NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 29, 2006

12:19 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will 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, Tuesday, March 28, the Senate met pursuant to adjournment. The Journal of Monday, March 27, 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 Skelos.

SENATOR SKELOS: Madam President, there are three resolutions at the desk -- 4308, 4309, and 4310 -- by Senator Saland. Could we have the titles read and move for their immediate adoption, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Saland, Legislative Resolution Number 4308, honoring Karen T. Hansen upon the occasion of her designation for special recognition by the Dutchess-Ulster Division of the American Heart Association.

By Senator Saland, Legislative Resolution Number 4309, honoring Lewis C. Kirschner upon the occasion of his designation for special recognition by the Dutchess-Ulster Division of the American Heart Association.

And by Senator Saland, Legislative Resolution Number 4310, commending outgoing president Eugene Browning upon the occasion of his designation for special recognition after many years of dedicated service to the Columbia County Volunteer Firefighters Association.

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

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolutions are all 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 536, by Senator Meier, Senate Print 2313, an act to amend General Municipal Law, in relation to allowing school districts.

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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 538, by Senator Maziarz, Senate Print 3691, an act to amend the Real Property Tax Law, in relation to small claims.

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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 540, by Senator Trunzo, Senate Print 4140, an act authorizing the assessor of the Town of Islip to accept 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, 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 551, by Senator LaValle, Senate Print 4333B, an act to amend the Education Law, in relation to establishing.

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 566, by Senator Volker, Senate Print 3908, an act to amend the Criminal Procedure Law, in

relation to disclosure.

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 567, by Senator Volker --

SENATOR SKELOS: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 604, by Senator Johnson, Senate Print 5281, an act to amend the Public Authorities Law, in relation to expanding.

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, 56.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 606, by Senator Meier, Senate Print 5738, an act to amend the Public Authorities Law, in relation to authorizing the Town of Annsville, County of Oneida.

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, 56.

THE PRESIDENT: The bill is passed.

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

SENATOR SKELOS: Well, we have one more bill that we will be taking up noncontroversial when Senator Montgomery, I believe, arrives.

So if we could just stand at ease

temporarily.

THE PRESIDENT: The Senate stands at ease.

SENATOR SKELOS: Madam President, actually, if I could call the meeting of the Finance Committee in the Majority Conference Room.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in the Majority Conference Room.

The Senate stands at ease.

(Whereupon, the Senate stood at ease at 12:25 p.m.)

(Whereupon, the Senate reconvened at 12:43 p.m.)

ACTING PRESIDENT MORAHAN: Senator Skelos.

SENATOR SKELOS: Mr. President, would you please, on the noncontroversial calendar, call up Calendar Number 567, by Senator Volker.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 567, by Senator Volker, Senate Print 3909, an

act to amend the Criminal Procedure Law.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

That completes the reading of the calendar, Senator Skelos.

THE SECRETARY: In relation to Calendar Number 567, also Senator Andrews and Senator Parker in the negative. Ayes, 56. Nays, 4.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Skelos, that completes the reading of the calendar.

SENATOR SKELOS: Thank you, Mr. President.

If we could return to reports of standing committees, I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

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

As a member and chairman of the Niagara Frontier Transportation Authority, Gregory Stamm, Esquire, of Williamsville.

ACTING PRESIDENT MORAHAN: Senator Coppola.

SENATOR COPPOLA: Thank you, Mr. President.

I rise in support of Mr. Stamm's nomination to the NFTA. The NFTA has a tremendous amount of operations within my district, specifically in the city of Buffalo. And I support his nomination because over the past couple of weeks we've had a lot of conversations with regard to issues relating to the NFTA and the city of Buffalo and some of the ongoings there that have caused major frustration within the city of Buffalo in

their relations with the NFTA.

He is very open to some issues that I've talked to him about, possibly some changes in the way that they operate and dispose of real property.

