ALBANY, NEW YORK

March 8, 1993

3:01 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: The Senate will come to order. The Senators will find their seats. If you would rise with me for the Pledge of Allegiance to the flag.

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

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

(A moment of silence was observed.)

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Friday, March 5th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Thursday, March 4th, 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.

Senator Holland.

SENATOR HOLLAND: Mr. President, I have a privileged resolution on the 81st Anniversary of the Girl Scouts of America, and ask that the title be read and the resolution be acted on.

ACTING PRESIDENT FARLEY: Secretary will read the title of Senator Holland's resolution.

THE SECRETARY: Legislative Resolution, by Senator Holland, commemorating Girl Scout Week, March 7th through the 13th, 1993 upon the occasion of the 81st Anniversary of the founding of the Girl Scouts in the U.S.A.

ACTING PRESIDENT FARLEY: All in

favor of the resolution, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Holland.

SENATOR HOLLAND: Anybody would like -- anybody who is not on the resolution who would like to go on the resolution -

ACTING PRESIDENT FARLEY: Anybody who would like to be on the resolution for the Girl Scouts, please contact the desk. The resolution is adopted.

Senator Halperin.

SENATOR HALPERIN: Mr. President, there's a privileged resolution at the desk; I would ask it be read, please.

ACTING PRESIDENT FARLEY: The title. The Secretary will read the title of the Senate -

SENATOR HALPERIN: No, would ask that the resolution be read.

ACTING PRESIDENT FARLEY: The

entire resolution. The Secretary will read.

THE SECRETARY: Legislative Resolution, by Senators Halperin, Markowitz, and others, honoring Dr. Vernon E. Lattin, who joined Brooklyn College on August 24, 1992, as its seventh president, upon the occasion of his visit to Albany on March 8 and 9, 1993.

WHEREAS, it is the intent of this legislative body that those who give positive definition to the profile and disposition of higher education in the state of New York do so profoundly strengthen our shared commitment to the exercise of freedom;

Attendant to such concern and fully in accord with its long-standing traditions, it is the intent of this legislative body to commend Dr. Vernon E. Lattin, who joined Brooklyn College on August 24, 1992, as its seventh president, upon the occasion of his visit to Albany on March 8 and 9, 1993;

Dr. Lattin is married to Dr. Patricia Hopkins, who headed the Woman's Studies Program at ASU/West; they have five children,

Mark, 34, who recently moved from Tokyo to Tennessee; Kim, 32, currently working in London; John, 28, who is working in Tokyo; Tanya, 23, attending college in New Mexico; and Carlos, 17;

Dr. Lattin was Associate Vice President for Academic Affairs at the University of Wisconsin system, where he served from 1982 to 1988;

From 1974 to 1981, Dr. Lattin was associate professor of English and then director of the Center for Latino and Latin-American Studies at Northern Illinois University in Chicago; he began his career in higher education as an instructor of English at Wright State Uni versity in 1965;

Dr. Lattin received a B.B.A. in business administration from the University of New Mexico in 1960. He received an M.A. in English from the University of New Mexico in 1965 and a Ph.D. in English from the University of Colorado in 1970;

The administrative tenure of Dr. Vernon E. Lattin mirrors those prerogatives of

personal initiative and accountability so paradigmatic of our American manner;

Dr. Lattin has published widely, edited a critical survey, Contemporary Chicano Fiction, and co-edited a collection of essays in honor of Tomas Rivera; throughout his career he has been active in the classroom, most recently teaching a course in Native American literature at ASU;

As the seventh president of Brooklyn College, Dr. Vernon E. Lattin has identified the subsequent areas of focus: Filling the depleted ranks of the faculty, with an eye toward diversity and the continuing mission of the college; improving the funding of both the college and the City University system; improving both the physical condition and the collection of the library; repairing and maintaining the college's buildings; improving both the retention and graduation rates; increasing funding for the college from outside sources; and working with the CUNY Board of Trustees to prevent the privatization of high

education;

