in relation to refunding bonds.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1083, by Senator Skelos, Senate Print 6143B, an act to amend the Education Law, in relation to prohibiting the purchase.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1187, by Senator Larkin, Senate Print 6996A, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to proposition wagers.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 43. Nays, 1. Senator Padavan recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1225, by Senator Balboni, Senate Print 6545, an act to amend the Executive Law, in relation to the reporting of biological and chemical threats.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1236, by Senator Little, Senate Print 7168, an act to amend the Executive Law, in relation to including the Fulton chain of lakes.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 44.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1246, by Senator Maltese, Senate Print 6533, an act to amend the Highway Law, in relation to allowing commercial vehicles.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1351, by Senator DeFrancisco, Senate Print 6737, an act in relation to authorizing the Town of Marcellus.

THE PRESIDENT: There is a home-rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1354, by Senator Wright, Senate Print 6857, an act in relation to authorizing the Town of Parish.

THE PRESIDENT: There is a home-rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1410, by Senator LaValle, Senate Print 1470, an act to amend the General Municipal Law, in

relation to requirements and benefits.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1411, by Senator Trunzo, Senate Print 2526A, an act in relation to requiring state agencies.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1412, by Senator Volker, Senate Print 2739A,

an act to amend the Retirement and Social Security Law, in relation to the method of payment.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1413, by Senator Flanagan, Senate Print 3587, an act to amend the Correction Law, in relation to information disseminated on Level 3 sex offenders.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 51. Nays, 2. Senators Duane and Montgomery recorded in

the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1414, by Senator Volker, Senate Print 3893A, an act in relation to granting.

THE PRESIDENT: There is a home-rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1415, by Senator Alesi, Senate Print 5264A, an act to amend the Executive Law, in relation to requiring.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1416, substituted earlier today by Member of the Assembly Koon, Assembly Print Number 7448C, an act to amend the County Law.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1418, substituted earlier today by Member of the Assembly Wirth, Assembly Print Number 9885, an act authorizing the City of Lockport.

THE PRESIDENT: There is a home-rule message at the desk.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1420, by Senator Flanagan, Senate Print 6247, an act to allow Thomas B. Endee to join.

THE PRESIDENT: There is a home-rule message at the desk.

Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1421, by Senator Larkin, Senate Print 6376, an act to amend the Real Property Tax Law, in relation to refiling an application.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1423, substituted earlier today by Member of the Assembly Higgins, Assembly Print Number 10318, an act to amend the Civil Service Law, in relation to including.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1424, by Senator Spano, Senate Print 6851, an act to amend the Retirement and Social Security Law, in relation to establishing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the first of January next succeeding.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1425, substituted earlier today by Member of the Assembly Cusick, Assembly Print Number 10414, an act to amend the Executive Law, in relation to information.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1426, by Senator Stavisky, Senate Print 7329, an act to amend the Highway Law, in relation to the designation.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1427, by Senator Robach, Senate Print 7344, an act to amend the Civil Service Law and others, in relation to compensation.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1428, by Senator Larkin, Senate Print --

SENATOR SCHNEIDERMAN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

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

Senator Duane.

SENATOR DUANE: Thank you, Madam President. If I could have unanimous consent to be recorded in the negative on Calendar Number 1187.

THE PRESIDENT: Hearing no objection, you will be so recorded as voting in the negative.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could go to the controversial reading of the calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1428, by Senator Larkin, Senate Print 7364, an act to amend the Racing, Pari-Mutuel Wagering

and Breeding Law and others.

SENATOR SCHNEIDERMAN: Explanation.

THE PRESIDENT: Senator Larkin, an explanation has been requested.

SENATOR LARKIN: Thank you, Madam President.

Senator Schneiderman, as you know and John Sabini knows, we've been working on this for a number of months to try to put a package together that resembles what the needs of the State of New York are with regard to gaming and all aspects of it.

With the expansion of gaming, we decided that we needed to revise everything that's done with regard to gaming in the State of New York. We needed basically to restore the integrity and the confidence that the people of the state have in our gambling industry.

This bill also regulates gambling, maximizes the amount of revenue generated for educational programs and for the general operation of our state or local governments.

The bill before you, the Gaming

Reform Act of 2004, comprehensively reforms the regulation of all horse-racing activities, OTB operations, the operation of VLTs, Indian casinos, bingo halls, bell jar tickets. All of these activities give entertainment value to their customers as well as providing well-needed revenue for the state.

A couple of things, generalizing this bill here. We're going to consolidate, under this bill, everything under one agency. Instead of having five or six having something to do, we're going to have one agency. This bill consolidates the regulation of all gaming activities under one roof and will increase regulatory efficiency, reduce costs, and eliminate redundancy in the current system.

The new gaming commission will be granted strong regulatory powers that are above and beyond that we have now. These additional powers, we feel, will be adequate to regulate gaming and will punish those who violate the laws.

We want to strengthen governmental supervision of NYRA or any organization that succeeds NYRA to manage the state racing

franchise. The bill creates the nonprofit racing agency oversight board. The oversight board will be five members, three appointed by the Governor, one by the Speaker, and one by the Majority Leader.

They're going to have a lot of wide-ranging powers, Senator, concerning annual operating budgets, on the establishment of a financial plan to make NYRA profitable once again, approve NYRA's compliance with all laws, approve or disapprove capital plans submitted by NYRA, establish model governance principles to improve their accountability and transparency.

The facility installation of VLTs at Aqueduct, which has been a prime concern. Without it, we will not have the resources. But it excludes from NYRA's definition of operating expenses, because we found in the past that we saw no revenue going to the state because of the manner in which it was functioning.

But the purpose of computing the entire adjusted net income, the principal debit repayments from capital improvements

relating to the construction of VLTs at Aqueduct. As you know, you and John have talked about it, that MGM is willing to come in and be a partner. But they want to make sure that they're not going to be a partner until the losses come in.

And it authorizes the oversight board to operate the VLTs at Aqueduct track in the event of the revocation or expiration of the franchise currently granted to NYRA.

Now, we consolidated administration of horse breeding development funds. Heretofore, as you know, we have four funds out there, all going in four different directions. The bill directs the commissioner of Ag and Markets, in consultation with the new gaming commission, to administer funds to promote the breeding of horses and the conduct of equine research.

In my opinion, this is a monumental bill, long overdue. It should help us reform the horse-racing industry. It should also help to remove the cloud that has hovered over this important industry for far too long.

I would like to personally thank

Senator Bruno and his staff for their advice, consent, in working with us to make sure that this bill appeared before us today.

THE PRESIDENT: Senator Sabini.

SENATOR SABINI: Thank you, Madam President. On the bill.

THE PRESIDENT: You may proceed.

SENATOR SABINI: Senator Larkin is right. And I have great respect for his expertise in the areas of racing, wagering and the horse-race industry in this state, which is a very important one.

And this bill does two good things, and I'll talk about them first. NYRA needs some oversight. We all know that. It's not a big secret that there have been major problems in NYRA. And in fact, the thoroughbred industry has not yielded anything to the state in recent years in terms of revenue because of some of the mismanagement and secrecy and just generally bad things going on at NYRA.

And the bill also allows Aqueduct to commence with the operation of their VLT program, which will be a great thing for Queens, a great thing for the state in terms

of revenue. And those are good things.

But what the chairman points out, this is a monumental bill. And it's a bill that has been run through the Rules Committee yesterday. It's such a monumental bill that all we've heard from the Governor for two years has been how we're going to solve a lot of our problems through enhanced gaming revenue. That's probably true.

But the way to regulate those issues and the way to make sure we get enhanced revenue from gaming is not to create a bureaucracy in basically a day, which is what we're doing here.

This creates a panel of gaming czars, in effect, who will be appointed only by the Governor. The bill -- and others will go into this, I think -- gives this panel broad authority and will leave us, I believe, with the same danger we had going into this fight with NYRA, that will allow the folks appointed by the Governor to have really unlimited authority in the gaming industry.