So I would like to have my comments reflect my support of Mr. Stamm and his new leadership in the NFTA, and I hope he brings it far into the future with regard to a public authority having more dialogue and having the public's interest at heart when it comes to their operations not only within the city of Buffalo but in Western New York.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Volker.

SENATOR VOLKER: Just quickly. Greg's not here, but I do want to say that he's a close personal friend. He is the counsel right now to the Erie County Control Board. Obviously he's going to have to give that up.

But he's a great gentleman, a great lawyer, a good friend. Well, he doesn't live

in my district, he lives in Mary Lou Rath's district. But he, I believe, will be the best chairman of the NFTA that we've had.

And it's good because we have a problem in Erie County with law enforcement, with the tremendous decline in the number of police officers. And people forget that the NFTA is the operation that runs our homeland security mechanism.

And I'm sure Greg Stamm will do a fine job.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I too rise to second the nomination of Mr. Stamm.

I happen to know Mr. Stamm since my days in the county legislature. And he's had a great deal of government experience in different capacities. And I think he'll bring that experience plus the knowledge of how, when we deal with him, he understands what our position is, that he will be more open and at least responsive. Whether it's a yes or a no

to the question you ask, at least he'll get back to you. Which is going to be a great change from some of the people that have been in the NFTA in the past.

So I think it's a great nomination. He'll do a great job. And I'm glad to second the nomination of my friend Greg Stamm.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Rath.

SENATOR RATH: Yes, Mr. President, it gives me great pleasure to stand up and second the nomination of one of my constituents, Mr. Greg Stamm, who I have known and worked with for almost 30 years in various capacities.

Greg has had a long and distinguished career as an attorney. But more than that, he has had a long and distinguished career as a civic and community volunteer and activist.

So to have him as the chairman of the NFTA, at the time when the city of Buffalo and the community throughout Western New York is going to have dramatic changes in relation

to the waterfront areas, which are presently owned by the Niagara Frontier Transportation Authority, about to change into different ownership, with a rebirth of the Western New York waterfront that will be second to nothing, anything that's happened in the last 75 to 100 years along that waterfront -- and to have him there directing and overseeing and participating in working that through, it's thrilling for me and I think it's an insurance for all of us that we will have someone who is deeply interested in and committed to our community and to the furtherance of the activities along the waterfront as well as the transportation issues.

Which, by the way, a secondary issue relating to air transit. As we know, the base in Niagara Falls was saved from closing last year, and it's one of the longest runways in the East. And it's also operated by the Niagara Frontier Transportation Authority, in conjunction with the military. And that will also open up new avenues for increased economic development activity throughout Western New York.

And to have Greg Stamm there in the lead on all of these activities I think is something we will all be proud of.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Mr. President. I guess I'm batting cleanup here today for Greg Stamm.

But I want to join in seconding this nomination. This is an excellent appointment by Governor Pataki. Greg Stamm, I've known him for many, many years. Active in the Western New York community.

But he really understands, I think, the unique opportunity that the Niagara Frontier Transportation Authority faces right now with the Buffalo waterfront.

And I think Senator Rath mentioned the Niagara Falls Airport, the development around the airport, with all of the available vacant property around that airport, with the runway, with the military base now being secured for a long time into the future, the

real opportunity for job creation, for economic development exists in all of Western New York at the Niagara Falls Airport.

Greg Stamm understands that, we've had many conversations, and he plans on going forward with the program for improvement at Niagara Falls. I wholeheartedly second and support this nomination.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

The Secretary will continue to read.

THE SECRETARY: As a member of the Port Authority of New York and New Jersey, Henry R. Silverman, of New York City.

As a member of the Rochester-Genesee Regional Transportation Authority, Edward W. White, Esquire, of Waterloo.

And as a member of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Batavia, Joan F. Staats, of Stafford.

ACTING PRESIDENT MORAHAN:

Senator Johnson.

SENATOR JOHNSON: Move the nominations.