Through his long and sustained commitment to excellence in the administration of high education, Dr. Vernon E. Lattin has so unselfishly advanced that spirit of united purpose and shared concern which is the unalterable manifestation of our American experience;

NOW, THEREFORE, BE IT RESOLVED, that this legislative body pause in its deliberations and most joyously commend Dr. Vernon E. Lattin who joined Brooklyn College on August 24, 1992 as its seventh president upon the occasion of his visit to Albany on March 8 and 9, 1993, fully confident that such procedure mirrors our shared commitment to preserve, to enhance and to yet effect that patrimony of freedom which is our American heritage; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, suitably engrossed, be transmitted to Dr. Vernon E. Lattin, President, Brooklyn College, Brooklyn, New York.

SENATOR HALPERIN: Mr. President.

ACTING PRESIDENT FARLEY: Senator Halperin.

SENATOR HALPERIN: I'd just like to speak for a moment on the resolution.

First of all, I'm very much privileged to be leading in the sponsorship of this resolution, since Brooklyn College is in my district, but I hasten to add that all of the other members of the Brooklyn delegation have co-sponsored this resolution and we all seek to acknowledge somebody who, in a very short period of time, has demonstrated that he will continue in the proud tradition of Brooklyn College, leading it to ever greater heights.

Dr. Lattin comes to Brooklyn College at a time when the City University generally and, of course, Brooklyn College in particular, has faced some very severe budget problems; yet, rather than being discouraged by this circumstance, he has already shown such enthusiasm and dedication to deal not only with the problems but to forge ahead to even greater heights, that those of us who have come to know

him are very much heartened, and he brings with him a fine reputation which I'm sure will only be enhanced by his stay at Brooklyn College which I hope is for many, many, many years.

Dr. Lattin brings with himn to his new position a background well suited to his task. He is an accomplished scholar; he is an author and he a well respected administrator.

Dr. Lattin has demonstrated his social concerns and sense of commitment through his writings and as director of the Center for Latin-American Studies at Northern Illinois University. His social awareness and his personal energy will enhance the learning opportunity for all of Brooklyn College's students.

Through Dr. Lattin's concern and his ability to encourage others, Brooklyn College students' own individual sense of confidence in their futures have been and will continue to be strengthened, and I'm sure that the results will be more students graduating from Brooklyn College at an even higher level.

So, Dr. Lattin, it gives me a particular sense of privilege and joy to be able to welcome you here today along with all the other members of the Senate. Good luck to you in your endeavors, and we will try to do whatever we can to help you in your task.

ACTING PRESIDENT FARLEY: Senator Markowitz.

SENATOR MARKOWITZ: Thank you, Senator Halperin. I couldn't agree more with you.

You know, Dr. Lattin, there is a saying and a belief that we have in Brooklyn: If you can make it at Brooklyn College, you can make it anywhere, and the truth of the matter is that most members of this Legislature and in this Senate are not fortunate enough to have gone to Brooklyn College and graduated, and that's the truth, because many of the leaders of the Senate and the Assembly, many of the members of the Legislature that are currently serving and those that have served and those that are in Congress graduated Brooklyn College.

A fine tradition, at one time offering free higher education to all qualified students and, even in these days of fiscal constraints, somehow continues to meet the mission of providing quality -- top quality education to students of Brooklyn and beyond.

Dr. Lattin, besides everything else that Senator Halperin said, is also, from what I understand, the first Mexican-American to lead a major college in New York State, and that only goes to show you that Brooklyn is this wonderful melting pot of various contributions of the ethnic roots that make Brooklyn that very special place to live that it's always been and always will be.

I only hope, Dr. Lattin, that the Legislature, particularly the Senate, will be able to meet the level of expectations that you and your colleagues at the college have, and that is to provide funding to the City University of New York and, in turn, to Brooklyn College, so that the educational mission that generations have received in the borough of

Brooklyn yesterday will be able to be enjoyed today and tomorrow.

Dr. Lattin is a very welcome addition. Not only is the college partially in my district, but where Dr. Lattin lives is in the heart of my Senatorial District, and certainly our area is the heart of Brooklyn and, therefore, it's the pulse beat of the entire city and state of New York.