This is too important for us to do in one day or two days. We haven't heard from

any of the breeders, really, the standardbreds, the thoroughbreds, the track owners. We have a number of our upstate tracks that are in flux right now. People are buying them and selling them at a rapid pace. There's a reason for that. The industry is in a state of flux, especially since no one knows who's regulating it anymore.

And while this bill goes to that, I think we need to have more detail and time and input. There are other audiences we haven't heard from. This bill will govern things like lottery. We have lots of Lotto retailers -- every one of us has hundreds of them -- who might have something to say about the future of Lotto and Quick Draw and the various other games that are sold through them, and affect their small-business bottom line.

We haven't heard from the tribes who operate some of our Native American gaming institutions. We haven't heard from the municipalities that have been relying on the new jobs generated by some of these casinos for their future economic growth.

We haven't heard from any of them,

because we're doing this in classic fashion up here: run it through in one day. And while the chairman says they've been working on it for a long time, no one has seen the document until yesterday.

If we're going to rely on this industry or these industries -- casinos, racinos, tracks, lottery -- for the future margin of error for our state budget, I think we have to have a little more time to look at who's going to regulate it if we're going to vastly change the regulations and vastly change the governing board and vastly change the composition of who's going to regulate these industries in one day.

I think it's a bad idea. It's bad public policy. We need to have more discussion, more input. I don't even think there's an Assembly version of this bill right now, as far as I know.

And so while it's a jumping-off point -- and maybe that's a good thing and the way we do business in this town -- I for one don't think this is a good way to do this policy.

There are some good things in this bill. I believe in the chairman of our committee's sincerity and expertise. But I think the devil is in the details.

And I think it's also important that we have many of the people who are stakeholders in this industry, have them come forward and give us some comment on it and not do this in two days, which is in effect what we're doing being asked to do.

So I will be voting in the negative.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

The Senator is right that this is an important piece of legislation.

And I listened to Senator Larkin in his very thorough explanation and applaud him for getting this bill together and getting it to the floor.

As to timing, the discussion about racing and wagering in New York State has been endless. Endless. The last three years, the federal government has been totally involved

in investigating everything having to do with racing -- to the detriment of racing, wagering, and all the people of this state.

So this isn't anything new. Discussions have been out there basically stating something different has to be done in this state.

New York State is the Empire State. The Empire State. We lag states like Kentucky, Nevada, California, Florida in so many ways. Why should we?

So the Governor has stepped up with this program bill. And this program bill was put together with the chair of the committee, with many of the people who have a vested interest in racing and wagering, charitable and for-profit, here in this state, with input, and it was introduced a week whenever ago.

So it isn't as if the subject was conceived overnight. It's been in front of us for years.

Now, we have done some major things here to move the economy of this state, to move the health and welfare on behalf of the

people of this state. We've done it together. This is important. It's important for a lot of reasons economically. Just with racing, there's 40,000-plus jobs, as has been stated, at stake. We do not stand as the premier racing state, for one, or wagering in all of the United States. We don't. And we should.

So we can debate and we can hesitate. And what we do best in the Legislature is study, review, nothing. We do that very well. We've done it with CFE, we've done it with the budget, we've done it with major issues like Rockefeller reform, Timothy's Law, power siting, you name it. What have we done? Nothing. Nothing. We should be embarrassed.

Now, why have we done nothing? Why? Don't answer it.

(Laughter.)

SENATOR BRUNO: I was afraid there'd be an uprising here, Madam President.

(Laughter.)

SENATOR BRUNO: The Assembly said in February, in March, they will not do anything until we do CFE. Okay? Nothing. We

met every week with the Speaker, with people, with the committees, with the Governor -- together, separately -- since January. Okay? The Speaker says nothing happens until we do CFE. Okay?

So last week I said: You know, it's about time we get CFE behind us, isn't it? Let's get a plan out.

Did anybody get a plan out? No.

Who got a plan out? The Senate got a plan out. The Governor followed, to his credit. The Speaker followed yesterday. We have now three plans out.

And the Speaker said: When we get those plans out, we'll work on the budget.

Well, that's great. We are leaving here June 22nd. You all plan on that? You have it in your calendars?

Now, Madam President, if I am digressing, I do have a purpose. Okay? I have a purpose.

UNIDENTIFIED SENATOR: Don't stop.

SENATOR BRUNO: Thank you.

Now, we are trying to get engaged

in CFE. It's not fair that we leave it to the courts. We've got to get that done. We have to get a budget done for the people of the state.

And we agreed in December on a calendar, on your behalf -- yours, yours. How did we get to June 22nd? How did we get there? We got there by talking with the Speaker and all of his assistants and the members there and our members here, and said we've got to settle a date to get out of here.

Okay. And we debated for weeks, and we decided -- we were somewhere in the middle of June, here, to get out. Shelly said: Nah, it's too early. Okay? He said something like later in June.

Where there's a will, there's a way. We want to, we can get out on the 15th, you can get out on the 28th, you can get out on the 22nd. If you want to get it done.

If you don't, you can be here until the Fourth of July, as we have been. You can be here until August 4th, as we have been, if you don't want to get it done.

We want to get it done. So we

compromised with Shelly. And I said: "Shelly" -- and I hope Shelly's listening. Listen up, Shell -- "tell us when you want to get out of here." 22nd of June.

"Do you promise and commit that if we agree and print a calendar that you'll leave on the 22nd of June with our business finished?"

"Yes. Yes." We shook hands.

Who was there? Anybody? I don't remember.

Now, I'm just telling you how we got there. Now, I met with Shelly yesterday. I said: "Shelly, you're going to get out of here as we had committed on the 22nd? If we agree on a budget today, it takes two weeks to print it."

"Well, we'll work on it. I got to get out with CFE at 2:00."

Okay? And Shelly, to his credit, goes to the board, you know, and puts out: Reform plus Resources Equals Results for CFE. Okay?

And my response was, what reform? What resources? You're not funding anything.

And what results do you expect by throwing billions of dollars?

Now, that is germane. Because if you don't fund what you spend, that is inequitable, unfair to the people of this state.

So that is not a total plan. I would be amazed if the courts would accept that. By the way, what I'm telling you I said to Shelly again yesterday.

So how does all this relate to what we're doing? We have to do something. Racing is not extremely well. The Belmont is this Saturday. Anybody who can get there ought to get there and join the 130,000 people. I'll be watching it on TV, probably having a Lite beer, and watching the crush. Okay? And I hope we have a Smarty Jones coming up with the Triple Crown.

But let me share something with you. You don't have a Triple Crown race at Belmont. Saratoga is the only profitable racetrack here in the Northeast, here in this state. The only one. Money is lost at Aqueduct. Money is lost at Belmont. They

make it up, and they don't fully make it up.

Now, NYRA and racing and wagering should be a cash cow here in this state. It should produce literally billions of dollars for education. You want a CFE? You want to fund high-needs districts? I do. You do.

Now, when you talk about you want to study, you want to review, you want to wait -- for what? What we're doing is getting something done. The Governor, to his credit, put it together.

The main part of this bill does five things, if I remember. One, it deals with lottery, just all of it has to do with VLTs. One, it deals with charitable -- charitable gambling in a division. One, it deals with racing. I believe another deals with casinos and the Indians. And some deals with oversight, with the policing and the implementation. Those are the five divisions in the oversight.

Now, that's what they do in Las Vegas and in Nevada and in most of the states that are successful in managing gambling in their state. That's what they do.

Now, we don't have pride of authorship here. You didn't invent it; you didn't invent it. We're copying the success -- Al Gore didn't invent it either.

(Laughter.)

SENATOR BRUNO: Okay? But we are copying successes. So you want to study? Study Nevada. Study New Jersey. They've done it. That's what we're doing. That's one.

Second part, NYRA has the problems that have been reviewed for several years. Nobody is closer to racing or NYRA here than I am. Saratoga is in my district. I love Saratoga. I love horses. I love racing, to watch. And I love to see revenue created for the people of this state through a sport such as racing. But it needs help.

