ALBANY, NEW YORK

March 17, 1993

3:08 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

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

Will you please rise 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 silent prayer.

(A moment of silence was observed. )

ACTING PRESIDENT FARLEY: Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Tuesday, March 16th. The Senate met pursuant to adjournment, Senator Daly in the chair upon designation of the Temporary President. Prayer by the Reverend Vincent Gordon of Bethany Chapel of Brooklyn, New York. The Journal of Monday, March 15th, was read and approved. On motion, session -- 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.

We have a report of a standing committee. Senator Mega, chairman of the Judiciary Committee.

SENATOR MEGA: Thank you, Mr. President.

From the Executive Chamber dated February 22nd, 1993: To the Senate: Pursuant to the provisions of Section 2 of Article VI of the Constitution and the provisions of subdivisions (2), (3) and (4) of Section 68 of the Judiciary Law, I hereby nominate as chief judge of the Court of Appeals, Judith Smith Kaye, of New York City, to fill the vacancy caused by the resignation of Sol Wachtler. Signed, Mario M. Cuomo, Governor.

Mr. President, this is the report

to the full Senate that the Judiciary Committee met this morning for approximately three hours and took testimony relative to the qualifica tions of Judge Judith Smith Kaye, and before I report completely on what occurred at the committee meeting, at this time, I would like to yield to Senator Cook for the purpose of moving the nomination.

ACTING PRESIDENT FARLEY: Senator Cook for the purpose of nomination.

SENATOR COOK: Mr. President, thank you very much.

Going to start out by taking some exception to what I think some of my colleagues might be saying, which is that this is a histor ic occasion because we are confirming the first woman as chief judge of the Court of Appeals, because auspicious as that may be and certainly is, the real important thing is that we are confirming the best candidate that could be found for that office. That woman -- that person happens to be a woman, and she happens also, Mr. President, if I may indulge in a bit

of parochialism, to be a native of the 40th District and, in the tradition of -- following in the tradition of another native of not only the 40th District but, indeed, the same village of Monticello, of Judge Cooke, Judge Lawrence Cooke, who also I had the privilege of nominating some years ago.

So this is a real double privilege for me, and I want to tell you, Judge Kaye, before I launch into this formally, that there is a real celebration going on in Monticello, in Sullivan County, at this time. It's not the kind of thing that is fireworks and popping champagne corks necessarily, but there are a lot of people who know you personally and who hold very warm memories and thoughts of you, and who, within their hearts, are celebrating, and within the conversation of the community are celebrating this great occasion with you.

As I indicated, Judge Kaye was - is a native of Monticello, graduated from high school in that community, and then moved on to other locales to pursue her legal career,

attending college at Barnard College and later attending New York University Law School. She nevertheless is a distinguished favorite daughter of Sullivan County and of Monticello, and Judy Smith is a person who is held in - with great warmth in the thoughts of many people down there.

It serves little purpose probably to dwell upon Judge Kaye's legal qualifications since they are so well known. I wanted to share just a couple of personal thoughts for a moment, that I found out this morning in talking with her that she and I share some common experi ences. Both -- we are both farm -- farm kids, born on farms in adjoining counties, and we also attended one-room schoolhouses and, as chairman of the Education Committee, I find it's interesting that the chief judge indeed can be a product of a one-room school which is -- she and I are probably ones of the very few people of our general age category who share that background.

But Judge Kaye indeed is a

distinguished jurist. She has been an active and respected participant in formulating the legal opinions of the Court of Appeals since her original appointment in 1983. Her sharp mind is evidenced by her questioning of the parties and her grasp of the issues that are central to the cases which appear before the court, and her votes on the court have been motivated by a respect for the law and for precedents and by a reading of the Constitution that is strongly steeped in personal individual rights.

Mr. President, out of custom, I will briefly recite some of Judge Kaye's remarkable biography, but I would preface this reading by saying that the thing that really matters is her deep personal traits of intelligence, of dedication and integrity, and a life that has been devoted in equal balance to her public duty and to her family responsibilities.

As I said, Judge Kaye graduated from Monticello High School as Judith Smith then, graduated from Barnard College, later

enrolled in New York University Law School. She was associate editor during her law school career of the Law Review, graduated cum laude in 1962. She became a litigation associate and then later a partner in Olwine, Connelly, Chase, O'Donnell & Weyher in the year 1969. Prior to that, she was an assistant to Dean Niles at the New York University Law School, worked for a year with the IBM corporation, and had worked for a time with Sullivan & Cromwell, another New York City law firm.

Judge Kaye is married to Stephen Rackow Kaye, himself a New York attorney, I be lieve a native of Rockland County. Their chil dren, Lisa, Jonathan and Gordon, have disting uished themselves in a variety of ways, ranging from law to engineering to linguistics to sports management. In fact, she tells me at this point that one of her children is in Europe skiing and the other one is in Europe playing -- playing hockey. So they indeed are very active people.

Judge Kaye's service in a variety of prestigious panels and positions is document

ed in a list which occupies an entire page and which I will not, mercifully, read to you at this time, but which all the members have available to them, and her list of published writings is of equal length.

In one newspaper column which dwelt on Judge Kaye's personal characteristics, one lifetime friend is quoted as speculating as to "how her soft voice would be heard in a courtroom." Mr. President, I predict that not only will her voice be heard in the courtroom and in courtrooms across the state of New York, but indeed they will echo across this nation as she will be even better known as a distinguished scholarly and compassionate administrator and a leader for this, one of the greatest courts in the nation over which she will preside.

Thank you.

ACTING PRESIDENT FARLEY: Senator Mega.

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

A second on the nomination, and

Senator Cook has said it all so well, and really covered what had to be said about the new chief judge or soon-to-be chief judge of the Court of Appeals of the state of New York.

Knowing that the Governor once played baseball, I likened this situation to a baseball game. The judiciary is losing three to nothing in the top of the ninth, and up comes Mario Cuomo to bat, and he hits a home run with the bases loaded and wins the game, and that's what I believe the Governor has done in this situation. He's hit a home run with the bases loaded at a time when we need the kind of leadership that Judge Kaye will bring to the court.