So, Dr. Lattin, I congratulate you for being here this afternoon, gracing us with your presence and knowing that the college is under the fine, fine leadership that you continue to provide in making Brooklyn College what it truly is, the flagship of City University of New York.

ACTING PRESIDENT FARLEY: Senator Solomon.

SENATOR SOLOMON: Thank you.

It's always very difficult to follow Senator Markowitz, but I'd like to comment Dr. Lattin on his position. I was one of the legislators that attended a small

breakfast with Dr. Lattin, where we discussed some of the problems at Brooklyn College, as all colleges and institutions of higher education have problems today, and I think he's got a firm grasp on what some of the problems are.

One of the problems that stands out, as I recall, was the infrastructure of the college and the most interesting comment that Dr. Lattin had was that the buildings that were built in the '70s are falling apart a lot quicker than the buildings that were built in the '30s and the '40s, and I think that's one of the things that we have to address in our entire university system throughout the state and the City in the upcoming years, and I'm glad to see that we've got a man who's got his feet on the ground and knows where we're going and what needs to be done so that not only will we have the educational standards but that we have the physical plant that can survive so that we can teach the people and house the people in the facility.

Thank you.

ACTING PRESIDENT FARLEY: Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

Some of us who represent areas of Brooklyn did not have the pleasure of attending Brooklyn College. Some of us had the pleasure of attending another fine institution in the CUNY system called Baruch College. But even though I went across the bridge, I'd like to take this opportunity to welcome Dr. Lattin. Your reputation precedes you. All that you've accomplished in your lifetime brings a myriad of knowledge to the position, and we know that you will accomplish much as the president, and we all look forward to working with you in every way possible. And welcome.

ACTING PRESIDENT FARLEY: Senator Mega.

SENATOR MEGA: Yes, Dr. Lattin, I'd like to also welcome you to Albany and acknowledge the fact that you reached out for me when you became the president, and we sat down

and we spoke about the many problems that exist at the college. But I congratulated you then and I'd like to do it publicly, that you did reach out to speak with us.

We are all part of the problem. We are all part of the solution. If it works, we'll take credit for it. If it doesn't work, then we're going to have to take the blame for it also, and I'd like to leave on a positive note saying that we're going to make it work and then together we can all take credit for it working, with all my other colleagues from Brooklyn, and I would like to congratulate you for being here and for being anxious to do the kind of job that has to be done for the students of Brooklyn, and particularly the students at Brooklyn College. So welcome and congratulations.

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.

On behalf of the Senate and not coming from Brooklyn, Dr. Lattin, we're delighted to have you here. Congratulations not only to you but to your fine institution, and best wishes from everybody in the New York State Senate.

(Applause.)

ACTING PRESIDENT FARLEY: Thank you. Secretary will read a substitution.

THE SECRETARY: On page 9 of today's calendar, Senator Sheffer moves to discharge the Committee on Transportation from Assembly Bill Number 2388-A and substitute it for the identical Third Reading 144.

ACTING PRESIDENT FARLEY: Without objection, substitution is ordered.

Any motions on the floor?

Hearing none, Senator Present, what's your pleasure.

SENATOR PRESENT: Mr. President, please take up the non-controversial calendar.

ACTING PRESIDENT FARLEY:

Non-controversial, the Secretary will read.

THE SECRETARY: On page 6, Calendar Number 101, by Senator Padavan.

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 107, by Senator Bruno, Senate Bill Number 1333, an act to re-distribute 1993 bond volume allocations.

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 44.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 119, by Senator Farley, Senate Bill Number 1181,

an act to amend the Education 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 45.

ACTING PRESIDENT FARLEY: 45. The bill is passed.

THE SECRETARY: Calendar Number 120, by Senator Cook, Senate Bill Number 1652, an act to amend the Education 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 45.

ACTING PRESIDENT FARLEY: That

bill is passed.