So NYRA's where NYRA is with a very large board. And they've been there for decades. So we commit, through this, an oversight committee of five people, five. Okay? Three by the Governor, one by myself, one by the Speaker. Oversight for NYRA.

Their franchise expires, you all know, in two years. Right? What are we going

to do in two years? Are you going to re-up them for ten years? You have that choice. Are you going to replace them? If so, with what? If you're going to extend them, in what way?

That's what this oversight's main job and mission is, to take a look at what recommendations will you make to the Governor and to the Legislature as to how we continue racing in this state. Through NYRA, through a combination? Do we make it for-profit? Do you do a partnership?

And in my estimation, you could do an RFP, this oversight group, and say to the whole world: Here it is, New York State, the Empire State. Tell us how you can help us pay for education, for health care through racing and wagering on racing. Tell us how. With simulcast. They tell me it's one of the greatest assets in the world.

And guess what? We are receiving pretzels. If you like pretzels, it works. Now, I like potato chips, preferably.

Now, lighten up, because you're getting too serious.

(Laughter.)

SENATOR BRUNO: But do you get my message? We can sit around, wring our hands and study and review. But we have to give credit to Senator Larkin, to the Governor, to all the people that have had input. So that's the second major piece of this.

The third major piece of this bill, MGM has got a deal with Aqueduct to put in 5,000 VLTs. You approved it. We approved it. Why did we approve it? Because it shows billions of dollars in cash flow. For what? For education.

Is it operative there? They were supposed to be operative two years ago. Are they operative? No. Why aren't they operative? Because MGM said, We can't do a deal with somebody who doesn't have a license to live after two years. Or three years.

This says, to MGM and to the world, if there is a successor to NYRA, they pick up the same obligation that is created with your investment of a hundred and some million for VLTs. Okay?

So I talk to MGM and they say:

This does it. You do that, we're operative by the end of the year. And you start getting CFE high-needs districts, you get education funded in this state. Yonkers is supposed to be up. Now, we've already done that. We don't have to do anything else.

Now, I hate gambling as a source of revenue for this state. I hate it more than anybody here in this chamber. Except Frank Padavan.

(Laughter.)

SENATOR BRUNO: Except for Frank. Frank hates it more. Okay?

(Laughter.)

SENATOR BRUNO: But facts of life. Get in a bus or in your car, and in two hours and 15 minutes you will be in the biggest casino in the whole world. It's called Foxwood. Two hours and 15 minutes. Okay? Right next to it is Mohegan Sun, growing faster than they can build. Okay? Take a three-hour trip, and you're in Atlantic City.

Now, are we going to do anything about that? You going to stop them from

draining the resources of New Yorkers into Connecticut, into New Jersey? Are you? What are they doing with that money? Paying for education, paying for health care?

New York is the second-largest exporter of gamblers in the whole world. You know that? So why the hell do we have to export them?

Where is Bill? He's tired of listening to me.

(Laughter.)

SENATOR BRUNO: Why do we have to export them? Think about it.

Now, I deal in reality in my life. Reality says people are going to use video lotteries. People are going to gamble. They're going to go to New Jersey, they're going to go to Foxwood, they're going to go to Las Vegas, they're going to go anywhere they want to go to gamble.

So, dealing in reality, I say fine, then let's do it. Let's do it. Let's put them where they help the people of this state with education. That's what this bill is all about. The main piece implements legislation

for MGM to get activated to produce what will amount to a couple of billion dollars to fund education.

Now, you want to study it now through December? Fine. If you estimate 2,500 machines down there -- Yonkers is trying to get up as well, hopefully by January or February -- you know what that figures out to per day every day we wring our hands, study? It's millions and millions of dollars a week. Going to New Jersey, going to Connecticut, going anywhere other than into education in New York State.

Do we need the money? The Governor says we have a $5 billion deficit. We think it's four. Whether it's four or five, we need revenue. We can't do a CFE if you don't have new revenue.

You will be in this chamber next year, all of you. Maybe one or two exceptions.

(Laughter.)

SENATOR BRUNO: And you will be figuring out how you deal with a $6 billion deficit. And you know what you're going to be

looking at? Raising taxes. And we're not going to raise taxes. We're not raising taxes.

So you've got to fund education, health care, the infrastructure, mental health, higher ed, you name it. But we are not going to raise taxes. Now, remember where you heard it. My name is not George Bush, Sr.

(Laughter.)

SENATOR BRUNO: Okay? So you've got to fund -- in the real world, you have to fund what it is that you want to spend.

What's our priority in this chamber? Thank you. Education. We're there. Greatest asset that we have in this state, in this country, is our children, our young people.

And we have to educate them so they can go out in this world and be competitive and earn their own way and contribute for the welfare of their families and their neighbors, and increase their incomes by getting the best education possible in the whole world.

And as they increase their incomes, what do they do?

SENATOR RATH: They pay taxes.

SENATOR BRUNO: They pay taxes, right. And that pays for your salaries -- whenever we get them -- and pays for education, health care, the -- that's how you create revenue.

So that's what this is all about. Bill, we're indebted to you for helping provide the leadership.

We're indebted to you, sir, for calling attention to the fact that this is an important piece of legislation.

Madam President, I am indebted to you for your patience, and to the rest of you.

And I doubt now, Senator Schneiderman, that you have any other questions, since I've gone on at such great length.

But thank you.

(Applause.)

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: There is so much rich material to mine in those remarks that I'm going to try to limit myself to the

issue before us.

I think that to the extent Senator Bruno is expressing frustration at what's going on here this year, and the recitation of all the things on which we've done nothing -- honest, candid, it'll make a great campaign ad -- it's something that I think a lot of us feel.

And it is clear that this session is -- certainly I haven't been here that long. This is by far the worst session. We have now crystallized into practice the Albany tradition of putting everything in one pot for the end of the year, where Rockefeller Drug Laws is dependent on power plant siting is dependent on the casino reform. And we're not functioning as a Legislature.

So I always enjoy the Senator's candor. There is no stronger feeling on your side of the aisle about CFE than on our side of the aisle. The CFE case, the CFE organization was formed in my district, from parents in Upper Manhattan frustrated with the inadequate schools. It is a catastrophe.

And I would urge all of you, as we

get into this and tempers get hot, that the need for resources is not something that's a matter of frills or luxuries or educational bureaucrats. The findings of fact in that case laid out a scenario that is a disgrace.

And I would respectfully submit that the conditions in many parts of the New York City schools you would not tolerate for a minute if they were widespread in your districts.

But in order to fund the CFE case, and I guess we have to acknowledge that one way or the other, whether we like it or not -- and I'm, I guess, in line behind Senators Bruno and Padavan in hating gambling as a source of revenue. But one way or the other, we're going to have gambling in this state.

And while the discussion of the issue of gambling has been endless, the discussions of the provisions of this particular legislation, which is tremendously important, have been far from endless.

And I certainly am not suggesting that we wait until December or delay unduly. But just since this bill was introduced on

Friday, our little crew over here have found what I think are some serious flaws. And hopefully they can be amended. I gather the Assembly has not even printed the bill. And therefore it's incumbent on us to try and make suggestions to make it better so that there are no excuses for not dealing with it.

And in that spirit, I would like to ask if the sponsor would yield for one question.

THE PRESIDENT: Senator Larkin, will you yield for a question?

SENATOR LARKIN: Yes, Madam President.

THE PRESIDENT: You may proceed, Senator Schneiderman, with a question.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

In this legislation, after putting out in great detail the extensive powers of this commission that is to be appointed all by the Governor -- no legislative appointments, which is an issue that I have trouble with -- no appointment by you.

SENATOR BRUNO: [Inaudible.]

SENATOR SCHNEIDERMAN: So -- yes. Well, I hope they got that on the record.

It provides for extensive powers for this commission. Then it states, in Section 17, on page 6: Whenever it deems necessary or convenient, the commission may enter into contracts with any person to carry out its functions, powers, and duties. That's it.