Merit, experience, ability, human decency, intellectual scope, they are the characteristics we look for in a chief judge, and from all that I've heard during the process and all that I've learned about Judge Kaye, she possesses all of these characteristics.

The Judiciary Committee met, as I've indicated, for almost three hours this

morning and took testimony and made the kind of record that is to be made when we do something of such importance that affects all the people of the state of New York in such really a personal way, even though many of them may not realize that until some day they might come into contact with the judicial system.

So I think we do an extremely important thing today by confirming a judge who has the outstanding qualifications and credentials to lead the Court at a very serious time. It's well known that Judge Kaye was on President Clinton's short list for the position of U. S. Attorney General. Many have said that her stated preference to remain in the Court of Appeals is the President's loss and our gain, and I certainly agree with that.

Leadership, as I've indicated, surely is a crucial one at this period of time in the history of this great court, and it is a great court, for the Court of Appeals is a judicial body that has been known more in the words of one observer for its consensus than

contentiousness and, based on all that I've come to know and all that the members of the Judiciary Committee have come to know about Judge Judith Kaye, she promises to continue to be that way when she becomes the chief judge.

Again, it was loud and clear from the testimony that you are a leader, you are a scholar, you are a student of the law, and there was some concern about the leadership aspect but, after listening to the testimony, the Committee is well satisfied, and I'm certainly well satisfied that you will bring the kind of leadership needed in the Court at this very crucial, crucial time.

So I thank all the members of the Judiciary Committee, the ranking minority member, Senator Leichter, and all of the members that participated to make the system work, and it does work. You know, sometimes there's an indication that maybe we should be more like the federal system. I say nay. I say that our system is better, and it's stronger than the federal system, because we have not politicized

it. We have taken the best and have put the best on the Court of Appeals and that's what we've done in nominating and confirming shortly the new chief judge of the Court of Appeals.

We have not "Borked" anybody. We have not tried to make anybody look bad during the confirmation process, because that's not what it's about. What it's about is getting the best qualified person to sit on that court and, in this instance, we have done that. So I am proud to be part of this process.

I second the nomination of the new chief judge of the Court of Appeals, Judge Judith Smith Kaye, and I wish you and your family well, and I say I wish for you and your family what I wish for myself and my family, continued success and, most of all, good health, good health; and any way that I, as chairman of the Judiciary Committee, can be helpful in your new duties, I certainly would try to be.

Congratulations.

ACTING PRESIDENT FARLEY: Senator Nolan.

SENATOR NOLAN: I'm going to be brief, because I have a throat that makes it very difficult for me to speak today and a lot of people probably think that's pretty good.

But, Judge, I just first want to take the opportunity to congratulate Mario Cuomo on naming Judith Kaye to this great position as chief judge of the Court of Appeals.

It's been said before, but it certainly was a tremendous choice. Judith Kaye has been a brilliant lawyer, a great judge. She has written some tremendous opinions. She has -- her writings really are some of the sharpest writings that I personally have seen in the Court of Appeals in many, many years.

And so, although the fact that Judge Kaye is a woman is certainly a historic first, but even more important she was the best qualified person to become the chief judge of this Court of Appeals.

She follows a -- comes from a very illustrious place, Monticello, New York. My -- one of the three senior law partners in my

law firm, Richard Weiner, who comes from an old family down in Monticello, and he said to say hello to you, Judge, so Joe Wasser, there's been so many great people from down there, and you certainly -- are certainly not the least but moved to the front of all of these great folks from Monticello.

I also want to point out that Judge Kaye also happens to be a woman for all seasons. Lo and behold, last summer I was part of an official delegation of the city of Albany to the city of Verona, and lo and behold, who wound up going to the opera one night with us, it was Judge Kaye and her husband, and she certainly is a great fan of opera, and I know you'll continue that as well as being a great judge.

So I'm pleased and happy to second this nomination, Judge, and God bless and Godspeed, and I know you'll do a great job in leading this court forward.

ACTING PRESIDENT FARLEY: Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

Since her appointment as associate judge to the Court of Appeals in 1983, Judge Kaye has illustrated her clear understanding of the law, and she has helped shape the judicial protocol of the state and has enlightened the court's decisions with her unique and vibrant persona.

Judge Kaye is clearly one of the most astute jurists in this country. She has the credentials, temperament and the vision to lead the New York State Court of Appeals into the next century.

I applaud Governor Cuomo for making this nomination. I applaud all of you for voting for Judge Kaye, and I know that she will represent all of the people of the state of New York, but especially the majority, the women of the state, who are extremely proud of you and we hope to be here behind you in every way possible.

Congratulations!

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: Thank you, Mr. President.

I rise to join my voice with my colleagues who have so many good things to say about this candidate.

I had the -- the Governor and I don't always agree, Mr. Chairman. From time to time, we go in different directions. Every now and then, though, he does some good things and we are glad then to support him. This is one of the better things that he has done.

This justice of our court, soon to become judge -- chief judge of the Court of Appeals, as I listened to the comments this morning, and I knew them all along, all those good things that were said, some nine and a half years ago I had the opportunity to hear some things that led me to believe that nine and a half years later, they would certainly be better than they were then. Such things as compassion which you don't hear often in the judicial

branch of government, even-handed treatment, and this young person who brings so much dignity to our court, an even-handed administrator, that's what she will be, an even-handed administrator, as she metes out justice in the state of New York.

Love of people, dignity, some of our communities that I come from where they give persons extra credit for life experiences. They give them so much credit in college because of what they've done in their life experience. Judge Kaye has so many qualifications just in life experiences, which is rare in our judicial process or branch of government.