ACTING PRESIDENT MORAHAN: Move that the nominations be moved. All in favor of the nominations say aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Nay?

(No response.)

ACTING PRESIDENT MORAHAN: The nominations are confirmed.

The Secretary will read the report of the Finance Committee.

THE SECRETARY: Senator Johnson, from the Committee on Finance, restores the following bills to the calendar:

Senate Print 6450C, Budget Bill, an act making appropriations for the support of government: Public Protection and General Government Budget;

6451A, Senate Budget Bill, an act making appropriations for the support of government: Legislative and Judiciary Budget;

6453C, Budget Bill, an act making appropriations for the support of government:

Education, Labor and Family Assistance Budget;

6454C, Budget Bill, an act making appropriations for the support of government: Health and Mental Hygiene Budget;

6455C, Senate Budget Bill, an act making appropriations for the support of government: Transportation, Economic Development and Environmental Conservation Budget;

6456C, Budget Bill, an act to amend the State Finance Law;

6457C, Budget Bill, an act to amend the Social Services Law and others;

6458C, Budget Bill, an act to amend the Education Law;

6459C, Budget Bill, an act to amend the Environmental Conservation Law;

6460C, Budget Bill, an act to amend the Tax Law.

And Senator Johnson, from the Committee on Finance, reports the following bill to the calendar:

Senate Print 7166, by the Senate Committee on Rules, an act in relation to providing for the administration of certain

funds and accounts.

All bills ordered direct to third reading.

ACTING PRESIDENT MORAHAN: Without objection, all bills are reported to third reading.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

Previously I was out of the chambers at a committee meeting, and I would like the record to reflect that on Calendar Number 540, Senate Bill 4140, I would like to have been recorded in the negative.

ACTING PRESIDENT MORAHAN: The record will so reflect.

SENATOR BONACIC: Thank you.

ACTING PRESIDENT MORAHAN: Senator Bruno.

SENATOR BRUNO: Mr. President and colleagues, we are going to take up, very, very shortly, what will be the first bill of the budget for this session going into '07.

The fact that we are going to start this process now, we should be able to

conclude it, with all the bills properly aged, by this Friday, the 31st. Which will be the second year in a row that we have done an on-time budget.

But more important than an on-time budget is a sound budget on behalf of all of the people of this state. And this is a sound budget. Depending on how you count, it's $112.4 billion, half a billion either way. Probably our way.

But in it what is critically important is that there are approaching $2 billion in property tax rebates, property tax cuts. And we all have acknowledged, all of us, in both houses and in the executive branch, that the people in New York State are overtaxed, overburdened and need relief. So that is number one.

And this package in tax cuts that's in this budget when it's finalized is about $4.1 billion. And you think about it. In all aspects of affecting people's lives, with rebates on property, small business tax cuts to create jobs, retain jobs here in this state.

Child tax credit, children 4 to 17. Parents, refund checks up to $330 per child. The sales tax on clothing $110 and under. That starts because we did not take any action again April 1st. And that is estimated to be worth to the taxpayers of this state over $600 million. Child tax credit, $600 million.

So we have done a lot of good things. We have a surplus, thanks to the good management of both houses and the Executive. And at the same time that we do this, we're setting a record on school aid, a billion-three, approaching, in the operating and categorical. And depending on where you are in the city, pushing $9.4 billion in construction availability.

A lot of good things. Nursing homes, restorations to hospitals to provide the quality of care. Bottom line, we've done it. And we got there.

Now, how did we do it? You have to, in this state, do it by negotiating. And to everyone's credit, there was an intense, intensive negotiation, both houses -- Assembly, Senate -- both sides of the aisle in

both houses.

And I appreciate, Senator Paterson, your participation in the general conference committee with the other members here, being representative of not just your constituency, in terms of where you get elected, but the entire constituency of this state that you affect.

