ALBANY, NEW YORK

January 25, 1993

2:45 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order. Senators will find their seats.

If you'll please stand with me for the Pledge of Allegiance to the flag.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

Today in the absence of clergy, we'll bow our heads for a moment of silence.

(A moment of silence was observed.)

Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Friday, January 22nd. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Thursday, January 21st, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as read.

The order of business: 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. Do we have any of those?

Senator, do we have any motions on the floor? Senator Gold.

SENATOR GOLD: You said "and resolutions," isn't that correct?

Mr. President.

ACTING PRESIDENT FARLEY: I did.

SENATOR GOLD: Last week, on the Resolution Calendar was Resolution Number 213, by Senator Hoffmann, and we laid it aside because we weren't sure about the issue of co-sponsorship. Senator Hoffmann says indeed she would be delighted if any member or all members wanted to co-sponsor to the resolution

commemorating the life and career of Dr. Martin Luther King, Jr., and I'd like to call up Senator Hoffmann's Resolution 213, move its passage, but before that, I wanted to, as I say, give everyone the opportunity of co-sponsoring it.

ACTING PRESIDENT FARLEY: Secretary will read the title of Resolution Number 213.

THE SECRETARY: Legislative Resolution Number 213, by Senators Hoffmann and DeFrancisco: Commemorating the life and career of Dr. Martin Luther King, Jr.

ACTING PRESIDENT FARLEY: On the resolution, we'll pass it.

Senator Hoffmann, would you like to speak to the resolution?

SENATOR HOFFMANN: Mr. President, I would just like to acknowledge that this resolution is available for co-sponsorship by all members of the Legislature. I believe that it was circulated in the Assembly and was supported unanimously by that chamber if I'm not

mistaken, and I would hope that this chamber would show a similar degree of support for commemorating this important day.

SENATOR GOLD: Well, I have one name here: I know Senator Galiber and Paterson and you -- you want to get all the names? Is there anybody on this side that doesn't want to be -

SENATOR SMITH: We're all on it, everyone.

ACTING PRESIDENT FARLEY: Do you want them all on it? Without objection, the acting Majority Leader and the Minority Leader, all members will be on it without objection.

On the resolution, all in favor say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The resolution is unanimously adopted.

O.K. We have another resolution by Senator Levy.

THE SECRETARY: Legislative Resolution, by Senator Levy, memorializing the life of Faith Brewer Lawson, dedicated journalist, editor, and community leader.

ACTING PRESIDENT FARLEY: On the resolution, all in favor say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The resolution is adopted.

Senator Present, I guess we're ready for the Calendar, if it's your pleasure.

SENATOR PRESENT: Non-controversial calendar, please.

ACTING PRESIDENT FARLEY: Non-controversial.

THE SECRETARY: Calendar Number 2, by Senator Kuhl, Senate Bill Number 534, an act to amend the Agriculture and Markets Law and the Environmental Conservation Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 34.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 3, by Senator Kuhl, Senate Bill Number -

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 4, by Senator Kuhl.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 5, by Senator Kuhl, Senate Bill Number 537, an act to amend the Agriculture and Markets Law, in relation to exempting working search dogs.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 7, by Senator Levy, Senate Bill Number 187, an act to amend the Transportation Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

8, by Senator Levy, Senate Bill Number 324, an act in relation to authorizing the Department of Transportation to survey areas of the state.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 10, by Senator Daly, Senate Bill Number 572, an act to amend the Tax Law, in relation to sales and use taxes in the county of Monroe.

SENATOR DOLLINGER: Lay aside.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 11, by Senator Volker, Senate Bill Number 64,

Criminal Procedure Law, in relation to permitting police officers to give certain testimony.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 12, by Senator Halperin, Senate Bill Number 106.

SENATOR HALPERIN: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 13, by Senator Tully, Senate Bill Number 152, Criminal Procedure Law, in relation to availability in certain circumstances.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 14, by Senator Tully, Senate Bill Number 173, an act to amend the Penal Law, in relation to the crime of criminal mischief.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- ayes 40, nays 1, Senator DeFrancisco recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 15, by Senator Volker, Senate Bill Number 181, an act to amend the Penal Law.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 16, by Senator Farley, Senate Bill Number 189, Civil Rights Law, assuming a changed name.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number

18, by Senator Holland.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT FARLEY: Lay it aside.

That's the first time around.

SENATOR PRESENT: Mr. President, would you recognize Senator Marchi, please.

ACTING PRESIDENT FARLEY: Senator Marchi.

SENATOR MARCHI: Mr. President, and I notice a -- we have a visitor, a distinguished visitor.

ACTING PRESIDENT FARLEY: Distinguished counsel here.

SENATOR MARCHI: Under these circumstances. Mr. President, there is a resolution at the desk that I'd like to have read, and then I would comment on it briefly.

ACTING PRESIDENT FARLEY: Secretary will read the title of the resolution. He's going to read the entire resolution.

SENATOR MARCHI: Yes, the entire

resolution.

ACTING PRESIDENT FARLEY: The entire resolution.

THE SECRETARY: Legislative Resolution, by Senator Marchi and others, honoring Eugene K. Tyksinski, Secretary of the Senate Finance Committee from 1982 to 1992.

WHEREAS, Eugene K. Tyksinski, a Rome, New York native, graduate of LeMoyne College, Marine Corps Captain and veteran of service in Vietnam, public finance professional in the state of New York and Secretary of the Senate Finance Committee, retired on December 31st, 1992 to pursue other endeavors after an exemplary career in public service;

It is the practice of this legislative body to honor those citizens of the Empire State who have compiled records of extraordinary public service;

Eugene K. Tyksinski pursued a career in public finance that spanned the historic administration of Governor Nelson A. Rockefeller, the challenging tenure of Governor

Hugh Carey and the storied era of Governor Mario M. Cuomo;

Before launching a career in service to the Senate Finance Committee in 1968, Mr. Tyksinski served five years in the executive branch of New York State government with the Division of the Budget;

Over his 24 years of service to the Senate, Eugene K. Tyksinski ranged professionally over virtually every facet of government finance. He developed special expertise in mental health, social services and health during his years as a budget analyst, senior budget analyst and principal budget analyst;

Mr. Tyksinski's highly professional performance, including his skill for negotiating in behalf of the Senate on budget matters over which differences existed with the Assembly and the Governor, figured substantively in the 1982 appointment by Senator John Marchi as Secretary of Senate Finance;

Among the numerous significant

contributions to the public benefit made by Eugene Tyksinski during his years with the Senate Finance was the aggressive pursuit of Senate Majority initiatives toward lowering the state personal income tax rate. His efforts helped produce a negotiated package in 1987 which dropped the personal income tax rate from 13 percent to 7.8 percent over three years;

Senator John J. Marchi, Finance Chairman at the time, called TA tremendous achievement for the Senate, aided in substantial part by Gene Tyksinski's finesse and energy;

Gene Tyksinski's tenure under the leadership of Senate Majority Leaders Warren M. Anderson and Ralph J. Marino paralleled the development of a highly professional fiscal staff and appropriate to the budgetary challenges of the last 17 years;

Gene Tyksinski's performance as Secretary of Finance, including strenuous negotiating sessions with the Division of the Budget and the Assembly earned him the respect of all participants at every level;

Gene Tyksinski elected in 1992 to complete his Senate career and move on to other pursuits, and this legislative body wishes to salute him and his record through formal resolution;

NOW, THEREFORE, BE IT RESOLVED, that this legislative body pause in its deliberations to convey its thanks to Eugene K. Tyksinski for his sterling performance as Finance Committee Secretary and that redounded to the benefit of all New Yorkers; and

BE IT FURTHER RESOLVED, that this legislative body offer Gene Tyksinski, his wife Liz Retter, Deputy State Housing Commissioner, and their family, its best wishes for continued success and enjoyment of life; and

BE IT FURTHER RESOLVED, that a copy of this resolution suitably engrossed be transmitted to Mr. Eugene K. Tyksinski and his family.

ACTING PRESIDENT FARLEY: Senator Marchi.

SENATOR MARCHI: Mr. President,

I'm sure there are already a number of people who have indicated their desire to be co-sponsors on this resolution and, of course, the list remained open for those who might not have so expressed themselves who wanted to go on the resolution.

I think it's a -- the fortuitous statement that we can speak to the service of the fiscal committee in this state, in the Senate, and I believe that the same thing can be said for the Ways and Means Committee of the Assembly, of the tremendous role that these fiscal committees have assumed, the responsi bilities that they have actively engaged themselves in to the profit of the entire state of New York.

It's really a -- a better interpretation, not just mere numbers, but the art of programming public needs with public substance in numbers, and that is a big difference. It calls for a mastery, a detailed mastery of all of the components of government, the analytical, the studies, the enormous

investment that has to be made, calling on professional elements and also being able to make judgments that become part of the deliberations of this body, and Gene Tyksinski exemplified this quality in a very unique way.

Certainly a very formidable and credible career, anticipating his service in government, with the Marines, academically and then finally joining us in this effort and tackling various assignments and proceeding progressively so that when the vacancy was open it was inevitable -- inevitable in terms of the past which was prologue to a very brilliant future in serving the vital needs of this body and helping us achieve greater effectiveness.

And you don't do this in a vacuum. You don't -- you can't bring superb qualities, professional qualities and mastery of your science and at the same time have any degree of effectiveness unless you can reach people's hearts as well as their minds; unless you're able to negotiate; unless you're able to explore and expand on common ground so that

indeed we can achieve solid programming.

These are all qualities that he exemplified during his period of service and they will serve as a role model, Mr. President, for those who come after him. Indeed it's - it's really encouraging that we have this kind of force exerted so beneficially when matters that are fiscal are often treated very cavalierly in terms of pure numbers without - without going beyond that and really divulging and bringing out what they really mean.

So, Mr. President, it's a -- this is a great tribute, I think, that this body will be paying him when they vote on this resolution and I'm sure that it will be unanimous, but it also -- it also serves as an opportunity for thanking not only Gene but those who worked with him, and I'm sure he would be the first to recognize, in enabling this body to serve, and this includes people on both sides of the aisle and members of the staffs on both sides of the aisle whom, with my own experience of 16 years, I saw exercising their responsibilities in view

of the -- of the major concerns of the -- of the two conferences, was brought so very clearly.

So we salute you, Gene Tyksinski. I don't know whether my pronunciation is any closer than -- than our distinguished clerk, but we salute you, and I'm sure that this resolution will pass with the affection as well as the vote of all the members of this body.

ACTING PRESIDENT FARLEY: Senator Present, I know there's others who want to speak to this. I'm going to, with your permission, ask Gene Tyksinski to come up here to the podium so he can look in the eyes of these guys who want to say something about you.

Senator Halperin.

SENATOR HALPERIN: I'll just call you "Gino" because that's what most of us call you. That's largely because we can't pronounce your last name. We're still not convinced that it was read correctly in the resolution. I don't think that that's how you pronounce it, but "Gino", it has been truly a pleasure working with you.

That doesn't mean it's been easy, but it's been a pleasure watching someone of such talent and ability be able to combine the necessities of politics with the substantive understanding that you have regarding the very complex issues that we've dealt with on the Finance Committee. And I think it's really difficult for the average legislator, not to say the average citizen, to really understand the complexity of the job of Secretary of Finance.

It goes well beyond simply going to negotiate the budget. That alone is a monumental task, but the Finance Committee, with all of its resolutions, with all of its nomina tions, with all of its amendments to the Executive Law, and so many other laws that simply have some even very minor impact upon the state budget, requires a range of knowledge that is otherwise unmatched in this Legislature.

You have mastered all of the substantive issues and the political abilities and yet you've done it in a calm, dignified manner, always showing respect to the people

with whom you work, and that is something that I've always appreciated.

So I wish you the best in whatever it is you're going on to do. The last time I spoke to you, you didn't know; maybe you know now, and I wish the best to your lovely wife Liz who will perhaps have to put up with you a little bit more than she had to in the past. I hope that she can accommodate herself to this shock. But I wish you the best, both of you, and the good health and success for many years to come.

ACTING PRESIDENT FARLEY: Senator Mendez.

SENATOR MENDEZ: Oh. Oh, Mr. President, I, too, want to stand up and let Mr. Tyksinski know that we're going to miss him tremendously. If anybody would ask me what I would remember the most from him, I would say that he has such patience and such desire to help in a -- his big process is ever to relate to people regardless of ethnic, racial or socio-economic levels.

So that from now on, after I - first, I want to wish you the best, Gene, because you deserve it. I served in the Minority party and in my dealings with Mr. Tyksinski, I never felt that I belonged to the -- to the Minority party because he treated me with a desire to help and be helpful and with great authority and ability.

So that I wish you the very best. Again, we're going to miss you, and every time I hear that song, For He's a Jolly Good Fellow, I'm going to think of you.

ACTING PRESIDENT FARLEY: Senator Mega.

SENATOR MEGA: Thank you, Mr. President.

We present these resolutions because they're not only important to the body but they're important to the individual who we do honor to, and Gene, I would like to add my remarks to the wonderful remarks of my colleagues.

I really can't say much better

than they have said it, but one thing that I'd like to mention is the fact that you're a -- not an ex-Marine but a former Marine, because once a Marine always a Marine, and you are a Captain in the Marines, little knowing that at some time you have to bring into play all that knowledge and all that expertise to be involved with a legislative group, whatever that really means. But it means you had to be tough, and you had to know what you were doing, and you had to get your message across, and you did that, and the Marines talk about a few good men and you certainly -- and they're still looking for them and it's very difficult to find them, but you certainly personify a "few good men".

You are certainly one of the best, and I want to add my remarks to the record and wish you the best and wish for you what I wish for myself: Good health, a long life and enjoy whatever you're going to do, Gene, and thanks for all that you've done for the state of New York, and thanks for the little way that you've made my life a lot easier as a State

Senator.

Thanks, Gene.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yeah. I don't want to say too much, but I want everybody, if they will, to just take a look at that gentleman in front because there wasn't one time as a member of the Finance Committee when he did me in that he didn't smile, and look at that. And there wasn't one time when one of my bills was killed when he wasn't pleasant about it. Look at that; look at that face. There wasn't one time when my budget items were thrown into the garbage that he wasn't quiet and dignified about it.

Gene, we -- well, we really have a great feeling for you. You're a professional. You did your job and as someone who went through the difficulties of being on staff for a period of time myself, I admire your work and I wish you good success in the future.

ACTING PRESIDENT FARLEY: Senator Volker.

SENATOR VOLKER: Mr. President, there is going to be something rather strange about this budget process because it's hard to believe, first of all, when I came here I had dark hair and it was curly and it's now, you can see what it is now. But 21 years ago it seems like in the budget process there have been two, well, there have been more than two main protagonists for the Senate, Jim Biggane and Gene Tyksinski. It just will not seem the same without one or the other or both being there involved, and for those of you who are new to this process, you'll find out what a grueling process it is.

Gene, I think, was without question, one of the true professionals, not that we always agreed on everything and not that Gene sometimes was the one that had to convey the bad news, so to speak, on certain issues, but he was always a gentleman and he was always a professional, and I just want to say, Gene,

that for me and myself and my constituents, I think you did an exemplary job through the years that you were here. I think you always tried to be fair in a process that -- where fairness is, I guess, sometimes in the eyes of the beholder because it is a very difficult process as you know better than any of us how difficult it is, given the nature of the three parts of government and the three or four other parts of government that aren't directly represented here that we know about.

My compliments to you, my thanks to you for your kindness to me, and for the professionalism that you have exhibited throughout your time, and I hope that you and your family and -- will have a, I don't want to say retirement, you're too young to truly retire but will have an enjoyable period of relaxation and in whatever you do, my best of luck and God speed.

ACTING PRESIDENT FARLEY: Senator Hoffmann.

SENATOR HOFFMANN: At the risk of

gilding the lily, I just want to add my words of praise and thanks to Gene Tyksinski and also to indicate that once again we have demonstrated that central New York, in this case the Mohawk Valley, breeds the very finest.

The high level of professional ism that you have demonstrated here has made the people of your home town, Rome, New York, enormously proud, and there is none more proud than your mother, Mary Tyksinski, and I know that all of your friends at the South Rome Senior Center join me in sharing this special day with you.

Thank you very much for a job well done, Gene.

ACTING PRESIDENT FARLEY: On - Senator Galiber.

SENATOR GALIBER: Yes, thank you, Mr. President.