I had an opportunity to question Judge Kaye, no, just to make some observations because I don't think any of us really questioned her. I mentioned at the end that she had been instrumental, along with the last appointment, and that was Bundy Smith converted me from a merit -- back to a merit system, not back to a merit system but to a merit system which I had some doubts about before because

I've been around long enough to know that some 20-odd years ago, when you mentioned merit, merit was used to exclude people, not to judge their qualifications. So I have been converted.

I talked to Judge Kaye this morning about some troubled areas, recognizing, of course, as we all know that racism in our judicial system is alive and doing well and pointing up that, as a result of the former justice, judge, chief judge of the Court of Appeals, who recognized and was sensitized also, asked for some report, the Franklin Williams report, and a couple of other task forces, which meant that things weren't happening in our judicial system as they should be, and she assured us that she would carefully, carefully take all those factors into consideration and she could do that with ease because being the person that she is, with that experience that she has had, the outside experience, this living experience, assured me that she will be fair and just and careful as to who is picked as

administrator for her to see to it that some of the troubled areas that she is aware of will be resolved.

So I am happy that our system is working. I was privileged to meet some good friends this morning, old friends, and I want to take this opportunity, Mr. Chairman, to thank you for running such a great judiciary, as you have since you've been the chairperson. I was honored and privileged to be your ranking minority at one time, but Franz Leichter came and pushed me out a little bit, and that was O.K., because it came in good hands.

But I had an opportunity to reflect back, John Marchi, Senator Marchi, and Dick Bartlett, who was there saying good, kind, honest things this morning; Judge Hugh Jones again, who I was privileged to serve with on the Jones Commission -- that was a knee-jerk reaction to the Attica situation -- and a few others.

So, Judge Kaye, I'm very happy for you, and I'm happy for your family and, most

of all, I'm happy for the people of the state of New York, your coming on board.

ACTING PRESIDENT FARLEY: Senator Ohrenstein.

SENATOR OHRENSTEIN: Mr. President, I'd like to yield to Senator Leichter who is the ranking member on Judiciary, for the purpose of seconding this nomination.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Mr. President, I'm happy to join my colleagues here in second ing this nomination.

As much as a confirmation, this is also a celebration. It's a celebration because it's a historic moment. We're about to confirm the first woman as chief judge of the state of New York. Unfortunately, it took us some 200-plus years to reach this point and, unfortunately, we've only had one woman serve as an associate justice, and that happens to be indeed the person that we're about to confirm as chief judge. But this is a step forward, a

significant step forward.

It's also a celebration because we're filling this post with a person of outstanding qualifications. We are really, indeed, fortunate that we have found somebody with the excellent credentials of Judge Kaye. Make no mistake about it. This is a very, very special appointment. This is a special person. This will be an outstanding chief judge, and I think that's particularly important because we had as predecessor an outstanding chief judge. And it must be said, and I think we all very much feel the pain and the tragedy which created the vacancy, and sometimes when you have a situation with that pain one doesn't talk about it, but I would hope that there would be an occasion where we as a Legislature as well as, I would hope, other segments of our society, the bar and so on, would celebrate the outstanding work that Judge Wachtler did, and irrespective of whatever may have happened, the fact is that he was an outstanding chief judge, and that needs to be recognized and makes it all the more

important that we have found somebody who will carry on in the same outstanding tradition.

And let me say the style may be different, and I'm sure that Judge Kaye will bring to this position her own method, her own manner, but nobody should make any mistake that she will have that commitment, that conviction and that fight for those issues and those matters that are important for the judiciary, just as Judge Wachtler did.

You've heard of the outstanding record that she has had as a member of the bar, as a member of the Court of Appeals. She brings intelligence; she brings clarity, candor, a succinctness. I just want to say that she exhibited at the hearing today an ability to answer questions in a very simple, clear, understandable manner. There are some judges whose skill or profundity is based on the fact that nobody understands what they say, so the belief is that they must be very profound. This is a judge whose skill is to be very clear, and what makes her profound is the fact that you can

understand what she says.

Let me say that I know that she is an extremely hard worker because of a personal experience I had. Unaccustomed as I am to get to my office early, I did so this morning and I look in the hall and I see two people walking around. They looked a little lost. I figured they were constituents complaining about the budget; and no, indeed, it was Judge Kaye and her husband who, if he hasn't been introduced yet, I'm sure will be, a distinguished member of the bar. They were looking for some legislators to shake hands with. None of us were around that early. But I think that's the sort of work ethic she's going to bring to the position and, indeed, that she's exhibited.

This is also a celebration because we celebrate how well the system works for choosing our judges of the Court of Appeals. We have really had the outstanding bench in the United States, and the merit system has worked exceptionally well. It's brought

really the best that we have to offer to this very important court, and we certainly do that today. We bring the very best to be the head of that court, the chief judge.

I'm delighted to second the nomination of Judge Judith Kaye for chief judge of the state of New York.

Thank you.

ACTING PRESIDENT FARLEY: Senator Ohrenstein, you still have the floor.

SENATOR OHRENSTEIN: Mr. President, I'm delighted to join in Senator Leichter's seconding of this nomination and delighted to be here to participate in this very, very important moment in the history of the state of New York, and I'd like to say a couple of things. I want to talk a little bit about the nominating process here. I want to talk a little bit about the Court of Appeals and, obviously, I want to talk about Judge Kaye.

First of all, I think once again this nomination and the process that was follow

ed in the wake of a very great governmental and personal tragedy vindicates the process which this Legislature set in motion some five or ten years ago. We are an outstanding example in this state of a non-partisan merit selection process with regard to the Court of Appeals.

I wish I could say that we've followed that process with regard to all judicial nominations but, as the ways of the Legislature and of politics may be, we have not reached that point yet. But we certainly can be very proud here, on a non-partisan basis, of the process that is being followed here and that has been followed with regard to the Court of Appeals for some decade and a half. It is non-partisan. It is a merit selection process. It has produced some of the finest judges we have ever had on this bench, and it has produced, in my opinion, the finest court in the country.

