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ALBANY, NEW YORK

March 24, 1993

12:21 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT FARLEY: Senate will come to order. Senators will find their seats. If you will please rise with me for the Pledge of Allegiance to the Flag.

We expect a Rabbi to come by and give us the invocation. We'll be holding for that. He's meeting with the Governor at the moment, but the Secretary will -- so we may interrupt and do a prayer in mid-stream here.

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Tuesday, March 23rd. The Senate met pursuant to adjournment -- just a moment.

Senator Mega, why do you rise?

SENATOR MEGA: I would just indicate that I'm very pleased to see two Senators on the other side who are present for the Pledge of Allegiance to the Flag, and I just want to comment on that because of the comments that Senator Gold had made recently in connection with pledging allegiance to the

1 flag.

2 Thank you.

3 ACTING PRESIDENT FARLEY: Your
4 comments are duly noted.

5 Secretary will begin by reading
6 the Journal.

7 THE SECRETARY: In Senate,
8 Tuesday, March 23rd. The Senate met pursuant to
9 adjournment, Senator Farley in the Chair upon
10 designation of the Temporary President. The
11 Journal of Monday, March 22nd, was read and
12 approved. On motion, Senate adjourned.

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

16 The order of business: The
17 presentation of petitions.

18 Messages from the Assembly.

19 Messages from the Governor.

20 Reports of standing committees.

21 Communications and reports from
22 state officers.

23 We have a substitution. The

1 Secretary will read that.

2 THE SECRETARY: On page 13,
3 Senator Velella moves to discharge the Committee
4 on Cities from Assembly Bill Number 4523 and
5 substitute it for the identical Calendar Number
6 292.

7 ACTING PRESIDENT FARLEY:
8 Substitution ordered.

9 THE SECRETARY: Also on page 13,
10 Senator Padavan moves to discharge the Committee
11 on Cities from Assembly Bill Number 5733 and
12 substitute it for the identical Calendar Number
13 293.

14 ACTING PRESIDENT FARLEY:
15 Substitution is ordered.

16 Any motions on the floor? We may
17 be doing a resolution later, but Senator
18 Present, what's your pleasure?

19 SENATOR PRESENT: Let's take up
20 the non-controversial calendar.

21 ACTING PRESIDENT FARLEY:
22 Non-controversial.

23 THE SECRETARY: On page 23,

1 Calendar Number 216, by Senator Lack, Senate
2 Bill Number 1640, an act to amend the Labor Law,
3 in relation to enforcement of safety and health
4 standards.

5 ACTING PRESIDENT FARLEY: Read
6 the last section.

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

9 ACTING PRESIDENT FARLEY: Call
10 the roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes 36, nays one
13 -- excuse me, in relation to Calendar Number
14 216, Senators Cook and Kuhl are recorded in the
15 negative. Ayes 35, nays 2.

16 ACTING PRESIDENT FARLEY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 217, by Senator Lack, Senate Bill Number 1642,
20 Workers' Compensation Law, in relation to fee
21 schedules.

22 ACTING PRESIDENT FARLEY: Read
23 the last section.

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

3 ACTING PRESIDENT FARLEY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 37.

7 ACTING PRESIDENT FARLEY: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 219, by Senator Cook, Senate Bill Number 2547,
11 an act to amend the Labor Law, in relation to
12 safety and health standards for public
13 employees.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

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

18 ACTING PRESIDENT FARLEY: Call
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 36, nays
22 one, Senator Kuhl recorded in the negative.

23 ACTING PRESIDENT FARLEY: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 221, by Senator Farley, Senate Bill Number -

4 SENATOR GOLD: Lay it aside,
5 please.

6 ACTING PRESIDENT FARLEY: Lay
7 that bill aside.

8 THE SECRETARY: Calendar Number
9 222, by Senator Larkin.

10 SENATOR GOLD: Lay aside, please.

11 ACTING PRESIDENT FARLEY: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 223, by member of the Assembly Vitaliano,
15 Assembly Bill Number 4921, providing for the
16 date of certification of nominations in 1993.

17 ACTING PRESIDENT FARLEY: Read
18 the last section.

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 38.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 224, by Senator Nozzolio, Senate Bill Number
6 3503, amends Chapter 79 of the Laws of 1992,
7 amending the Election Law.

8 ACTING PRESIDENT FARLEY: Read
9 the last section.

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

12 ACTING PRESIDENT FARLEY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 35, nays 3,
16 Senators Kuhl, Pataki and Spano recorded in the
17 negative, also Senator Saland in the negative.

18 ACTING PRESIDENT FARLEY: Also
19 I'm in the negative. The bill is passed.

20 THE SECRETARY: Calendar Number
21 225, by Senator LaValle, Senate Bill Number
22 1398, relating to providing for extended school
23 days for a district facing unusual

1 circumstances.

2 ACTING PRESIDENT FARLEY: Read
3 the last section.

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

6 ACTING PRESIDENT FARLEY: Call
7 the roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes 42.

10 ACTING PRESIDENT FARLEY: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 226, by Senator Bruno, Senate Bill Number 1800,
14 legalize, certify, and confirm the acts of the
15 Hoosick Falls Central School District.

16 ACTING PRESIDENT FARLEY: There's
17 a local fiscal impact note here at the desk.
18 You can read the last section.

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

21 ACTING PRESIDENT FARLEY: Call
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 42.

2 ACTING PRESIDENT FARLEY: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 227, by Senator Present, Senate Bill Number
6 1804, authorize payment of transportation aid to
7 the Friendship -- Friendship Central School
8 District.

9 ACTING PRESIDENT FARLEY: There's
10 a local fiscal impact note here at the desk.
11 You can read the last section.

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

14 ACTING PRESIDENT FARLEY: Call
15 the roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 44.

18 ACTING PRESIDENT FARLEY: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 228, by Senator Pataki, Senate Bill Number 1983,
22 Education Law and the Transportation Law.

23 SENATOR GOLD: Lay it aside,

1 please.

2 ACTING PRESIDENT FARLEY: Laid
3 aside.

4 THE SECRETARY: Calendar Number
5 229, by Senator Stafford, Senate Bill Number
6 2464, authorize the Fort Ann Central School
7 District to finance the accumulated deficit.

8 ACTING PRESIDENT FARLEY: Read
9 the last section.

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

12 ACTING PRESIDENT FARLEY: Call
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 44.

16 ACTING PRESIDENT FARLEY: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 230, by Senator Tully, Senate Bill Number 2974.

20 SENATOR GOLD: Lay it aside.

21 ACTING PRESIDENT FARLEY: Laid
22 aside.

23 THE SECRETARY: Calendar Number

1 233, by Senator Johnson.

2 SENATOR GOLD: Star the bill.

3 Lay it aside.

4 ACTING PRESIDENT FARLEY: Did you
5 want to lay it aside?

6 SENATOR GOLD: Yeah, lay it
7 aside.

8 ACTING PRESIDENT FARLEY: Laid
9 aside.

10 THE SECRETARY: Calendar Number
11 234, by Senator Marino.

12 SENATOR GOLD: Lay aside.

13 ACTING PRESIDENT FARLEY: Laid
14 aside.

15 THE SECRETARY: Calendar Number
16 235, by -

17 SENATOR GOLD: Lay aside.

18 ACTING PRESIDENT FARLEY: Laid
19 aside.

20 THE SECRETARY: Calendar Number
21 239, by Senator -

22 SENATOR GOLD: Lay aside.

23 ACTING PRESIDENT FARLEY: Laid

1 aside.

2 THE SECRETARY: Calendar Number
3 240, by Senator Volker, Senate Bill Number 2627,
4 an act to amend the Penal Law, in relation to
5 authorized disposition in certain felony cases.

6 ACTING PRESIDENT FARLEY: Read
7 the last section.

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

10 ACTING PRESIDENT FARLEY: Call
11 the roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes 43, nays
14 two, Senators DeFrancisco and Saland recorded in
15 the negative.

16 ACTING PRESIDENT FARLEY: The
17 bill is passed.

18 ACTING PRESIDENT FARLEY: Senator
19 DeFrancisco.

20 SENATOR DeFRANCISCO: May I have
21 the opportunity to explain my no vote?

22 ACTING PRESIDENT FARLEY: Yes,
23 Senator DeFrancisco to explain his vote.

1 SENATOR DeFRANCISCO: Normally, I
2 feel that the judge should have the greatest
3 discretion possible in order to issue an
4 appropriate sentence or to impose an appropriate
5 sentence. In this case, presently, the law says
6 that 60 days and probation is an appropriate
7 split sentence. This would give the judge
8 discretion of one year plus probation and that
9 gives the judge more discretion.