THE SECRETARY: Calendar Number 121, by Senator Cook, Senate Bill Number 1654, an act to amend the Education Law, in relation to the use of district aid funds.

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 46.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 122, by Senator Farley, Senate Bill Number 2014, an act to amend the Education 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 46.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 123, by Senator Skelos, Senate Bill Number 1605, an act to amend the Public Health Law and the Correction 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 46.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 127, by Senator Farley, Senate Bill Number 2191, an act to amend the Education Law, authorizing State University trustees to make courses

available.

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 46.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 130, by Senator Saland, Senate Bill number 1552, an act to amend the Family Court Act and the Criminal Procedure 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 46.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 131, by Senator Farley, Senate Bill Number -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 135, by Senator Mega, Senate Bill Number 983, an act to amend the Executive Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 136, by Senator Saland, Senate Bill Number 2242, Domestic Relations Law and the Surrogate's Court Procedure Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

SENATOR LEICHTER: Will you lay that bill aside, please?

ACTING PRESIDENT FARLEY: Lay that bill aside. Withdraw the roll call.

THE SECRETARY: Calendar Number 137, by Senator Saland, Senate Bill Number 2245, Executive Law and the Family Court Act.

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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 138, by Senator Saland, Senate Bill Number 2363.

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

ACTING PRESIDENT FARLEY: Lay

that aside for today.

THE SECRETARY: Calendar Number 142, by Senator Johnson, Senate Bill Number 533, an act to amend the Vehicle and Traffic 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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 143, by Senator Levy, Senate Bill Number 785, an act to amend the Vehicle and Traffic Law, in relation to making technical corrections.

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 46.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: 145, by Senator Larkin, Senate Bill Number 1942, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 147, by Senator Tully, Senate Bill Number 234, an act to amend the Penal Law, in relation to sexual performance by a child.

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 46.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 148, by Senator Mega, Senate Bill Number 1055, Criminal Procedure Law and the Penal Law, in relation to felony sex offenses.

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 47.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

149, by Senator Volker, Senate Bill Number 1138, an act to amend the Penal Law and the Administrative Code of the city of New York.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act -

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Withdraw the roll call and lay it aside.

Senator Present, that's the first time through. Controversial?

SENATOR PRESENT: Mr. President, let's take up the controversial calendar.

ACTING PRESIDENT FARLEY: Thank you.

Senator Libous, you want to take over for me, please?

ACTING PRESIDENT LIBOUS: O.K. Controversial calendar, Senator Present; is that O.K.?

THE SECRETARY: On page 6,

Calendar Number 101, by Senator Padavan, Senate Print 1503-A, an act to amend the Public Authorities Law, in relation to prohibiting toll increases on the Triboro, Whitestone and Throgs Neck bridges.

SENATOR HALPERIN: Explanation.

ACTING PRESIDENT LIBOUS: Senator Padavan, an explanation has been requested.

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

Mr. President, what this bill provides for is a roll-back upon its effective date when enacted tolls on three bridges that service the residents of Queens County and those boroughs to which they enter into or enter from, namely, the Whitestone Bridge, the Throgs Neck Bridge and the Triboro Bridge, to restore those tolls to those fees that were in effect on January 30th.

SENATOR HALPERIN: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Halperin.

SENATOR HALPERIN: I believe

there is an amendment at the desk which was filed earlier today.

ACTING PRESIDENT LIBOUS: There is an amendment at the desk.

SENATOR HALPERIN: I waive the reading of the amendment, and ask for an opportunity to explain it.

ACTING PRESIDENT LIBOUS: Senator Halperin to explain the amendment.

SENATOR HALPERIN: Mr. President, I certainly understand Senator Padavan's motivation for sponsoring this bill. In fact, I understand it so well that I want to take a good thing and make it even better.

The residents of New York City are beseiged with increasing costs in many, many areas and, at the same time, have not received increases in services to match the increases in those costs, and in one of those areas is certainly the mass transit.

There have been significant improvements on mass transit, the subways, the buses, over the last decade or so, but it is

still far from a pleasure to ride on those facilities and, at the same time, the automobile drivers in the city of New York are being asked to pay more and more for -- to help out their fellow citizens who are using these subways and buses and without the real impact that should be occurring.