So that I think it bears saying, and I said it when Judge Bundy Smith was -- came here for confirmation, because it was again an

example of a process that reached out and was able to produce a very, very fine nominee and again, here in a very crucial, very difficult time, we come to the fruition of the process in terms of the nomination and of -- and the appointment of a highly highly qualified individual. So that we should be very proud of it, and perhaps we will all learn something from it and begin to strengthen that process and to extend it to other parts of the judiciary.

Secondly, I want to say something about the Court of Appeals, our Court of Appeals, and this is a little bit political and please forgive me because I know that some people on the other side of the house may disagree with some of this, but we have been through a decade -- over a decade in the United States, of struggles about our judicial system and I'm referring to the struggles -- the very political and ideological struggle that has taken place in this country with regard to the Supreme Court of the United States. We can, at one and the same time, be extraordinarily proud

of our system, because our system has prevailed during very difficult times and has functioned during very difficult struggles that were political and ideological, and on the question of merit, on the question of some of the most moving and profound issues that this country has been faced with.

But in -- in that struggle, in those struggles institutionally, we are set up with a series of checks and balances between the three major portions of government, and the court system is one of them, and the Supreme Court of the United States, of course, is the most important court in the country and has the power to determine some of these very, very profound issues.

There are many of us who have found the Supreme Court wanting from time to time. As I said before, that's a -- that is a conclusion which obviously there is some -- a lot of disagreement on, but at least it ought to be said that that was the case and that, as a result of the way the Supreme Court has

functioned over the last 10 or 15 years, or maybe even 20 years -- I can't count the years -- there has been a profound disagreement with the -- with the way that court has gone and in the way that court has dealt with some of the very profound issues before it, and -- but no one can gainsay that the court functioned legally and according to the dictates of our system.

The reason I say this is not to get into a political controversy, but during that time the Court of Appeals of the state of New York was and became the bellwether court of this country, because when the Supreme Court in its wisdom began to walk away from some of the decisions it had put into place some decades ago, whether they related to civil rights or civil liberty or to the function of the federal system or to the function of the system of checks and balances in our system, when that court took a certain position which at least some people in this country disagreed with, it was the Court of Appeals of this state who,

again and again, examined and re-examined these decisions, these issues, as they came before it on a case-by-case basis, and exhibited a wisdom and a profound understanding of the mandates and the imperatives of the American system of democracy which were parallel to none.

So we can be extremely proud that during that decade and a half or for however many years, it was this court, and it is this court that discharged that responsibility to the people of this state and made an example to the people of this country as to where judicial opinion and judicial policy should go.

I dare say that, as the new Supreme Court or as the changed Supreme Court begins to evolve during this administration and subsequent administrations in Washington, we're going to find that the United States Supreme Court will be following and citing as precedents many, many of the opinions that have been written by this Court of Appeals over the last two decades, and that they will begin to follow some of the ground that was plowed by this Court

of Appeals.

So I believe that we have every reason to be proud of this court and to be proud of the position this state as a result occupies within the judicial system and within the development of judicial policy and governmental policy as enunciated by this court.

The reason I say all of this is because it is extraordinarily important that, in the wake of the tragedy facing us here, that this court continue in that fashion and it has, not only before but during the terrible events which have played out here during the last four months, and most important that it continue to be a court which -- which follows and displays the wisdom and the judgment and the discretion that this court has done over the last several decades, and that is why this particular nomination is historic and of extraordinary importance, because we are not just selecting another associate judge of the Court of Appeals, as important as that position is. We are here voting on the chief judge of the Court of

Appeals and, in our system, that chief judge is not only a member of the Court of Appeals, but is also a powerful supervising administrator of the court system as a whole and, therefore, needs to have the qualifications to discharge that job as well.

And, in that regard, I, too, want to join with my colleagues in congratulating the Governor, in congratulating first of all the nominating commission, for coming up with a series of very, very wise and very effective judges, but most of all for having put into the picture as a suggested nominee that of Judge Judith Kaye, an associate judge, presently associate judge of the Court of Appeals, and I want to join in congratulating the Governor for having the wisdom to select her as the nominee that he chose to forward to us for confirmation, because I can't think of anybody that has come under consideration for this position that could discharge the responsibilities that I just alluded to than -- better than Judge Kaye.

Her qualifications and her

history has been talked about by others on this floor, so I don't certainly have to enumerate those, but what is important to say and the reason I'm pausing a little bit, because I'm trying to phrase this happily and diplomatically. I would say what is most, perhaps, proof of the pudding here, that we all know that Judge Kaye, not by her own design but by the design of people whose wisdom is -- goes beyond that of the state of New York, had come under consideration during this period for another position which, by historic accident, became very controversial. And so let's all accept the compliment in terms of this state, that it was Judge Kaye who was obviously under consideration by our new President for Attorney General of the United States.

I have no knowledge of the facts any more than the rest of you do except by what I read in the newspapers, but I assume the newspapers weren't entirely wrong, and I would dare say that had Judge Kaye chosen to play in that game -- and I don't know whether it was

offered to her or not; only she knows that, and the President knows that -- but had she entered that game, that she probably would have been taken away from us and would now be serving in that position. But I consider it an enormous compliment that, for whatever reason, that Judge Kaye chose to remain here at her post during this very important time and chose this as the preferred route for public service which she is now engaging.

So, as I said before, I think we -- there is no one who could have been better qualified or is better qualified for this very, very enormously important position during this time.

Finally, I have to say personally, I've known Judge Kaye for some years and her husband, who joins her in the gallery. She is a constituent of mine, and she's even a neighbor in -- on the West Side of Manhattan. And so I am personally delighted, both in terms of merit and the very profound historic opportunity we are now discharging.

I'm also personally delighted on behalf of myself and my family, and our neighborhood, for seeing Judge Kaye here today and for being able, with great joy and in celebration, to cast this vote in the affirmative.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Mr. President, I was very fortunate a number of years ago. Judge Kaye had just been appointed to the Court of Appeals, and she gave the commencement where I attended with she and her husband. I was not only impressed by her eloquence but also her reasonable brevity. We have problems with that here, Judge, but we'll -- we're working on it.