10 The problem, however, is that if
11 you give the judge that flexibility, there's
12 going to be a substantial cost passed on to the
13 localities, and the substantial cost is going to
14 be borne by the local corrections officials
15 because there will be more sentences diverted
16 from the state prisons down to the local
17 prisons, and I think there's going to be a
18 substantial impact on the cost to local
19 governments, and that's the reason that I'm
20 voting no.

21 ACTING PRESIDENT FARLEY: The
22 bill is passed.

23 Senator Sears, you're in the

1 negative; yeah.

2 Senator Present, that's the first
3 time through. Do you wish to go to
4 controversial?

5 SENATOR PRESENT: Let's go to
6 controversial. Mr. President, I think you have
7 a bill on the controversial calendar.

8 ACTING PRESIDENT FARLEY: I think
9 I'm going to -

10 SENATOR PRESENT: Senator Kuhl
11 will take over for you.

12 ACTING PRESIDENT FARLEY: Senator
13 Kuhl is in charge here.

14 THE SECRETARY: On page 24,
15 Calendar Number 221, by Senator Farley, an act
16 to amend the Election Law and the State Finance
17 Law, requiring proposition authorizing the
18 creation of a state debt.

19 SENATOR GOLD: Mr. President.

20 ACTING PRESIDENT KUHL: Yes,
21 Senator Gold.

22 SENATOR GOLD: Yeah. Perhaps
23 Senator Farley would agree to hold this just

1 temporarily. We expect some amendments.
2 They're being prepared for the very, very
3 distinguished ranking member of the Finance
4 Committee, and I think we'll be able to come
5 back to it today, but perhaps in an effort to
6 move the calendar along, because we're also
7 anxious to move it along, even though we started
8 a little late because of the absence of one of
9 our colleagues from Staten Island, maybe we
10 could go on to the next bill.

11 ACTING PRESIDENT KUHL: Senator
12 Farley.

13 SENATOR FARLEY: You do expect
14 Senator Halperin to be along shortly?

15 SENATOR GOLD: Yes.

16 SENATOR FARLEY: I'll lay it
17 aside temporarily.

18 SENATOR GOLD: That's what I'm
19 told.

20 ACTING PRESIDENT KUHL: Lay the
21 bill aside temporarily.

22 THE SECRETARY: Calendar Number
23 222, by Senator Larkin, Senate Bill Number

1 2233-A, Election Law, in relation to the hours
2 for voting.

3 SENATOR GOLD: Hold on. Lay
4 aside.

5 SENATOR PRESENT: Lay aside,
6 please.

7 ACTING PRESIDENT KUHL: Bill is
8 laid aside temporarily.

9 THE SECRETARY: Calendar Number
10 228, by Senator Pataki, Senate Bill Number 1983,
11 Education Law and the Transportation Law, in
12 relation to authorizing the use of drug-free
13 zone signs by school districts.

14 SENATOR GOLD: Explanation.

15 ACTING PRESIDENT KUHL: Senator
16 Pataki.

17 SENATOR PATAKI: Yes, this bill
18 merely allows school districts to post such
19 signs. It provides that the Department of
20 Transportation is to design and provide signs so
21 that they can be placed on the grounds by the
22 school district.

23 We passed legislation some time

1 ago creating the tougher criminal penalties for
2 drug-free zones around schools, and this just
3 authorizes the placement of those signs.

4 ACTING PRESIDENT KUHL: Last
5 section.

6 SENATOR GOLD: Will the Senator
7 yield to a question?

8 SENATOR PATAKI: Yes.

9 SENATOR GOLD: Senator, my notes
10 indicate that in 1991 there was a support memo
11 from the Medical Society of the state of New
12 York. Have they filed anything this year on the
13 bill, as far as you know?

14 SENATOR PATAKI: I don't see any
15 memo. I don't know why they would be involved,
16 but we do have oral support from the Big Five
17 school district boards of education in the state
18 of New York.

19 SENATOR GOLD: You have five
20 supporting memos?

21 SENATOR PATAKI: We have oral
22 support; I don't have memos.

23 SENATOR GOLD: Just so you

1 understand, the Medical Society were in
2 support. They were not in opposition.

3 SENATOR PATAKI: I don't know.
4 They didn't -

5 SENATOR GOLD: And this bill
6 passed in 1992?

7 SENATOR PATAKI: 1992, passed
8 unanimously.

9 SENATOR GOLD: It passed 1992.
10 Whose bill was it?

11 SENATOR PATAKI: Senator
12 Goodhue's.

13 SENATOR GOLD: Great lady! Last
14 section.

15 ACTING PRESIDENT KUHL: Read the
16 last section.

17 SENATOR LEICHTER: Senator -
18 Would Senator Pataki yield, please?

19 ACTING PRESIDENT KUHL: Senator
20 Pataki yield? He does.

21 SENATOR LEICHTER: Senator, let
22 me tell you what bothers me about this bill and
23 maybe you can respond to it.

1 I understand we don't want drugs
2 to be used around schools, least of all around
3 schools, but we don't want drugs to be used
4 anywhere. I'm sort of bothered; you put signs
5 up around schools which say "drug-free zones"
6 which sort of carries the implication that other
7 areas are -- are permissible, that there's a
8 permissible use of drugs there or that they are
9 not drug-free zones.

10 SENATOR PATAKI: Well, Senator
11 Leichter, I believe you were in the Senate when
12 this body passed this legislation which created
13 tougher criminal penalties, raised the level of
14 penalty for sale of drugs in these drug-free
15 zones, and that bill called for the creation of
16 these drug-free zones within a thousand feet of
17 a school ground. So what this is doing is
18 simply authorizing districts to put up signs in
19 compliance with the legislation, which -- which
20 is now statute, that this body previously
21 passed.

22 SENATOR LEICHTER: Mr. -- Mr.
23 President.

1 ACTING PRESIDENT KUHL: Yes,
2 Senator Leichter.

3 SENATOR LEICHTER: If Senator
4 Pataki would yield to another question.

5 SENATOR PATAKI: Sure.

6 ACTING PRESIDENT KUHL: Says he
7 does.

8 SENATOR LEICHTER: Senator, I
9 don't think that really answers my concern
10 because, if this bill provided that you could
11 put up signs that said the sale of drugs here
12 carries a stiffer penalty that, I think, would
13 be consistent or in accordance with that bill
14 that we passed that I voted for.

15 SENATOR PATAKI: M-m h-m-m.

16 SENATOR LEICHTER: But you're
17 saying drug-free zone; you're right it's a drug
18 free zone, but a hundred yards away that's a
19 drug-free zone too. In front of the Capitol is
20 a drug-free zone. In front of a gas station is
21 a drug-free zone. Our whole society is meant to
22 be a drug-free zone. Now, unfortunately, it's
23 not. Do we sort of carry the implication, Look

1 we've given up this fight, but at least we're
2 going to try to preserve around this school a
3 drug-free zone? I'm really bothered by that.

4 SENATOR PATAKI: Senator, let me
5 say I can understand the perception that some
6 might have given up the fight because I see
7 where the drug arrests for low level dealers in
8 New York City under the present mayor are way
9 down, so that some might get that misconception
10 that the war on drugs is targeted to certain
11 areas.

12 But that is not the intent of
13 this area -- of this legislation. This
14 legislation is simply aimed at pointing out the
15 importance we apply to school grounds as a -
16 what should be a sanctuary for the young people
17 of this state and if the Senator wants to
18 propose legislation authorizing signs to be
19 placed in front of service stations or the
20 Capitol, I'm sure you could do that, and we'd be
21 pleased to take a look at it.

22 SENATOR LEICHTER: Well, Senator,
23 let me just ask you one final question. Why

1 don't you provide -- and I don't know whether
2 it's even necessary, but maybe it is necessary
3 under the law, because I guess we're dealing
4 with highways, put a sign saying the sale of
5 drugs around this school carries additional
6 penalties.

7 It would seem to me that would
8 make sense -

9 SENATOR PATAKI: Senator, this
10 legislation does not say that that is precluded,
11 and I would hope that the schools working with
12 the Department of Transportation could reach an
13 agreement on design that perhaps included that
14 language.

15 ACTING PRESIDENT FARLEY: Senator
16 Galiber.

17 SENATOR GALIBER: Senator, would
18 you yield for a question?

19 SENATOR PATAKI: Certainly,
20 Senator.

21 SENATOR GALIBER: I guess when
22 you mentioned the mayor of the city of New York
23 and those drug crimes, I don't think there's any

1 relevancy, very frankly, to the piece of
2 legislation that you have here.