Is there -- and my question for the sponsor is, where in this bill, or anywhere else in current law, is there any provision that will ensure that such contracts are subject to competitive bidding, are reviewed by the State Comptroller or subject to any other limitations?

SENATOR LARKIN: Well, Senator, if you look through the whole 64 pages, you'll see references going back to state agencies. You'll find that the commission by itself is required to, when it talks about ethics, of where they're supposed to be.

My honest opinion, in looking at the Delaware, looking at West Virginia, looking at Rhode Island, looking at

New Jersey, this is a model from it which has been proven successful in their respective states.

And I believe that when you look at both aspects of it, the commission is going to have -- okay? I can continue? -- the commission is going to have certain aspects of it.

When you're looking at the other part of it, the oversight board will have very specific -- the oversight board, as Senator Bruno mentioned, will have five members, three appointed by the Governor, one by the Speaker, one by the Majority Leader.

I think that you'll find that having visited -- I have visited these other facilities, and they're not only comfortable, but they are saying that this system has proved valuable for them in their administration of the commission, their administration of the industry by itself.

You have to also understand, when you're talking about what this industry is doing, in the state of Rhode Island they have 1,000 machines. It pays 12 percent of their

entire state budget. West Virginia has 1500 machines; it pays 17.5 percent of their state budget. And yet their commission is the same members they had when they started. They do not feel that there's anything that has to be compromised to do this.

SENATOR SCHNEIDERMAN: Thank you.

Through you, Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: This is a very important bill for all the reasons that have been stated. It is essential that we reform the system of gambling in this state because, whether we like it or not, we're going to have expansions of gambling in New York.

However, I would respectfully suggest that in its current form this bill should not become law and that modifications are required and that a few days or even weeks of discussion would benefit all the citizens of this state and would ensure that we in fact have a gambling system that operates

effectively and that keeps things within the bounds of the law.

I must say I do not -- I have reviewed the bill, and I do not think that there is any restriction requiring the commission to limit its contracts in any way. There's no requirement for competitive bidding. And in fact, one of the major criticisms of NYRA was a no-bid contract for a security firm.

There are extensive provisions for conflicts of persons appointed by or employed by the commission. There are no provisions of conflicts for the people to whom the commission is authorized to contract out any of its functions.

I think there are a few of my colleagues here who have other concerns about this legislation. I think there are other states that have better systems in place that more effectively protect the gambling industry from the influences of organized crime or from the lesser forms of corruption that tend to crop up when contracting issues arise.

We're going to have to get this

done, and we're going to have to get it done right. Unfortunately -- or fortunately -- when the state government was formed, they established that you can't do something by passing one-house bills. So like it or not, we've got to get two-house bills passed.

And I suggest that some of these provisions that I've mentioned, that Senator Sabini has raised and that others will raise, are going to prevent us from moving forward.

This provision in and of itself, though, is like leading with our chin when you walk into -- this is something that I think that there's no way this is going to pass muster with the Assembly. We need to move along. There's a lot we need to get done.

We have declared -- Senator Paterson has made it very clear, we're prepared to stay as long as it takes, stay weekends, whatever. We are, in our own modest way, attempting to move things along. We issued a proposal for how to fund CFE on March 31st showing where to get $10 billion in revenue through tax reforms, largely.

We're ready to do business. We

like it when we're doing business. When we're not doing business, people get up to mischief. And it's better to be doing legislation than mischief.

But this particular piece of legislation, I'm afraid, is doomed to fall into the massive hopper of one-house bills. So take our suggestions as suggestions. We have to pass something, a bill on this issue this year. I'm sorry it's in the pot with every other issue. That's what we've degenerated to here in Albany. We've got some suggestions to make it better.

And we sincerely appreciate the frustration expressed by our leader. And I think that that is bipartisan frustration. And I think it's frustration that, if anyone in the other house were to speak up as candidly, many people over there feel as well.

I will be voting no on this bill, Mr. President, and urging others to do likewise, but with a view to passing an improved bill later this year.

Thank you.

ACTING PRESIDENT MEIER: Senator

Larkin.

SENATOR LARKIN: Mr. President, just a reminder --

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, if Senator Larkin would suffer an interruption, I'd like to ask for an immediate meeting of the Rules Committee in the Majority Conference Room, as we continue discussion.

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

Senator Larkin.

SENATOR LARKIN: For Senator Schneiderman, knowing the state law -- and I understand you are a lawyer -- all public contracts in this state are subject to bids. We didn't start to write each paragraph -- yes, it is.

And, you know, no matter what you're going to say about this, the leader very clearly said it, and the other states that are looking to increase their revenue source that we also want to do -- we can't go

out here and open up a garage door and shovel money into New York City.

If you want money to take care of CFE and other necessities of New York City, you tell me where the revenue is coming from. We've looked at all of these other states. They've been very clear.

And we've taken an opportunity, because if we don't do it, if we delay this another two or three or four years, there will be no opportunity for New York to participate. This is very, very important.

Some people said, well, we didn't consider all of the other entities on the bill. I assure you, we have talked to every entity that has anything to do with gambling, period.

ACTING PRESIDENT MEIER: Senator Sabini.

SENATOR SABINI: Thank you, Mr. President. On the bill.

I want to express my agreement with Senator Bruno on virtually everything he said. I agree there is a need. And this, by freeing up things at Aqueduct and making Aqueduct a

fully operational racino, is a good thing.

And I agree that there's a need for reform and oversight. I agree with everything the Majority Leader said. And I even agree we shouldn't wait very long.

But there's a big chasm between studying and dithering for months, which I agree with him is wrong, and putting in a bill on Friday of a holiday weekend and ramming it through Rules in one day that's this massive.

And with all due respect to the comments that have been made by the chairman and the Majority Leader, there are people in the industry who feel that they don't know what's in the bill, because I've talked to them about it. Some pretty smart people in the industry who don't know what's in the bill. Maybe, you know -- maybe the thoroughness wasn't all-inclusive.

So there's a big chasm between waiting and taking action. And I think that like perhaps giving us a few days to look at the bill is, by definition, action. I'm not a supporter of the inaction up here. Each and every time I've voted against a budget

extender in this house, I've said that the inaction is bipartisan and bicameral. So I agree that there is problems in both chambers of this Legislature.

But again, I think there's a big difference between inaction and maybe us looking for a day or two and making a couple of calls to people who this is affected by. I know there were some people who were consulted. Obviously there were some people who were consulted. And there are lots of people who have the right lobbyists who were consulted.

But this is a major overhaul -- as Senator Larkin said, a monumental piece of legislation -- that we will have to live with for a long time if it becomes law. And all I'm saying is give us a chance to chew it over and digest it, for a little more than the time it takes for the paper to cool from when it gets off the Xerox machine. Because that's all we've gotten. That's all we've gotten on this. And I agree that it's been studied and talked about, but this legislation, this proposal has not.

And so while I agree with Senator Bruno we should act -- and we should -- and it's important, I don't feel that the way this is being done helps matters and, in fact, is just more of what these two houses of the Legislature get criticized for.

And that is, you know, let's do something quick under the cover of darkness. And, oh, yeah, we've talked about it, but here's a quick piece of legislation that's really like this. It's not good law-making, it's not good public policy, it's not good for the stakeholders, it's not good for the taxpayers.

Yeah, we need the revenue. We obviously need the revenue. But I worry that in creating what we're creating here that we will be revisiting this again and again and saying if we had only known we'd created problematical situations -- yes, it works in other states. I know that. I agree with the committee. I have some expertise in both horse racing and in casino operations. This is -- but to do it in this manner is, I believe, wrong, and that's my reason for

opposition.

I think the Majority Leader's statements were virtually a hundred percent correct. And I agree with him a hundred percent. Except that I don't think that by chewing it over for a day or two means we're dithering or waiting or being -- having inaction. There's a fine line between the two. And I would like to see us have a little more time to investigate some of the things that are in this bill.