Gene, I'll be extremely brief because you reach a point where you no longer become a believer, all these things you hear, but I want to take this opportunity and not miss

this opportunity, if you will, to say thanks to you for an era, if you will, when things were quite different, when hand shakes were a good contract and you came with bad news, but it wasn't bad news because you necessarily wanted it; that's the way it was.

Those days are long gone past. As Shakespeare said, I believe, you're made of a kind of special stuff that is not here any more, very frankly, and that we're going to miss you. We understand that there are those who believe firmly that the good is oft interred with your bones. We want to tell you about the good before you get to that particular point.

You're going to be missed here. There's only a few of us left, a handful, if you will, that recall. So I personally take this opportunity for the years that I've been here and, Dale, it was just bad news when you brought it to Dale. When you came to me, it was no, and that's bad news of it, but it was just the way it was said.

But you were always a gentleman;

you were always kind and gentle and understanding. So my best goes to you and to your family and give them my best regards and, again, Godspeed. We'll miss you.

ACTING PRESIDENT FARLEY: On the resolution, all of those in favor say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

It seems to pass unanimously.

(Applause)

On behalf of the Chair, let me say, Gene, how much we're going to miss you, how kind you've been to every member of this chamber, particularly our side of the aisle, and we're very grateful for that.

SENATOR GALIBER: Very nicely said.

ACTING PRESIDENT FARLEY: But seriously, you've been a great public servant and you've done the Senate proud and we all wish you well, and you and your wife and your family, and all the best wishes to you on behalf of the

Senate and congratulations on your new step ahead.

(Applause).

ACTING PRESIDENT FARLEY: Controversial?

SENATOR PRESENT: Controversial Calendar.

THE SECRETARY: On page 5, Calendar Number 3, by Senator Kuhl, Senate Bill Number 535, an act to amend the Agriculture and Markets Law.

SENATOR GOLD: Explanation for that.

ACTING PRESIDENT FARLEY: Explanation has been asked for, Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. This is a bill that I'm sure Senator Gold remembers well in the past that we've taken up. At this point we haven't been successful in getting the Assembly to recognize the need and the benefit in the bill. But it's a bill that would, particularly this year, seem to be an implementation of a program of the Governor.

You've heard the Governor in his State of the State address, and again in his budget review, say that there will be no unfunded state mandates coming.

This is a bill that really attempts to kind of carry that whole premise one step farther, and that is a review of current mandates and particularly the effect that they may have from a negative standpoint on our number one business here in New York and that's agriculture.

That's essentially what the bill does. It requires a review of that, a report back to the Legislature amongst other groups and allows for the implementation of a process that will eliminate unburdensome -- I should say burdensome and very, very, very costly mandates on the private sector involved in agriculture in New York.

SENATOR GOLD: Thank you. Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yeah, I want to thank Senator Kuhl for bringing this about because it's very significant that with so many new members in the house this year that they have -- we can give them a feel for what goes on here without this all being very serious.

This bill is one of those that we have to deal with every year because it's obviously going nowhere. Last year Senators Connor, Galiber, myself, Halperin, Leichter, Markowitz, Montgomery, Ohrenstein, Onorato, Oppenheimer, Smith, Solomon, Stavisky, and Wein stein voted in the negative.

There is a memorandum in strong opposition by the Department against the bill, so right away you know that even if the other house decided to take it up, the Governor wouldn't sign it.

But basically, to talk about the bill for just a moment. The Governor has made a commitment on unfunded mandates. We can see to it that that commitment is followed, Senator Kuhl, because we have to vote on these bills and

I'm willing to go along with the Governor's idea. I think it's a good idea but, more importantly, we have an Administrative Regulations Review Commission. Senator Present ran that for years. I think you finally got rid of that, didn't you, Jess? He finally smartened up and got rid of that. But we still have it, and the purpose, one purpose of a legislative body is legislative oversight, and we have the right as well as the responsibility to do that, and the way that it is suggested in this bill makes no sense.

The Department is in opposition to it, and as in prior years if we can get rid of perhaps these one-house bills early in the session and in order to justify the fact that we're in session, I would urge a no vote.

ACTING PRESIDENT FARLEY: On the bill. Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 3 are Senators Connor, Espada, Galiber, Gold, Gonzalez, Halper in, Leichter, Markowitz, Mendez, Montgomery, Ohrenstein, Onorato, and Oppenheimer. Ayes 41, nays 13.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 4, by Senator Kuhl, Senate Bill Number 536.

SENATOR GOLD: Lay - explanation.

THE SECRETARY: An act to amend the Agriculture and Markets Law.

SENATOR GOLD: Lay aside.

SENATOR KUHL: Tuesday's calendar, please.

ACTING PRESIDENT FARLEY: I'm sorry. I didn't hear you, Senator Kuhl.

SENATOR KUHL: Tuesday's calendar, please.

THE SECRETARY: Calendar Number

10, by Senator Daly, Senate Bill 572, an act to amend the Tax Law.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Hold on one second. You want an explanation? Yeah. Can we get a brief explanation, please?

ACTING PRESIDENT FARLEY: Senator Daly, an explanation has been asked for.

SENATOR DALY: Yes, Mr. President.

This would increase the sales tax in Monroe County from 7.5 percent to 8 percent on March 1st of this year.

I think the background of the bill is very important. First, back in the early part of 1992, the county executive of Monroe County requested that the sales tax in Monroe County be increased from 7 to 8 percent. There was a disagreement within Monroe County at that time, basically between the county executive, some of the county -- members of the county legislature, and some of the delegation

from Albany.

The agreement was finally reached that Monroe County would have its sales tax increased from 7 to 7.5 percent immediately as of last year, but in the budget they would build in an increase to 8 percent if -- if the joint -- a bipartisan commission, a blue ribbon commission, would study the cost of government in Monroe County and determine that the county executive's projection was within 15 percent of what the projection originally had been.

The blue ribbon commission made the study and determined that, yes, the deficit in Monroe County was within 15 percent of the findings of the county executive. Therefore, there was an agreement reached at that time.

I would point out that the legis lature in Monroe County in 1992 was controlled by the Democratic Party and there was a biparti san agreement that with the commission -- with the amount of the deficit being within that 15 percent figure, that everyone would agree to increasing the 7.5 to 8 percent this year

because it's in the same fiscal year for the last three-quarters of the 1993 fiscal year.

The county legislature became Republican in January of this year. They, this last week, passed a home rule resolution similar to the home rule resolution passed by the Democratic-controlled county legislature in 1992, this time requesting that the sales tax should be increased to 8 percent.

That's the purpose of this bill. Mr. President, I would point out that for the county of Monroe to meet its financial obligations, it's important that this one half of one percent go into effect on March 1st of this year. That is only one month away, and with the law -- with the requirements of law where time is involved in the proper actions that have to be taken, we have to pass this bill this week for the one half of one percent increase to take effect on March 1st.

Most importantly, Mr. President, this increase has been agreed upon, has been approved by the business and labor sectors of

Monroe County. There is a consensus that to not increase the sales tax would result in a horrendous increase in the property tax.

Now, there is $87 million in the Monroe County budget which is not contractual or there by mandate. If this bill does not pass and the sales tax is not increased to 8 percent on March 1st, then the county executive and the county legislature will have to reduce or take out of that $81 million, $27 million and I'm sure you will agree with me, Mr. President, that this would have unusually bad repercussions in Monroe County where many of the services, the sheriff's road patrol, the parks, would have to absolutely be obliterated.

Monroe County has no alternative, Mr. President. The sales tax -- I should say the property tax for the year has been set; that cannot be changed. We all know you can't borrow money, you can't have revenue anticipation notes unless you have revenue that you can put on the table. Monroe County does not have that revenue.

This should not be a political or partisan issue. I point out again that it was approved by a Democratically-controlled legislature in 1992, that an agreement was signed, signed by members of the legislature and also by members of the -- I should say of the county legislature and by members of this Legislature.

We now ask, Mr. President, that the members of this Legislature live up to the commitment they made to the people of Monroe County when they signed that paper back in November.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

First of all, I welcome my colleague from Niagara Falls to Monroe County and perhaps occasionally to the Byzantine politics we find there. I'm one of those Democrats that sat in the county legislature for the last year and watched the issue of the sales

tax evolve, and I rise today to -- to suggest that there be a "no" vote on this resolution and on this bill.

The issue of financing the sales tax and how the county was going to finance its operations was a decision made by the county executive that he would require a full year at a penny of the sales tax. That was his decision. I voted against it when I voted against the county budget last year.

The question that was raised by my colleague from Niagara Falls about the supposed agreement, I never signed an agreement. I was never party to such an agreement. I don't feel bound by an agreement made by someone else that I don't believe is in the public interest.

Now, there are other alternatives. I won't go into them. The horrendous budget picture that my colleague from Niagara Falls pictures or paints is certainly one that could be dealt with in a myriad of other different ways without having to assess

this additional tax.

I've had a conference with the -

SENATOR DALY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Daly, why do you rise?

SENATOR DALY: I submit to my colleague that I'm not from Niagara Falls. I wish you would find out where I really live. If he would now announce from the floor my address, I'd really appreciate it. It's not Niagara Falls.

SENATOR DOLLINGER: Excuse my misreference, Mr. President. It's part of getting to know my neighbor.

It seems to me that the issue is, is the tax needed? In my judgment, both as a member of the county legislature and currently as a member of this body, it is not. I would ask my -- the sponsor of it just one other question: Is there an Assembly bill containing the proposed increase in the sales tax?

ACTING PRESIDENT FARLEY: Senator Daly, will you yield?

SENATOR DALY: Yes, I will, Mr. President.

No, Mr. President, there is not an Assembly bill, and I submit to you that the fact that there's not an Assembly bill just shows the irresponsibility of the Monroe County delegation in the other house. May I also ask my colleague from Monroe County to yield, Mr. President?

ACTING PRESIDENT FARLEY: Do you care to yield to Senator Daly?

SENATOR DOLLINGER: Sure.

SENATOR DALY: Mr. President, the 27 to $31 million I mentioned before that - that is, that will be gained from this one half of one percent increase in sales tax is already in the Monroe County budget put there by a Democratically controlled Legislature. Could my colleague please tell me where we will get that $31 million to run the county of Monroe for the last nine months of this year if we renege on this agreement that his party leaders made?

SENATOR DOLLINGER: I'd be glad

to, Mr. President.

First of all, I didn't make that agreement. Two, I don't know who made it on behalf of my party. I certainly don't feel bound to it since I wasn't a party of it. I was involved in all the discussions and all the negotiations by the county executive about the use of the sales tax in 1992. Safe to say, we had wide and varied disagreements about how the deficit should be financed and what tools, what financial tools, should be used to make up for the needed cash. We've already had that discussion, and I know that my colleague, he participated in a meeting that we had as recently as Friday, in which I made proposals to the county executive about how to use the taxes. That's part of the reason why I'm going to vote against it.

I believe that the issues relating to the use of the sales tax in Monroe County are not being properly addressed in this legislation. I think there are future consequences of long-term financing problems

that the county is going to have to deal with, that this body is going to have to deal with, and we ought to do it now. I urged the county executive to do it now. He did not respond to my request and, under those circumstances, I'm going to be casting a "no" vote.

ACTING PRESIDENT FARLEY: Senator Nozzolio, why do you rise?

SENATOR NOZZOLIO: Mr. President, will Senator Dollinger yield?

ACTING PRESIDENT FARLEY: Will you yield?

SENATOR DOLLINGER: Sure. I'm new at this game, so I'll yield.

SENATOR NOZZOLIO: Thank you, Mr. President.

Senator Dollinger, do you believe or at least have you heard of the concept of home rule?

SENATOR DOLLINGER: Absolutely.

SENATOR NOZZOLIO: Do you believe in that concept, Senator?

SENATOR DOLLINGER: I do.

SENATOR NOZZOLIO: Is it not the concept of home rule, as you understand it, that requires local units of government in this state to make certain decisions and have the state legislature respect those decisions?

SENATOR DOLLINGER: Well, if I can, in responding to that question, it's my understanding, and I -- again, now, excuse my newness to the situation -- that Monroe County, when I was in the county legislature, passed a number of home rule messages that were acted upon by the New York State Assembly and that were never acted upon by the New York State Senate. That's my understanding.

If it's a concept of home rule that the Senate and Assembly approve every message, every detail that comes out of local government, then I need to be instructed and educated on that, but from my colleagues in the Assembly I understand that not to be the case.

SENATOR NOZZOLIO: Thank you, Mr. Dollinger.

SENATOR DALY: Thank you, Mr.

President.

ACTING PRESIDENT FARLEY: Senator Daly, why do you rise?

SENATOR DALY: Mr. President, I would ask my colleague to yield again, and I'm going to ask him a question, same question I asked him last time, Mr. President, but before that, my first question is, tell me one home rule message that came out -

SENATOR DOLLINGER: I'll -

SENATOR DALY: Let me finish the question, Mr. President.

Name one home rule message sent down by Monroe County that this house has refused to accept, number one question, and number two question -- you can answer them both at the same time. I'm going to repeat my first question, because obviously you didn't hear it.

SENATOR DOLLINGER: Oh, I clearly heard it.

SENATOR DALY: Would you -

ACTING PRESIDENT FARLEY: Hold on. We've got two questions going here.

SENATOR DALY: Mr. President, would my colleague from Monroe County please tell me how the county of Monroe is going to make up the 31 million, the 27 million, the $3 million that's in their budget for this fiscal year if we don't pass a sales tax?

I asked that question once before. I obviously did not get an answer. I request -- I repeat the question.

ACTING PRESIDENT FARLEY: Senator Dollinger, do you care to answer the question?

SENATOR DOLLINGER: Sure. Do I have a choice as to how I answer them? I guess I do.

Let me answer the second one the same way I answered it the first time. I have a disagreement with the county executive about how to finance the deficit, about whether the additional half cent sales tax is needed. I voted against the county budget on that basis. I stand here, consistent with that earlier vote, to vote again in this case.

With respect to the first one,

I'll simply have to provide the information from my colleagues in the Assembly.

SENATOR DALY: Mr. President, will my colleague yield for one more question?

ACTING PRESIDENT FARLEY: Will you yield for one question?

SENATOR DOLLINGER: Is it the same question that I've already answered twice.

ACTING PRESIDENT FARLEY: I don't know.

SENATOR DALY: I would suggest, Mr. President, that he read the rules of the house.

ACTING PRESIDENT FARLEY: Well, do you yield for another question?

SENATOR DOLLINGER: I'll refuse to yield at this time.

ACTING PRESIDENT FARLEY: He does not care to yield, Senator Daly.

SENATOR DALY: I don't blame him.

SENATOR DOLLINGER: I'd simply close by asking my colleagues to vote "no" on

this measure. I believe that there are other alternatives. There are other discussions under way and certainly in this chair, as a former member of the Monroe County Legislature and as a member of this body elected by people within Monroe County, I don't believe this is in the best interests of our residents.

ACTING PRESIDENT FARLEY: Senator Jones, and then Senator Nozzolio.

SENATOR JONES: Mr. President, I find myself in a very unusual position today, but I am standing to ask this body to approve the Monroe County request for a tax increase.

I also was on the county legislature. While I did not agree with how this came about or some of the other things that happened, nevertheless the majority in that legislature did vote for this budget. I was not one of them, nor was Mr. Dollinger.

The deficit is there, and the money has been spent in this year's budget. I can't accept the things that would have to be cut if this tax increase doesn't come about,

which is sheriff's road patrols, social services, child protectives, the areas that are important to me.

The way I feel, while I agree with my colleague on many of the points he's raised at this point, I feel that this has to go through and I certainly would like to go on record as saying I would not support a further one next year without some distribution, but at this point I feel there's no sense crying over spilt milk. We should support this.

ACTING PRESIDENT FARLEY: Senator Nozzolio.

SENATOR NOZZOLIO: Excuse me, Mr. President, on the bill.

Mr. President, my colleagues, we have before us a measure, not to discuss its merits, but to discuss whether it's validly before this body, a home rule message enacted on the 19th of January of this year has requested from the Monroe County Legislature and signed by the County Executive, our support for this legislation.

It's not for us to decide how an individual county will distribute its funds and how it will collect those funds. Lord knows we could do a good job or a better job in this Legislature, refusing to allow counties to have more and more mandates placed upon them. That is our role. Our role is not to second guess a county legislature or a county executive as to how they will distribute their funds, how they will budget their -- and allocate their resources.