3 You know my concern about drugs.
4 I have a different way of solving it. I can't
5 convince enough folks to deal with the traffick
6 ing of it, but I think that what occurs here
7 that if we pass a piece of legislation that
8 says, if you guys -- you come into this area and
9 sell drugs up in Putnam Valley where you are,
10 where my granddaughter is, we're going to give
11 you stiffer penalties.

12 I guess what troubles us, and I
13 don't care about a couple extra signs, but are
14 we putting the signs up to warn the people whom
15 we want to catch and put in jail that, you know,
16 "you're gettin' pretty close; you better back
17 up."

18 What is the purpose of the sign
19 outside of -- because we're already alerted that
20 there should be free zones and the penalties are
21 stiff. I just want to know -- I guess I'm
22 really saying in a different way outside of my
23 sensitivity about the mayor of the city of New

1 York?

2 SENATOR PATAKI: The purpose is
3 very simple. Our schools should be sanctuaries
4 where people can go without fear of violence,
5 without fear of drugs with one goal in mind and
6 that is to get the best possible education to
7 prepare them for the future, and what we are
8 saying by this legislation is that you are now
9 entering the boundaries of what should be that
10 sanctuary, and we are giving you notice that
11 while, yes, we are opposed to drug use and yes,
12 we will fight drug use in front of service
13 stations, anywhere in this state, that we are
14 making a special point that you are now within
15 the boundaries of something that we consider, as
16 we consider most of the state, to be sacred but
17 this a little bit more so because of the
18 importance of our youth.

19 SENATOR GALIBER: I'm going to
20 vote for it.

21 SENATOR PATAKI: I assumed that
22 you were, Senator.

23 ACTING PRESIDENT FARLEY: Senator

1 Waldon.

2 SENATOR WALDON: Thank you, Mr.
3 President.

4 Senator Pataki, would you yield
5 for a question or two?

6 SENATOR PATAKI: Certainly.

7 SENATOR WALDON: We've not
8 discussed this issue, but I have to assume that
9 you view the world similarly to I, in terms of
10 preventing our children from being exposed to
11 drugs.

12 In that regard, it seems to me
13 the best course of action for this country and
14 this state naturally to take is to educate the
15 children. Is there a salutary effect of your
16 bill which would also not put the children on
17 notice but be, if not a subliminal message, a
18 direct message that drugs are not something that
19 you should be using because, after all, you're
20 entering an area which says "drug-free zone" but
21 there are other messages to that sign; is that
22 part and parcel of what you're doing?

23 SENATOR PATAKI: I think anything

1 we can do to reinforce in the minds of our young
2 people, and education being a critical tool in
3 the war against drugs, that drug use is wrong
4 and that we are going to do everything in this
5 state to fight it, is appropriate and, yes, I
6 believe that is an educational component from
7 seeing this reminder when you approach a school
8 ground.

9 SENATOR WALDON: Would that also
10 affect the parents who come to pick up their
11 children or bring their children to and from
12 school?

13 SENATOR PATAKI: Certainly.

14 SENATOR WALDON: As well as the
15 teachers?

16 SENATOR PATAKI: Certainly.

17 SENATOR WALDON: As well as the
18 bad guys?

19 SENATOR PATAKI: Yes, certainly.

20 SENATOR WALDON: Thank you, Mr.
21 President.

22 SENATOR PATAKI: Thank you.

23 ACTING PRESIDENT FARLEY: Read

1 the last section.

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

4 ACTING PRESIDENT FARLEY: Call
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 53.

8 ACTING PRESIDENT FARLEY: The
9 bill is passed.

10 We're going to -- Senator
11 Present, with your permission, we will interrupt
12 for the Rabbi.

13 SENATOR PRESENT: Let's do that
14 now.

15 ACTING PRESIDENT FARLEY: Thank
16 you.

17 My colleagues, we're deeply
18 honored to have with us today, Rabbi Shmuel M.
19 Butman, Director of the Lubavitch Youth
20 Organization of Brooklyn, New York, who is going
21 to give us an invocation.

22 Rabbi Butman.

23 RABBI BUTMAN: For the sake of

1 the record, I was here at 10:30.

2 Dear God, with Your bountiful
3 mercy, on the 11th day of Nissan, 5753,
4 corresponding to April 2nd, 1993, we will be
5 celebrating the 91st birthday of the revered
6 leader of world Jewry, Rabbi Menachem M.
7 Schneerson, the Lubavitcher Rebbe Shlita. The
8 Rebbe has, with Your divine help, Almighty God,
9 enriched the moral, educational, and ethical
10 lives of millions of people through all walks of
11 life throughout the world, and has made this
12 world a better place to live in. It is indeed
13 befitting that this legislative body has
14 proclaimed 91 days of education in the state of
15 New York in honor of the Rebbe's 91st birthday.

16 During the last two years, the
17 Rebbe has constantly proclaimed that the time of
18 our redemption is here and Moshiach, the
19 Messiah, is on His way. The Rebbe calls upon
20 all of mankind to prepare themselves for the
21 great day of redemption, for the personal
22 commitment to increase in charity and good
23 deeds.

1 Over the years, the Rebbe has
2 inspired us with his leadership, his scholarship
3 and prophecies time and time again. Now the
4 Rebbe is telling us as a prophecy, the Moshiach,
5 the Messiah, is on the way. Let us heed the
6 Rebbe's call and let us all prepare for our own
7 benefit for that greatest of days, the ultimate
8 purpose of God's creation.

9 The Rebbe has called this year,
10 5753 in the Jewish calendar, as the year of
11 great wonders. The Rebbe says that the reason
12 we have seen so many miracles this past year and
13 are constantly seeing miracles in our daily
14 lives is due to the fact that You, Almighty God,
15 are preparing the world for the miracle of
16 miracles, the final redemption.

17 We ask You, dear God, to give us
18 the strength and the -- the strength to
19 accelerate that process and the inspiration to
20 do an extra good deed each day in order to speed
21 up the coming of the Messiah. In this spirit,
22 dear God, I would like to take this opportunity
23 to put a dollar bill, on which the words "In God

1 we trust" are imprinted, into this fisca, into
2 this charity box. This fisca, this charity box,
3 reminds us that we all have an obligation not
4 only to ourselves and to our families but also
5 indeed to our neighbors and society in general,
6 the world over, regardless of race, religion,
7 color or creed.

8 Help us, dear God, to bring this
9 message of charity and of the final redemption
10 to all the people of the state of New York and
11 to all the people in these great United States
12 and to all the people of this world. Almighty
13 God, in your infinite wisdom, you have
14 established the members of this Legislature as
15 the custodians of honesty, decency, justice and
16 peace for all people of the state of New York
17 and through them for all the people of the
18 United States and through the United States, the
19 moral superpower of the world, to all the people
20 of this planet.

21 We pray, dear God, that you
22 continue to bestow your bounty upon all the
23 members of this great body. May they merit,

1 dear God, to have a year of great wonders in
2 their communal, national and international
3 endeavors, as well as in their private lives.
4 And let us all say amen.

5 Thank you.

6 ACTING PRESIDENT FARLEY: Rabbi,
7 I'm going to ask that you stay here, and I'll
8 recognize Senator Marchi.

9 SENATOR MARCHI: Mr. President, I
10 would request our good friend, Mr. Cornell, if
11 he would read the resolution in its entirety and
12 then I'd like to speak to it briefly, please.

13 ACTING PRESIDENT FARLEY: Thank
14 you. The Secretary will read the resolution,
15 Senator Marchi's resolution, in its entirety.

16 THE SECRETARY: Legislative
17 Resolution Number 1804, by Senator Marchi,
18 proclaiming the period from April 2nd, 1993
19 corresponding to the 11th of Nissan 5753, the
20 Rebbe's 91st birthday, to July 1st, 1993,
21 corresponding to the 12th of Tammuz, as New York
22 State 91 Days of Education, as a special tribute
23 to the Lubavitcher Rebbe, Rabbi Menachem M.