And as I say, I've spoken to people in the industries who don't know what's in this bill and aren't happy with some of the details I've brought to their attention.

And Senator Bruno has exhibited incredible courage and forthrightness last year, and in his operation this year as well, at least trying to get things moving along. And I respect that. But I don't think that by doing this in this manner helps public policy, helps Albany, helps our folks back at home.

Yeah, we need to get the Aqueduct thing done quickly. We could have done that in a one-page bill. That's all we really

needed. And that's all that MGM wants to come in, because I've talked to them.

But this is a lot more than that, a whole lot more than that. And that's why I feel we need more time to at least figure out what this bill does, because it's very comprehensive. And if it becomes law -- which I doubt it's going to become law in this form, since there's no Assembly copy -- if it becomes law, it's something we're going to have to live with for a long time.

Thank you.

ACTING PRESIDENT MEIER: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

So much has been said here relevant to the efficacy of doing this bill predicated on one underlying premise, that we need the revenue from the gambling -- and I use the word "gambling," not "gaming." And I use that, I think, with some validity. We need that revenue to do the things in this state that have to be done, education being paramount.

I've heard that reasoning for decades. Every time we wanted to do more, whether it was Quick Draw, Super Lotto, you name it -- casinos everywhere in the state -- the logic and the reasoning and the justification was we need the money to do such and such and such and such.

This turned out to be a failure. This is not money that is generated out of the sky, out of the blue, just falls down upon us like rain and we scoop it up and then we fund education. It's out of the pockets of our citizens. Every economic study that's been made, from very reputable sources, academia included, tell us it's a zero-sum game at best.

Now, obviously the question has been raised here time and time again: We need the money; where are we going to get it from? Well, let me suggest several sources.

According to our Tax Department, there are billions of dollars in uncollected sales taxes from products -- cigarettes, gasoline and the like -- from Indian reservations in the state that are not being

collected that lawfully should be collected. Why not? We could use that money.

And in the process, by the way, have an ancillary benefit for those businesses in the periphery of those reservations who are suffering, and towns and villages along with them, because of this unfair competition. A double benefit. So there's one source of revenue.

And then there's a little issue generally categorized as Medicaid reform. The acting president, Senator Kemp Hannon, and others participated for months, including the Minority Leader. Came up with 40 recommendations. It's in the report. All of those recommendations have one focus: Improve the quality of care, make it more efficient, and in the process save money.

You know, we have 7 percent of the Medicaid recipients in this nation, who are collecting or using or drawing 14 percent of the federal money. That ought to tell you something.

Now, how many billions we would save over a five-year period, I don't know.

But a lot of money. Just read the report; it spells it out.

We'd also help local governments. In the City of New York, they collect about 15 billion in various taxes -- income, property, sales taxes. Four billion goes to the cost of Medicaid, someone said earlier. We've got some counties that their entire property tax doesn't even cover their Medicaid bill. And those reforms would help them as well. Keep property taxes down, a secondary benefit. But the primary focus would be to save the state money, which we could then use for other worthwhile purposes.

Now, there's a third source of revenue, and those of you in the City of New York know exactly what I'm talking about. And others who might visit the city occasionally also know what I'm talking about. Walk down Canal Street in Lower Manhattan, walk down the Garment District, the Diamond District. Entire industries, hundreds of millions if not billions of dollars in corporate activity. No sales taxes, a lot of it. Canal Street, no income taxes, no

corporate taxes, nothing.

All over the city, and perhaps in many other parts of the state, an underground economy. What are we doing about it? Absolutely nothing.

And these are legitimate sources of revenue that we're not collecting. I would imagine, if we wanted to pore over our budgets, we would find many other areas of efficiency, cost savings, without impacting negatively on the people of this state in any way, shape, or form.

So there are other sources of revenue. And I'm sick and tired of hearing that the only way we can pay our bills and do things for the people of this state is through expanded gambling.

If you read that report I sent you a few weeks ago, you saw both sides of the coin. The economic issues, all negative. And the social issues, the impact, all negative. No matter which way that coin falls, it falls in the wrong way.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator

Liz Krueger.

SENATOR LIZ KRUEGER: Thank you, Mr. President. On the bill.

So much has been said, and I agree with much of what's been said. But I will go back to Senator Bruno's point about not dithering.

We're supposed to be a deliberative body. And the bill this large and this comprehensive, with no opportunity for the public or the Legislature to truly deliberate, is not meeting our obligations to our people.

The examples he gave of things we haven't done -- and he was absolutely right -- is an endless list. But those were all bills that have been out there that can and should continue to be debated so we get them done. We should have done public hearings on any number of the bills he mentioned himself as having frustration with. He used Timothy's Law as an example there.

But this is a bill that just showed up. So even though everybody has been talking about the issues of NYRA and gambling in this state for an extended period of time, this

bill is brand-new.

And, I would argue, even worse than the fact that we're being asked to vote on this so quickly is the fact that when you read the bill, the structure for regulations is also set up as emergency regulations to be put into place within 90 days.

So even in the post-legislative process, where in theory the public has an opportunity to review proposed regulations of the new commission, make comments, have an opportunity to be heard and have changes made then, the way this law is set up, they would have no opportunity for public comment or discussion then either, until after the regulations had already gone into effect.

And so those two facts -- one, that this bill was moved so quickly through Rules without any opportunity for public input -- and as Senator Sabini highlighted so well, many who are the experts and who are in the industry are also in the dark about this bill or have many questions left unsaid -- and that we would them pass it and shift to an emergency regulation arrangement where there

would also be no process or reasonable process for the public and the experts to have input -- tells me this is the wrong bill and the wrong way to do this bill.

Because we all know how things operate up here. And if something is being rushed through literally at night without public comment, you know the answer. There are things in there you're not going to like. And it's as simple as that.

So I have no expertise in gambling or in racing, as a number of my other colleagues do. And yet my initial read of the bill, and also holding up against state commissions in Nevada and New Jersey and a number of other states, showed me that in fact we're not following the models that other states have found successful. We're skipping the part where the attorney general's office has a role to review criminal activity or to investigate criminal activities.

We build that within the commission. There's a danger there. New Jersey and Nevada both discovered that and shifted to having external review by their

attorney general or equivalent officer in that state. Because of course we know that when you've got gambling, you've got criminal activity or disproportionate possibility of organized crime.

And so in fact, in the other state commissions they lay out explicitly rules about not allowing loans in gambling, because it's used for money laundering; not allowing political giving by those involved in the gaming industry, because of the obvious conflicts there that have played out in other states. I don't believe this bill talks about that.

In other states, they set up strict post-employment restrictions so that people can't shift between working for the gaming commission and then working for the industry because of the inherent conflicts there.

In other states, they have competitive bidding, as Senator Schneiderman so carefully articulated in his concerns. They've got established public discussion of setting standards for the licensing fees, for approval of financing of new facilities to

avoid an arrangement with organized crime, for establishment of the revenue collected in the tax base and where that money is going to go.

Maybe all of that is in this bill, Senator Larkin, and in one night's reading I couldn't find it all. But when I held up this bill against what I saw were established precedents in other states, states who have longer experience than New York in having established a statewide regulatory commission, I see so many things not explained, not clarified.

And it shows me that if I have yet to have my education in what we should be looking for, that there are many, many questions left undone.

And I also respect so much Senator Padavan's points and his strong philosophical belief that gambling in fact is not a panacea for revenue for this state or any other state, and in fact causes great harm to many people who become compulsive gamblers.

And so while there's some small reference in this bill to recognizing the issue of compulsive gambling problems, it

seems to me if this was going to be a serious oversight regulatory commission, we would also be factoring in the costs and some of the options and necessities of programs to help address the problems of gambling for some percentage of people who in fact, when they take up gambling, find themselves addicted and in desperate need of help.

And while this references some rules about having people have the right to limit themselves to how much they spend if they recognize that they have a gaming problem, it does nothing to coordinate programs and services that are, in fact, inevitable outcomes of having a broader and broader collection of gambling options in the state of New York, larger numbers of people who end up with problems.