And Senator Paterson made a great contribution many times by being silent at the right time. And I want you to know that I recognize that and appreciate that. Because you know in this business, what's the hardest thing to do? To be silent. Because all of us have so many things to say, and we feel that the whole world is waiting with bated breath to hear every word. Well, got news for you. It's not always the case.

Recognizing that, I'm going to sit down.

(Laughter.)

SENATOR BRUNO: So I want to thank Senator Skelos and Senator Spano, Senator Johnson, who served with us on the general committee, for their good work, being

here through the weekend and doing just the kinds of things that were critically important.

Every member in the Legislature can be proud of their participation in this open, public process, which is different than it's ever been in the history of this state.

So we can be proud, every single member can be proud. The staff support we had. The budget director, Mary Louise Mallick, and Ken Riddett, handling the counsel's work, got us in print by midnight last night, which was a critical moment.

And having been in print with the final versions of the education package and the other things allows us to conclude Friday. And I hope that all of you will, sometime while the sun shines on Friday, be ready to conclude the process and go on our way to meet our constituency with all the good news that is there in this budget.

So thank you. Thanks for your support, everybody in this chamber. And I wanted to commend the Speaker for his hard work and diligence, and his conference and the

conference of Assemblyman Tedisco. And the Executive, who has participated in this process by giving us a budget on time, January 17th.

And the rest of the process is that we relate, we've been communicating. And over these next 10 to 12 days, there will be further negotiations on some parts of what we are going to tend to that are off-budget of necessity.

So thank you, Mr. President, and thank you, colleagues, for a job well done.

ACTING PRESIDENT MORAHAN: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I'm thinking of a condition I heard once that it is often better to be silent and be thought a fool than to open one's mouth and remove all doubt.

(Laughter.)

SENATOR PATERSON: But contravening that, I'll just try to thank all of our colleagues who served on the various conference committees and fed their findings

to the general conference committee, where we tried to consider them.

And we have returned $805 million this year in property taxes that will be of great resource to many of our citizens upstate, $921 million next year. And as Senator Bruno pointed out, over the two years from now, we will save $4.1 billion in taxes.

What was interesting is that the process was more open than it ever was. The discussion about the sales tax and its sunset, and that we felt it should stay that way, saving $585 million for people who purchase clothing items of $110 or less was actually discussed openly and unrehearsed by Senator Bruno and myself yesterday in the general conference committee. And we were able to come to an accord that I think will benefit people all around the state.

And so the compliment goes both ways, that this was an issue that meant a lot to us, one that the Senate Democratic conference has fought for for a long period of time, and Senator Bruno led the way among those who heard it. And we tried to do the

same for those who may not live in the geographic perimeters of our district, but are our neighbors, as we are one state and the residents of one state.

We in this conference would like to advocate that the process in the future even be more open than it is. And that we'd like to thank the members of this conference, particularly the new members of this conference, like Senator Valesky and Senator Serrano and Senator Savino and Senator Klein, who came to this house based on their advocacy for reform and changing a lot of the rules around here. And in their first term, we have passed two budgets on time -- and, as Senator Bruno pointed out, not only on time, but with some comprehensive change in state policy that we hope will inure to the benefit of people.

In New York City education, as Senator Bruno pointed out, we have what is really a $9.4 billion availability for construction for schools and a $4.7 billion award for capital funding, so that -- actually, a $1.8 billion award for capital funding. And so after you factor in the

50 percent return to the city based on the new amounts, it should meet the court requirements of $6.5 billion in capital.

We are frankly disappointed -- but in all negotiations parties are disappointed. But nonetheless, there's a court decision mandating that $4.7 billion to $5.6 billion be brought in school aid for areas that have previously been disenfranchised by actions taken by the state in negotiating a school formula that was not constitutional. There have been three court rulings on that point already. And it doesn't just involve New York City, it involves a lot of high-needs areas in the rural parts of New York State and in minority communities in Suffolk, Nassau, Syracuse, and Buffalo and other parts of Erie County.