1 Schneerson, Shlita.

2 WHEREAS, world Jewry is now
3 celebrating the 91st birthday of its revered
4 leader, Rabbi Menachem M. Schneerson, the
5 Lubavitcher Rebbe Shlita;

6 The Lubavitcher Rebbe has, over
7 his 43 years of dedicated leadership,
8 established over 1300 Lubavitcher centers,
9 helping people of all walks of life from
10 Australia to Africa, from Holland to Argentina,
11 from Moscow to Kiev;

12 Rabbi Schneerson's educational
13 activities throughout the globe have enriched
14 and strengthened the religious, educational,
15 cultural, moral and ethical fiber of all
16 citizens of the world;

17 The Rebbe has proclaimed that the
18 time of our redemption has arrived and Moshiach
19 is on his way;

20 The Lubavitcher Rebbe has called
21 upon all citizens of the world to prepare for
22 the Great Redemption with a personal commitment
23 to increase in charity and good deeds;

1 The entire world is now engaged
2 in prayers for the speedy and complete recovery
3 of the Rebbe with an outpouring of love and
4 affection from millions of followers, admirers
5 and beneficiaries from all parts of the globe;

6 NOW, THEREFORE, BE IT RESOLVED
7 that this legislative body pause in its
8 deliberations to proclaim the period from April
9 2nd, 1993, corresponding to the 11th of Nissan,
10 5753, the Rebbe's 91st birthday, to July 1st,
11 1993, corresponding to the 12th of Tammuz, as
12 "New York State 91 Days of Education," as a
13 special tribute to the Lubavitcher Rebbe, Rabbi
14 Menachem M. Schneerson, Shlita; and

15 BE IT FURTHER RESOLVED, that a
16 copy of this resolution, suitably engrossed, be
17 transmitted to Rabbi Menachem M. Schneerson.
18 Together with our best and sincerest wishes for
19 a complete and speedy recovery, and for great
20 success in all of his endeavors.

21 ACTING PRESIDENT FARLEY: Senator
22 Marchi.

23 SENATOR MARCHI: Mr. President,

1 you will notice from the reading of the
2 resolution and from the inspiring prayer of
3 Rabbi Butman that we are collectively here
4 representing many, many spiritual convictions,
5 various convictions, but there is a common
6 patrimony that we all enjoy and gives us reason
7 to celebrate this event for the importance that
8 it has, the importance that it has imparted to
9 intellectual, spiritual, indeed those redemptive
10 facets and aspects of human existence that have
11 given civilization, in its highest and best
12 forms, a sense and meaning that is relevant to
13 the human condition.

14 I had the pleasure of meeting the
15 Lubavitcher some 25 years ago, and I spent over
16 half an hour in private conversation with him
17 and whatever conceptions you might have, you're
18 not -- you're not dealing with a person with
19 just one aspect, you're dealing with somebody
20 and you're talking to someone urbane, who has a
21 cultural and educational background that defies
22 description, that embraces so many different
23 disciplines and, at the same time, represents

1 the force that has jealously guarded the rich
2 patrimony that he represents, and this -- this
3 is a very meaningful experience. Those of you
4 who have read history, have read Tacitus, will
5 tell you how the lions in the arena feasted on
6 Christians.

7 If they read Tacitus, they would
8 have found out that it had a broader
9 application, and it is explained by the fact
10 that all of us here, regardless of our religious
11 or spiritual adhesion, are all spiritually
12 Semites. And what is this important distinction
13 which separates it from all the other spiritual
14 experiences? It's simply this, Mr. President:
15 Because it undergirds even our own secular
16 concept of a fair and just society, it is the
17 concept that man -- and I mean this in a generic
18 sense -- man has a spiritual, and enjoys a
19 spiritual autonomy that no one can trespass
20 upon.

21 What a better affirmation of our
22 nature as creatures of God than this notion and
23 this conviction and fact -- underlying fact and

1 reality of mankind that we are spiritually
2 autonomous. The Romans were not intolerant.
3 They said, Bring your God to the Pantheon, and
4 it will be -- he will be worshipped or she will
5 be worshipped, or it will be worshipped along
6 with everybody else, and the answer was no, no,
7 because there is -- there is a different
8 conception here that no one can trespass upon,
9 and this is -- they -- the Lubavitcher
10 represents a zealous guardian of that concept of
11 the spiritual autonomy of man throughout the
12 hundreds of centuries that have elapsed.

13 We had Aristotelian philosophy
14 that gives us so many answers, but it never
15 became meaningful until Ben -- Maimonides gave
16 it and brought it into relevance a thousand
17 years later and it became also the foundation
18 which scholastic philosophy, it was the
19 precursor and the formulator of scholastic
20 philosophy as it was defined by Maimonides and
21 this has -- this has been zealously served and
22 the custody of that patrimony has gone down
23 through the centuries and today it is alive and

1 well and it benefits all of mankind so that it
2 is a -- it is a really a festive event that we
3 are observing in which all people of good will
4 can join and, if they accept -- if they accept
5 as we should, the basic message here and
6 appreciate the spiritual impact that it has not
7 only in our religious formulation but also in
8 our human understanding, we will have done much
9 to advance causes that are right and just.

10 Mr. President, I would like to
11 have you, in the name of all of us to greet,
12 along with Rabbi Butman, who is an old and
13 cherished friend and a welcome friend, and it's
14 wonderful to have him back, also Rabbi David
15 Raskin, who is chairman of the Lubavitch Youth
16 Organization, Rabbi Joseph Spellman, chairman of
17 the Crown Heights Jewish Community Council, and
18 Rabbi Shimon Hecht, chairman of the National
19 Committee for the Furtherhood of Jewish
20 Organizations, and all those that are with
21 them.

22 So I -- so I ask you in your own
23 inimitable way if you will extend a greeting in

1 behalf of all of us to these wonderful people
2 and, prayerfully, I hope they will also add -
3 they will also include in their prayers that we
4 continue to meet for many, many years to come
5 and also to convey to the Rebbe our esteem and
6 our prayers for his recovery.

7 Thank you.

8 RABBI BUTMAN: Thank you very,
9 very much.

10 ACTING PRESIDENT FARLEY: Thank
11 you. Let me first adopt the resolution.

12 All in favor of the resolution,
13 say aye.

14 (Response of "Aye.")

15 Those opposed nay.

16 (There was no response.)

17 The resolution is unanimously
18 adopted.

19 On behalf of the New York State
20 Senate, Rabbi, let me say how honored we are to
21 have you with us here today and we wish you well
22 in your work and, incidentally, the Rabbi was
23 here at 10:30, unlike most of the Senators, and

1 we appreciate your punctuality but more than
2 that we appreciate the good work that you do for
3 our humankind, and to your group that are here,
4 the other rabbis, our best wishes, come back and
5 visit us again.

6 RABBI BUTMAN: Thank you very,
7 very much.

8 ACTING PRESIDENT FARLEY: Thank
9 you.

10 (Applause)

11 SENATOR COOK: Mr. President.

12 ACTING PRESIDENT FARLEY: Senator
13 Cook.

14 SENATOR COOK: Would you please
15 recognize Senator Goodman.

16 ACTING PRESIDENT FARLEY: Senator
17 Goodman.

18 SENATOR GOODMAN: Mr. President,
19 two housekeeping items. May I please be
20 recorded in the negative on Calendar Number 176
21 and 233? I would like the record to show that
22 had I been in the chamber at the time these were
23 called, that I would have so voted, and that my

1 inability to be here was based on the fact that
2 I was conducting an investigative hearing into
3 the World Trade Center explosion in New York
4 City.

5 ACTING PRESIDENT FARLEY: Yes.
6 The record will so indicate, Senator Goodman.

7 SENATOR GOODMAN: Thank you,
8 Senator.

9 ACTING PRESIDENT FARLEY:
10 Incidentally, 233, Senator Goodman, has not been
11 passed as yet. And 176 was the other day and
12 the record will so indicate.

13 SENATOR COOK: Could we continue
14 with the calendar.

15 ACTING PRESIDENT FARLEY:
16 Secretary will continue with the controversial
17 calendar.

18 THE SECRETARY: On page 25 of
19 today's calendar, Calendar Number 230, by
20 Senator Tully, Senate Bill Number 2974, Public
21 Health Law, in relation to the definition of
22 obstetric practitioner.

23 SENATOR GOLD: Last section.

1 ACTING PRESIDENT FARLEY: Read
2 the last section.

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

5 ACTING PRESIDENT FARLEY: Call
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 55.

9 ACTING PRESIDENT FARLEY: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 233, by Senator Johnson, Senate Bill Number
13 1843, an act to amend the Penal Law.

14 ACTING PRESIDENT FARLEY: Read
15 the last section.

16 SENATOR GOLD: Explanation.

17 ACTING PRESIDENT FARLEY:
18 Explanation.

19 Senator Johnson.

20 SENATOR JOHNSON: Mr. President,
21 Section 400 of the Penal Law provides for
22 issuing two types of pistol licenses, either
23 premises license or a carry license. There's no

1 provision in this law for any other variety of
2 license such as target or hunting, et cetera.
3 Nevertheless authorities in 55 jurisdictions in
4 this state are issuing licenses with such
5 restrictions without the authority to do so. In
6 fact, when these type of licenses result in some
7 sort of a court challenge, for example, a man in
8 New York City several years ago had a license
9 that was marked "target", he was in possession
10 of that pistol. He was charged with a crime of
11 -- he was charged with a crime of carrying a
12 target pistol, criminal possession of a target
13 pistol, because he didn't -- he wasn't going to
14 the range apparently, and he didn't have it in a
15 box.