My colleague, Mr. Dollinger, I respect the fact that you were a member of the Monroe County Legislature. I respect the fact that you have made decisions in the past relative to budgetary matters for that county. However, I do not believe that opposition to a home rule measure should be based other than whether or not it's validly before us. It's not the role of this body to second guess county legislatures. Maybe because you come from that body, you believe you have that right, but I believe in the concept of home rule. I believe

in the concept of local governments making their decisions without intrusion from the state, and that that's what we have before us, Mr. President, and that's why I, as a representative of a town of Monroe County, support this bill.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Mr. President, I -- I'm glad we're having this debate early because one of the -- one of the little tasks which I don't need, but which I seem to get every year, is to pass the tracking, what happens to Democratic bills that come from the localities, and their home rule messages and why they don't somehow get out of committees so quickly. So I'm delighted to hear the members of the Majority party standing up for home rule, and I heard our last gentleman, Senator Nozzolio, I believe it is, say that he doesn't want to second guess localities. That is certainly encouraging for those of us on this side who are going to have to put in those bills.

Senator Daly, I know that you have been very cooperative in the past. I guess your comments today are going to be a new high water mark for Democrats with local bills this year. But I want to say one thing in all fairness.

The Constitution of this state, which we all swore to uphold, creates a two-level system, and the localities make their home rule requests to the Legislature, and if the Constitution wanted that to become law upon its being filed with the Secretary of State, they could have done it. If the Constitution wanted the localities to do anything they wanted to, I guess they could have done it. So there is unquestionably, by Constitution, an oversight that we have, and I think that it makes no sense to talk to a Senator like Senator Dollinger and tell him that he's bound by something that was done on a local level and he must zip his mouth and not dare utter the thoughts of his conscience or his mind. I mean we all do that as it suits us from day to day and on issue by

issue.

So the issue here is a simple one. There are a number of representatives from the area who apparently have different opinions and each of us will decide how we will vote on the issues. But I think that we ought to at least have the playing field level. If home rule was sacrosanct in all situations, I'd like to know that from the Majority, and it will make my job easier this year, because I won't have to explain to members on my side why their bills are delayed.

If we're allowed to debate these issues, then don't resent it when it happens with the bills that come out on your side because it's going to have a level playing field in 1993.

SENATOR DOLLINGER: Last section.

ACTING PRESIDENT FARLEY: Senator Hoffmann.

SENATOR HOFFMANN: I'm not familiar with this particular bill or the current problems in Monroe County that have

brought this action to Monroe County today but I'm familiar with a similar situation that occurred over the last several years in one of the jurisdictions in the 48th Senate District, and I recognize that there's sometimes a changing political landscape and a changing fiscal picture that we don't always understand on first blush and is sometimes not totally comprehended by even those people who are voting on it at the local level before it comes to our attention.

The issue that Senator Jones raised about the lack of apportionment of some of the revenue, I think, is a very significant one. She indicates personal reservations about the way this is being handled and clearly goes on notice about how it will be handled in the future, and I particularly respect Senator Dollinger's courage in being able to rise on this floor and say that he will vote against a home rule message in light of his own personal experience as a member of the governing body that has sent it to us.

I am, and clearly he has been, sent to this chamber by a large number of people in the County of Monroe who respect his judgment. I believe that some of us owe him the courtesy of showing that respect in this chamber today. Therefore, I will vote "no" along with Senator Dollinger.

ACTING PRESIDENT FARLEY: On the bill. Read the last section.

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 10 are Senators Dollinger, Hoffmann, Libous and Montgomery. Ayes 54, nays 4.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President.

May I have unanimous consent to be recorded in the negative on Calendar Number 14, Bill Number 173, please?

SENATOR GOLD: No objection.

ACTING PRESIDENT FARLEY: Without objection, Senator Kuhl will be in the negative on Calendar 14.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT FARLEY: Senator Padavan.

SENATOR PADAVAN: I'd like to make the same request that I be recorded in the negative on Calendar 14.

SENATOR GOLD: No objection.

ACTING PRESIDENT FARLEY: Without objection, Senator Padavan is in the negative.

Senator Smith.

SENATOR SMITH: Mr. President, I would request unanimous consent to be recorded in the negative on Calendar Number 3 and Calendar Number 13.

ACTING PRESIDENT FARLEY: 3 and 13, Senator Smith in the negative. Is that it?

Senator Present, that concludes the -- I'm sorry, O.K. We have to, where are we at?

The Secretary will read Number 11, Calendar Number 11.

THE SECRETARY: Calendar Number 11, by Senator Volker, Senate Bill Number 64, an act to amend the Criminal Procedure Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation. Senator Volker.

SENATOR VOLKER: Mr. President - Mr. President, this is a bill which passed the Senate last year pursuant to a proposal out of the city of New York which related to problems of transportation of police officers in the city who are testifying, police officers who were not victims of crime or witnesses to the crime itself. Basically they're police officers who would testify as to chain of evidence and things of that nature, and the way it would work would be, as Senator Gold well knows, would be that they would testify with an audio/video hook-up

from a police station or a set location to the grand jury. The grand jury would not be visible from the other end. The prosecutor would be visible. The defendant would obviously be not visible either.

This is not something, by the way, that would be used on an extensive basis because not everybody would have the wherewithal to use this sort of operation. That's basically what the bill is.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yeah, this bill we did have last year and Senators Babbush, Connor, Galiber and myself and Gonzalez, Halperin, Leichter, Montgomery, Ohrenstein, and Smith voted in the negative. It is supported by the mayor. The Association of the Bar of the City of New York Criminal Justice Operation and Budget Committee has urged us to oppose it. It was debated at length, and I don't see any necessity to continue it. If somebody wants to

do it, of course, I can't cut them off.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 11 are Senators Galiber, Gold, Leichter, Montgomery, Ohrenstein, Santiago and Smith. Ayes 51, nays 7.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR GALIBER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: Yes. May I have unanimous consent to be recorded in the negative on Calendar Number 13, page 6?

ACTING PRESIDENT FARLEY: Without objection, Senator Galiber will be in the

negative on Calendar Number 13.

SENATOR GALIBER: Thank you.

ACTING PRESIDENT FARLEY: Secretary will read.

THE SECRETARY: Calendar Number 12, by Senator Halperin, Senate Bill -

SENATOR GOLD: Lay it aside at the request of the sponsor.

ACTING PRESIDENT FARLEY: Lay that bill aside at the request of the sponsor.

THE SECRETARY: Calendar Number 18, by Senator Holland, Senate Bill Number 207, an act to amend the Penal Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation by Senator Holland.

SENATOR HOLLAND: Senator, as you know, this bill comes up every year and the question of it is really the unfairness of the laws that control the carrying of pistol permits throughout the state of New York, and the problem is that, if you are issued a pistol permit in the state of New York, you can carry

it at your will in the 62 counties of the state, but if you are issued a pistol permit in any of the 57 other counties, you can carry it -- you can not carry it in the city of New York.

I believe that's totally unfair and should be corrected. Not only can you not carry it, but if you are passing through the city of New York, you must lock up that -- it's going to take you a little bit longer, Senator, but you have to lock up that pistol permit in a lock box, a different kind of lock box.

As a former county clerk, I assisted in the consolidation of the issuance of pistol permits in the county of Rockland, and we were successful in reducing the time, the issuing time, from 13 months to three months. It still takes at least three months to issue a pistol license in any county of the state of New York and, in doing that, each individual applicant must pay a fee. They must have their fingerprints taken. Those fingerprints are checked with the F.B.I. They are checked with the BCI. In our county, the request also goes

to the Department of Mental Health and they are checked there. In our county, also, you must have a letter from your spouse -- in our county you must also have a letter from your spouse giving his or her authorization for you to be issued a pistol license. You must also take a safety course that not only teaches you safety, but how to handle the weapon as well.

If, in fact -- if, in fact, someone who is issued a pistol license ever creates a crime -- commits a crime, that pistol license, that pistol and pistol license is taken away from the individual immediately, and you can bring up as many points as you want to, but you'll find that the percentages of people who are issued pistol licenses do not commit crimes in the state of New York, and that's the reason I think it should be -- it would be fair to do it statewide rather than just -- rather than two states, as we're doing right now.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold, on the bill.

SENATOR GOLD: Mr. President, I won't talk on the bill, but I would like Senator Dollinger to particularly, Senator, take a look at our Minority report on this bill and, if you want an explanation of what home rule is, Senat or Dollinger, you'll notice that the mayor of the city of New York has told this Legislature not to pass this. When the Republican party gets through voting in this house today, you'll understand what home rule means.

Senator Holland, as you may know, last year I got quite a bit involved in gun issues, and the bottom line of it all is that I don't have any objection to a system which gets legitimate people their licenses quicker. I really don't. I have some ideas about what that system ought to do. I'm not going to review them today, but it really comes down to one simple - really simple argument:

The city of New York welcomes visitors from upstate. It welcomes visitors from all over this country, but it says to you, Please come down; leave your guns at home. Your

safety is our problem. If you don't think we're doing a good job, don't visit us. The only - if the only way you will come to visit us is with your gun and it is not registered within the city of New York the way we want it done, don't come.

That's not a difficult argument to understand. It's not very deep. It's simple. We have our share of guns. We're trying to get them off the street. Virginia, under Governor Wilder, is maybe going to cooperate a little bit because it's turned out that many of the guns we have problems with come from there. Congressman Ackerman, former member of this house, and others are trying to make the Virginia idea a national idea.

And, Senator, there are differences in who has these guns, where they come from. We understand all of that. We understand all of that. All we're saying, which apparently your side of the aisle and in all fairness, some of the people on this side from upstate, do not want to understand is that we

want the self -- same self-same right to determination that Senator Daly preached to us about a few minutes ago with Monroe County, and I voted to support that home rule resolution from Monroe County, and I'm asking you to support the mayor of the City.

Now, there are some elected representatives in this house from the city of New York, and they're going to speak their minds or they may, and they may tell you not to listen to the mayor, just as Senator Dollinger said that he disagreed with the local council in Monroe County.

But why don't you take the opportunity, Senator Holland and some of my other colleagues, to demonstrate to Senator Dollinger and Senator Espada, and the other new people on this side and even the members on your side, that logic means that, when you change the labels, it doesn't matter.

The logic is still there. You have preached to us earlier today about the validity of home rule. I want to see you do it

here and, if you're going to spite the city of New York by not coming down to visit us because we won't let you pack your sidearm, you know, on your belt or we won't let you tote some other gun around without a license, then we will have to bear the brunt of that spite, but today you can prove your sincerity to home rule by voting in opposition to this.

There were 17 people who voted against it last year. I hope we will continue to oppose this bill.

ACTING PRESIDENT FARLEY: Senator Montgomery.

SENATOR MONTGOMERY: Yes. Thank you, Mr. President.

Just very briefly, I don't want the -- this moment to pass when Senator Holland brings up this annual bill from the Republican side that I should not be on record in opposition to this legislation and I suppose one of the reasons why it's particularly important for me to be on record specifically opposing this legislation is because I probably have one

of the highest crime areas that I represent in the City and, in fact, I have, perhaps one of the areas where the most children and young people are killed with guns.

Now, I'm not in any way suggesting that the people who are killed are killed by people from your district or from upstate. That's not the point. But, Senator Holland, you say that the people who have permits and have guns that are legal, quote unquote, are not the ones who kill, and I certainly agree with that but, as you know, most guns are at one point or other at their original point of purchase legal even if they're purchased in Virginia or wherever and even if they're purchased by whomever with a permit or what have you, whatever is required, but the problem is that they end up in the hands of people who want to commit illegal acts, by and large, or they are sold to them or they are stolen by them.

So the problem is not that we don't welcome your constituents and people from

upstate in the City, but we do not welcome their guns. We do not want any additional weapons on the streets of the city of New York. I believe that's why the mayor has taken this position. There is no reason for hunters to bring their weapons to New York.

This, I know that you've said this is a civil rights issue. If you have a right to carry your gun upstate, you should have a right to carry it in the City. We have a home rule which says that you must have an additional permit; otherwise you have to put your weapon in a lock box or leave it at your home upstate.

It is for the purpose of trying to make the streets of New York City a little bit safer and, as I said to you last year, last session, and I repeat again to you this session, because it is still the case, I have a young son and I am afraid to take him out to ride his bicycle because he may get shot, not by anybody from your district who aims to kill him, but because, like a principal in the district that I represent was shot cold-blooded dead while he

was trying to help a child, and he wasn't shot intentionally. It was sheer accidental. But the gun was in the hand of a person who should not have had that gun. I don't know where the gun came from, but I am sure that that gun at some point had a permit, a person who purchased it had a permit to purchase it and to use it.

So, Senator Holland, this is not a civil rights issue. To me, it is an issue of safety, of people in our city, and we do not want you or anybody to come into the city of New York with a gun without a due permit certified by the city of New York and, furthermore, I would like to see guns off the streets, period. But short of that, this legislation that you're proposing clearly, clearly is putting the people in the city of New York in more danger.

It adds an additional set of weaponry on our streets, and we ask you not to do this bill, not to vote for it. I ask my colleagues for the sake of the -- your concern for the safety of the children and the family, the women and the people in the city of New

York, and because especially the mayor is opposed to it.

ACTING PRESIDENT FARLEY: Senator Volker, and then Senator Galiber.

SENATOR VOLKER: Senator, I will certainly be very brief.

Senator Montgomery, I want you to know something, and I know we've said this before. We certainly don't have to say it. I certainly understand your sincerity on this issue, and I understand your frustration. So that you don't think that the city of New York is the only place where gun activity is going on at a heightened -- to a heightened extent, we're having very similar problems in the city of Buffalo. In fact, we had an attack on a police station back in the fall that was designed to petrify the people of the area, and it did. There have been a whole series of shootings.

But just one thing I would like to correct, and I think it has to be said, and I understand the problem with guns and bullets and all that sort of thing. We have tried, those of

us that are in criminal justice, to find some possible link between legal weapons and crime. The response that you get from virtually everybody who is trying to be responsible is that the number of licensed weapons that are used in crime is so small as to be totally negligible.

The problem with this issue is not the weapon. The problem is that the perpetrators, the people who are involved with this, have become so crass for human life that whether it's guns or knives or whatever it is, the whole system to a certain extent has got out of control, and I could give you some reasons why I think this has happened, and I understand that we tend to feel that maybe here's something that we can grasp onto that somehow these guns maybe are something that we can grasp onto.

The problem is it's not the guns. It is the attitudes and the people who have developed the concepts that life means nothing, that life truly meanings nothing, and that's something that we have to deal with. We have to

deal with it in our schools, we have to deal with it in our criminal justice system.

It's something that the Senate, as the Senate Majority, has been saying to the administration of this state. You can't let violent criminals out of our system and call it second felony offender reform. You can't play games with this issue, it's too dangerous, but the point I think I'm trying to get to is, I understand your frustration, but you can pass all the laws that says somehow you're going to license guns, you're going to make them illegal.

You can do all those things. There is little proof in this world, none - Washington supposedly has the toughest gun laws in the United States of America and, by the way, we did before then, we're supposed to have the second toughest gun law in the United States of America, and yet they have the most murders per capita of any place in the country. They have confiscatory gun laws in there and it certainly hasn't helped very much there.

My point is that the only objection I have to your statement that somehow the gun that killed somebody some place was licensed. 99.99 percent of the guns that are used in the criminal activities have never been licensed. They are weapons that are illegal weapons from day one and, by the way, that goes for guns and it goes for knives, and it goes for any of these kinds of things, so I just would like to point that out.

Obviously, you know, the city of New York has the right to argue on these issues. The city of New York has the right but there is one problem that always bothered me. When I was a police officer until just recently when there were court cases, I could carry my gun any place in the state of New York except at that time the most dangerous place in New York State, which is the city of New York, and I always said, "This is ridiculous," and they said "Well, it's our rules. What can I tell you? Some police officers are dangerous people." I said, "Come on, come on."

It's the sham; it's the attitude. It's the -- the attitudes that the City has had that they can't deal with certain parts of crime, so they have deal with it on the nice little public area which is that somehow you can wipe guns off the street. I'll tell you, if I could find a way, Senator Montgomery, that I could get rid of all the guns in the streets with one such law, I'd be the most happy person in the world.

But, Senator, there is no such law. Abe Bernstein and I argued for years; there is no such law. The only laws that are going to change are the laws that are going to deal with people, not with weapons.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: Yes, Senator Holland. Would you yield for one or two questions?

Senator, in your capacity as a state Senator and also in your former capacity as county clerk, could you give us a guesstimate

or an estimate as to the population of Rockland County as compared to the population of the city of New York?