Now, I would like to see the tolls rolled back. In fact, my amendment does it not only for the three crossings that Senator Padavan includes within his legislation, but does it for all of the TBTA authority facilities in the city of New York, and so it should be.

Why should we be picking out a bridge here, a bridge there? Let's treat them the same. Let's roll back the tolls on all of those bridges, and we can do it and still afford to do it without hurting the commuter, or pardon me, without hurting those who use the subways and buses, simply by re-distributing money that is already available on a more equitable basis, and that is what this amendment does.

It rolls back the TBTA tolls on

all bridges, and it increases the amount of money that is paid to the New York City Transit Authority from these toll surpluses in two ways: First, the initial lump sum payment that is paid to the Transit Authority is increased from $24 million to $72 million.

Now, why is that being done? In 1972, a formula was established which provided $24 million from the surplus to the city of New York, and then took the excess surplus over $24 million and divided it 50/50 between the New York City Transit Authority, and the commuter - commuter railroads. That was back in 1972, and I'm sure that all of us in this chamber recognize that, if we were to take a 1972 dollar and adjust it for inflation, it would be worth far less today than it was then.

And so what I have done is simply computed the value of that $24 million in 1972 and said that's the amount of money, particular ly given the increases in the tolls that have occurred over that period of time, that is today worth $72 million, and so we're giving that lump

sum, the equivalent, an equal equivalent as to when the law was first passed, to the New York City Transit Authority, and then we're saying that as relates to the surplus funds which are now divided on a 50/50 basis, they should be divided on a 70/30 basis, 70 percent to 30 percent, with 70 percent going to the New York City Transit Authority.

And why this division? Very simply, 70 percent of the monies generated by the TBTA tolls are provided by New York City residents and, furthermore, although it's not included in this computation, it is estimated that well over half of the New York -- of the commuters coming in on the commuter railroads end up using mass transit in New York City, and so they have an additional benefit.

So we're simply trying to be equitable here. That's all this bill wants is equity. And, if we are equitable, we don't have to increase the fares on -- for the New York City Transit Authority. We can, by being equitable, keep the fares down to what they are

and not have New York City -- New York City and, for that matter, commuters coming in from outside the city that use the Triborough Bridge and Transit Authority facilities have to pay these increased tolls.

And I hasten to add, by the way, that the commuter railroads have a surplus this year, so that they don't even need this money. So, for all of these reasons, I urge my colleagues to support this bill, to be fair, to do what's right, to recognize the strains that the people who use the subways in the city of New York are under, to recognize the fact that many of our residents in the City feel that they are beseiged, and they're looking for help and that we should offer that helping hand of assistance to them by passing this amendment.

Thank you, Mr. President.

ACTING PRESIDENT LIBOUS: Senator Leichter.

SENATOR LEICHTER: Yes. Mr. President, I'm afraid that we're playing around today with what is a really crucial issue not

only for the city of New York but for the state of New York, and that is how we can maintain the fare at $1.25 and how we can come up with the needed capital program.

I'm sorry to see as responsible a legislator as Senator Padavan introduce a bill which would just wreak havoc with the stream of funding which the mass transportation system needs in New York and, while I think that Senator Halperin is absolutely correct about the inequity that now exists in the division of TBTA money, I very much regret that he's jumping on the irresponsible bandwagon and is going to rescind all of the increases.

You know, it's popular. I mean I could think of a lot of other things that people don't like, and let's put in bills and we'll say we'll get rid of this fee and that tax and -

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: Will the Senator yield to a question?

ACTING PRESIDENT LIBOUS: Senator Leichter, would you yield to a question?

SENATOR LEICHTER: Yes.

SENATOR GOLD: Senator, I'm taken a little aback by your remarks. If you read the sponsor's memo, Senator Padavan's memo, he talks about many of his residents who not only use their cars for inter-borough travel but, quote, "many of them reside in two-fare zones requiring bus and subway ticket purchase."