I have to say that I was here too when we changed the law as far as the Court of Appeals members being appointed or elected. Of course, they're now appointed, and I, too, agree that this certainly is an example of the system working very well.

I also am impressed by the

members of the judiciary who have supported Judge Kaye's appointment, as has been indicated here today by Judge Jones on her left, and the presiding justice of the Appellate Division, Third Department, Judge Weiss, here today and we all know, and again everyone should be complimented, as has been mentioned, that we have a chief justice who will serve in the same manner as Learned Hand, Benjamin Cardozo, and continue to make the Court of Appeals of the state of New York the finest court in the nation.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

I had the privilege of representing Sullivan County for a number of years with my good colleague, Senator Cook, and I heard the judge's name mentioned about how she used to come home and how the people in Small wood always thought about her in the store and there was always that warmness, and it was always that roots coming home, understanding,

compassion, concern.

Since this opening took place a few months ago, some of those people that I call constituents called me and said, Don't forget her. She's not just a lawyer. She's just not a person on the bench. She is a responsible, dedicated, committed person.

When you talk about roots, I remember when I came to the Senate body, my 91-year-old aunt, I called her and told her I won. Her comment was, Don't forget where you came from. And I think that's what we're saying about this charming lady.

But I think one of the things I've heard here today is we've made great strides. We now have a woman as our chief judge. Being the proud father of two daughters, I would rather say we made history, that's right; we prevailed, and the best candidate, not a woman among women, but a candidate among candidates, not breaking ice but ensuring that the person that was going to lead that court was the best qualified.

You know, we were fortunate in the Hudson Valley. We had Judge Cooke, and what a wonderful successor down the line. I think that those of us in this chamber and the people in the state of New York, and especially us in the Hudson Valley who know of her background and her concern, and have had a chance to understand her rationale and reasoning for why and what, clearly understand that today this confirmation is of an individual who is the highest qualified, the best qualified, and the only qualified.

Congratulations.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Mr. President, Senator Mega justifiably pointed with pride to his staff and to the members of the Committee and reflected a feeling that he must have sensed flowed from the members of that Committee on the way in which he presided and conducted the hearing that we had this morning and, indeed, the entire process as he likes to refer to it.

The felicitous underlying fact,

of course, also enhanced the pride which we all felt because he was working and passing on a candidate of unusual merit, and it was a very felicitous matching of consideration going to an eminently qualified candidate for the position.

In piecing together the mosaic that makes up Judge Kaye, there are many ele ments, many pieces; and allusions and references were made to professional qualifications, professional acuity, the intelligence, mastery, judgment, so many different factors, and to that have to be added, I believe, broad-gauged taste and educational background. These tastes have a -- not a capital "C", catholicity, a broad gauged grasp of moral values, cultural values, and they enhance the entire process, because the most prosaic and pedantic consideration in the world may contain a lot of wisdom, but unless it is animated and it is given dimensions that we can embrace, that engages the hearts as well as the souls of people, it is not going to be as operative and make a difference. And all of these factors were there.

You had the family, the family being cut from the same bolt of cloth because they brought in so many different tastes and interests that reinforced and gave life to anything that they addressed and, in her case, this single devotion when it came to public responsibility in defining issues that were very important to all of us.

Senator Galiber and myself shared some of our deeply felt concerns with her, not that it's going to lead to anything, not with the expectation that it would conform to our deeply felt concerns, but it was a dialogue which we felt better in sharing it with her, and I'd like to feel that she felt the same way in receiving commentary and observations.

So I know that we're only a silly millimeter apart, Senator Ohrenstein, and you were projecting your "druthers" and I was projecting mine, but I think both of us, both of us know, both of us know and draw comfort from the fact that judgment, intelligence, character, these factors all come together so that we both

-- we both could draw considerable comfort knowing that you will be there and caring for it in your accustomed manner, and this I feel institutionally adds to the strength of this state.

People say, well, gee, you're walking in on a very difficult situation, and all of us are in the middle of a very difficult situation. But the call is very special, so the opportunity, if we look at it not as a -- as an obstacle to be overcome but as an opportunity to make that difference, in the face of great, great challenges, then indeed it -- I think we all mutually interact in circumstances such as these to draw strength from it and we certainly -- you certainly have our prayers and our hopes and everything that -- and our best wishes, you and your family, that you will draw comfort from the proceedings here today, and that you -- when you look to us, that you will be looking to a resource, a resource of comfort and of strength in carrying out your awesome responsibilities.

I join my other colleagues to -

to move this confirmation, a most felicitous one, as I pointed out earlier.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Mr. President, it is with great pride that I, as a woman, stand up here today to also second the nomination of this brilliant woman, Judge Judith Kaye, to be the chief of the Supreme -- to be chief judge of the Court of Appeals.

I will not talk about her brilliant mind and brilliant legal career. I will not talk about any of those issues. I just want to mention, Mr. President, that one word has been used, another great one to describe what we're doing here today, and that is that this is a moment in history. This is historic and I, for one, think about all those brilliant young women presently studying in all the various law schools throughout the nation contemplating the possibility of making a contribution in the -- in the legal field, that they will be looking upon Judge Kaye as the model, the role model to follow because -- and

the best that any young lawyer could aspire to and that is a tremendous contribution.

We know that, even though in today's world, one-third of the women who go to law school, that finally are admitted and about one-third of the graduates of law school are women, we know that, but still we also know that there are great barriers because today -- I love all you guys -- it is still a man's world. So that women do have greater barriers to go through to obtain their goals.

I hope, and I know that Judge Kaye will make all of us, not only women, but all you residents of New York State and of the nation proud, will make us proud of her judicial -- judicial temperament and rational decisions that she'll be making there.