SENATOR HOLLAND: It's about 8 million to 265,000.

SENATOR GALIBER: 265,000 in Rockland County, 8 million.

SENATOR HOLLAND: 7 or 8 million in the city of New York.

SENATOR GALIBER: 8 million, 7 million in the city of New York. Of those 200,000 residents that you have in Rockland County, could you give us an estimate as to how many of them commute each day from Rockland to the city of New York?

SENATOR HOLLAND: No, I really don't.

SENATOR GALIBER: You can not.

SENATOR HOLLAND: I've seen 11,000, but I don't know whether that's true or not.

SENATOR GALIBER: Would you say a good number? I know a lot of my constituents

finally made it and moved up in your county.

SENATOR HOLLAND: Good.

SENATOR GALIBER: Senator, if you were to receive this bill, probably, not to receive but if this bill were to become law, is it conceivable that those persons in your county and other counties of the 62 or '-1 that you have mentioned, would be able to get permits for the new 9 millimeter guns that shoot 15 or 16 shots in a clip?

SENATOR HOLLAND: Senator -

SENATOR GALIBER: Senator, would you be able to get that gun?

SENATOR HOLLAND: I seriously doubt it. As you know, and I don't have to tell you this, in the 62 counties, city of New York a judge or the chief of police has to authorize.

SENATOR GALIBER: Did you say the police commissioner?

SENATOR HOLLAND: The police commissioner in the city of New York, yes, the police commissioner has to authorize it, and they will not authorize it unless there is a

need.

SENATOR GALIBER: But you don't know whether or not they would be eligible.

SENATOR HOLLAND: I can't see in somebody's mind, but I doubt it.

SENATOR GALIBER: But it's possible, would you agree?

SENATOR HOLLAND: It certainly is with a revolver or pistol, yes.

SENATOR GALIBER: Senator, one other question: When you were county clerk, how long were you county clerk?

SENATOR HOLLAND: I was nine years as county clerk, and six years as deputy.

SENATOR GALIBER: I mean I want to say we're glad to have you here.

SENATOR HOLLAND: Me too.

SENATOR GALIBER: We don't want you to go back and be county clerk.

On the bill, Mr. President, and thank you, Senator.

Mr. President.

ACTING PRESIDENT FARLEY: Senator

Galiber.

SENATOR GALIBER: This is a simple matter and everybody is trying to distort the notion, talking in terms of violent terms with it, and Senator Montgomery has an interest which I agree one hundred percent with her. We all talk about home rule and how we expected it and you were a county clerk, you are a Senator.

Senator Gold had mentioned we just finished a home rule kind of concept and I know this bill. I've been here long enough to be able to count. I know where it's going to go, but we've got to voice an objection, especially when there's an attempt to distort not on your part, Senator, but to suggest to us that we can't handle our problem and also again to suggest that we now are talking about second felonies, that has absolutely nothing to do with this piece of legislation.

What it has to do with is central government in the city of New York. We have a law, a rule, a regulation which says that the police commissioner has the authority and the

discretion to issue gun permits. How dare you come from another county and suggest to us that we vitiate that discretion that our police commissioner has? Can you imagine going to Buffalo and telling us, Let's ignore the police commissioner? Or Rockland County?

Guns don't kill. People kill. We all understand that. We don't need the elementary lessons that are being suggested here. The fact of the matter is that you want to take our local government which has rules and regulations, and says for better or worse, you can not bring a gun into the city of New York unless you clear with us.

Now, I can do a nice easy argument, never mind the violence in Buffalo and shooting up police stations and changin' the criminal justice system or the Department of Correction. Those are all specious kinds of arguments. That's not what's in issue here. What's in issue is a simple fact. We have absolutely no right, no right whatsoever to talk about or pass regulations, laws, rules, here

which impact on our local government unless they say so. That's what home rule is all about.

We have some personal concerns about how dangerous it is. People nudge each other. They rub up against each other a little more, 8 million more push and shove each other a little more than 200-some-odd thousand people. The risk is there.

We've had attitudes and we discussed the death penalty. Well, if we kill off one person who is innocent, so be it. That's what's suggested here, that if one person gets hurt, so what? The rest of them are not going to get hurt.

We've got a serious problem in the city of New York. But more than that, more than that, do not come into any local government -- because you would be the first one to object -- and say, Never mind what the police commissioner of the city of New York said. We want to override. Even our central government in the last 12 years says, let's give back under New Federalism I, II or III, I don't remember

which one it was, let's give back to the states more power, and we feel the same way about our city, and I'm sure you do also.

The city of New York has a rule, has a law, has a regulation that says you can not come into the city of New York unless you go through -- if you go through the police commissioner. He has the discretionary power and I don't want to bore you with the revenue aspect of it. That's like talking about changing the criminal justice system.

I can tell you, well, look at the revenue we're going to produce because of the license. That's another specious argument. We have absolutely no right, Senator, absolutely no right to go contra to what local government wants unless they ask for it, and they've got a procedure for it, and we don't have the procedure.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR JOHNSON: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Johnson.

SENATOR JOHNSON: Explain my vote. I want to explain Senator Gold's vote. No, I'd like to speak on this a bit.

I find it interesting that the New York City representatives would stand up and say things like, "You don't have to carry a gun when you come to New York City because we're there to protect you."

Where have you been, Senator Gold? 2500 people were killed in this state last year and 80 percent of them in New York City. Who was protecting those people? Obviously, you need some kind of protection in New York City, I'd say.

The argument was made that - that who are you to think that you should use a New York State license issued in Suffolk or Rockland and carry that gun in New York City without a license? Why should you be able to do that? Senator, because people who have a license issued in New York City can carry that gun in the balance of the state.

So I think that's perfectly reasonable that statewide license issued under the statutes we put on the books should be effective statewide. You know, it's kind of interesting, too, that New York City and "Fun City", Washington, D.C., where the Beltway crowd hangs out, and they live in a different world, they also have very restrictive laws concerning licensing of handguns, and New York City and Washington have the most restrictive laws. They have the greatest murder rate per hundred thousand people of any place in the nation.

So, obviously, if you do go -- if you go to Washington or New York City, you definitely need some way to protect yourself since -- since killing is indemic there and they say 50 percent by guns or 70 percent, the rest by knives, fists, clubs, feet, whatever is available to the person. These are very dangerous places to go, and certainly if you have a pistol license and you carry it in your home community upstate or on Long Island, you certainly should be permitted to carry it when

you enter a danger zone such as New York City.

This is a very good bill, and it should be passed.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 1st day of November.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 18 are Senators Connor, Dollinger, Espada, Galiber, Gold, Halperin, Leichter, Markowitz, Masiello, Mendez, Montgomery, Ohrenstein, Onorato, Oppenheimer, Santiago, Smith, and Solomon. Ayes 41, nays 17.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Halperin.

SENATOR HALPERIN: Mr. President, I'd like unanimous consent to be recorded in the

negative on Calendar Number 11, Senate Bill Number 64.

ACTING PRESIDENT FARLEY: Without objection, you're in the negative on 11.

Senator Solomon.

SENATOR SOLOMON: Yes, Mr. President.

ACTING PRESIDENT FARLEY: Hold on, Senator Solomon.

SENATOR SOLOMON: Mr. President, I'd like unanimous consent to be recorded in the negative on Calendar Number 3, Bill 535.

ACTING PRESIDENT FARLEY: Without objection, Senator Solomon is in the negative on Calendar Number 3.

And Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President.

I have a distinct honor, Mr. President, in making an introduction. We've been joined today by -

ACTING PRESIDENT FARLEY: Hold on. I'm going to ask for a little quiet.

SENATOR LEICHTER: Mr. President, and my colleagues, we've been joined today by a most distinguished visitor that I'd like to introduce to the chamber. It's the Consul General of the Federal Republic of Germany. He's here in connection with the exhibit of the White Rose, and you have all received an invitation on behalf of the Consul General, Senator Ohrenstein and myself. As you know, the White Rose was a very special group of young students that opposed the Nazis in Germany, many of whom were killed. This is an exhibit of pictures and memorabilia, and I think you would find it not only of historical interest but of great human interest.

And it's, therefore, a particular pleasure to have with us today the Honorable Erhard Holtermann, the Consul General of the Federal Republic of Germany, and his assistant, Mr. Bernd Fink, who is the Consul. Please welcome them to this chamber, Mr. President.

SENATOR OHRENSTEIN: Mr. President. Mr. President.

ACTING PRESIDENT FARLEY: Senator Ohrenstein.

SENATOR OHRENSTEIN: I would like the opportunity to join Senator Leichter in this most warm welcome. Dr. Holtermann and I have worked together now for several years on issues relating to the relationship between the Federal Republic of Germany and the United States of America, and particularly on the relationship between the Federal Republic and the Jewish community here in -- in the United States.

It's been a very great pleasure and honor to work with him, and I'm glad he's here for this very, very important event.

ACTING PRESIDENT FARLEY: Dr. Holtermann, on behalf of the New York State Senate, let me welcome you and your delegation here. We're delighted to have you. We're proud of what you're doing, and thank you very much and come back and visit us again.

(Applause)

Senator Present, what is your pleasure? We are finished with the Calendar.

SENATOR PRESENT: Mr. President, I move that we stand at ease. I think there's another bill in process of arriving at the Senate. If we stand at ease and not run off too far, I'd appreciate it.

ACTING PRESIDENT FARLEY: The Senate will not adjourn. We will stand at ease awaiting another bill.

SENATOR GOLD: Senator Ohrenstein, do you want to call up now -- Mr. President.

ACTING PRESIDENT FARLEY: Yeah, Senator Gold.

SENATOR GOLD: There will -- on behalf of Senator Mendez, you want to announce it? There will be an immediate conference of the Minority in the Minority Conference Room.

ACTING PRESIDENT FARLEY: The Minority will meet in conference right now. We're at ease, not in adjournment.

(Whereupon, at 4:19 p.m., the Senate stood at ease.)

...At 4:21 p.m....

SENATOR PRESENT: We recognize Senator Levy, please.

SENATOR LEVY: Yes. There will be an immediate meeting of the Transportation Committee in the Majority Conference Room.

ACTING PRESIDENT VELELLA: Immediate meeting of the Senate Transportation Committee in the Senate Conference Room.

...At 4:40 p.m....

SENATOR STAVISKY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Stavisky.

SENATOR STAVISKY: Without objection, may I be recorded in the negative on Calendar Number 18?

ACTING PRESIDENT FARLEY: Without objection.

...At 5:17 p.m....

ACTING PRESIDENT FARLEY: Senator Stavisky.

SENATOR STAVISKY: Also request permission to be recorded in the negative on Calendar Item Number 3.

ACTING PRESIDENT FARLEY: Senator Stavisky will be in the negative on Calendar Number 3, without objection.

(The Senate reconvened at 5:38 p.m.)

ACTING PRESIDENT FARLEY: The Senate will come to order. Senators will find their seats.

Senator Present, we have -

SENATOR PRESENT: Can we return to reports of standing committees.

ACTING PRESIDENT FARLEY: We certainly can, sir. The Secretary will read a report of standing committee.

THE SECRETARY: Senator Levy, from the Committee on Transportation reports the following bill directly for third reading: Senate Bill Number 1022, by Senator Marchi, an act to amend the Public Authorities Law, in relation to tokens for and tolls imposed by the Triborough Bridge and Tunnel Authority, reported directly for third reading.

ACTING PRESIDENT FARLEY:

Directly to third reading.

SENATOR PRESENT: Mr. President, is there a message at the desk?

ACTING PRESIDENT FARLEY: There is a message at the desk, Senator Present.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT FARLEY: All in favor of accepting the message, say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

SENATOR OHRENSTEIN: No.

ACTING PRESIDENT FARLEY: Senator Present -

SENATOR PRESENT: May the bill have its third reading at this time.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR OHRENSTEIN: Mr. President.

ACTING PRESIDENT FARLEY: Senator

Ohrenstein.

SENATOR OHRENSTEIN: I rise to oppose this legislation as -

ACTING PRESIDENT FARLEY: Senator Ohrenstein, if I may, may we put the bill on the floor first.

SENATOR OHRENSTEIN: Oh, yes, I thought it was.

THE SECRETARY: Senate Bill Number 1022, Calendar Number 1026, by Senator Marchi, an act to amend the Public Authorities Law.

ACTING PRESIDENT FARLEY: Senator Ohrenstein on the bill.

SENATOR OHRENSTEIN: Mr. President, I believe both Conferences are fully aware of the import of this legislation, and I would like to state my reasons for opposing it. I do want to make clear that I'm speaking as a member of the Senate representing a portion of Manhattan, and I'm not speaking here at the moment as the Minority Leader.

This bill grants -- does two

things: It continues the discount on the tolls across three bridges in New York City. By the way, the -- it's well known the Triborough Bridge and Tunnel Authority is raising the tolls on all of the bridges under its jurisdiction in the city of New York. There are presently discounts in effect on four bridges in the city of New York, the Varazzano bridge, two bridges in the Rockaways, and the Hudson River bridge coming from the Bronx to Manhattan or vice versa, as the case may be.

This bill continues the discount on three of those four bridges, the Varazzano bridge and the two bridges connecting Queens to the Rockaways. It does not continue the discount -- no, it continues the discount on the Henry Hudson bridge as well.

With regard to the first three bridges, it does one other thing: It expressly exempts residents of the Rockaways and of Staten Island from the increase of the tolls which is about to take effect. It does not exempt residents of Manhattan or the Hudson River -- or

the Bronx from the toll increase over the Hudson River bridge.

Now, I have two major objections to this. One has to do -- has to do with the fact that with regard to three bridges, there are not only a continuation of the discount but there are now exemptions from a toll increase which means we are in effect overruling the Triborough Bridge Authority in its attempt to balance its budget. That's one objection.

I have a much more comprehensive objection, because we are legislating here at the -- quickly and without due deliberation on an issue which is part of a much larger subject which is before us, and that has to do with the manner in which we deal with the finances of our mass transportation system in the metropolitan region, the MTA, the TA, the Long Island Rail Road, the Westchester railroads, the bridges, et cetera, et cetera.

Now, I recall being here in December when for one whole month the Governor pleaded with the Majority in this house to deal

with the impending increase of the subway fare in New York City. That increase, as a result of the non-action by the Majority in this house, has been voted on by the MTA, increased from a dollar twenty-five to a dollar fifty.

We pleaded -- the Democrats in this Capitol pleaded with the Republican Majority to deal with this issue at that time in order to save the citizens of the city of New York from the agony of some kind of a cliff hanger which will undoubtedly occur here prior to, I guess it's April 1st that the increase has been voted. Prior to April 1st? Is it March 1st or April 1st?

SENATOR MEGA: April 1st.

SENATOR OHRENSTEIN: We pleaded with you to save us from this cliffhanger and to deal with this issue at that time. We offered to transfer funds from one entity to another within the MTA system, and finally the Governor offered to eliminate this fare increase by a budget appropriation which he would include in his budget which came down last week. All of

the alternatives which were suggested and others which would have been considered were summarily rejected by the leadership of the Majority of this house.

To me, picking out one minor issue with regard to this whole question of financing the mass transit operation in the metropolitan region is not only unfair, it is wrong. It is not the way we ought to legislate and I don't believe that the people of Staten Island, if they really understood what was going on, would want to do it that way. I think the people in Staten Island are fair; they're people who are able to make a considered judgment about what is good for them and what is good for the rest of the city of New York. I don't think they want to be special pleaders, and that's the way you're presenting them here, as special pleaders who are getting a special privilege and are being picked out by this Majority for political reasons when we have before us a full plate on very complicated mass transportation issues.

We may not agree on all these issues. I respect Senator Levy's chairmanship of this committee and his many many efforts to knowledgeably deal with this issue. But the one thing that we do know is that this issue is one which is of whole cloth. This isn't an issue divided into this, this, this and that. It's an issue which rises on a very comprehensive view of how you're going to deal with financing the Metropolitan Transit Authority and all of the systems with it.

We may disagree on issues and we're going to negotiate. That is a clear fact of life. We will negotiate and, as I said in December, we're going to save the fare. I am absolutely confident we're going to save the fare, and I'm willing to predict it. I'm willing to bet on it, but in the meantime we're hanging up millions of people in the city of New York making them wait, making them subject to a cliffhanger while we're taking care of the residents of Staten Island.

I don't think that's fair. I

think this matter should have been negotiated in December along with the question of the fare increase and -

SENATOR MEGA: Mr. President.