And so if I had more time, I'd have more problems with this bill. I simply tried to isolate some examples of why I think it is so critical that we don't move forward today, that we don't dither, that we have public hearings, that we attempt to have a conference committee that works out differences between

two houses, and that we bring in the public and experts to make sure that when we go forward, we go forward correctly in New York State.

So I will be voting no.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Just let me say a number of my colleagues on this side of the aisle have talked about process. And I certainly share their concerns.

Last weekend, my son on Saturday asked me to take him out to Sagamore Hill for a video project he's doing for history. And I went in the gift shop, and there were all these wonderful different biographies on Teddy Roosevelt, and I couldn't resist buying a few that I had not read. And I admit that my readings about Teddy Roosevelt, I hadn't really indulged in that in about twenty years.

And I spent the last three days reading through these things. And I was

struck by fact when he was a freshman member of the Assembly -- 1882, '83, '84 -- '82 was his freshman year, I guess -- he introduced some reform legislation. The then speaker, who was a Republican, kept trying to silence this person. He came back a year later, the speaker was a Democrat, and they tried to silence him. In fact, they made him the Republican leader. I think there were only a handful of Republicans that year. They were annual elections.

But he was able to get the house to order hearings. And he -- you know, we tend to think, Oh, now we're a full-time Legislature, we're here all the time. Well, in the sessions he was in, the session broke June 1st one year -- relatively late compared to the stories we've heard from forty or fifty years ago, out by Palm Sunday. And they would hold session Tuesdays through Friday morning for all those weeks.

And travel wasn't so great, so legislators didn't necessarily go home every weekend. But he would go back to New York and on Fridays and Mondays hold hearings, he and

his colleagues, some of whom were from upstate.

So there's a long history of a legislative process that's quite similar to the one that was going on when I arrived here some 26 years ago. And that is, committees held hearings on significant bills. The whole place didn't stand around and wait for the budget to resolve everything. The budget was merely one, albeit a very important bill, that we passed during the session, and we passed it somewhere near the middle of the session.

But in the meantime -- and I looked across the aisle. Committee chairs. If you were here long enough, remember when committee chairs held hearings and members of the committee, both from the Minority and Majority, went around the state and we heard from those who were interested. We've lost that, and that's of great concern.

The reality we have to deal with now is we get bills like this without a lot -- this bill is late. This bill is years and years late. You know, it's no secret that back in 1997, with a constitutional amendment

up for second passage here, that I was then the Minority Leader and played a great role in lining up votes to vote that down because I did not believe gambling was a good way for the State of New York to raise revenues and that we ought to plunge into that.

Of course, the irony is the absolute increase in gambling since then without a constitutional amendment. It almost reminds me of a quote from the great Roscoe Conklin, once the Republican boss of New York State and the United States Senator. And his famous quote was: "What's the Constitution among friends?" Meaning, of course, that politics could smooth over all these things.

The fact is, though, I have no moral objection to gambling. I just don't think it's wise for people to frequent casinos. Because if you know anything about the games, they're not games in the sense of my kids play games where they have a fair chance. People wouldn't build casinos if the bettors had a fair chance. As someone once said, the only way to make money in a casino is own one.

But I, once a year, once every two years, find myself somewhere near a casino and I'll go and play for a while. I enjoy it. I'm always glad there isn't one nearby, because I might go more than once a year or once every two years.

But back when, when Turning Stone first opened, when Mario Cuomo did the secret compacts with the Mohawks and with the Oneidas, the New York Oneidas, I requested from the Governor's office a copy of the compact. And I've related this before on the floor. And I had to ask several times, and it was given to me and I was told "Keep it quiet," and it was stamped "Secret."

Of course, subsequent actions in the Legislature and in the courts have spoken about that process that that Executive engaged in. But then Turning Stone was opened, it was then in a Quonset hut -- I mean, no golf courses, no fancy hotel. It was something that had been built right off the Thruway. Was going to be a shopping mall.

So I went up there with a couple of colleagues. We introduced ourselves to the

guy who was the night manager, an experienced professional in that industry from Las Vegas. Which was a good sign, because if you're going to have these things, you want the game to be honest and run the way it's supposed to be run, the games.

And I said -- and one of the things in the compact that struck me is, oh, deal with regulation. Governor Cuomo put in there that the State Racing and Wagering Commission would regulate the casino, and the tribes agreed to that.

What struck me was I understand they know how to make sure that all the horses have their urinalysis at the track. What do they know about running a casino? What do they know about observing the pit crews and the dealers to make sure -- now, we know casinos take their own measures. But then you have to be very -- they take their own measures by very, very knowledgeable professionals who understand all the games and have the cameras in the sky and the ceilings and so on.

But it seems to me you need a high

degree of expertise if you're going to be the people who oversee that. And of course the State Police was involved, because they can do background checks. And somebody should do that, certainly. It needs to be done on employees.

But nowhere in these compacts, nowhere subsequently in the law is it really spelled out the way it is in Atlantic City or in Nevada that you do checks on contractors and suppliers and all sorts of people. Because there's a lot of money in gambling. And we know where there's a lot of money changing hands, there's always a temptation for all sorts of criminal elements to get involved, to get their piece.

So I was concerned that this agency was involved. The Racing and Wagering Commission, been around for years. Supposedly it was adopted with bipartisanship built in. Now, for the many, many years I was here -- because it says that no more than three members shall be from the same political party.

That meant something when Governors

Carey and Cuomo were here and the Republicans controlled the State Senate. The State Senate wasn't about to confirm someone other than a Democrat that those Governors picked for the two other-than-the-same-party-spots. They went to Republicans.

What have we seen under this administration? Well, someone I know and admire, we saw an appointee for other than one of the Republican spots who we were told, when the papers were sent to the Senate, she's a blank or whatever the other party was that the courts are -- Freedom Party.

Okay. My then staff discovered the morning before the vote or the night before the vote that she was in fact an enrolled Republican. So the morning before this Senate confirmed her as the other than a Republican, she went to the Albany County Board of Elections and changed her enrollment from Republican to blank.

I don't think that was the intent of the law. I think the intent of the law was to have bipartisanship for a reason. And the reason wasn't just so everybody got a piece of

the pie. The reason was so that there was some check and balance within that commission.

Once upon a time -- and I'll say this on the Senate floor, and I won't repeat it anywhere else. I've been to Saratoga racetrack but a few times. But back in the early days of my leadership, I did go up there one day for a racing meet. There was some event afterwards.

And I sat there and looked down, and I saw someone I knew who was a Racing and Wagering commissioner. And I noticed that he had a friend with him. Nothing wrong with that. But I noticed tickets and money being passed back and forth before and after the races between the friend and the commissioners, who are totally barred, supposedly, from any wagering.

Now, I did report that. And to the credit of the Executive, this person within a few months was no longer on the commission. Quietly resigned.

So we are dealing with an area with great temptation. And I don't think we need -- I'm concerned to set up a regulatory

thing that's just another layer of political "let's take care of somebody and put him on this great commission."

I want to see all gaming in New York State -- and I agree with this concept of an overall commission to regulate all gaming. I want to see it being professional, bipartisan. You don't put people on this kind of commission who love going to casinos or love betting on horses. You know? They're barred by law.

I assume the same prohibitions would apply to them as now apply to the existing racing commission. So why tempt somebody? I can't imagine, if you love to go and play the horses, why you would want to be a racing commissioner and never be allowed to do that.

But it requires a little bit of foresight and straightforward behavior by the Executive and the confirming body.

I personally don't think that the overall regulatory commission ought to be one of those entities that has one from the Speaker and one from the Majority Leader and

one from each Minority Leader and one or two from the Governor. That is an appropriate way for certain advisory bodies, oversight groups and so on, to be constructed. I don't think a hard regulatory body ought to be -- ought to represent those constituencies, the political constituencies.