But I hope that she -- I know that she must know about that famous report that came out of the Governor's Task Force on Judi cial Diversity that has great recommendations as to what both parties in the state of New York should do to ensure that greater, greater

representation, opportunity be given to Puerto Ricans, African-Americans and Hispanics and women and other protected classes to obtain positions within the judiciary, and I hope that in some way and I figure that if she, in some way, will be able to, she will try to also outside her immediate legal work that she might also contribute there, because that situation, for the benefit of all must eventually be changed.

Finally, I really want to congratulate Governor Cuomo and Senator Mega and the members of the Committee and the process by which Judge Kaye was selected. You know, it's very funny, and I think so many times, Mr. President, when I was elected to serve in this great chamber, I became a member of the modern courts, something or other, and I was very -- I have always been very hopeful that that is the best way that we should follow to be sure that judges are, in fact, separated from the reach of us politicians.

Well, that system has worked with

the Court of Appeals. However, that system, in my view, and I am very ambivalent about it -- I never felt that I would be, but I am very ambivalent about it -- that system is not working that well in terms of providing genuine opportunity for Puerto Ricans, African-Americans and other minorities to become judges in the city of New York and in the state of New York.

And so we must revise this situation. These commissions always end up finding a way not to submit names of minorities that are also highly qualified to make a contribution within the judicial system, but since it goes for the Court of Appeals, we'll rejoice in Judge Kaye's appointment, and we also know that at last -- at least that system of merit selection of judges has, in fact, once more done an excellent job in -- in choosing the highest qualified person that could possibly serve there.

Congratulations, Judge Kaye.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I rise, I guess, for what I call a very uncommon moment at least in my ten weeks of experience in this chamber and, your Honor, with all due respect, it really doesn't involve some of the other issues that have been talked about here.

What I find uncommon is that both sides of the aisle have sung the praises of our next chief judge. I'd like to talk -- first of all, I'd like to commend Senator Mega for the handling of the hearing with respect to Judge Kaye. It seems to me that both handling the hearing and handling the issues was very, very well done and, as I said, is an uncommon event that we, as the members of this body who tend to have contentious moments, came together on this nomination.

I want to talk, your Honor, just about the common man, my startling question to you on the common law, in what I think is a very common moment, and that is the issue of

nominating and approving a chief judge of the New York Court of Appeals. It is something that this body has done before, but it's unusual when this Legislature gets the opportunity to elect someone to something else. Usually we're in the business of electing ourselves or electing our peers, and we come together today to elect someone to a coordinate branch of government, to elevate someone in our system of checks and balances between a legislative branch, an executive branch and a judicial branch. We hold the power to name that other branch of government, and it seems to me that -- and I will depart slightly from my colleagues who have talked about the issue of gender because, for me, that's not an uncommon factor.

For me to celebrate gender over competence is to downplay the very skills that have brought you to this day. They have been sung by others. I won't sing them at any greater length here, but I do want to touch on the issue of the common man, the part of this common law question that I asked you.

My colleagues, Senator Galiber and Senator Mendez, I think, talk about the evolution of the common man as we've known it in this country. Look around this chamber and you'll see a different face on the common man. It might not even be a man; it might be a woman, might be a member of a minority, an African American, a Puerto Rican, other minorities.

Our notion in this state of the common man is changing. Our system of justice, our system of common law, has to change too. When I asked you the question about the common law, and you said you were startled, I -- I only wanted to emphasize that many of us in this chamber believe that we make the law in this state. We hold the power to make the law. Those of us who have studied the law, studied the tradition of law, realize that we are late entrants into the business of creating law, that it is common law courts, common law judges applying the wisdom of their own experience and their sense of fairness to a set of facts that have generated the major portion and the major

development of our system of law in this country.

It's my hope, as I suggested in the hearing today, that you will take the common law as others have done before you, and that you will drive it forward again to the next century. Don't be afraid that the common law may go too far. We hold the power in this branch to tell you that you've gone too far if that's what we determine. Take the common law, make sure that it addresses the fundamental issues of fairness for the growing and evolving common man.

And lastly, it's my hope to you that, as you take the mantle of the judge and don the robe, that you won't let the burdens of that system which too often we rely on for true justice or true fairness, that you won't let the burdens of that system overwhelm you personally or overwhelm the court that we all revere.

When you see problems, don't hesitate to say, This is an issue that deserves legislative attention. Don't hesitate to be a

product to force those of us who should be looking out for the common man's interest to make sure that we better represent him. It's my hope that the solutions will both come from here and be brought here.

I welcome you as the chief judge of the New York Court of Appeals. As a member of the coordinate branch of government, it's my proud moment to -- my uncommon moment for me to cast a ballot both in your favor and in favor of this court and in favor of the system that we all hold so dear.

Congratulations and good luck.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

Justice Kaye, as a father of two lawyers that are married to two lawyers, and as a law professor and a lawyer, what a distinct pleasure and honor it is for me to support this nomination.

When I was in law school, I saw a study that showed that there were less women

lawyers than any other profession. Today in almost every law school, the classes are equally divided. And what a thrill it is for New York State and for this chamber and for our Governor to have appointed a woman to the generally recognized premier and leading state court in the nation; and, Judith Kaye, you were a pioneer without a doubt as a lawyer and as a woman.

You, through your remarkable career and how you progressed to where you are, you make everybody proud, everybody in the legal profession. The legal profession, as we all know, is sometimes criticized, particularly this body, and all the lawyers that serve here, but I think it's an honorable profession and, as we get more and more women that are rising stars within our profession, maybe our entire image will improve.

I am particularly proud to support this nomination. Your competence is even more significant than your sex, and let me say that may your tenure be blessed with the luck of the Irish in that you are being

confirmed on St. Patrick's Day.

Congratulations.

THE PRESIDENT: Senator Sheffer.

SENATOR SHEFFER: Mr. President, for several reasons, it's a source of great pride for me to join in supporting and in celebrating the confirmation of Judge Kaye as chief judge.

Many Senators have paid tribute to the extraordinary legal talent and judicial temperament and personal dedication of Judge Kaye. I want to speak to a slightly different dimension of Judge Kaye's stewardship for this state.