16 The law doesn't provide for those
17 type of restrictions and he was found innocent.
18 We're trying to clear up this problem with the
19 law constantly putting requirements on licenses
20 which are not provided for by law, abusing and
21 usurping the laws of the state of New York
22 without any particular benefit to anyone.

23 So this just clarifies it by

1 saying the law is plain enough. You issue one
2 or another type of pistol license, and it
3 prohibits them from putting any further
4 restrictions on those licenses. Thank you.

5 ACTING PRESIDENT FARLEY:
6 Senator, I don't know who arose first.

7 SENATOR GOLD: I yield to Senator
8 Stavisky.

9 ACTING PRESIDENT FARLEY: Senator
10 Gold yields to you, Senator Stavisky.

11 SENATOR STAVISKY: Mr. President,
12 the right of a locality to determine the terms
13 and conditions of services that affect that
14 locality is respected by many members of this
15 Legislature. We regularly hear appeals, Give us
16 this bill, it affects only our district, and we
17 need it, and I have respected those requests and
18 others in this chamber have been mindful of
19 those considerations.

20 Now, there may be parts of the
21 state of New York where the possession of a
22 firearm is not a major problem and, as a matter
23 of fact, it may be a way of life for many of the

1 residents. But there are other parts of the
2 state where firearms are used as instruments of
3 death affecting not game but people, and these
4 deaths occur on a daily and weekly and monthly
5 basis, and so differing licensing authorities
6 are in existence and if, in one part of the
7 state, you wish to give the licensing authority
8 to a local justice who is relatively free and
9 not demanding in issuing such licenses, so be
10 it.

11 I respect the societal mores of
12 an area which maintains we do not have a major
13 problem with firearms possession and, therefore,
14 we will issue firearms licenses to virtually
15 anyone who applies, who does not give us a good
16 reason not to issue.

17 On the other hand, in highly
18 congested areas, where crime is rampant and
19 where deaths from firearms occur much too
20 frequently, we do not wish to have the local
21 licensing authority in a place such as the city
22 of New York which has given the jurisdiction to
23 the police commissioner.

1 We don't want to have our police
2 commissioner's judgment superseded by a
3 licensing authority who has given a license to
4 someone in another part of the state and may not
5 be mindful of the problems that a large city may
6 have with regard to firearms fatalities.

7 We do in this nation, lose more
8 people each year through firearms fatalities
9 than we have, unfortunately, lost in virtually
10 all of the wars in which the United States has
11 engaged combined.

12 We have confidence in New York
13 City in the wisdom of our police commissioners.
14 They have generally been an exemplary group of
15 people, and our police officers are exemplary
16 and I do not wish to second guess our police
17 commissioner or our police department in the
18 question of who shall be issued a firearm in New
19 York City and under what circumstances should
20 firearms be brought into our jurisdiction.
21 Respect our right, our right of local self
22 determination, and do not supersede our
23 appointing authorities' wisdom and experience in

1 our community with the experience of someone
2 else who may not be subject to a daily
3 understanding of the deaths that occur through
4 firearms possession and use.

5 Therefore, I wish to respect the
6 licensing authority that any other Senator has
7 in his or her jurisdiction with the
8 understanding that you will respect the judgment
9 of the licensing authority in the area where I
10 live, where I've raised a family and where I
11 have a commitment to stay. I will trust our
12 police commissioner more than I would delegate
13 that trust to an outside authority whom I do not
14 know.

15 If you want to give the authority
16 to the state superintendent of police and make a
17 unified authority without different standards,
18 let's talk about such a bill, but that is not
19 the bill before us. A local justice may issue a
20 firearms license, and I think that I do not wish
21 to have that decision supersede the decision of
22 the police commissioner of the city of New
23 York. We have a very good police commissioner.

1 We've previously had very good police
2 commissioners, and let's leave it that way and
3 not have a different set of standards imposed on
4 us over the objection, the reasonable objection,
5 the stated objection, of the police commissioner
6 of the city of New York and, for that reason and
7 others that I could cite, I think this bill
8 should be held for further consideration and not
9 passed by this chamber.

10 SENATOR JOHNSON: If I may.

11 ACTING PRESIDENT FARLEY: Senator
12 Johnson.

13 SENATOR JOHNSON: I'd like to
14 respond that I appreciate the sentiments of
15 Senator Stavisky, but this bill doesn't require
16 anyone to issue a license to anyone. There's a
17 very involved lengthy procedure, background
18 checks, et cetera, for issuing a permit. It
19 does not say that you have to issue a carry
20 permit to anyone. It doesn't say that upstate
21 licenses are valid in New York City whether
22 they're issued by a judge or by a police
23 authority. It doesn't make them valid in New

1 York City. So this really has no bearing on New
2 York City except to say that you must issue
3 either a license to carry or premises license in
4 accordance with the statute and not devise other
5 varieties of licenses not provided for in the
6 statute, and I would like to assure Senator
7 Stavisky that statistics are almost non-exist
8 ent in regard to crimes committed by licensed
9 pistol holders. So they're not really the
10 source of any crime. In fact, more than likely
11 they are the means by which some crimes are
12 being prevented or some criminals apprehended.

13 So, Senator, it's a good bill.
14 It doesn't do anything negative to your
15 constituents.

16 SENATOR STAVISKY: May I ask if
17 the sponsor would yield.

18 ACTING PRESIDENT FARLEY: Senator
19 Johnson, would you yield?

20 SENATOR JOHNSON: Yes.

21 ACTING PRESIDENT MEGA: Senator
22 Stavisky.

23 SENATOR STAVISKY: Yes, Senator.

1 What are the inconveniences or burdens that the
2 existing procedure imposes on someone from your
3 district coming into the city of New York, would
4 you explain that?

5 SENATOR JOHNSON: I'm not -
6 anybody from my area coming into New York City
7 can go any time he likes and can leave any time
8 he'd like, and there's no restrictions on his
9 traveling to New York City but he can not take a
10 pistol with him unless he has a New York City
11 license.

12 SENATOR STAVISKY: O.K. So there
13 may be a different background check or a higher
14 standard that may be imposed in New York City
15 and an individual traveling in your -- in your
16 county may have passed a set of requirements by
17 the local issuing authority, I assume a justice,
18 is that correct? Is it a justice?

19 SENATOR JOHNSON: In our -- in
20 Suffolk County, where I reside, Senator, it goes
21 through the police department, takes you four to
22 six months to get a license. Has nothing to do
23 with my county, has nothing to do with your

1 city. It only has to do with the variety of
2 licenses which have been created outside of the
3 authority of the statute.

4 SENATOR STAVISKY: Is there any
5 restriction on carrying a firearm which is in
6 its case and unloaded into the city of New York
7 under the existing law? A firearm that is in its
8 case and unloaded?

9 SENATOR JOHNSON: It's my
10 understanding that someone from my area can have
11 an unloaded firearm in a case in the trunk and
12 travel through New York City, but he can not
13 stop along the way. But that has really nothing
14 to do with this bill, Senator.

15 SENATOR STAVISKY: O.K. No
16 further questions.

17 ACTING PRESIDENT FARLEY: Senator
18 Gold.

19 SENATOR GOLD: Yeah. Would
20 Senator Johnson yield to one question?

21 ACTING PRESIDENT FARLEY: Senator
22 Johnson, are you still yielding?

23 SENATOR JOHNSON: Yes.

1 SENATOR GOLD: Senator, I do
2 understand the bill, and it really is a -- I
3 hate to use the word "simple" but it's a simple
4 bill. The statute says you can have a carry,
5 you can have a premises and there have been
6 licenses, sub-licenses, if I could use that
7 expression, that have developed and that's what
8 your bill wants to eliminate; is that correct?

9 SENATOR JOHNSON: That's correct.

10 SENATOR GOLD: All right. But,
11 Senator, I want to ask you a question. As I
12 understand the law, and there are cases on this
13 which give pretty broad discretion to the
14 licensing authority, don't you think people are
15 better off if the licensing authority can say,
16 Look, I ordinarily wouldn't give you a permit
17 and you can't force me to give you a permit, but
18 I'm willing to give you a permit if you're
19 willing to accept some conditions?