I think this at least should say no more than three of the members should be from the same political party. And I think there ought to be a commitment that we don't wink because it's our Governor and say somebody doesn't belong to a political party because an hour before she changed her enrollment.

Some of these other bodies, and I'm familiar with them, the Breeding and Development Fund and some of the others, they -- they did have that kind of representation. But they weren't regulatory, they were to promote the industry or promote financing in the industry.

I am inclined to vote for this bill because I think this issue ought to go forward to the Assembly and it ought to be negotiated. If it comes back with some agreement that

doesn't represent some of these concerns I have, I will not vote for it.

Secondly -- because we've kind of mixed up the terms of debate here -- because I support this, and hopefully am able to support the final product which incorporates some of my concerns, does not mean I support at all the proposals from the Governor and others that we solve the education funding problem by more gambling.

The fact that I support this kind of regulation is only because I recognize it's there. Gambling is there. Other casinos are there. I've even voted to confirm some things. I voted for some VLT and Indian casino stuff in the big rush post-9/11: Oh, we need revenues. I don't look back. That was a different time and concern.

But I am not prepared to vote for huge expansions of gambling so that the poor get to pay for the poor schools they've been saddled with under the guise of, oh, we can't raise taxes or we can't find other revenue.

And Senator Padavan pointed out, for example, the Indian taxation issue. In

1995, in the budget negotiations, when I was first Minority Leader, oh, that's when the new Governor said it will be five men in the room, and the Minority Leaders got to go. And I put on the table let's tax Indian cigarette sales. It was then worth, I don't know, 400 million in revenues.

Why did I put it forward? Because one of the major accomplishments of a relatively short-term Attorney General, Oliver Koppell, was that he argued in front of the U.S. Supreme Court and won that issue. The Governor said, Oh, we can't do that. How are we going to collect it? There will be violence.

And I hear that again. Nine years later, people say: Oh, well, we can't collect it, there will be violence.

You can't collect it on the reservation. Where do they get the cigarettes? Most of them don't manufacture their own cigarettes. They get them from a distributor. They get them from Philip Morris to a distributor to them. They're taxed at the distributors.

That's how we tax everybody anyway on cigarettes. We don't send the tax collector to the bodega on the corner and have the person take the tax money out. When they buy from their distributor, they buy it with the tax already on it.

And that's how you tax it, you just -- and then to the extent that the reservation says, can document, We sold this percentage to Native Americans on the reservation, tax-exempt, they get a credit or a rebate on the taxes.

We do that with other forms of organizations that are exempt from sales tax. They file and say, you know, we get part of this back. This is simple. It's not rocket science. It's just a lack of political will.

And now it's not $400 million. Because as I've said before on this floor, as we increase the taxes on cigarettes because we don't want people to smoke, people go on the Internet, people go here and there, people -- I saw a startling figure on the percentage of tobacco sold in New York State that's actually coming from Indian reservations. It's --

it's -- it's like -- I believe I saw that it was more than half now.

And I talk to friends who say, "Oh, I get my cigarettes over the Internet." And when I have those relapses and smoke myself, which happens every year or two, till I quit again, I've had friends say, "Well, you're paying $7.50 a pack for them. I'll give you here" -- I said, I can't do that. I wouldn't do that. Never done that. You know?

Why not? I said, "Well, I don't want to read about myself on the front page of the newspaper for saving 75 cents in tax on a pack of cigarettes."

But, you know, all my friends and acquaintances who don't hold public office, to them, they think it's idiotic. Why would you spend $7 and some cents a pack when you can get it for 4, or whatever it is?

When we raised those taxes, by the way, we made more money for these tax-dodgers, because they were able to raise their price and make more profit, because all they've got to do is keep it under the legitimate price. So there is revenue there.

And Senator Padavan is right that there is a lot of tax-dodging in the so-called underground economy. And I recently, I guess last year, had a chat with the district attorney in New York County, Mr. Morgenthau. And his attitude was: If you would give my office the funding, I could save you -- I could recoup for the State of New York hundreds of millions of dollars just on the island of Manhattan on tax-dodgers.

And we've all read the cases he's brought against wealthy people who buy millions in art and claim they live in Connecticut and don't pay sales tax on it. He's brought several major, significant cases -- not nickel and dime, millions of dollars in illegal -- and not just tax avoidance, illegal tax-dodging.

So there are revenues out there if there's the political will to collect them.

I believe that we ought to do something like this. We can do it better. I'm not going to vote against this, because this is, in concept, something I like. And I don't mind the fact that the Governor, for the

top agency, the Governor appoints, the Senate confirms, as long as there is that bipartisan restriction.

And, you know, by the way, I would say to the Majority here, because we've engaged in this many times, this idea that you set up entities and the Speaker and the Majority Leader will get to a point, but not the Minority Leaders -- and that's a recent phenomenon, last 10 years, 15 years.

If you look at entities created before that, back into the last century, they always had, where appropriate, where it was the type of entity, the four leaders appoint and the Governor. And the reason was to ensure bipartisanship.

Now, I have heard Majority members of this floor say, Well, we're putting this into the law and it is bipartisan, the Speaker gets an appointment. Now, I'm not naive politically. And unfortunately, we more and more -- unfortunately for these -- this institution, the Legislature, I suppose, we more and more have a public that's not naive.

To say that, well, it's bipartisan

because the two -- each majority gets to appoint and the Governor does, it flies in the face of our whole constitutional democratic underpinning. The only way you ensure in law bipartisanship is to give the minorities an appointment.

Unless you believe it's not just through gerrymandering and the extreme partisan powers asserted by both majorities -- both majorities -- that indeed we have absolute permanent majorities and that the Assembly is constitutionally Democratic and the Senate, which was commented on the century before last, actually, is really constitutionally Republican. I don't think that squares with the civics class that we want and have taught to our children in school.

So when you set these things up and you assume it will be bipartisan -- yup, today. Maybe next year, maybe the next year. But there could come a time when the same political party is in power on the second floor and in both houses. And then you won't set up these entities to be other than I think

the intention is. They will not have any bipartisan cast. Their legitimacy will be in question.

I'm going to vote for this. But I do have these serious concerns. But I do think we need to move forward with a real regulatory authority. And as Senator Liz Krueger pointed out, New Jersey has a separate division of gaming enforcement in the attorney general's office where they hire professionals who know what they're doing to look over the commission that regulates gaming. I think that kind of check and balance in this area.

You know, now we're still on the rush to create more gaming. But down the road -- and it's not like we haven't had any scandals. I mean, you know, NYRA -- you know, we've seen what's just happened to NYRA. How embarrassing. As Stanley Fink used to say, they're our tracks. They're not NYRA's tracks. The State of New York gave an exclusive franchise to NYRA to operate them. And it's really very embarrassing that that's gone on there.

So looking forward, when more and

more gambling -- human nature. This Legislature has never, never found it within its ability to repeal human nature. Human nature says when all that money is involved and when gambling proliferates and there's a lot of places to be looking and watching at once, there will be scandals, there will be theft, there will be corruption.

And it's our obligation to ensure that we set up a regulatory entity that has teeth, muscle, checks and balances, and that can work. Whether you're for more gambling or less gambling or not, it's there, and you do have to have that kind of oversight.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. We've, I think, as my contracts professor used to say, thoroughly ventilated this issue.

I remain opposed. I would like to note that in addition to the revenue that is available should we simply enforce the law and collect the sales tax on reservations, again, Senator Paterson on March 31st laid out other

sources of billions of dollars in potential revenue to fund the CFE decision, including combined reporting of taxes by all corporate subsidiaries, closing corporate loopholes, reforming Empire Zones, bulk drug purchasing, and preferred drug lists.

We can fund schools with something other than gambling if we want to. We can fund schools at the levels proposed even by the Assembly Speaker. That also is a matter of political will.