Over the last several years, I've been privileged to serve with Judge Kaye and several others on the Regents Visiting Committee for the State Archives. When I was first asked to serve on that body, I, frankly, assumed there would not be enough caffeine on this planet to keep one awake during meetings on the state archives. As a result of the really exceptional contributions of Judge Kaye and people like

former Regent Chodos, that has been for me an exceptionally interesting and productive experience.

Last June, all of you voted in this chamber for creation of a State Archives Partnership Trust, which was a real tribute to the work that Judge Kaye and that committee has done.

My point is to say that, in addition to her extraordinary tenure on the Court of Appeals, Judith Kaye is the type of person who has lent her talent and commitment and time to efforts for this state that are apart from her judicial role, and I think that's something to be applauded by this house.

To his credit, Governor Cuomo has brought great respect and pride to the state of New York with the nomination of Judge Judith Kaye, and it's an honor for me to join in urging her confirmation.

THE PRESIDENT: Senator Onorato.

SENATOR ONORATO: Mr. President, I rise to join my colleagues, and I heartily

concur with everything that was said today about her. I'm just going to recite a quote my father told me when I was getting into politics, not being an attorney: Learn to say a little bit that means a whole lot.

So I'm going to quote from an unknown source I heard this morning at a confirmation hearing, that I am thrilled from the top of my head to the tip of my toes that you have been nominated, and I second the nomination to your position.

Good luck and good health.

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I rise with great pride to second the nomination and join my colleagues in con gratulating Judith Kaye on this memorable occasion. Like everybody in this chamber, I am thrilled to be here for this historic moment not only because Judith Kaye is the first woman to assume this august position but also because she

is the most qualified individual under consideration for the position, and I have a rather secret fondness here that in speculation, Judith Kaye may have actually had the opportunity to take a federal appointment but she decided that she would prefer to wait things out and hope for this appointment instead.

Regardless of what the history was in the national limelight and what the history was in this arena, it is most certainly our gain and the nation's loss that she's in New York State, but we should be enormously proud to have this opportunity.

My only regret is that Judith Kaye was not able to be one of the justices sitting on the recent reapportionment hearing that we had. I wonder if our outcome might have been a little bit different had she been one of the voting members in that decision, and I look forward to outstanding decisions in the years to come.

Congratulations, Judy!

THE PRESIDENT: Unless there is

any other Senator that wishes to speak, the question occurs on the confirmation of the nominee. All those in favor, say aye.

(Response of "Aye.")

Opposed nay.

(There was no response. )

The ayes have it. The nominee is confirmed. Congratulations.

(Standing applause.)

THE PRESIDENT: Senator Daly.

SENATOR DALY: Mr. President, I rise on behalf of a resolution that was presented at the desk and, if I could have it presented to the house.

THE PRESIDENT: The Secretary will read the title.

THE SECRETARY: Legislative Resolution Number 709, by Senator Daly and others, honoring St. Patrick and all persons of Irish heritage upon the occasion of the 1993 celebration of St. Patrick's Day.

THE PRESIDENT: Senator Daly is recognized, and there will be order in the

chamber.

SENATOR DALY: Mr. President, this is the second year in a row I've been privileged to carry this resolution, and I still do it with enthusiasm, high spirit, but with sadness, because when I look at this resolution realize I'm carrying before the house, I can not help but think back to a dear departed colleague who carried this resolution for so many years and, of course, I'm talking about our dear friend, Senator Jim Donovan.

I feel very proud that I'm able to succeed Senator Donovan in carrying this resolution, and instead of having it read in its entirety, because you've heard it before, I thought I'd just look upon the idea and concept of St. Patrick's Day, where it came from and why we have it and what it means and really, when you think about St. Patrick's Day and the fees, the celebration, not the fees, but the celebration of St. Patrick's Day, if you look back at its beginning, you realize that truly it started as an attempt of immigrants, by

immigrants I should say, from a small and persecuted island to try to demonstrate publicly their presence in this great country and their deserving of the same rights and privileges of every other American, and sometimes we forget that at that time there was a sign prevalent through the this country, "Irish need not apply," and it's to the credit of this nation and this people that they have grown and pros pered in this great nation of ours, and my mother, God rest her soul, who came from Ireland I always remember when I would sit down, Mr. President, and complain about the food and my mother would look and say to me, "Shut up and thank God your father took the boat."

And I do thank God my father took the boat because it gave me the opportunity to live in a nation that knows no second in the history of mankind, namely, our great country of America.

But what started out really as an attempt by the Irish to say we're here and we deserve has gone beyond that, and you know,

really, the St. Patrick's Day that we celebrate today, it doesn't know any racial, doesn't know any religious or national bounds.

St. Patrick's Day literally has become a spirit and look at the celebration that we have here in Albany. We have the Ohrensteins, and we have the Cuomos, and we have the Marinos and we have the Markowitzes, and we have the Galibers who, by the way, I might announce Mr. Chairman, has accepted, Mr. President, the honorary chairmanship of the Irish party that begins on the fourth floor next Monday, to which all are invited.

And so really, it's a spirit. It's a spirit which we all can relax, enjoy and say isn't it great to be alive? Isn't it great to have companionship? Isn't the human spirit lifted by the fact that it can enjoy a cele bration of life, glory in life, glory in living, knowing that we can share that, we can share that with each other, as I said, regardless of our race, our religion, our color, whatever.

And so, truly, St. Patrick's day

has evolved, Mr. President, and now it's something I would hope that everyone can enjoy, regardless of where their parents came from or when they got here, but truly we can all enjoy because we can enjoy each other and we can spend a day enjoying each other and having fun, so to speak, and I do believe, Mr. President, that this one day which we enjoy with each other means much more because truly it does -- it does create a feeling of brotherhood, a feeling of love for each other.

And so we ask you all to join us next Monday -- of course, today is St. Patrick's but next Monday is the day we will celebrate here in Albany -- we ask you all to enjoy, to join us so that we can enjoy you, you can enjoy us, and we can all enjoy life and, as the Irish say, God bless.