ACTING PRESIDENT FARLEY: Senator Mega, why do you rise?

SENATOR MEGA: Senator yield to a question? I'd like a clarification.

SENATOR OHRENSTEIN: Could I finish? I'm in mid-flight, Senator.

SENATOR MEGA: I know you are.

SENATOR OHRENSTEIN: Could I just come down for a landing?

SENATOR MEGA: No, no, I know you are, and I don't want to remove you from your flight.

SENATOR OHRENSTEIN: I only am trying to be light about it.

I'll be glad to yield.

SENATOR MEGA: Maybe you would want to make an adjustment in your flight.

SENATOR OHRENSTEIN: I don't have a pilot.

SENATOR MEGA: I have a son who is a pilot, and he's available to you any time you'd like.

You keep referring to the bill is applicable to Staten Island. Are there not other portions of the City involved?

SENATOR OHRENSTEIN: I'll tell you what.

SENATOR MEGA: No, there are other portions of the City involved.

SENATOR OHRENSTEIN: No -- let's see, I'll put it where it is. This bill would not be here were it not for the fact that it affects Staten Island.

I spoke to the Speaker of the Assembly and he did his job because once the Majority here on this bill -- he talked to the Majority here, he insisted on tacking on Queens, and I don't blame him. He's doing his job. I fully support my colleagues here from Queens for tacking onto this bill, but this is a Staten Island bill.

SENATOR GALIBER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: Yes, I'm trying to understand this. I'm from the outer borough in Bronx County, but I get a feeling we'll be impacted on this. I can't understand.

ACTING PRESIDENT FARLEY: There seems to be a two-way conversation here.

SENATOR OHRENSTEIN: Senator, I tend to explain matters as best as my limited ability will allow me to.

ACTING PRESIDENT FARLEY: Senator Ohrenstein has the floor, Senator Mega.

SENATOR MEGA: Mr. President, you have the floor. You've answered my question. I think we understand there are other constituencies involved other than Staten Island. You've made that very clear as a result of the question I just asked, and I thank you.

SENATOR OHRENSTEIN: O.K. Thank you, Senator, and, Senator Mega, I did point that out at the beginning of my discussion but I am -- I also want to say that the -- that this

bill would not be here were it not for Staten Island, and that the matter of Queens would, in my opinion, be taken care of when we do the comprehensive settlement that I'm talking about.

So to make a long story short, I think I've made my point. We have a major problem here dealing with the financing of the mass transit -- transportation system, as Senator Galiber quite rightly points out in his question. The fact that we are continuing this discount, and that we are now exempting certain residents of the city of New York from the increase affecting their particular residences is going to create a further diminution of the revenues that are available for the mass transit system, for the bridges, and for so on and so forth.

Somebody is going to have to pay for it and the only people that I know are going to pay for it are either, in the first instance, the other users of the mass transit facilities, namely, other people who use the bridges who are

going to have to pay a higher increase because some people are getting a lower increase. Ultimately it will be paid for by the people who use the subways because they will be under pressure to pay higher fares in order to subsidize these discounts and exemptions and ultimately the people of the state of New York are going to have to pay for these because some of this money, in my opinion, ultimately is going to come out of the general revenues of this -- of this state.

So we know how to make these adjustments and we know how to make these trade-offs, and I am not objecting to the trade-offs being put on the table and being negotiated. That is the everyday life that takes place in this Legislature, but I am saying that, if we are negotiating a comprehensive issue, then all parts of the issue ought to be put on the table so that the trade-offs can be fair and can be properly apportioned, and that is not what is happening here.

One group of favored people is

being picked out here to be benefited while the rest are holding their breath as to what is going to happen to their future or to their pocketbooks and, in my humble opinion -- I have enormous respect for Senator Marchi. He wants Staten Island to secede. I say if that's what you want, I think it's a silly thing, I recommend against it, but if that's what you and Staten Island want, fine, but then pay the price and don't make us pay the price in advance while the rest of the -- of the people of the city of New York are fiddling and are wondering what is going to happen to their future.

So I believe this bill is unfair. I think it is uncalled for at this time. I think the matters that are raised in this bill should be put into negotiations and when we settle the whole question of the fare increase, the financing between the suburban railroads and the New York City railroads, while we consider the question of how we pay for the maintenance of the bridges, and so on and so forth, that is the time to consider this and not in this single

interest legislation that we have before us.

SENATOR ONORATO: Mr. President.

ACTING PRESIDENT FARLEY: I do have a list.

SENATOR ONORATO: I'd like to ask a question.

ACTING PRESIDENT FARLEY: O.K. Senator Onorato.

SENATOR ONORATO: Senator yield for a question?

SENATOR OHRENSTEIN: Sure.

SENATOR ONORATO: Senator, I represent half of Queens County, the northwest portion of Queens County. I have the Triboro Bridge, the Queens-Midtown Tunnel, and now I have inherited the Throgs Neck and the White stone Bridge. Are any of these bridges and tunnels subject to the same type of discount that will be enhanced to the Rockaways and to the Varazzano bridge?

SENATOR OHRENSTEIN: No, sir.

SENATOR ONORATO: Thank you.

ACTING PRESIDENT FARLEY: No. I

have a list unless you had a question of Senator Ohrenstein.

SENATOR STAVISKY: No.

ACTING PRESIDENT FARLEY: Senator Ohrenstein releases the floor.

Senator Marchi, whose bill this is.

SENATOR MARCHI: Mr. President, I find it very difficult to listen to my good friend, Senator Ohrenstein, say the things that he said. I have too much respect for him, and I know that he is sensitive to human problems, but to say that we are now engaged in special pleading or seeking special privileges, Mr. President, cries to heaven for vengeance, and I'm not engaging in hyperbole. I don't get this excited very often, but we are an island of 400,000 people, 400,000. We have been paying loyally on the toll facilities in our rapid transit -- we don't have any subways on Staten Island. You have a pick of buses when they can get to us, and I realize that they're responding to more imperious needs, but to say the things

that we are -- we are pleading special privilege in the case of Staten Island when there is no other available alternative, is somewhat the problem that is affecting my friends on your side of the aisle.

Do you realize, Senator, that somebody from Tottenville going to -- across the Narrows, maybe they have to go 12 miles before they reach the bridge. You can, from any part of the city of New York, get access. If I come from Montauk Point, I can get to Manhattan without paying a toll. In my county, you can not leave, you can not leave this county; 400,000 people have to pay to get off. There is no alternative. No, you don't. You can't walk across. I can't walk across. You may not walk across the bridges that connect us to the other jurisdictions. I -- a lot of youngsters here to swim across the Kill van Kull to New Jersey, a quarter of a mile. You'd die before you got halfway because of the pollution, and then you'd have to skirt a couple billion tons of garbage that are -- that lace that whole shoreline.

I don't think there's another community in the United States; I think there is a serious constitutional defect that we have no way, even if we wanted to walk, if we wanted to crawl on our hands and knees, we can not do it from Staten Island. Doesn't anybody understand that? Are you impervious to arguments?

And why are we here tonight? Are we here to discuss a full panoply of transportation issues. Yes, there's going to be time for that. You're -- your toll doesn't take effect until April. On December -- on January the 31st, the sword drops and the -- and it moves. There is no way, no way of postponing that date, so that, if we fail to act now, we will have lost our chance. The Assembly was not part of this, but they are responding. The Governor has been most cooperative.

Now, I don't think that your party wants to tell the people of Staten Island that they're special pleaders. Is that what you're going to tell them?

We have been -- we have made our

contribution in tolls. They continue to pay $4 for every time they go across that bridge if they get the tokens. Otherwise, it's going to $6, and I'm talking about a lot of families, those of you who represent areas embracing Bensonhurst, the whole -- the whole strip of Brooklyn, numberless families in my county.

ACTING PRESIDENT FARLEY: Senator Oppenheimer, why do you rise?

SENATOR OPPENHEIMER: Would you yield for a question, Senator Marchi?

SENATOR MARCHI: Yes.

SENATOR OPPENHEIMER: Is there not a ferry which is subsidized at like 25 cents a ride? I thought there was a ferry to Staten Island.

SENATOR MARCHI: Are you going to tell me that we don't subsidize the subways on -- in the city of New York? We have a ferry and we pay to get on it. Do you realize that? You don't understand that?

SENATOR OPPENHEIMER: What I'm saying, Senator, if you will yield for a second,

is that there is an inexpensive mode of transportation, I believe, to Staten Island.

SENATOR MARCHI: If you walk to the ferry, you can get on, you can take that, you can take that trip. It's 50 cents if you want to use the ferry, but you have to get there. We have triple fares. Do you pay triple? Well, you're out of the City. You're out of the City.

SENATOR OPPENHEIMER: I pay.

SENATOR MARCHI: But we have triple fares at the very best, so we only have toll facilities. As I said, you can not get off the island without paying, and you say that's special privilege. Is that what your party is telling the Democrats in Staten Island, that they're pleaders of special interests? I mean let's be reasonable. I voted for every tax that would support -

ACTING PRESIDENT FARLEY: Senator Espada, why do you rise?

SENATOR ESPADA: I rise for a question, sir.

ACTING PRESIDENT FARLEY: Will you yield for a question?

SENATOR MARCHI: Yes, I will.

ACTING PRESIDENT FARLEY: Senator Marchi will yield.

SENATOR ESPADA: It's your impassioned plea, the passion with which you speak, that causes me to rise and ask you that I had planned to ask for time to oppose this particular matter, but I would rescind -- I would stop myself in my tracks if you would exchange and share that kind of passion for the district that I represent, the South Bronx.

You talk about available alternatives. "Available" is a matter -- is a relative matter. It has economic impact in my district. If we have a one twenty-five fare go up to one fifty or $2, that availability would be drastically reduced to the mothers and the children they're working for that have to access not work because they don't have jobs but an emergency room, hospital room, and my question to you, sir, would be that, if you would support

me when I get up and my colleagues get up and make impassioned pleas for your side of the aisle to see our pain, to see our needs, then certainly my scheduled opposition to this matter would disappear.

SENATOR MARCHI: Senator, pure gold what you've said, and I don't think there's a Senator on this side of the aisle that's been around here for any length of time who won't tell you that I have taken direct leadership in meeting the very concerns you speak of.

I was the one that signed a contract with Lester Granger, who was the Executive Director of the Urban League and had been Assistant Secretary of Defense, and with his report and the initiatives, and I was joined by Senator Ohrenstein, we brought about open admission, seek and discovery, and a big shake up in the city of New York.

I have never been a laggard when it comes to the interests that you represent and that I feel I also represent. We have a like interest in what we're saying and I have never

been a foe or an enemy. I've been your friend. You understand that?

SENATOR ESPADA: Mine was not an accusation, but a request for your support on a similar matter.

SENATOR MARCHI: Well, if you don't -- if you talk -- if you talk with my colleagues who have been here any length of time out of the chamber in personal confidence, you will come and say, "Senator Marchi, I shake your hand because you're telling me the truth, you have been a constant friend."

ACTING PRESIDENT FARLEY: Senator Marchi.

SENATOR MARCHI: I don't know whether I should go any further, Mr. President. We have no -- tomorrow the Assembly will not be meeting. They are waiting to pass this bill. It's a bill introduced by both houses. It has the blessings of the Governor. I understand that the mayor does not oppose it, but I can not accept the characterization which I'm -- I'm sure that in the true spirit of that adversarial

position that you're in, Senator, I forgive in anticipation even before I made the remark, but I had to respond because I feel it, and I don't do this often, but I'm not going to tolerate it, that we are special pleaders in this situation.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Leichter, why do you rise?

SENATOR LEICHTER: Yes, Mr. President, I've asked the acting Majority Leader if he'd be so good as to have the last section read, so that I may vote.

ACTING PRESIDENT FARLEY: Without objection, read the last section.

SENATOR PRESENT: Yes, I do agree, but I hope it doesn't become a habit with everybody. Senator Leichter has an important engagement he'd like to meet, so I'll allow it.

ACTING PRESIDENT FARLEY: Open the roll call for Senator Leichter. Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately and shall be

deemed to have been in full force and effect on January 30th, 1993.

ACTING PRESIDENT FARLEY: How do you vote, Senator Leichter?

SENATOR LEICHTER: In the negative, please.

ACTING PRESIDENT FARLEY: In the negative. Close the roll.

SENATOR OHRENSTEIN: Mr. President, we both have to go to a reception which was announced earlier today, but I will be back. I shall return.

ACTING PRESIDENT FARLEY: Do you wish to vote also?

SENATOR OHRENSTEIN: And vote in the negative.

ACTING PRESIDENT FARLEY: Senator Ohrenstein is also in the negative. Close the roll. Hold on.

SENATOR PRESENT: Senator Cook.

SENATOR COOK: Yes.

ACTING PRESIDENT FARLEY: Senator Cook votes in the affirmative.

SENATOR JOHNSON: Mr. President, I'd also like to vote at this time because I have to leave the chamber. In the affirmative.

ACTING PRESIDENT FARLEY: Senator Johnson in the affirmative. That's it, Senator Present? So, over here, but -

SENATOR MASIELLO: Masiello.

ACTING PRESIDENT FARLEY: Senator Present, what's your pleasure?

Senator Masiello, how do you vote?

SENATOR MASIELLO: Yes.

ACTING PRESIDENT FARLEY: Yes. Close the roll. Continue to debate.

Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: I've got a list here.

SENATOR SMITH: Mr. President, I rise in support of this bill for the very simple reason that the residents of Broad Channel now fall within the 12th Senatorial District, and I

do not consider them to be favored. I consider them to have been second class citizens in many ways because they are residents of Queens County and, in order for them to go visit their brothers and sisters in the Rockaways or to even go to the post office, because the residents of Rockaway and Broad Channel live within the same zip code, or if their child is in school and happens to be hurt, they have to pay a toll to go to that school to have access to that child. In order to go to a hospital, they have to pay a toll and they live within the same county. To me, that is clearly second class citizenship.

We're all parochial in many ways, and we definitely want to represent the wishes of our constituents, and this summer, while many took vacations, some of us had those things called primaries and general elections. Well, I had a very heavy primary, but I spent many hours along with my colleague, Senator Waldon, meeting with the residents of Rockaway and Broad Channel and this was their greatest concern because for residents of Rockaway they do not have

businesses on the peninsula, so they have to pay a toll to go to work right in the same county and in order to get across to Howard Beach, to my friend Senator Maltese's district, where many of them share the same fire companies, they have to pay a toll.

This is clearly not right, and I ask all of you to consider the residents of Queens County who have to pay an intracounty toll and please give us your vote on this legislation.

Thank you.

ACTING PRESIDENT FARLEY: Senator Stavisky.

SENATOR STAVISKY: For the new members of the New York State Senate, I invite you to observe what's going on here this evening. Welcome to Albany, and you will understand how legislation comes before the chamber, not necessarily based upon equal treatment under the law but based upon who had access to the decision making.

One of the real tragedies in

Albany is when the Governor, who happens to be a Democrat, and the Speaker of the Assembly, who happens to be a Democrat, and the Senate Majority Leader, who happens to be a Republican, come together and they feel that they are speaking for everyone, I respect the offices that they hold. I respect the integrity of the leadership, but I do not respect the exclusion of other voices that are not represented at those negotiations.

There are members here on both sides of the aisle whose constituents have been betrayed by this bill. They are Democrats like George Onorato. They are Republicans like Guy Velella and Frank Padavan, whose constituents have not been effectively given equal treatment with those in Staten Island and those in the southern part of Queens. Doesn't a constituent who lives in Bayside or Astoria or Whitestone or Throgs Neck areas of the Bronx, areas of Queens, areas that are represented by Senator Galiber, aren't they equally protected and entitled to protection under the law?

Why do we make the mistake on a bill like this that we often make on state aid to education? We do have a formula, but then somebody runs in and says, "Wait a minute, give me a little extra for my district. Forget about everybody else. I'm working for my constituents." And we have add-ons, and we have things that are non-equalizing and after a while, you know what it sounds like?

Go to the classic, read Plato's THE REPUBLIC, read the book, the first book of Plato, THE REPUBLIC, where the Cyrenaean Aristippus has to answer the question, "What is justice?" And you know what he says is justice? He says, Justice is the interest of the stronger, and that ought not to be the concept of justice in this chamber whose members I respect, whose tradition I admire, and the cameraderie and the spirit of this chamber should be better than simply protecting some and not the others.