And we have got to recognize that just because we have economic problems does not alleviate us of our compliance with a court decision upheld three times in the last five years. And I'm hoping that in the months ahead that we'll all work together, just as we have on this budget, to be in compliance with

that court decision and to make sure that one branch of our government is not ignored by another.

We also would like to hope that there is still more that we can do for Medicaid costs all around this state and that would also compel us to reduce property taxes in other areas. So as would be the most hopeful result of a budget negotiation, that there are some areas that we addressed and there are some areas that we still have yet to address.

We have to remember that the budget increased at a larger amount than did the cost of living at that particular time, and that gets us into problems with debt. And that we still have increased the debt in this last budget over the $48 billion of debt and $80 billion in ancillary debt that we have in the agencies of this state.

There's obviously a greater comprehension that we are going to have to pay to how we spend money when we're spending $5 billion a year just to pay back the debt that we've accrued in the past. We do not

want to sentence not only the next generation but the generation that would follow that to burdens because of our failure to meet deadlines and to establish perimeters to our spending.

But what I would say is that we have a great opportunity in the next couple of days to pass an on-time budget for the second time in the 21 years, now, that I will have been a Senator. And it is finally a pleasure to see that as we reach those deadlines, that we work with the spirited pace that we have over the last couple of days.

And I want to thank again the Majority Leader and the Speaker, the Governor, and the Minority Leader of the Assembly and all those who served on the committees for proving a point that we tried to make years ago, which is that the more you involve the members of this Legislature in the negotiation of the process, the quicker it can be achieved, the more effectively it can be achieved, and I think in the end the more admirable it is to all of our service.

So thank you, Mr. President. And I

hope in the next couple of days that those who are feeling a little differently than perhaps the budget has allowed will get an opportunity to express that in a chamber where we would hopefully dedicate ourselves to the exchange of ideas and not just passing legislation that none of us have had the opportunity to peruse.

ACTING PRESIDENT MORAHAN: Thank you, Senator Paterson.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT MORAHAN: Senator Bruno.

SENATOR BRUNO: Can we at this time call up Calendar Number 492.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Calendar Number 492, Senate Budget Bill, Senate Print 6450C, an act making appropriations for the support of government.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT MORAHAN: Senator Johnson, an explanation has been requested.

SENATOR JOHNSON: Yes, Mr.

President.

This bill is really dealing with the public protection and general government. In the general government part, we deal with the Division of the Budget, the Governor's office, Lieutenant Governor's, Consumer Protection Board, Department of Civil Service, Capital Defender's Office, Crime Victims Board, Homeland Security, Public Employees Relations Board, et cetera.

And in addition to that, of course, we deal with aid to local governments. And there's a lot of state assistance here to local governments in this bill as well. And it deals with cities, towns, villages outside New York City; New York City itself; disaster money for New York City.

A very comprehensive bill, and I'm sure everyone would love to support it.

Thank you.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

Any Senator wishing to be heard?

Ring the bell. We're on the controversial calendar.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60. Nays, 1. Senator Parker recorded in the negative.

ACTING PRESIDENT MORAHAN: Senator Parker.

SENATOR PARKER: To explain my vote, Mr. Chairman.

Mr. Chairman, first let me just congratulate all the members of the Legislature for -- you know, for our second year in a row of passing -- you know, going through the process of passing an on-time budget. It took a great deal of, I think, cooperation amongst people in both houses, on both sides of the aisle. Clearly we did a lot of great things for the people of the State of New York.

However, we still have not dealt

with the issue that is very, very pressing for my constituents, which is dealing with the Campaign for Fiscal Equity lawsuit. I know we attempted to do that, but, you know, I think that this budget is out of whack in that concern.

I'm voting no not because I disagree with everything in this part of the budget, but we certainly cannot pass a balanced budget without having dealt with CFE in a very serious manner.

So I again congratulate everybody. I hope that we're able to come back and do something significant for CFE as it relates to operational dollars. But at this time I vote no.