20 Don't you think that the
21 individual is better off, the individual who
22 wants to get the weapon and the license, to be
23 able to get it under those conditions instead of

1 in your bill, if your bill were to pass and if
2 the courts and the licensing officers followed
3 it to the letter of the law, which I would hope
4 they do, isn't it a fact that you would probably
5 have people who couldn't get licenses, period,
6 because the judges would say, "I would have
7 given it to you, but it's either yes or no and I
8 say no?"

9 SENATOR JOHNSON: I can't
10 speculate on that, Senator. I think they'd be
11 better off if they -- if they followed the law
12 in all jurisdictions, without devising varieties
13 of licenses conditioned upon certain uses of the
14 weapon.

15 SENATOR GOLD: All right. Mr.
16 President, on the bill.

17 ACTING PRESIDENT FARLEY: Senator
18 Gold.

19 SENATOR GOLD: Yes. First of
20 all, the city of New York has filed a memorandum
21 in opposition and last year Senators Connor and
22 Gonzalez and Leichter, Markowitz, Montgomery,
23 Ohrenstein, Onorato, Smith, Solomon and

1 Weinstein voted in the negative.

2 I'm going to vote in the negative
3 because I think that the passage of this bill,
4 in my opinion, will stop people who might
5 otherwise be able to get licenses from getting
6 them because I know in some of these
7 jurisdictions that you tell the licensing
8 authority that it's going to be yes or no,
9 Senator Johnson, I think there's going to be a
10 lot more noes than there are yeses, and I think
11 that the way the law has developed right now
12 where a judge or a licensing officer can say,
13 "Well, look, I see some merit to it, I'm going
14 to let you do it for what you say," people wind
15 up being serviced properly by these authorities
16 and I think that, while your philosophy, Senator
17 Johnson, makes sense, I -- I understand what
18 you're trying to say, I think the result of what
19 you're trying to do would be hurting more people
20 who might otherwise be able to get their
21 license.

22 ACTING PRESIDENT FARLEY: Read
23 the last section.

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

3 ACTING PRESIDENT FARLEY: Call
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Those recorded in
7 the negative on Calendar Number 233 are Senators
8 Connor, Dollinger, Espada, Gold, Goodman,
9 Halperin, Leichter, Mendez, Ohrenstein, Onorato,
10 Smith, Solomon, Stavisky, also Senator
11 Masiello. Ayes 42, also Senator Jones. Ayes
12 41, nays 15.

13 ACTING PRESIDENT MEGA: The bill
14 is passed.

15 Senator Goodman.

16 SENATOR GOODMAN: Mr. President,
17 may I ask please that, due to the absence which
18 I explained a moment ago, that I be recorded -
19 that the record show that had I been here, I
20 would have voted in the negative on Calendar
21 Number 176, Senate Print Number 277, and on
22 Senate Calendar Number 177, Senate Print Number
23 644.

1 ACTING PRESIDENT MEGA: Without
2 objection, the record will so show.

3 SENATOR GOODMAN: Thank you, Mr.
4 President.

5 ACTING PRESIDENT MEGA: The
6 Secretary will read. Continue the calendar.

7 THE SECRETARY: Calendar Number
8 234, by Senator Marino, Senate Bill Number 1891,
9 an act to amend the Criminal Procedure Law.

10 SENATOR GOLD: Last section.

11 ACTING PRESIDENT MEGA: Read the
12 last section.

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

15 ACTING PRESIDENT MEGA: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 54, nays 2,
19 Senators Gold and Leichter recorded in the
20 negative.

21 ACTING PRESIDENT MEGA: The bill
22 is passed.

23 SENATOR STAVISKY: Mr.

1 President.

2 ACTING PRESIDENT MEGA: Senator
3 Stavisky.

4 SENATOR STAVISKY: For the
5 reasons cited by Senator Goodman, the meeting or
6 the hearing of the Senate Investigations
7 Committee, which took place in New York City on
8 Monday, I should also like to be recorded or
9 have the record reflect the fact that, if I had
10 been in the chamber on 176, I would have voted
11 in the negative.

12 ACTING PRESIDENT MEGA: Without
13 objection, the record will so reflect.
14 Secretary?

15 THE SECRETARY: Calendar Number
16 235, by Senator Volker, Senate Bill Number -

17 SENATOR GOLD: Explanation.

18 THE SECRETARY: -- 2339, an act
19 to amend the Penal Law.

20 ACTING PRESIDENT MEGA: Lay it
21 aside.

22 THE SECRETARY: Calendar Number
23 239, by Senator Farley, Senate Bill Number 2552,

1 Criminal Procedure Law, in relation to the
2 designation of dog control.

3 SENATOR GOLD: Last section.

4 ACTING PRESIDENT MEGA: Last
5 section.

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

8 ACTING PRESIDENT MEGA: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 53, nays 3,
12 Senators Gold, Leichter and Pataki recorded in
13 the negative.

14 ACTING PRESIDENT MEGA: The bill
15 is passed.

16 Senator Cook.

17 SENATOR COOK: Mr. President,
18 could we return to Calendar Number 222, please.

19 ACTING PRESIDENT MEGA: Secretary
20 will read Calendar Number 222.

21 THE SECRETARY: By Senator
22 Larkin, Senate Bill Number 2233-A, an act to
23 amend the Election Law, in relation to the hours

1 for voting at primary elections.

2 ACTING PRESIDENT MEGA: Last
3 section.

4 SENATOR CONNOR: Explanation.

5 ACTING PRESIDENT MEGA:
6 Explanation requested. Senator Larkin.

7 SENATOR LARKIN: Who?

8 (Senator Connor indicates.)

9 Mr. President, this bill was
10 requested by the counties of Orange and Ulster
11 after a long consideration and evaluation of the
12 number of persons that were voting in primary
13 elections in these respective counties.

14 It's been documented by the Board
15 of Elections and documented by the town clerks
16 that the continuation of the voting from 6:00 in
17 the morning on a primary until 9 o'clock at
18 night was not cost-effective, didn't produce any
19 more voters. This was done a few years back in
20 Orange and Ulster Counties extending it.

21 At the time that it was done,
22 everybody said it was going to be a trial
23 basis. I think the trial is over. We've seen

1 nothing to produce greater number of voters.
2 We're just costing the taxpayers or those
3 individual municipalities, period.

4 ACTING PRESIDENT MEGA: Senator
5 Connor.

6 SENATOR CONNOR: Thank you, Mr.
7 President.

8 Mr. President, I'm opposed to
9 this bill for several reasons. Senator Larkin
10 rightly points out, I suppose, that perhaps
11 whatever it means, it's not cost-effective given
12 the dollars versus the number of voters, but the
13 fact is in our democracy we don't put a price
14 tag on the right to vote.

15 We ought not circumscribe the
16 opportunity for people to vote by saying it just
17 doesn't pay to keep poll workers here for the
18 couple dozen people who come in at 6:00.
19 Rockland and Orange, distant though they may be,
20 for example, from New York City still have a
21 large number of commuters, people who have to
22 get the 7:05 train or the 7:30 train or the 7:55
23 train and who perhaps in commuting into New York

1 City find it difficult after a long day to
2 commute back and make it to the polls by 9:00.

3 I think that was part of the
4 consideration behind the 6:00 to 9:00 opening.
5 I know it costs money to run elections. In
6 fact, I happen to believe that we in New York
7 State, not just the state but the localities,
8 don't spend enough on the election process or
9 haven't in the past. We now see finally in New
10 York City they're computerized. Monroe County
11 took the lead many years ago, but other counties
12 are way behind. Why? Because there's no
13 constituency for spending money on elections
14 except at election time.

15 You get, the month before the
16 election, the press is full of editorials about
17 why can't the Board of Elections do this and why
18 can't they accommodate every voter and how come
19 they don't have enough workers at the polls.
20 That's because -- and the week after the
21 election, unless there's one where you have
22 these recounts that takes a month, everybody
23 forgets about the Board of Elections. Everybody

1 sort of thinks they have nothing to do until the
2 next election.

3 I've also seen in some
4 jurisdictions where, when the chief executive
5 was up for reelection, suddenly the Board of
6 Elections had extra resources to run a nice
7 competent smooth election, but when he wasn't,
8 they didn't have enough money to man the polls.

9 It is expensive to run elections.
10 It is expensive to accommodate voters, but I
11 think we ought to do it. I think we ought to
12 expand opportunities for people to vote. To say
13 it hasn't produced a significant turn-out, we
14 all see turn-outs fluctuate depending on the
15 interest in a particular race.

16 I don't think we ought to -- that
17 we ought to curtail the -- and let me say, Mr.
18 President, I have heard repeatedly from the New
19 York City Board of Elections. They say, Why do
20 we have to open at 6:00 on primary day and why
21 do we have to open at 6:00 even on general
22 election day? It costs us a lot of money. It's
23 inconvenient.