What is wrong in having a bill that enables the people going over the Triboro

Bridge to George Onorato's district or the Bronx Whitestone Bridge in Guy Velella's district, what's wrong with having legislation that is equally fair to these esteemed colleagues who somehow were forgotten in the negotiations and, if they're forgotten in the negotiations, aren't there other legislators whose constituents have been overlooked and ignored in the way the legislation is drafted?

I don't want to rise in behalf of my colleagues, but I can tell you, people in northern Queens not only will be paying $6 a day in round trip fares without any discount, without any exemption from the fare increase and then see the surplus that is accumulated, Senator Levy, not even be fairly distributed between the New York City Transit Authority and the commuter railroads and the suburbs, and that's another issue that wasn't addressed here.

And what about the issue of two-fare zones? Did somebody forget that on the way to the forum, on the way to the Capitol? What about the two-fare zones, Senator Marchi?

You have two-fare zones. So do we. We have - you have three fares, yes. We have to take a bus to get to the subway because the subway doesn't run on every block in many parts of the residential boroughs, so the double fare is additional punishment.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Can we get a little order?

ACTING PRESIDENT FARLEY: The Sergeant-at-Arms will have the conversations in the back kind of held down, please. Thank you, Senator Gold. Your point is well taken.

SENATOR STAVISKY: One thing, Senator Marchi, we have that problem, the excess toll that will be paid by every New Yorker, and we're all New Yorkers, who don't live in Staten Island but live in the Bronx, in Brooklyn, in Manhattan or Queens, those extra tolls will then represent a double hit on the very same families who have to pay two fares to get to a bus, to

get to a subway, to get to work, and then to return, and there ought to be an understanding that when we discuss transportation issues, we do it for all parties in the region, for all of the members, not excluding any of the members, but including all of the members whose constit uents deserve the same protection under the law.

In a few minutes, I hope we will have amendments to this bill. I hope we will have enough statesmanship in this chamber to consider amendments that will treat all New Yorkers equally in protection under the law and I will -- the amendments are here? If we may, Mr. President, I'd like to offer up the following amendments and waive the reading.

ACTING PRESIDENT FARLEY: Senator, just a minute.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yeah, I think we're waiting.

ACTING PRESIDENT FARLEY: They're just getting served.

SENATOR GOLD: Want to explain the amendment?

ACTING PRESIDENT FARLEY: Who's offering these amendments?

SENATOR STAVISKY: I am.

ACTING PRESIDENT FARLEY: Senator Stavisky, we'll waive the reading.

Senator Present.

SENATOR PRESENT: Would you have the last section called and call on Senator Padavan, please.

ACTING PRESIDENT FARLEY: Read the last section of the bill.

THE SECRETARY: Section 4. This act shall take effect immediately and shall be deemed to be in full force and effect on January 30th, 1993.

ACTING PRESIDENT FARLEY: Senator Padavan, how do you vote?

SENATOR PADAVAN: I vote in the negative.

SENATOR STAVISKY: Mr. President.

ACTING PRESIDENT FARLEY: Senator Stavisky, the amendment. The roll is closed, incidentally. Go ahead on the amendment. We'll waive its reading before the floor -- before the house.

SENATOR STAVISKY: Mr. President, the amendment provides equal access to an exemption from a fare increase to those in the metropolitan region and they could be from the suburbs or from the City, any part of the City.

What this does, Senator Marchi, is exactly what you seek to do, but it extends the concept to the other facilities operated by the Triborough Bridge and Tunnel Authority which reads the same way as you provided in the main bill, for protection against fare -- toll increases. This does the same thing for people who use the Bronx-Whitestone Bridge, the Throgs Neck Bridge, the Triboro Bridge, Midtown Manhattan Bridge and the Brooklyn Battery Tunnel and other crossings, and I must say that it is the fair way to go, because these bridges are

not new.

I live very close to the Whitestone Bridge. I take it every time I come to Albany. That bridge was built in 1939. That bridge, the cost of which was small, has been paid for three times over every year by the tolls that are collected right now by the Triborough Bridge and Tunnel Authority.

So why should we have a toll increase on the Whitestone Bridge, the Bronx Whitestone Bridge to be exact, when the cost of the entire bridge was paid for three-fold in a single year and yet the original bill does not provide an exemption from the toll increases for a bridge like the Whitestone Bridge or others that were built long ago.

In the interests of fairness, I ask my colleagues here, consider the amendment. It's good for Staten Island. I will agree to that. It's good for the southern part of Queens. I will agree to that. I ask that it also be good for the rest of us in all five boroughs and in all the surrounding suburbs who

make use of these facilities every year.

ACTING PRESIDENT FARLEY: Senator Levy, why do you rise?

SENATOR LEVY: Senator, would you yield to a question?

SENATOR STAVISKY: Of course.

SENATOR LEVY: Senator, could you tell me why had you not included the Queens Midtown Tunnel, which is another TBTA facility, in your amendment?

SENATOR STAVISKY: I think the - the Queens-Midtown Tunnel is included, I believe on page 2, line 45. It is included. So you're in agreement with me. I'll be delighted to have your vote here. Will you join me now since we agree on the reading of this? Now, I want you to agree on the fairness of this amendment.

ACTING PRESIDENT FARLEY: Senator Levy.

SENATOR LEVY: Senator Stavisky, I would -- I would call to your learned attention Section 563 of the Public Authorities Law and, Senator, before I pursue 563, let me

just say that there -- there is a way between now and the time that the toll increases will take place, to carry out what has been discussed on this floor tonight and that is that the MTA Board could and should, before February the 1st, rescind every part of the toll and surcharge increase and delay it until April the 1st, so that we can deal -- and I'm sorry, Senator Ohrenstein already left -- Senator Ohrenstein talked about the necessity to move forward with a transportation financing package for the MTA. I am sure he really intended to talk about the unfinished business that has to be done between now and April the 1st.

A cornerstone of dealing with this omnibus transportation financing problem is the MTA but, my colleagues on both sides of the aisle, Senator, if you are from upstate, you are just as interested in the upstate mass transportation authority and their operating deficits and how they're going to be addressed during the four-year operating envelope we're going to be putting together for all of the mass

transportation authority in this state, and I think everybody in this chamber, whether they represent the MTA region or whether they represent upstate, they are interested in how are we going to deal with the next five-year program, state highways and bridges for all of our state highways and bridges in New York State, as well as for local highways and for local bridges so we have a much -- a much larger problem to deal with than Senator Ohrenstein spoke about.

But in the resolution that the MTA Board passed, as it relates to the two bridges in Queens and as it -- as it relates to the Staten Island problem, the MTA Board talked about an exemption from a surcharge and not from a toll as it related to all of the other TBTA facilities, they referred to a toll increase and, Senator, if you take a look at 563 of the Public Authorities Law, Senator, we have by statute promised those people that by TBTA paper, bonds and so on, that we are not going to -- not going to -- to in any way impair the

ability of the MTA -- of the TBTA to increase tolls and, if we were to go forward with this amendment, Senator, and I can anticipate somebody may very well go to court and say, by calling a surcharge a surcharge instead of a toll, we're calling an apple a banana. But until they do so, the MTA really has fore closed -- foreclosed this amendment because it would impair the commitments that have been made to the bondholders.

SENATOR STAVISKY: Mr. Chairman, would the chairman of the Senate Transportation Committee yield for a question?

ACTING PRESIDENT FARLEY: Will the distinguished chairman yield?

SENATOR LEVY: Yes.

ACTING PRESIDENT FARLEY: I think he will.

SENATOR STAVISKY: Senator, aren't we really playing games with the English language and engaging in an exercise in hypocrisy by claiming that one toll increase is a toll increase and the other is a surcharge and

we really have two different situations?

Why don't we deal with all of these things as tolls, and why are you inventing new language in this legislation that can truly be the subject of a court challenge?

SENATOR LEVY: Senator, no one who drafted this legislation or sponsored it has -- has invented -- has invented the word "surcharge". That was done -- that was done by the MTA. It was passed by the MTA Board and the person who -- the person who set that chain of events into action was the Governor. They followed -- they followed the MTA and the MTA Board followed the direction that was set by the Governor to put into place the bill that Senator Marchi and Senator Mega have authored and then, as I understand it, between the time that he set that course of action in motion and today, he changed his mind as it related to going the route, the route that Senator Marchi, through his legislation, seeks to go, and now the Governor is on board because this is a three-way agreed-upon bill.

SENATOR STAVISKY: Mr. President, I yielded for a question. May I still have the floor?

ACTING PRESIDENT FARLEY: You have -- you still have the floor.

SENATOR STAVISKY: O.K. I don't think that by trying to blame this language on the Governor or the MTA, we evade responsi bility. There are people in this chamber who presented this concept, this new high-falutin' language of "surcharge" to the MTA. They did not do it of their own volition initially. They do not give up toll increases because they want to give away money. They love collecting money and there were people in this chamber, I predict, and I've not tried to do a full scale investigation, but I think we can understand there were people in this chamber in the Majority who sought this exemption from the toll increase and prevailed upon the MTA to honor that request.

Don't lay on me the responsibility for the chairman of the MTA. You

will remember, Senator Levy, that the Governor's nominee for the MTA, I voted against in committee. I spoke against his confirmation on the floor, and I think I was the only vote in opposition. That doesn't mean I was right. It doesn't mean I was wrong, but don't lay it on the MTA.

This is a bill that originated in the Majority in this chamber. You got into a deal with the Majority in the other chamber. You patched in a couple of benefits for southern Queens which I can understand, and then you put 'em together, you tied a ribbon around it and you offered this as an improvement package.

Deal with all of the issues at the same time. I will support improvements for the highways upstate, but understand that our constituents in the downstate metropolitan region, some of whom are your constituents, use the bridges and the tunnels for which there are no exemptions from increases and, when they pay the extra amount coming over that Throgs Neck or Whitestone Bridge from the Island, and other

people in other parts of New York City don't pay that increase, that's a responsibility that you will have and others will have in voting for this bill.

I think it's a mistake. What you should do, the fair thing to do, is to take this bill, lay it aside, show you're independent, tell the Governor, tell the Majority in the Assembly, we do not want to do it piecemeal. We will do it statewide or not at all, and then talk to us on a bipartisan basis. Don't give us this thing now, all of a sudden we're in a rush. We weren't in a rush in December. All of a sudden we're in a rush. Do the right thing for John Marchi, for your constituents, for our constituents throughout the region, and then I think we'll be doing the people's business.

I hope that this amendment prevails.

SENATOR SOLOMON: Mr. President.

ACTING PRESIDENT FARLEY: Senator Solomon, before you speak, I just want to procedurally let you know where we are. There's

a list, and on Senator Stavisky's amendment. Then Senator Halperin is going to offer another amendment. Then I have six people that want to speak on the bill.

So, Senator Solomon, you have the floor.

SENATOR SOLOMON: I'll try to be brief, Mr. President.

ACTING PRESIDENT FARLEY: Whatever you say.

SENATOR SOLOMON: In this amendment on page 2, we have inserted -- Senator Stavisky has inserted the fact that any students who are duly registered and matriculated in any institution of higher education within the county should receive a discount.

I'd like to make note of the fact that we have numerous students that live in Kings County in Brooklyn that commute to Staten Island to go to college and indeed, these students have to pay the toll. In fact, I understand approximately 40 percent of the student body at the College of Staten Island

comes from Kings County. So if this amendment passes, these students would, in fact, receive that discount which, in fact, they're entitled to.

They have to make that trip every day, sometimes they have to make that trip twice a day if they have some courses that are in the later evening or later afternoon.

ACTING PRESIDENT FARLEY: Senator Solomon, could we interrupt you for just a minute so that Senator Libous could -- we could open the roll for him.

SENATOR SOLOMON: I'll be done in 30 seconds.

ACTING PRESIDENT FARLEY: All right.

SENATOR SOLOMON: O.K. And I think it's an unfair burden we're placing on those students unless we adopt this amendment, and this is very fair because we all know that those students have faced substantial increases in tuition over the last few years in the CUNY and the SUNY system.

Thank you, Mr. President. Thank you.

ACTING PRESIDENT FARLEY: Thank you, Senator Solomon.

If the Secretary would read the last section for Senator Libous.

THE SECRETARY: Section 4. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

Senator Libous, how do you vote?

SENATOR LIBOUS: I vote aye.

ACTING PRESIDENT FARLEY: Close the roll.

SENATOR ONORATO: Was that on the amendment?

ACTING PRESIDENT FARLEY: No, that was on the regular bill. We're still on the amendment.

Senator Gold, you have the floor.

SENATOR GOLD: Thank you, Mr. President, and I will be brief.

Senator Marchi, the way I've

learned legislation over the years is that I see situations, other people see situations, we learn from them and then we see how they get applied.

One day I was driving in Westchester County on the Hutchinson Parkway, and I saw a sign that said, Closed to Motorcycles, Horseback Riding and Ambulances, and you can certainly see that there's a little difference between an ambulance and the others. I found out that people do that, but that actually the police ignore it, et cetera.

To make a long story short, Senator Marchi, I put in a bill, it became a law, and it said that you can't stop an ambulance from using a road in the course of an emergency. That makes sense, but I didn't put in a bill that says you can't stop an ambulance on the Hutchinson River Parkway. That's where I happened to see the one sign. So you learn from that, and you go from there.

Senator Stavisky's amendment just makes eminent sense, and one of the things that

I personally dislike about this Legislature is that the politics involved, which are terrible, make us all too parochial. Interestingly enough, there was somebody who came to see me who is no longer a legislator but he was a legislator in another state, and he's now got to deal with this Legislature on certain issues, and he was flabbergasted. He said he's been all over the country, never saw anything like New York State, where everything is political. Politics means more than the people we represent and the job we do. And it stinks.

Why are we breaking up people? Why would I have to stand up or anybody else have to stand up and say, Well, look, what do you want from Staten Island? You know, who is see makin' 'em live there? You want to live there, the day you got there you all of a sudden found out it was surrounded by water? It was a secret?

I mean I don't want to stand up against him. I've stood up to support the people of Staten Island. But it gets

ridiculous. The people who are represented by Senator Smith and who were represented by Senator Weinstein, we know the problems of those people because these people speak out.

So, Senator Marchi, if you see the problem of some humans who happen to live on Staten Island, why can't you take that experience and use your power and reach out and try to help other humans, all of whom may be in a similar situation? But you don't do that.

Now, I know your reputation on Staten Island, Senator Marchi. We've been through enough wars to know that it's a waste of money to run against you, et cetera, et cetera, et cetera. But, Senator, there are other people who want to adore you also. Some of them live in Whitestone, and some of them may live in the Bronx, and you could be their hero and their champion, but the kind of legislation and the way it went in today, only divides people. That doesn't make any sense.

I know what's in your heart. Nobody could feel for Puccini the way you do and

not want to help people. Giuseppe Verdi never told you to do this.

So I'm encouraging everybody to please support this amendment. It just makes sense. It lets us take care of Senator Marchi in the other situation and maybe we'll be getting the MTA and the Triborough Bridge and everybody to start taking a look at an overall picture and puttin' this family on earth together instead of dividing us up and chopping us up according to political power.

Now, Saul Weprin happens to be one of my Assemblymen and one of my political leaders and everybody knows I respect him. Now, I respect the fact that, if the Speaker was presented with this particular program for Staten Island, that he would, in fact, try to take care of some of the situations in Queens. But what I'm urging is that that is really such a terrible, terrible way to deal with people and with legislation. It just is terrible.

We have a new Senator here, I was talking to a few minutes ago, from an area where

Congressman McHugh comes from, and I made the comment, I'll bet you, and you can take the bet right now; it's better than a Super Bowl bet, I'll bet you that the Democrats in Congress treat him in the Minority a lot better in terms of his legislation participation and ideas than he ever treated a Democrat up here, or the way you people do, or the way it works in the other house.

Supposed to be a legislative body. You come up here; you have an idea; you throw it out; you consider it; you chew it up. It's good, it's bad. There is an opportunity here tonight to do the right thing by people and I want to help Al Waldon who's fought for his people, and Ada Smith, but let's do it for everybody.

Let's start -- this session has started on good footing. Senator Present has a watch which is as good as mine, and we start pretty much on time. It's terrific. Now, once we get started, let's get the machine running in the right way.

I would support this amendment. I hope everybody would support it, and we'll be here tomorrow. We can pass it tomorrow, and the Assembly's business if they're here, they're there, let them work that nonsense out. They work two days in a row it's possible it wouldn't kill them. But I would urge this amendment pass.