This legislation I remain opposed to, although I must acknowledge that I'm afraid that one way or another, in spite of the constitution, as Senator Connor pointed out, gambling is coming to our state.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 13. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in

the negative on Calendar Number 1428 are Senators Andrews, Duane, L. Krueger, Montgomery, Padavan, Parker, Sabini, Schneiderman. Also Senator Onorato. Ayes, 50. Nays, 9.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, would you recognize Senator Saland, please.

ACTING PRESIDENT MEIER: Senator Saland.

SENATOR SALAND: Mr. President, I would request unanimous consent to be recorded in the negative on Calendar 1187, Senate 6996A.

ACTING PRESIDENT MEIER: Without objection, Senator Saland will be recorded in the negative with regard to Calendar 1187.

Senator Volker.

SENATOR VOLKER: Motions and resolutions, please. Senator Kuhl has some motions.

ACTING PRESIDENT MEIER: Motions and resolutions.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President.

On page 15, I offer the following amendments to Calendar Number 366, Senate Print 5745B, and ask that said bill retain its place on the Third Reading Calendar. And that's on behalf of Senator Golden.

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

SENATOR KUHL: Also, Mr. President, on behalf of Senator Volker, I wish to call up his bill, Senate Print 2739A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1412, by Senator Volker, Senate Print 2739A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Mr. President, I now ask the vote be reconsidered by which the bill passed the house, and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is restored to the order of third reading.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. I now move to discharge the bill from the Committee on Rules, Assembly Print 3262A, and substitute it for Senator Volker's identical bill.

ACTING PRESIDENT MEIER: Substitution ordered.

SENATOR KUHL: I now move that the substitution have its third reading at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1412, by Member of the Assembly Smith,

Assembly Print Number 3262A, an act to amend the Retirement and Social Security 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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. On behalf of Senator Flanagan, I wish to call up his bill, Senate Print 6247, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1420, by Senator Flanagan, Senate Print 6247, an act to allow.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: Yes, I move to

reconsider the vote by which the bill passed the house, and ask that the bill be restored to the order of third reading.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is restored to the order of third reading.

Senator Kuhl.

SENATOR KUHL: And now, Mr. President, I move to discharge, from the Committee on Rules, Assembly Print Number 9865 and substitute it for Senator Flanagan's identical bill.

ACTING PRESIDENT MEIER: Substitution ordered.

SENATOR KUHL: I move that the substituted bill now have its third reading.

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

The Secretary will read.

THE SECRETARY: Calendar Number 1420, by Member of the Assembly Raia, Assembly Print Number 9865, an act to allow.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes. Now, Mr. President, on behalf of Senator McGee, I wish to call up her bill, Senate Print 2777B, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 417, by Senator McGee, Senate Print 2777B, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: I now ask that the vote by which this bill passed the house be reconsidered, and that the bill be restored to

the order of third reading.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is restored to the order of third reading.

SENATOR KUHL: Mr. President, I now move to discharge, from the Committee on Rules, Assembly Print Number 9520A and substitute it for Senator McGee's identical bill.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 417, by Member of the Assembly Gunther, Assembly Print Number 9520A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Now, Mr. President, on behalf of Senator Trunzo, I wish to call up his bill, Senate Print 7189, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 961, by Senator Trunzo, Senate Print 7189, an act to amend the Executive Law and others.

ACTING PRESIDENT MEIER: Senator Kuhl.

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

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is restored to the order of third reading.

Senator Kuhl.

SENATOR KUHL: Now, Mr. President, I move to discharge, from the Committee on Rules, Assembly Print Number 11129 and substitute it for Senator Trunzo's identical bill. And I move that the substituted bill have its third reading at this time.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 961, by the Assembly Committee on Rules, Assembly Print Number 11129, an act to amend the Executive Law.

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: Is there a message of appropriation at the desk, please?

ACTING PRESIDENT MEIER: There is.

SENATOR VOLKER: Move to accept it.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

SENATOR VOLKER: Read the last section. Go ahead.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, lastly, on behalf of Senator Robach, Mr. President, I wish to call up his bill, Senate Print 7344, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1427, by Senator Robach, Senate Print Number 7344, an act to amend the Civil Service Law and others.

ACTING PRESIDENT MEIER: Senator Kuhl.

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

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is restored to the order of third reading.

Senator Kuhl.

SENATOR KUHL: And, Mr.

President, I now move to discharge, from the Committee on Rules, Assembly Print 11281 and substitute it for Senator Robach's identical bill, and move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1427, by the Assembly Committee on Rules, Assembly Print Number 11281, an act to amend the Civil Service Law.

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: Is there a message of appropriation at the desk, please?

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

SENATOR VOLKER: Move to accept.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The message is accepted.

The bill is before the house.

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, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Volker.

SENATOR VOLKER: Would you recognize Senator Hassell-Thompson.

ACTING PRESIDENT MEIER: I will gladly recognize the distinguished Senator.

The chair recognizes Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. Thank you, Senator Volker.

Mr. President, I rise to request unanimous consent to be recorded in the

negative on Calendar Number 1428.

ACTING PRESIDENT MEIER: Without objection, Senator Hassell-Thompson will be recorded in the negative on Calendar 1428.

Senator Volker.

SENATOR VOLKER: Mr. President, may we please return to reports of standing committees. I believe there's a report of the Rules Committee at the desk.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

Senate Print 14A, by Senator Seward, an act to amend the County Law;

175, by Senator Hoffmann, an act to amend the Tax Law;

326B, by Senator DeFrancisco, an act to amend the County Law;

494, by Senator Johnson, an act to amend the Executive Law;

531, by Senator Padavan, an act to amend the Vehicle and Traffic Law;

744, by Senator Kuhl, an act to amend the Tax Law;

756A, by Senator LaValle, an act to amend the Environmental Conservation Law;

978, by Senator Farley, an act to amend the Retirement and Social Security Law;

994, by Senator Trunzo, an act to amend the Real Property Tax Law;

2770, by Senator McGee, an act to amend the Education Law;

2917B, by Senator Spano, an act to amend the Education Law;

3027, by Senator Nozzolio, an act to amend the Real Property Tax Law;

4523A, by Senator Marcellino, an act to amend the Tax Law;

4598A, by Senator Maziarz, an act to amend the Parks, Recreation and Historic Preservation Law;

4720A, by Senator Kuhl, an act to amend the Private Housing Finance Law;

4731A, by Senator McGee, an act to amend the Civil Service Law;

5755, by Senator Seward, an act to amend the Insurance Law;

5827, by Senator Morahan, an act to amend the Executive Law;

5980, by Senator LaValle, an act to amend the Criminal Procedure Law;

6065, by Senator Leibell, an act to amend the Correction Law;

6074A, by Senator Maziarz, an act to amend the Tax Law;

6188, by Senator Maltese, an act to amend the Education Law;

6781, by Senator Golden, an act to amend Chapter 841 of the Laws of 1987;

7040, by Senator Paterson, an act to amend the Parks, Recreation and Historic Preservation Law;

7114, by Senator Leibell, an act to amend the Criminal Procedure Law;

7194, by Senator Wright, an act to authorize the Village of Cleveland;

7306, by Senator Wright, an act to amend the Tax Law;

7315, by Senator Balboni, an act to amend the Patriot Plan;

7319, by Senator Golden, an act to amend the Executive Law;

7345, by Senator Volker, an act to amend the Criminal Procedure Law;

And Senate Print 7355, by Senator Little, an act to amend the General Municipal Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills are ordered directly to third reading.

SENATOR VOLKER: 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: Those opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The report of the Rules Committee is accepted.

Senator Volker.

SENATOR VOLKER: Is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: No,

there is not.

SENATOR VOLKER: I have one little bit of housekeeping here.

On behalf of Senator Bruno, I hand up the following notice of leadership change.

ACTING PRESIDENT MEIER: The report will be filed with the Journal.

Senator Volker.

SENATOR VOLKER: There being no further business, I move we adjourn until Monday, June 7th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Monday, June 7th, at 3:00 p.m. Intervening days will be legislative days.

(Whereupon, at 12:54 p.m., the Senate adjourned.)