1 I agree, it costs them money;
2 it's inconvenient, but I say it's worth it to
3 make it as easy as possible for people to get to
4 the polls and exercise their franchise.
5 Therefore, I would urge a "no" vote, Mr.
6 President.

7 ACTING PRESIDENT MEGA: Read the
8 last section.

9 THE SECRETARY: Section 2. This
10 act shall take effect on the 30th day after it
11 shall have become a law.

12 ACTING PRESIDENT MEGA: Call the
13 roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 222 are Senators
17 Connor, Dollinger, Gold, Halperin, Leichter,
18 Masiello, Mendez, Ohrenstein, Onorato, Smith,
19 Solomon and Stavisky. Ayes 44, nays 12.

20 ACTING PRESIDENT MEGA: The bill
21 is passed.

22 Senator Cook.

23 SENATOR COOK: Mr. President,

1 could we return to Calendar Number 221 and
2 recognize Senator Farley, please.

3 ACTING PRESIDENT MEGA: Senator
4 Farley, on Calendar Number 221. Secretary will
5 read.

6 THE SECRETARY: Calendar Number
7 221, by Senator Farley, Senate Bill Number 1617,
8 an act to amend the Election Law and the State
9 Finance Law.

10 SENATOR FARLEY: Thank you, Mr.
11 President.

12 This is a -- this is a bill that
13 has come about as a result of a request from a
14 number of voters, and people, I think, through
15 out the state basically in my district. It
16 amends the Election Law and it requires that
17 when we have a bond issue proposition on the
18 state ballot, that it contain an estimate of the
19 total amount to be repaid.

20 In other words, it's kind of a
21 truth in lending bill, if you will, or a
22 consumer bill that allows for both principal and
23 interest to be listed. At present, only the

1 principal is listed. This also provides that
2 any descriptive documents prepared by the state
3 relating to the bond issue list both principal
4 and interest; in other words, the selling part
5 of it.

6 The bill is intended to improve
7 the information available to the voters when
8 they decide on a bond issue. When people take
9 out a mortgage or buy a house or a loan or buy a
10 car or any expensive item, they understand the
11 amount which they will pay back to include
12 interest and, hence, more than the principal
13 amount of the loan.

14 Now, in fact, the state and
15 federal laws require that lenders prominently
16 display interest rate information in advertising
17 and in loan documents. This would place bond
18 issue propositions in a similar status as
19 consumer borrowing, requiring disclosure of the
20 total expected cost.

21 The bill is designed to reflect
22 administrative reality by providing for an
23 estimate of total cost inasmuch as the actual

1 interest rate for which obligations can be sold
2 can be approximated in advance.

3 Also the bill calls for
4 disclosure of the information printed in the
5 largest type that is practicable, and for the
6 different documents involved recognizing the
7 administrative realities of varying documents on
8 the ballot, and so forth; in other words, that
9 they won't print it where somebody can't see
10 it.

11 Distinguished lawyer, and my
12 colleague, is going to be offering an amendment
13 and I'm very anxious to hear about your
14 amendment, Senator Halperin.

15 ACTING PRESIDENT MEGA: Senator
16 Halperin.

17 SENATOR HALPERIN: Mr. President,
18 before I offer the amendment let me just say
19 that I think the bill is terrific. I thought so
20 around six years ago when I first introduced
21 legislation that contained strikingly similar
22 language to that which is contained in this
23 bill.

1 However, a distinction between
2 the bill that I've been introducing for a number
3 of years which, by the way, has already passed
4 the Assembly this year, with the sponsor being
5 Assemblyman Feldman, is that it does not limit
6 some of these requirements only to propositions
7 which deal with the authorization of the
8 issuance of debt but rather would extend plain
9 language requirements to any proposal that is
10 put before the public on the ballot, would also
11 require that when we pass such legislation,
12 unlike your bill which does not have a similar
13 requirement, that we must have the specific
14 language incorporated within the legislation so
15 that we are the ones who control the language
16 that will eventually appear on the ballot, and
17 the additional benefit of that would be to
18 permit the public to react ahead of time.
19 Rather than just going into the poll and voting
20 against something because they didn't like the
21 language, they would be able to react and play a
22 role in the development of the language through
23 the legislative process as opposed to leaving it

1 up to the Board of Elections to develop
2 language.

3 And it would also apply not only
4 to statewide ballot proposals but also to local
5 ballot proposals, which I think is very well
6 warranted.

7 So my question to you is, is
8 there anything that I've just described that is
9 contained in the bill that I've introduced which
10 is now in the form of an amendment which I
11 haven't quite moved yet that you find
12 objectionable?

13 SENATOR FARLEY: Not necessarily
14 and, incidentally, Senator Halperin, you know I
15 wasn't terribly aware of that, and I apologize
16 for that, and I'd say this right on the floor,
17 I'd be happy to work with you and Assemblyman
18 Feldman on this bill and co-sponsor it with you
19 if you wish.

20 I am concerned about plain
21 language, and I say that guardedly as a lawyer
22 and I know that you as a distinguished one,
23 that's generally speaking, plain language is

1 usually the lawyer's full employment bill
2 because of the problems that we get into with
3 that.

4 I realize that legalese is not
5 the language of the -- of humanity, but it does
6 have its purpose. I am concerned about that. I
7 read your amendment. I don't -- rapidly here.
8 I don't fully understand it. If you're saying
9 that basically you'd like to see plain language
10 or language scrutinized in the ballot
11 propositions, is that what you're saying?

12 SENATOR HALPERIN: Yes.

13 SENATOR GOLD: Mr. President.

14 SENATOR FARLEY: I'd be happy to
15 work with you on that.

16 ACTING PRESIDENT MEGA: Senator
17 Gold, why do you rise?

18 SENATOR GOLD: Yes. I'm just
19 wondering if it might not be a little more
20 useful if we had Senator Halperin offer the
21 amendment and explain it.

22 SENATOR HALPERIN: Not
23 necessarily. I think the most useful thing that

1 would occur is, if Senator Farley and I could
2 work on legislation that would pass both houses
3 given the fact that already, as I stated, this
4 bill has passed the Assembly, contains all of
5 the provisions that is in your bill and then
6 some.

7 Now, I don't know, the reason I'm
8 asking this question to you before I offer the
9 amendment is, I don't know if the "and then
10 some" would create a problem for you. If not -
11 or for the other members of this body. I
12 personally believe that that's the way to go,
13 that plain language, while it may create some
14 additional legal work as relates to language
15 that are in contracts, because the case law
16 that's developed over the years may not relate
17 to that language, that's one thing. Here we're
18 saying that we're taking a proposition that the
19 public has to understand, that right now the
20 Board of Elections are using whatever language
21 they think is right, that's not necessarily free
22 of the types of ambiguities that would result in
23 protracted litigation, and we're already letting

1 them do it; we're just saying let's -- why don't
2 we take that under our umbrella, create the
3 language that we think should be put on the
4 ballot, make it understandable as possible to
5 people, and not simply on debt issues which are
6 very, very important, but also on all
7 propositions which can be extraordinarily
8 important to them.

9 SENATOR FARLEY: Let me say this,
10 Senator Halperin, if it -- I would like to pass
11 this. We're going to end up with two different
12 bills, I understand that, and I pledge to you
13 that we will work with you and Assemblyman
14 Feldman and also Assemblyman Tedisco who has got
15 this over in the other house, and maybe we can
16 put something together that can become law.
17 Would you be agreeable to that?

18 SENATOR HALPERIN: Well, I'll try
19 to move my amendment and see what happens and
20 then we'll work together after that to see how
21 we can get a bill that will pass both houses.

22 ACTING PRESIDENT MEGA: So
23 Senator Halperin -- Senator Halperin has the

1 floor.

2 SENATOR HALPERIN: Mr. President,
3 I'd like to move the amendment that I offered up
4 earlier today and, for that matter, waive its
5 explanation because I just gave it and ask for a
6 vote on it.

7 ACTING PRESIDENT MEGA: All those
8 in favor of the amendment signify by saying
9 aye.

10 (Response of "Aye.")

11 Opposed nay.

12 (There was no response.)

13 The amendment is defeated.

14 Senator Leichter.

15 SENATOR LEICHTER: Would Senator
16 Farley yield, please?

17 ACTING PRESIDENT MEGA: We're on
18 the main bill.

19 SENATOR LEICHTER: Senator, what
20 is the purpose of the main bill; what are you
21 trying to achieve by this bill?

22 SENATOR FARLEY: I'm trying to -
23 and incidentally, I think we're all trying to do

1 this, we all are anxious to do this, to have a
2 little bit of truth in borrowing out there for
3 the general public when they vote on a bond
4 proposition. Incidentally, some of our bond
5 issues have not done very well of late and part
6 of it is because the general public gets a
7 little bit concerned that they do not know how
8 much they were borrowing or getting in.