You're not suggesting that Senator Padavan put in this bill without having a plan, a secret plan, to be able to fund mass transit properly in the city of New York? I would assume that this bill is something that many of us in the City should look at with shiny smiles on our face, because I assume that Senator Padavan and his Republican colleagues passing this will now feel a full commitment to all of his residents in a two-fare zone so that this will be followed probably tomorrow by the legislation which will fully fund the subways.

SENATOR LEICHTER: Well, Senator,

I certainly agree with you to the extent that it's nice that, on March 8th, that Senator Padavan who represents New York City would finally have a bill on the floor here that deals with the problems of mass transit even though it moves the wrong way and is probably going to make it even, they'll have to have triple zones for Senator Padavan's constituents because of the need to raise money.

But I think one can ask the question: What have we been doing on mass transit? And since the decisions in this house are made behind closed doors by the Republican Conference, fortunately, I say it maybe in quotes, we have some members from the city of New York who are part of that Conference.

It would be nice to know what's happening in there and how hard they're fighting to see that this body addresses the need of equity in the city of New York of getting sufficient monies for mass transit. I -- I assume they're doing something. Of course, we don't know, because it's all behind closed

doors, but we have some very powerful members of that conference -- Senator Goodman, Senator Marchi, Senator Padavan, Senator Maltese, all senior members of this body, but unfortunately, nothing has happened, and we are facing a $1.50 fare increase, and I think that we would be the laughing stock of anybody who is really concerned about the city of New York and its welfare, if we passed this bill and if we extended this bill. I mean, Senator Padavan in an objective, concerned manner tailored this bill so it applies only to his constituents and Senator Halperin is certainly correct, if it applies to those bridges, it ought to apply to all bridges, but it shouldn't apply to any bridges and that's why I'm going to vote against the bill, and I'm going to vote against the amendment, and I think it's about time that we became somewhat responsible.

Let me tell you, this morning as I rode the subway, who do I see there riding, sitting opposite me, going down to City Hall but our former colleague, Senator John Dunne. Now,

you know that if somebody as smart as John Dunne, as rich as John Dunne, and with the record of public service as John Dunne, a former Attorney General of the United States, rides the subway, then he understands a bargain, and he understands that it is a value to the city of New York and to the whole state of New York that we have this mass transit system.

You know, we like to talk about, well, we need an economic edge, an economic advantage. We need something that's going to attract businesses here. We've got something that all of the Southwest, all of the Sun Belt cities don't have. We have a mass transit system, but one that unfortunately fell into decay, and we ought to be working to try to improve that system because that's what's going to keep and bring businesses to New York State.

And the tax revenue, although they may be located in the downstate area, are going to -- are going to redound to the benefit of everybody in this state. We ought to be working at strengthening the flow of income to

keep down the fare, to provide monies for capital improvements.

This bill goes in the opposite direction. I agree with Senator Halperin that we ought to re-distribute the money from the TBTA, and I say that all of the Republican Senators from New York -- and I left out in mentioning them a most distinguished senior Republican Senator, my colleague from the Bronx, Senator Velella. But that's what we ought to be doing, and I think to put out this sort of a bill, I think, shows a definite lack of seriousness, a lack of responsibility on the part of the Majority.

I'm not going to make it worse by going all the way that Senator Halperin did. I would hope that we would address at some other time the matter of the distribution of funds from the TBTA, but this is essentially a bill so that we can pander to our constituents and say, Look what I'm doing for you! I'm decreasing the monies that you have to pay in tolls.

We shouldn't be doing this.

That's why the public is so fed up with legislatures is because there is this degree pandering where we promise things that we know are not in the public interest. This is clearly not in the public interest, not only because this money is desperately needed by the TBTA. I think they make a convincing argument that we probably don't have the authority to do it, that we would be impairing their bonds. We also ought to be discouraging traffic from going into Man- hattan, and one of the ways to discourage it, of course, is to make people pay more tolls. It's a bad bill; it's a bad amendment. They both should be voted down.