ACTING PRESIDENT FARLEY: Senator Mendez, do you wish to speak to this resolution?

SENATOR MENDEZ: Mr. President, I support wholeheartedly this resolution. I think my colleague, John Daly, definitely defines the

spirit of the parade in terms of sheer enjoyment and sharing of culture and everybody is invited.

But, Mr. President, you mentioned the Ohrensteins; Senator Daly, you mentioned the Galibers. You mention everybody and you didn't mention the Mendezes.

ACTING PRESIDENT FARLEY: Senator Daly, I know why you rise.

SENATOR MENDEZ: Mr. President, I just want to say in the spirit of the festivity of St. Patrick's -- St. Patrick, I just want to say, Erin go Bragh!

SENATOR DALY: I can't add to that.

ACTING PRESIDENT FARLEY: Thank you, Senator O'Mendez.

All in favor of the resolution, say aye loudly.

(Response of "Aye.")

The resolution is unanimously adopted.

Senator Holland.

SENATOR HOLLAND: Mr. President,

I'd like to offer up the following privileged resolution, ask that the title be read and that it be adopted.

ACTING PRESIDENT FARLEY: Secretary will read the title.

THE SECRETARY: Legislative Resolution, by Senator Holland and others, urging President William Jefferson Clinton to implement the five recommendations on Irish issues which would set in motion a constructive United States policy in regard to the north of Ireland.

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.

Do we have any other resolutions on the floor? We have some motions. Senator?

SENATOR SEWARD: Yes, Mr. President, on behalf of Senator Volker, on page 7, I offer the following amendments to Calendar

55, Senate Print Number 1141, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR SEWARD: On behalf of Senator Saland, on page 8, I offer the following amendments to Calendar Number 138, Senate Print Number 2363, and ask that the said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR SEWARD: Thank you.

SENATOR MEGA: Mr. President.

ACTING PRESIDENT FARLEY: Senator Mega.

SENATOR MEGA: On page 12, on my bill, I offer the following amendments to Calendar Number 208, Print Number 2784, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Without objection, the amendments are received.

SENATOR MEGA: Mr. President, I now move to discharge the Committee on Finance from Assembly Print Number 5959-A and substitute it for the identical bill.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. On behalf of Senator Levy, could you place a sponsor's star on Calendar Number 186, Senate Print Number 2,000.

ACTING PRESIDENT FARLEY: 186 is starred at the request of the sponsor.

SENATOR KUHL: Thank you.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Could we go to the non-controversial calendar.

ACTING PRESIDENT FARLEY: We have a couple substitutions. Could we do those first?

SENATOR PRESENT: Yes, and then non-controversial.

ACTING PRESIDENT FARLEY:
Secretary will read the substitutions.
THE SECRETARY: On page 12 of today's calendar, Senator Padavan moves to discharge the Committee on Transportation from Assembly Bill Number 3836 and substitute it for the identical Third Reading 191.
ACTING PRESIDENT FARLEY:
Substitution is ordered.
THE SECRETARY: Also on page 12, Senator Present moves to discharge the Committee on Education from Assembly Bill Number 2868 and substitute it for the identical Third Reading 194.
ACTING PRESIDENT FARLEY:
Substitution is ordered.
Secretary will do non-controversial.
THE SECRETARY: On page 11, Calendar Number 183, by Senator Marino, Senate Bill Number 1776, authorize the city of Glen Cove to sell and convey certain parcels of real property.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: One day on that, please?

ACTING PRESIDENT FARLEY: I didn't hear.

SENATOR GALIBER: Lay it aside.

SENATOR PRESENT: For the day.

THE SECRETARY: Calendar Number 185, by Senator Bruno, Senate Bill Number 2186, an act to amend the Real Property Tax Law, in relation to residential improvement exemption in certain cities.

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 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 188, by Senator Johnson, Senate Bill Number 1284, 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 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 189, by Senator Lack.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT FARLEY: Laid aside for the day.

THE SECRETARY: Calendar Number 190, by Senator Marchi, Senate Bill Number 2531, an act to amend the Public Authorities Law, in

relation to permitting certain vehicles of the United States armed forces.

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 55, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 191, substituted earlier today, by member of the Assembly Silver, Assembly Bill Number 3836, an act to amend the Vehicle and Traffic Law, in relation to additional penalties for parking violations.

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 54, nays two, Senators Galiber and Waldon recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 193, by Senator Farley, Senate Bill Number 716, authorize payment of transportation aid to the Schalmont Central School District.

ACTING PRESIDENT FARLEY: Is there a local fiscal impact note? There is a local fiscal impact note here at the desk. You can 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 56.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 194, substituted earlier today, by member of the Assembly McGee, Assembly Bill Number 2868, authorize the change of name of the Randolph Children's Home Union Free School District.

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 56.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 208, substituted earlier today, by member of the Assembly Koppell, Assembly Bill Number 5959-A, an act to amend Chapter 502 of the Laws of 1992, relating to certain non-judicial officers and employees.

ACTING PRESIDENT FARLEY: Senator

Present.

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

ACTING PRESIDENT FARLEY: There is a message, Senator.

SENATOR PRESENT: I move we accept the message.

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

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The message is accepted.

You can 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 56.

ACTING PRESIDENT FARLEY: That bill is passed.

ACTING PRESIDENT FARLEY:

Calendar Number 210, the bill is high. We'll lay it aside.

Does that conclude it? Nothing left over, Senator Present.

SENATOR PRESENT: Mr. President, in behalf of Senator Levy, I'd like to announce an immediate meeting of the Majority in Room 332.

ACTING PRESIDENT FARLEY: There will be an immediate conference of the Majority in Room 332.

SENATOR PRESENT: Mr. President, there being no further business, I move that we adjourn until Monday, March 22nd at 2:30 p.m., intervening days to be legislative days.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until Monday, regular hour.

(Whereupon, at 4:31 p.m., the Senate adjourned.)