ACTING PRESIDENT FARLEY: O.K. On the amendment, all in favor say aye.

(Response of "Aye.")

SENATOR GOLD: Party vote in the affirmative.

SENATOR PRESENT: Party vote in the negative.

ACTING PRESIDENT FARLEY: Party vote. Call the roll on a party vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes 25, nays 34.

ACTING PRESIDENT FARLEY: The amendment fails.

Senator Halperin, you also have

an amendment.

SENATOR GOLD: The party failed the amendment.

SENATOR HALPERIN: Mr. President, I offer up amendments and waive their reading.

ACTING PRESIDENT FARLEY: Have they been served and everything?

SENATOR HALPERIN: I was told they were served.

ACTING PRESIDENT FARLEY: You have them, Bill? Yep, we have them. The amendment is on the floor.

SENATOR HALPERIN: Thank you.

On the amendment, essentially what this amendment does is to reapportion the existing revenues available to the MTA that have been generated by the tolls between the commuter railroads and the New York City Transit Authority.

Now, it is well known that the commuter railroads have a surplus. They don't really need money and what we're doing is imposing tolls on people who may, in fact, be

having some very severe financial problems, in order to provide under the existing formula, a hundred million dollars that is not really necessary to hold down the fare of the commuter railroads.

So we can sliminate the entire need for a toll increase if we simply adopt this formula, and I'd like to take full credit for this idea but, in fact, it's a bill that Senator Goodman sponsored last year, and I believe has re-introduced this year.

So what we're all arguing about today, and all of the concerns that we've heard expressed here today can be simply avoided by the passage of this legislation, of this amendment to this legislation.

So I, therefore, offer this, and I urge its passage and then we can all leave and not have to worry about a fare increase and not have to worry about a toll increase and the problem will be resolved.

ACTING PRESIDENT FARLEY: Senator Levy.

SENATOR LEVY: Yes, Senator Halperin. As Yogi Berra, that great Yogi Berra, his -- one of his favorite sayings, "It seems like deja vu all over again," because I think you and I have had this discussion repeatedly over the years.

But let me -- let me again set the record straight as it relates to something that Senator Ohrenstein said earlier. I know he unintentionally misspoke. He said the MTA Board has voted a fare increase for the Transit Authority. That's not accurate. The MTA Board has voted to hold hearings. They did not vote a fare increase for the Transit Authority.

And year after year people primarily on that side of the aisle always portray the commuter rails as having a surplus. It's almost like the MTA Board called part of - part of the increase in revenues for TBTA facilities a surcharge as opposed to a toll increase, but I guess if you say it enough times you get people in the press and perhaps residents of the city to believe that there is

is a commuter rail surplus rather than a commuter rail deficit. So there's a commuter rail deficit, Senator Halperin, and not a commuter rail surplus.

Now, let me just tell you where I stand, Senator -- Senator Halperin. Number one, I, as many, was opposed to any Transit Authority fare increase in 1993. I told you that in 1992 when the Authority was threatening to go beyond the buck and a quarter, and I said we were going to, all working together, we were going to hold it -- we were going to hold the Transit Authority fare. And, Senator, I'm going to do my part as the chair of this committee to help ensure that there not be a Transit Authority fare increase in 1993 nor for any of the other mass transit authorities in this state.

But I think for some, Senator, and many people -- some people on your side of the aisle, it's not good enough. It's not good enough that we hold the fare for the Transit Authority, because I think some people over there and others outside of this Legislature,

they not only want to hold the fare, but they also want a political victory to go back to their constituents with, to say, We took the commuter rail revenues from taxes raised in commuter rail counties and we shifted them to the Transit Authority.

And Senator, I for -- speaking only for myself, I'm opposed to that. I'm going to do everything in my power to continue to see that, Senator, that that doesn't happen.

Let me refresh your recollection about fiscal year '92-93 and TBT increases in the past. There was an agreement to allocate money set aside for mass transportation in this state, from the TBT increases. Senator Halperin, notwithstanding the fact that only 20.44 percent of the gasoline and other motor fuels sold in this state are sold in the cities, 98 percent of the revenues to hold the Transit Authority fare went to the Transit Authority, notwithstanding the fact that only 20.44 percent of the revenues raised from gasoline and other motor fuel sales takes place in the city of New

York.

Now, let me just conclude, Senator, by saying that the Transit Authority, as it relates to subsidies, receives revenues far in excess of the taxes that are generated in the City already. So, Senator, if you want to talk about -- if you want to talk about changing the TBTA formula since the Transit Authority receives -- receives $82.2 million more in NCOA revenues than are raised in the City, if you want to open up that dialogue, Senator, and you want to change the TBTA split, then I want to change the NCOA split, and the monies that go to the Transit Authority from the MTA subsidy far exceed the TBTA split.

So let me just say in conclusion, Senator, what we really ought to be talking about between now and and the 1st is dealing with the Transit Authority problem, dealing with the capital programs for the commuter rails so that we have an adequate plan, which we don't have under the Governor's proposal, and the same thing for the Transit Authority with those

capital plans being reduced in amount and in scope, and we want to deal with the upstate mass transportation authorities, their operating side and their capital side, and we want to deal with highways and bridges and let's not try to, when we solve this problem, have a political victory at somebody else's expense by calling their deficit a surplus.

I ask that the amendment be defeated.

ACTING PRESIDENT FARLEY: On the amendment, all in favor say aye.

(Response of "Aye.")

Those opposed nay.

(Response of "Nay.")

The nays have it; the amendment is defeated. Did you want that on a party vote or something?

SENATOR HALPERIN: Yes, party vote.

ACTING PRESIDENT FARLEY: It's already been defeated, I guess. Doesn't matter. It's already been defeated.

SENATOR HALPERIN: Mr. President, can I speak on the bill now?

ACTING PRESIDENT FARLEY: Wait now, no. I have a list. You're due up on the bill unless Senator Espada would relinquish the floor.

SENATOR ESPADA: I'm sorry.

ACTING PRESIDENT FARLEY: Senator Espada, you have the floor on the bill.

SENATOR ESPADA: Yes, on the bill, Mr. President.

Certainly I took the occasion last time I rose to ask for a match, not only the impassioned pleas that the distinguished Senator Marchi was making from this side of the aisle and from the whole of the chamber; that is, to make that kind of protection that is available in this bill available to all of New York City, to all of New York State.

Those opportunities had been afforded to the complete assemblage here today and we have gone down to defeat twice. There fore, I rise to ask my colleagues to defeat this

bill, to stay together because not only my colleagues, sir, but all people of conscience here must react to the fact, including the Republicans and the downstate whose constituency has to travel, and in all probability in all reality pay more after April 1st for that train ride, they would have to explain my Republican colleagues in downstate to those constituents, that we chose here today to protect one segment of this state, to give a special privilege to one segment of this state in this regard, the opportunity to render that protection to all New Yorkers when it was within our power to do so.

So I ask my colleagues to stay united and to defeat this bill, sir.

ACTING PRESIDENT FARLEY: Senator Halperin, Senator Waldon has yielded.

SENATOR HALPERIN: Thank you, Senator Waldon.

On the bill, certainly I agree with my colleagues on this side of the aisle who are voting against the bill because they feel that it is not a comprehensive solution to the

problem, that it favors one part of the City against another, and that perhaps we should be extending some of these toll exemptions or toll reductions to other parts of the City.

I also agree that we have failed to address this issue of tolls and fares in a comprehensive manner and that we're doing this now under pressure in a way that we shouldn't be doing it. But so what else is new? That is so often the way that we do things here in Albany, and I have learned that you have to vote for a bill or against a bill.

It's clear to me that, the amendments having been defeated, I am left with the decision as to how to vote on this bill as it was originally presented to us, not how I would like to see it, and I've decided that I'm going to vote for this bill.

Reasoning is as follows: There are those, whether they live on Staten Island or in the Rockaways, who want to be -- we're not sure about everyone on Staten Island, but I know many people on Staten Island who want to be part

of the City, and certainly the people in the Rockaways want to be part of this City, and they want to travel back and forth between their homes and the homes of their relatives. They may want to go shopping in the other borough or in the case of Rockaway, in a different part of the same borough. They want to be an integral part of the City and, when we add this tremendous burden to them so as to interfere with this natural flow in commerce, I think we are doing a disservice to the City.

Moreover, there are many individuals whose traversing of either the Varazzano Bridge or the Broad Channel bridges is but the first step of a journey to Manhattan. They are, in effect, after they already pay their toll, in the same position as someone who lives in Brooklyn or Queens and if, in fact, they must pay another toll in order to get into Manhattan, as many drivers do, they are, in fact, being hit twice.

Now, over the years, I have supported the elimination of two-fare zones for

mass transit users. I did so under the same theory that those who live in the City should be able to travel from one part of the City to the other at the same cost as anyone else, and that these historical double fares that exist because of the ownership of lines that have long ceased to be a reality should all be eliminated.

But what we're doing here is having a two-toll zone for those who go on to Manhattan, and I believe that that is an injustice, so having voted already for the two amendments and feeling that I would rather see that, I have concluded I'm going to vote for this bill.

But I will add one more point: I really don't think that voting for this bill that the alternative is a fare increase. This bill would deprive the revenue flow to the MTA to the tune of less than $10 million. It is estimated that every $50 million is a nickel on the fare.

So what we're talking about here is at best one penny one way or the other on the

fair. By voting for this bill, we are not voting for higher fares because the amount of this bill is de minimus.

So I will be voting for it. I hope that, as time goes on, we will be able to solve the problem in a more comprehensive manner but, as this is presented to me tonight, I will be supporting it.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Thank you, Mr. President.

My colleagues, I'm a horse trader, and when I was elected to the Senate, I looked forward to coming here to practice that craft.

I might ask a question: What is my perception of what is a horse trader? A horse trader is someone who today gives you what you need so that tomorrow he may be able to receive what he needs. This bill is important to my district. It's important because mothers who

take their small children to school in the same zip code have to pay to go from Broad Channel to the Rockaways, going and coming in the morning when they take them and later in the day when they go to pick them up.

It's important because people who have to go to the hospitals on the Rockaway peninsula have to pay going and coming if they live in Broad Channel. It's important to me because the businessmen who are in the Rockaways have told me, "Al, if there's one more financial burden put on my trucks which go back and forth across the bridges, I'm going to close my shop and leave the Rockaways."

The Rockaways is not the richest area of New York City. In fact, it is economically depressed, and so this bill to some degree is not salvation, but at least it's a promise of salvation.

So this horse trader comes to you this evening saying, I need this, I need this not for me but on behalf of my constituents. So give it up and, when you need a return in kind,

I will greatly appreciate your coming to me to ask for that, and I thank you in advance for your help on this issue.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Oh.

ACTING PRESIDENT FARLEY: You're on the list. Did you care to speak?

SENATOR OPPENHEIMER: Thank you. I -- I didn't put myself on the list, but I'm happy to be on it.

I -

ACTING PRESIDENT FARLEY: You don't have to be on it, if you'd rather.

SENATOR OPPENHEIMER: I'll make it brief, then.

In order for the residents of my area to get to the places of business and the places of entertainment, for the most part they have no other choice but to cross bridges in order to get there since most work in the City. While there may not be water around us, in effect it is more of an isolated area in that

the center of business entertainment requires, you know, moving over a bridge and, therefore, I feel that it has to be applied to all bridges so that all people can benefit. Otherwise, there is just inequality here.

Also I think that, when people decide to live in a certain area, they -- they accept the burdens and the benefits of the area that they're locating in, and I think people moving to Staten Island are aware that there is no alternative to -- but a ferry or a bridge and I think they accept that and, therefore, I will be voting no.

ACTING PRESIDENT FARLEY: The Senator from Staten Island, Senator Mega.

SENATOR MEGA: Thank you, Mr. President.

I guess I know how Solomon felt when he was trying to make some of those decisions we were speaking about because I represent a portion of Staten Island. I represent a portion of Brooklyn, so I have a double constituency to be concerned about and

I've listened to the entire debate and the process is working. That's what I hear from this debate. We have a system that we all work within, and we do the best we can. We all have provincial responsibility. We have responsibility to those constituents who send us here, and then we have statewide responsibility depending on what area we're involved in, in the legislative process.

And my friend and your friend, Senator Levy, as chairman of the Transportation Committee, has both of these responsibilities. He's concerned about the people that he represents on Long Island and then, again, and I think that's paramount, he's concerned about transportation problems in the entire state and he's looked at that, this issue, and he has added to the debate and indicated that he supports the bill and believes that it should pass this house, and I rise to ask for your support in representing a portion of the constituency in Staten Island.

I can not debate and express my

feelings in the same strong manner that Senator Marchi does, and he does so well, to let you know how he feels about his representation of the people in Staten Island over the years, it's sometimes referred to as the lost borough, and there is a process in motion now to look at secession, and that is an issue that's being looked at and discussed now because it is a very special community within the city of New York.

And I guess what bothers me about this debate is the divisiveness that sometimes comes up and that Senator Ohrenstein who was the first to take the floor indicated that maybe we were doing something wrong in the way we approached this problem, that maybe the process was not working. But I have to disagree with those who feel that way. The process is working. You have a Governor who cares about this issue and who cares about the people in Staten Island. You have a Speaker who, to his credit, when the issue was discussed, felt that maybe something could be done in another area that has similar problems that Staten Island

has, the Rockaways, the only way to get into the City, Staten Island the major way to get into the City. We know there's a ferry and that was brought out during the debate, but the major way to get into the city is over the Varazzano Bridge.

Now, just so that the record is clear, although I think it is, I'd just like to mention it again, what this legislation does is it continues the discount that the people in these communities have and Staten Island, the discount would continue at $4 as it is now, and I believe whatever the discounts are in the other communities will also continue.

Yes, we would like to do something for the other constituencies that were mentioned. Yes, we would like to make sure that the fare is kept at the dollar and a quarter that it's at now, and we're going to address that also. But we know this process. We know that in the area of transportation is a very complicated process, and I don't profess to know all there is to know as far as the process is

concerned, and we rely a lot on those who have the expertise in this process.

But as far as these communities go that this bill is directed at, come January 31st, the toll will go to $6. All this bill says is that for a year, and it's only for a year -- this issue is going to be revisited again at the end of 1993 -- for a year the discount toll would continue, and we say that these are special communities that are entitled to this consideration, and I would hope and I know that there's some members who have already made up their mind for whatever reason, but I would hope those who could give us a vote on this bill for the reasons that were given during the debate by Senator Marchi and others, and Senator Halperin so eloquently explained how he felt about the process because he was exercising his statewide responsibility, as far as provincial responsibility is concerned.

Now, I have a lot of people in Bay Ridge and Bensonhurst, yours truly included, that traverse that bridge. Both of my married

children live in that community in Staten Island. My five grandchildren are in Staten Island, and there are a lot of people in Brooklyn, particularly from the Bay Ridge Bensonhurst area, that go over that bridge. But I think, if you said to these people that this is something that the Staten -- this is something that the Staten Island resident was given, and it was given by this Legislature, this is something that we would like to see continue -

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold, why do you rise?

SENATOR GOLD: Will Senator Mega yield to one question?

ACTING PRESIDENT FARLEY: Are you yielding, Senator Mega?

SENATOR MEGA: With some fear, yes.

SENATOR GOLD: Oh, no, Senator I -- you know, I'm part of the Chris Mega fan club, and I know the way you cherish your

children and your grandchildren. I just have one question. When they moved to Staten Island, didn't you tell them there was water all around the place?

SENATOR MEGA: Yes, I did, and I told them I would pay the tolls as long as they didn't go up.

The point I was trying to make, and so nicely interrupted by the Senator, was that Staten Island from a transportation standpoint is a special community, and they're asking for some consideration at this point because of the lateness of the hour as far as the increase is concerned. We will revisit the issue. We will look at the transit problem. We will continue to work on it, but at this time we say to you, Please give that community and the community of the Rockaways the kind of help that is needed in this area, and I don't think it will be that detrimental to the rest of the people in the city or the rest of the people in the state of New York.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: All right. Senator Mendez. Senator Mendez had the next one on the list. If she wants to yield to you, Senator Galiber, it's all right with me.

SENATOR GOLD: Senator Mendez.

SENATOR MENDEZ: Mr. President, yes, Mr. President.

I merely want to congratulate Senator Marchi because consistently he does take care of the business for his constituents, but not only for his constituents because in many instances here we have witnessed how, through legislation, Senator Marchi has come through for other people's constituents, so that the bill that we are considering today, the situation that we're considering today, it's very disturbing to me. It is.