SENATOR HALPERIN: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Halperin.

SENATOR HALPERIN: I'll let Senator Padavan answer for himself, but so far as my well thought out amendment goes, I feel that I have to speak up for myself at this time.

I detect, Senator Leichter, an

underlying antagonism towards those who live in boroughs outside of Manhattan, we'll call them the (718) boroughs, because I'm not going to call them the "outer boroughs". They're the (718) boroughs, and those of us who live there have to rely on automobiles more than those of you who live in Manhattan, and it's fine that you have a very well integrated mass transit system to take you just about any place you want to go within Manhattan. That's -- that's terrific. But there are many of us who need our automobiles more, and what you seem to really want to do here is not to talk about whether we're going to be able to pay for the subsidy of the subways and the buses in New York City because if you were listening you would have heard me say that the redistribution of the money covers whatever loss there would be in the toll dollars.

In fact, the two numbers are, you'd lose $34 million in tolls and you'd pick up $34 million from the redistribution to the fund. So when you say I was bordering on

irresponsibility, I want to make it clear I wasn't. The numbers add up.

What we may really be talking about here is whether we want to clobber the middle class with unnecessary tolls. If they're necessary, if there's no other way to provide the monies for the subways, then perhaps we have to do that. But if we do have another way to do it, then I think that's the way we should go, and this amendment links the two.

It's one bill. We're not going to eliminate the tolls unless we re-distribute the money. They're linked together in this amendment; so it's a very responsible way to go. It's taking into account the needs, the feelings, of the middle class who use their cars on a daily basis to go within their own city, to travel within their own city, and saying to them, We're going to give you a little bit of relief. We don't want to drive you out of our city. We want you to stay there and we're going to help you, when we can, when we can do it in a responsible manner.

So I strongly urge that you join the rest of the members of this house in voting for this amendment which is fiscally responsible, and will help the greatest number of residents of this city.

ACTING PRESIDENT LIBOUS: On the amendment, voice vote. All in favor say aye.

(Response of "Aye.")

Opposed no.

(Response of "No.")

The amendment is defeated.

Last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 101 are Senators Dollinger, Galiber, Jones, Leichter, Ohrenstein and Solomon. Ayes 48, nays 6.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 131, by Senator Farley, Senate Bill Number 1664, an act to amend the Judiciary Law, in relation to the disqualification of jurors.

SENATOR GOLD: Explanation.

ACTING PRESIDENT LIBOUS: Senator Farley, an explanation is requested.

SENATOR FARLEY: Thank you, Mr. President.

This bill stems from a constituent inquiry and, under the current law, there are two types of jury duty exemptions. Some categories of individuals such as ministers and doctors and attorneys are exempt from duty upon their claiming of the exemption. Other categories, including elected officials, active duty military personnel, federal judges are completely disqualified from service.

In rural areas, part-time elected officials such as town council members may be retired individuals who have plenty of time available for community service, including jury duty. In addition, there may be difficulty in

finding persons willing and able to serve on juries given the small size of the communities. This bill would allow local elected officials -

ACTING PRESIDENT LIBOUS: Excuse me, Senator Farley. Could we please have a little order in the chamber.

SENATOR FARLEY: Thank you.

ACTING PRESIDENT LIBOUS: Thank you, Senator Farley. You have the floor.

SENATOR FARLEY: This bill would allow local elected officials in small communities to voluntarily choose to qualify themselves for jury duty. This bill would only affect 20 small upstate counties with a population of under 60,000. In order to ensure that -- the official would have to obtain permission from both the chief legislative officer and executive officer of the government of which he or she is an elected official.

This bill passed the Senate last year handily and it -- there were some concerns raised a few years ago about this bill in that it excludes state and federal officials based

upon concerns of Senator Leichter, I think, and also it -- district attorneys, and so forth, and all those other people would not be able to serve.

With that, I think that about explains it.

ACTING PRESIDENT LIBOUS: Read the last section.