ACTING PRESIDENT MORAHAN: Senator Parker will be recorded in the negative.

The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 498.

ACTING PRESIDENT MORAHAN: The

Secretary will read.

THE SECRETARY: Calendar Number 498, Senate Budget Bill, Senate Print 6456C, an act to amend the State Finance Law.

SENATOR SCHNEIDERMAN: Explanation.

ACTING PRESIDENT MORAHAN: Senator Johnson, an explanation has been requested.

SENATOR JOHNSON: Mr. President, this is the Article VII bill, the so-called language bill which implements the appropriations made in 6450C.

ACTING PRESIDENT MORAHAN: Does any other member wish to be heard?

Then the debate is closed.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MORAHAN: Announce the results.

THE SECRETARY: Ayes, 60. Nays,

1. Senator Parker recorded in the negative.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, is there any other business at the desk to come before the Senate at this time?

ACTING PRESIDENT MORAHAN: There is no other business at the desk, Senator.

SENATOR BRUNO: Can we recognize Senator Gonzalez at this time, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Gonzalez.

SENATOR GONZALEZ: Mr. President, there will be a Minority conference tomorrow, Thursday, March 30th, at 10:30 a.m., Room 315.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: There will be a Minority conference tomorrow, 10:30, Room 315.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time recognize Senator Breslin for a motion to put before the house.

ACTING PRESIDENT MORAHAN:

Senator Breslin.

SENATOR BRESLIN: Mr. President, I believe there's a motion at the desk.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: Senate Print 6371, by Senator Breslin, an act to amend the Environmental Conservation Law, the General Municipal Law, and the Tax Law.

ACTING PRESIDENT MORAHAN: Senator Breslin.

SENATOR BRESLIN: Mr. President, across this state we are having a difficult time preserving land for habitats, for nature walks --

ACTING PRESIDENT MORAHAN: A little order in the house, please.

Senator Breslin.

SENATOR BRESLIN: -- for farmland, for drinking water. And we have to have something constructive and uniform.

This bill would create and pass here and allow a local jurisdiction, a town or a city, to pass, first at their council level and then with a public referendum, the ability

to collect 2 percent off the transfer tax of home transfers.

Now, that wouldn't affect first-time homeowners, and it wouldn't affect affordable housing, because it's only 2 percent above the median price for that particular home.

And it allows the local jurisdiction, before they go to referendum, to create a unit to study various projects that could be part of this process.

This would allow us to preserve those lands throughout this state that are being devastated by urbanization on a daily basis. It's estimated that 174 acres a day go to building construction in this state. Over a 15-year period ending in 1997, it was estimated in upstate New York that urbanization increased by over 30 percent, while at the same time population rose only 2.6 percent.

It's important to have something in place to preserve those scenic areas, to preserve those farmlands, and to preserve our drinking water. And I urge my fellow Senators

on both sides of the aisle to move forward to vote for this.

Thank you very much, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator.

All those Senators in favor of the petition to move it out of committee will please signify by raising hands.

THE SECRETARY: Those recorded in agreement are Senators Andrews, Breslin, Connor, Coppola, Diaz, Dilan, Duane, Gonzalez, Klein, L. Krueger, C. Kruger, Montgomery, Onorato, Oppenheimer, Parker, Paterson, Sabini, Sampson, Savino, Schneiderman, Serrano, A. Smith, M. Smith, Stachowski, Stavisky and Valesky.

ACTING PRESIDENT MORAHAN: The petition is not agreed to.

Senator Skelos.

SENATOR SKELOS: Mr. President, there being no further business to come before the Senate, I move we stand adjourned until March 30th, which is Thursday, tomorrow, at 11:00 a.m.

ACTING PRESIDENT MORAHAN: On

motion, the Senate stands adjourned until tomorrow, March 30th, 11:00 a.m.

(Whereupon, at 1:20 p.m., the Senate adjourned.)