Why? First because the way that business is conducted here in Albany is by having the three major players, the Speaker, the Majority Leader and the Governor, sit down and agree and compromise on what have you. Well, that's the way things happen here in Albany. I

wish that, in the future, they would include my Minority Leader, and because he represents us, Senators on this side of the aisle who are Democrats, and it would be easier for us to look upon -- upon whatever compromise is arrived at when we feel that we have had some participa tion.

So that I don't know what other kinds of agreements we're reaching in those negotiations, but definitely this is a bill that the residents of Staten Island and Brooklyn need.

Now, in terms of my position, what about my constituents? Well, from East Harlem and the South Bronx, I will be facing the situation in which many many Puerto Ricans and Hispanics will be making daily trips to LaGuardia or the -- or LaGuardia or Kennedy Airport, and if the tolls on those bridges do go up, then they're going to be in economic hardship.

My constituents from the West Side, the Dominicans, the Dominicans in

Washington Heights, they oftentimes, the same thing, they make a lot of trips to these airports to pick up their relatives and friends and, as a result, the entire industry where that many of them were delivering, taxicabs will have to pay a higher -- a higher amount of money as they go through the bridge -- as they go through the bridge.

So that from an economic point of view, although at this point we are, with this bill at this point, we are trying to ease the lives, the economic lives of residents in Staten Island, the economic lives of residents in Brooklyn, this time the economic life of my constituents both from Washington Heights and East Harlem and the South Bronx is not -- is not being considered, but we're not considering raising the tolls in the Triboro Bridge or the Whitestone Bridge. I'm thinking that it might be perceived as a symbol.

How come -- how come our bridges -- how come we don't get the same treatment in our own bridges and, in being

parochial, then I would have to go with the feelings based on perceptions by my own constituents, so, therefore, in this instance and I really hate to vote against the bill that has been totally agreed upon by the three major players in Albany. Why? Because it takes so long to get things done and once there's agreement, we all in a sense should support it since it represents a compromise of all parties involved in arriving at those compromises. So it bothers me.

But on the other hand, tonight I am going to be very parochial, very, very parochial, I'm going to be, and I'm going to vote against this bill because with the hope that my constituents will eventually receive a better treatment.

I think of that, the perception, the image that the -- my constituents will receive is a very negative one. Say why we never get anything. What is this? So I'm being very political, and I know that these are very political situations. I'm happy that I'm being

very parochial, because I think I'm raising the interests of my constituents and, in the final analysis, it was them whose votes send me here.

So, Mr. President, I -- with regret in my -- in my heart because I love this honorable dean of Senators here in Albany, Senator Marchi, with deep regret in my heart I am not going to support this bill with my vote. I will be voting in the negative.

ACTING PRESIDENT FARLEY: Senator Galiber, did you care to speak?

SENATOR GALIBER: Yes.

Mr. President, I certainly intend to be extremely brief. This bill touches and concerns two very, very good friends of mine, and that friendship goes past the relationship here in the Senate.

Senator Marchi, I have seen you exercised on rare occasions, and no one needs to speak for our leader. He has the ability to speak for himself.

But what is in issue here, and I want both of you to understand and I say out of

deep love and affection for you both, and I mean it, that this piece of legislation which is ultimately going to be beneficial to a few - I've heard my colleague talk about horse trading. John Marchi, those were the old days when we were in the Constitutional Convention, you talked about covered wagons, and they will never come again, and those days are gone forever then. I dare say that horse trading in this body has gone, like the covered wagons.

I've stood on this floor on many occasions and said to good friends and people of stout hearts on the other side of the aisle, Give me a vote, and collectively you have said no, and I, on occasion, have polled you afterwards that, and asked you, Would you have voted similarly for me, and the answer is yes. I always say this and I say it over and over again, I say it for the new members, I don't have problems on the other side of the aisle individually. It's the collectiveness that bothers me and troubles me, and those who ask for favors and say, exchange things, horse

trade, if you will, if you need me I'm there, you should recall that reciprocity process. Reciprocity means you scratch my back and I scratch yours. Reciprocity to some means you don't, I don't have a back. You might be scratching some place else, but not my back.

But what I'm saying simply to all of you that I believe in my heart of hearts that we could resolve this problem in toto. I don't want to hear, Give me a vote today; I'll take care ever you tomorrow. That's gone. We know that. Doesn't exist any more, and nobody - there is nobody in the sound of my voice in this total Capitol who has any more sincerity and concern and people-orientated than John Marchi. None whatsoever. Unequivocally I say this. Troubles me when I see you this exercised. I mean not accustomed to that sort of thing. We play act from time to time. You didn't because it hits you hard, and I think you misunderstood the leader.

We're not saying that we want special treatment or you only want special

treatment. We were concerned about the total population in the city of New York and you objected to Mayor Wagner in the Constitutional Convention because his tax amendment put a burden on the city of New York, and you were saying this from your heart, but there you can not confuse the cost and the price here, and Senator Halperin tells us that it's only $10 million.

Mr. President -- Mr. President, if you'll get some order, I'll sit down in a hurry.

ACTING PRESIDENT FARLEY: Let's have some order in the house. There's a lot of conversations going on.

SENATOR GALIBER: When Senator Halperin says to us $10 million on a formula will be not that -- will not be that great and we're going to pay a price somewhere along the line, and I tell you I can't -- I come from a district in the Bronx and Senator Espada has inherited that district. You know what they're going to do, Senator? We can't get out of

certain districts now because the bus schedules have been cut. The buses no longer come there. They're going to cut even further, and then to compound that when we have the non-medallion cabs coming into the community so people can get to work, they fight back. So it's compounded. So it's not just the question of the $10 million. It is not just the question of want ing to give you a vote because I certainly will give you a vote any day on almost any subject, any subject at all.

But this is a piece of legislation that did not have to come here today. It's a piece of legislation that could have been resolved in toto, and Senator Levy has done a fantastic job. We don't always agree, but that's political, but the substance of what you're talking about, your commitment and your energy that you put forth in transportation will always be -- it will be written down in history as far as this state is concerned, in my best judgment, and I hear John Caemmerer every now and then I hear him over there next to you. He

says, "Fight on, Norm; keep it up, you're in the right direction." I recall those good things.

So I say to you, Senator, a vote against this piece of legislation, if that be the "no" vote has nothing at all to do with the individual. It has nothing to do with Staten Island. It has to do with the clear understanding that the covered wagons are gone. They'll never return. Horse trading is no longer an order of the day, that we now have to be very conscious that we deal with a problem. If it's ever going to impact on all the people in the city of New York or the state of New York, then we have to deal with it in toto and that's basically what our objection or some of our objection is here.

If it was left up to John Marchi and Chris Mega, Senator Mega, on a piece of legislation, you have the power and you have some tough times, I would imagine, in your Conference, it wasn't that way before, tough times getting to succeed because in your heart of hearts you want to get out, to benefit all

the people of the state of New York.

So when we object, some of us, it's nothing personal, it's not that we've lost any love for you because we certainly still do and will ad infinitum, but the fact of the matter is that it's just a question of not being able to deal as we should deal with these kinds of matters and, you know, Senator Mega, you talk about feeling like Solomon. You recall Solomon had a little tough time also. He got out there and all of a sudden he heard a little mumbling, you know, people gettin' a little hungry, things were gettin' kind of bad, and he started hearin' some mumbling. We know when mumbling becomes grumbling and grumbling becomes protest. I understand at one time they had signs out, Back to Israel, God is dead, and we'll soon be dead also if we don't get back. But things worked out, as it did here before. No loss.

So I'm saying, keep in mind that when we deal with a package, we have to deal with the package. Not one of these individual things.

I empathize and understand the idea dealing with the constituents, but we have to take all of it into consideration. There's a repercussion. There's a domino effect in passing this piece of legislation. Somebody has to get hurt as a result of this, and because we did not bring it up timely, someone will get hurt as a result, but we could have avoided this because we could have taken in in toto and worked it out.

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR ONORATO: Slow roll call.

SENATOR SOLOMON: Slow roll call.

THE SECRETARY: Section 5. This act shall take effect immediately and shall be deemed to be in effect on January 30th, 1993.

ACTING PRESIDENT FARLEY: Call -

SENATOR GALIBER: Slow roll call.

ACTING PRESIDENT FARLEY: Slow roll call. I only see four. We need five. O.K. We got it. Slow roll, ring the bell. The Sergeant-at-Arms will round up the members on

both sides of the aisle. Nice slow roll call.

THE SECRETARY: Senator Babbush excused.

Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

(There was no response.)

Senator Cook voting in the affirmative earlier today.

Senator Daly.

SENATOR DALY: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: No.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Galiber.

SENATOR GALIBER: No.

THE SECRETARY: Senator Gold.

SENATOR GOLD: (Inaudible).

ACTING PRESIDENT FARLEY: How do you vote, Senator Gold?

SENATOR GOLD: Yeah, if I could have my name called.

ACTING PRESIDENT FARLEY: Senator Gold to explain his vote.

SENATOR GOLD: Mr. President, I think I made my point earlier in terms of why I think this is a terrible way to do business.

On the other hand, I think that the Speaker has certainly made an effort to try to help the people in my county, at least in part of the county. I think Senator Waldon and Senator Smith have spoken very eloquently for the people in my county, and I'm going to give them the support at this time.

I vote yes.

ACTING PRESIDENT FARLEY: Senator Gold in the affirmative. Continue the roll.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: Yes.
THE SECRETARY: Senator Goodman.
SENATOR GOODMAN: No.
THE SECRETARY: Senator Halperin.
SENATOR HALPERIN: Yes.
THE SECRETARY: Senator Hannon.
(There was no response.)
Senator Hoffmann.
(There was no response.)
Senator Holland.
SENATOR HOLLAND: Yes.
THE SECRETARY: Senator Johnson voting in the affirmative earlier today.
Senator Jones.
SENATOR JONES: No.
THE SECRETARY: Senator Kuhl.
SENATOR KUHL: Yes.
THE SECRETARY: Senator Lack.
SENATOR LACK: Aye.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: Yes.
THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator Leichter voting in the negative earlier today.

Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Libous voting in the affirmative earlier today.

Senator Maltese.

SENATOR MALTESE: Mr. President, to explain my vote.

ACTING PRESIDENT FARLEY: Senator Maltese to explain his vote.

SENATOR MALTESE: Mr. President, many of the people, the residents of Broad Channel and the Rockaways, patronize businesses in Queens County, work in Queens County. I heard my good colleague, Senator Mega, speak about his children in Staten Island. It's ironic that many of the people that spoke so disparagingly about a secession bill last session spoke about dividing the city of New York, now can vote blissfully against a bill that merely seeks to reduce a toll on a bridge

dividing that self-same city of New York and dividing a county.

I listened to the arguments of my good colleagues, Senator Smith and Senator Waldon, who represent portions of Queens County. I could not believe that we as Senators representing portions of Queens County would seek to penalize other portions of our own county.

Mr. President, I look forward to the day when we would not only reduce tolls on all these bridges, but eliminate them entirely. I think voting against reductions in tolls is not the way to do it. Voting for separations of counties is not the way to do it.

Mr. President, I vote in the affirmative.

ACTING PRESIDENT FARLEY: Senator Maltese in the affirmative. Continue the roll call.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Marino.

(Affirmative indication.)

THE SECRETARY: Aye.

Senator Markowitz.

SENATOR MARKOWITZ: I think finally Senator Maltese's statements about his desire to see all tolls eliminated is one that I concur with and I agree with, and I hope we can work towards that.

I just wanted to mention, if I may, that while we're debating this issue in the Varazzano, I think about the Brooklyn Battery Tunnel and the Queens-Midtown Tunnel, and I think about the discrimination of the toll hike at $3 each way, $6 round trip, that will be imposed very shortly, which is an unfair burden on those of us in the boroughs beyond Manhattan. I mean how often do Manhattan motorists have to come into Brooklyn or Queens for either their entertainment or for any other reason? It's a rare day, and I would hope that to really solve the problem, Senator Levy, that I would be much more supportive of perhaps a slight license fee increase in the region to help support our

bridges and tunnels and mass transit, and that way the burden is shouldered by all motorists, all those that choose to own a car in our region. That, to me, would be a fairer approach.

Having said that and even though, Senator Mega, I have enormous respect for you and certainly Senator Marchi and the fact that my sister and brother-in-law reside in Staten Island, for the sake of fairness, I have to vote no.

ACTING PRESIDENT FARLEY: Senator Markowitz in the negative. Continue the roll.

THE SECRETARY: Senator Masiello voting in the affirmative earlier today.

Senator Mega.

SENATOR MEGA: Yes.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: No.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Nolan.

(There was no response.)

Senator Nozzolio.

SENATOR NOZZOLIO: Yes.

THE SECRETARY: Senator Ohrenstein voting in the negative earlier today.

Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: No.

THE SECRETARY: Senator Padavan voting in the negative earlier today.

Senator Pataki.

SENATOR PATAKI: Yes.

SENATOR PATERSON: Senator Paterson.

SENATOR PATERSON: Yes.

THE SECRETARY: Senator Present.

SENATOR PRESENT: Aye.

THE SECRETARY: Senator Saland.

SENATOR SALAND: Aye.

THE SECRETARY: Senator

Santiago.

SENATOR SANTIAGO: Yes.

THE SECRETARY: Senator Sears.

SENATOR SEARS: Aye.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Yes.

THE SECRETARY: Senator Sheffer.

SENATOR SHEFFER: Yes.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Yes.

THE SECRETARY: Senator Smith.

SENATOR SMITH: Yes.

THE SECRETARY: Senator Solomon.

SENATOR SOLOMON: Mr. President, to explain my vote.

ACTING PRESIDENT FARLEY: Senator Solomon to explain his vote.

SENATOR SOLOMON: I believe we passed the initial bill with discounts approximately ten years ago, and just briefly I'll say the same thing I had said then. A) is the people that move to Staten Island certainly knew what the methods of transportation were

when they moved there. They knew that there were tolls on the bridge, and they'd have to pay those tolls if they were going to come off.

B) is they can always take the ferry at a discounted rate for a quarter each way and C) is it really discriminates against the people in the other boroughs, particularly people that go from Brooklyn to Staten Island and have to use -- go to Staten Island Community College, go to the College of Staten Island and, indeed, work on Staten Island.

This is an unfair bill that assists people in the one particular area in which they live, not taking into consideration the fact that there might be other people in the other boroughs that, in fact, have to make just as many trips and should also receive the discount, and that's why I'm going to vote no against this bill.

ACTING PRESIDENT FARLEY: Senator Solomon in the negative. Continue the roll.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Yes.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Stavisky.

SENATOR STAVISKY: My name having been called, I should like to briefly explain my vote.

ACTING PRESIDENT FARLEY: Senator Stavisky to explain his vote.

SENATOR STAVISKY: I agree with Senator Marchi, if you have constituents who are on an island and cannot get off that island because there is a body of water separating them from the mainland -- Senator Marchi spoke of an island of 400,000 people. Senator, I am a representative of an island of 2 million people and in order to leave Queens to join the rest of New York City, you have to go over a bridge or a tunnel; in order to reach the state capital, you

have to do the same thing.

Because the island that I represent in part and the island that others represent in part within the five boroughs, have not been equally protected in the way that you've achieved for one part of the City, I wish to be recorded in the negative on this bill.

ACTING PRESIDENT FARLEY: Continue the roll.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: No.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

SENATOR WALDON: Yes.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: Yes.

ACTING PRESIDENT FARLEY: Absentees.

THE SECRETARY: Senator Connor.
SENATOR CONNOR: Aye.
THE SECRETARY: Senator Hannon.
(There was no response.)
Senator Hoffmann.
(There was no response.)
Senator Nolan.
(There was no response.)
ACTING PRESIDENT FARLEY: Results.
THE SECRETARY: Ayes 41, nays 16.
ACTING PRESIDENT FARLEY: The bill is passed.
SENATOR GOLD: Mr. President.
ACTING PRESIDENT FARLEY: Senator Paterson.
SENATOR PATERSON: Mr. President, with unanimous consent, I'd like to be recorded in the negative on Calendar Numbers 3, 11 and 18.
ACTING PRESIDENT FARLEY: 3, 11 and 18, Senator Paterson will be in the negative without objection.

Senator Present.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until tomorrow at 3:00 p.m.

(Whereupon at 7:30 p.m., the Senate adjourned.)