SENATOR FARLEY: Last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 131 are Senators Galiber, Gold, Leichter and Mendez. Ayes 50, nays 4.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 135, by Senator Mega, Senate Bill Number 983, an act to amend the Executive Law, in relation to

qualifications of employment.

SENATOR GOLD: Last section.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53, nays 1, Senator Montgomery recorded in the negative.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 136, by Senator Saland, Senate Bill Number 2242, Domestic Relations Law and the Surrogate's Court Procedure Act.

ACTING PRESIDENT LIBOUS: Read the last section.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT LIBOUS: Senator Leichter.

SENATOR LEICHTER: Yes, if I can

just ask Senator Saland to yield.

Senator Saland, as I understand it, this bill would require fingerprinting and check of criminal records before any adoption be finalized.

SENATOR SALAND: Correct. What this bill does is, intends to and attempts to codify what's already an existing practice which I think one would be hard-pressed to find some authority in law for which is in the course of an adoption, in addition to all of the other requirements that are imposed by either law or by the court, fingerprints are taken and there's a fingerprint check done, not only for finger prints here in New York, but once you get into the process, they can check nationwide through the F.B.I. system.

SENATOR LEICHTER: Senator, I didn't know that they were doing this now and that pretty much resolves a question or a doubt I had about the bill, but let me ask it anyhow: I just wondered how long it takes to make these fingerprint checks and I know that there are, of

course, inquiries being made all the time about people being charged with crimes, and so on.

I just wondered if there was a long delay, a wait, while these records are being checked?

SENATOR SALAND: I couldn't quantify it, but I would think that it would be relatively rapid. With -- with things such as your -- your DCJS access I just have to assume that you're talking a matter of a few days and I'm hazarding a guess here, Senator, at most.

SENATOR LEICHTER: Let me also ask you, Senator, has there been a problem where adoptions have been approved for people who it turns out have a criminal record who then later on harm the child?

SENATOR SALAND: Well, Senator, I know there has been some rather unique publicity given to certain adoptions. I'm not quite sure if there were criminal activity involved on the prospective adoptive parents. The one that comes to mind most readily, and I don't mean to impugn or infer a crime where there was none, I

know the Steinberg case, except that this isn't intended to deal with the Steinberg case. I don't know if there was any criminal behavior involved in either of those two parents, but I think we could all agree that there's nothing certainly, nothing but gain, we don't lose by attempting to make sure that a parent or adoptive parent, however good their background may be by the information provided by them, if there turns out to be an instance in which that person has committed a crime of whatever nature, perhaps a crime relating to the very welfare of a child in this state, or every bit importantly in another state, then this bill would have served, I think, a very admirable purpose and, as I said, we're primarily codifying what's an existing practice.

SENATOR LEICHTER: All right, thank you.

SENATOR GOLD: Last section.

ACTING PRESIDENT LIBOUS: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 145, by Senator Larkin, Senate Bill Number 1942, an act to amend the Vehicle and Traffic Law.

SENATOR GOLD: Yeah. Senator Larkin around?

ACTING PRESIDENT LIBOUS: Senator Gold.

SENATOR GOLD: Yes, Senator. I hate to impose. Could I just get a very brief explanation?

SENATOR LARKIN: Yes, it says if you're going to allow an individual with a handicap to operate a normal motor vehicle, then you must allow him the privilege of requesting registration of an ATV. If he can't meet the requirements for a normal registration, then he

can't register an ATV.

SENATOR GOLD: Last section.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55.

ACTING PRESIDENT LIBOUS: The bill is passed.

THE SECRETARY: Calendar Number 149, by Senator Volker, Senate Bill Number 1138, act to amend the Penal Law and the Administrat ive Code of the city of New York.

SENATOR GOLD: Last section.

ACTING PRESIDENT LIBOUS: Read the last section.

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

ACTING PRESIDENT LIBOUS: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT LIBOUS: The bill is passed.

Senator Present, that concludes the controversial calendar.

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

ACTING PRESIDENT LIBOUS: The Senate stands adjourned until tomorrow at 3:00 p.m.

(Whereupon at 3:53 p.m., the Senate adjourned.)