9 As a matter of fact, in this last
10 bond issue, I can recall all kinds of strange
11 figures coming out there as to how much it was
12 going to cost, many of them exaggerated and many
13 of them inaccurate, and I think that on the
14 ballot, it was how much the principal and
15 interest is going to be, and so forth, the
16 approximate amount, estimated amount, I think it
17 would be a very -- and I know of you as a
18 consumer of the first water, that I would think
19 that you'd be interested in that.

20 SENATOR LEICHTER: Mr. President,
21 would Senator Farley yield to another question?

22 ACTING PRESIDENT MEGA: Senator
23 Farley, do you yield to a second question?

1 SENATOR FARLEY: I certainly
2 will.

3 ACTING PRESIDENT MEGA: Senator
4 Leichter.

5 SENATOR LEICHTER: Senator, is it
6 your position that the public has a right to
7 know this information?

8 SENATOR FARLEY: I think they
9 do.

10 Are you setting me up here?

11 SENATOR LEICHTER: Had to be
12 said.

13 SENATOR FARLEY: I'll answer that
14 in the affirmative depending on your second
15 question.

16 SENATOR LEICHTER: So, Mr.
17 President, if Senator Farley -- I want to assure
18 him this is solely an effort to educate the
19 membership here, Senator, and does not have in
20 any way or intent to make it appear as if your
21 bill or your efforts are other than meritorious,
22 but, Senator, is it fair to say that what you're
23 trying to do with this bill is to inform the

1 public as to how taxpayers' monies are going to
2 be -

3 SENATOR FARLEY: Very perceptive;
4 that's exactly what we're trying to do.

5 SENATOR LEICHTER: O.K. Thank
6 you.

7 Senator -- I'm sorry. Mr.
8 President. Senator, do you feel that that
9 principle applies to other expenditures of
10 public monies, or would you apply that principle
11 only to bond issues?

12 ACTING PRESIDENT MEGA: Now
13 you're being set up.

14 SENATOR FARLEY: I think you're
15 getting a little non-germane here. Depends. I
16 don't want to know how much you've got in your
17 wallet or anything like that today.

18 SENATOR LEICHTER: No, I'm
19 talking about public money. I want to assure
20 you I don't have public money in my pocket here
21 today, Senator. I'm talking about expenditures
22 that are authorized by governmental actions,
23 actions of the Legislature, signature of the

1 Governor.

2 SENATOR FARLEY: Seriously,
3 Senator Leichter, let me just say that Senator
4 Halperin and I are trying to arrive at the same
5 point with this bill, and I know that both of us
6 will appreciate your support.

7 SENATOR LEICHTER: Well, Senator,
8 again, I -

9 ACTING PRESIDENT MEGA: Senator,
10 are you asking the Senator again to yield?

11 SENATOR LEICHTER: Yes.

12 SENATOR FARLEY: Yes.

13 ACTING PRESIDENT MEGA: Will -
14 Senator Farley, will you yield?

15 SENATOR FARLEY: Yes.

16 SENATOR LEICHTER: Senator, I
17 think when we look at legislation like this, we
18 don't simply look at the words. We try to
19 understand the aim and purpose, and you stated
20 what the principle was, and I'm trying now to
21 see what the dimensions of that principle are.
22 Is that something that we apply only to bond
23 issues, or is that something that applies to

1 other expenditures, other actions involving
2 taxpayers' monies?

3 SENATOR FARLEY: This bill only
4 applies to bond issues.

5 SENATOR LEICHTER: That I -
6 Senator, thank you. If you would yield to
7 another question.

8 SENATOR FARLEY: All right.

9 SENATOR LEICHTER: I see that
10 this bill applies only to bond issues, but my
11 question is whether the principle which you
12 stated, I thought, very eloquently that it was
13 the right of the public to know, the purpose of
14 the bill is to inform taxpayers as to how their
15 monies are being spent, and I'm trying to see
16 whether you would apply that to other
17 expenditures -- for instance, let me give an
18 example, how about the legislative budget, would
19 you feel that the public has a right to know how
20 legislative expenditures are made?

21 SENATOR FARLEY: I think that we
22 all would agree to that but, Senator Leichter,
23 you're making a quantum leap here. We're

1 talking about somebody that must pull a lever on
2 a proposition that is on the ballot. The
3 legislative budget, although you may like it out
4 there, is not on the statewide ballot.

5 This talks about bond issues.
6 All we're trying to do is to put a little light
7 on what the true cost of a bond issue is. It's
8 that simple. Now, we can take that and
9 extrapolate that onto anything that you want,
10 that we should have full disclosure everywhere,
11 and I'm -- I'm not necessarily opposed to that
12 and I understand from your very first question
13 where you might be going, but I'd like to pass
14 this bill.

15 SENATOR LEICHTER: Senator, I -
16 I'm sure you're going to pass this bill, and I'm
17 going to vote for this bill but, Senator, I'm
18 trying to establish here that this principle
19 that underlies your bill equally applies to
20 other governmental expenditures.

21 It applies to the legislative
22 budget; it doesn't just apply if the voters have
23 to actually vote on that specific provision. It

1 applies to the expenditure of government monies
2 which are taxpayers' money, and I just want to
3 point out to you, Senator, that there's a
4 certain double standard here that may be fine to
5 come to the public and say, "I am a taxpayer
6 advocate. This is a consumer measure. Truth in
7 spending. That's what I want to provide for you
8 but, when it comes to the legislative budget,
9 when it comes to my budget, don't ask me to tell
10 you how your money is being spent. That's none
11 of your business. That's my business. I'll
12 decide how your money is being spent and I'm not
13 even going to tell you. You ask how your money
14 is being spent. None of your business. I'll
15 send out how many mailings I want to for certain
16 of my favored members, and I will spend as much
17 money as I want to on it, but don't you come and
18 ask me about that."

19 Senator, I think there's a
20 certain amount of hypocrisy, and you're going to
21 have an opportunity to vote on whether that
22 principle which you stated so eloquently, and I
23 thought beautifully, the right to know, the

1 right to be informed, you're going to have the
2 opportunity to see if you want to apply that
3 principle when your most direct interests are
4 involved as a legislator in the legislative
5 budget.

6 And I have great respect for
7 you. You're my leader in Banks; you're a leader
8 on a lot of issues for me, and I would hope that
9 you and all the other members of the majority
10 would come along with us and just open up that
11 process, apply the same standards to the
12 Legislature that we apply to everybody else and,
13 as I said, we're going to give you that
14 opportunity.

15 We gave you that chance once and
16 -- and you didn't take it, but you're going to
17 have that chance over and over again, and it's
18 not going to be, you know, people say this is
19 political. Well, in a sense everything we do is
20 political, but let me tell you, nothing would
21 please me more, and I think I speak for
22 everybody here in the Minority, if you people
23 took that political issue away from us, if the

1 Majority Leader tomorrow said, "I'm going to
2 itemize the legislative budget; we're going to
3 let everybody know how our money is being spent;
4 everybody is going to know about mailings."
5 There will be great headlines and editorials
6 praising Senator Marino and praising the
7 Republicans, and I'll tell you nobody will
8 applaud harder than I will, and I believe I'll
9 be joined by my colleagues on this side of the
10 aisle. It's time to do it.

11 If your bill makes sense, and I
12 think it makes sense -- it's a good bill; it's a
13 fair bill; it could be made a better bill if you
14 adopted Senator Halperin's proposals -- but
15 let's stop saying these are the rules by which
16 government is going to act, except for the
17 Legislature. We're above the law. We can hide
18 information from you. We shouldn't do this.
19 Apply the principle of this bill to the
20 Legislature, Senator.

21 ACTING PRESIDENT MEGA: Senator
22 Nozzolio.

23 SENATOR NOZZOLIO: Thank you, Mr.

1 President. On the bill.

2 Mr. President, my colleagues, I
3 rise to lend my support to this what I believe
4 is an excellent measure, a measure that was the
5 first measure as the newly chosen chairman of
6 the Senate Elections Committee, I used the
7 opportunity as Chair and the prerogatives of the
8 Chair, to report this bill as the first bill
9 reported out of my committee in that capacity.

10 Senator Farley is to be not only
11 commended for his foresight but also for taking
12 this measure out of what had been the dark ages
13 in terms of allowing citizens in this state to
14 be truly informed about decisions that those
15 citizens are making.

16 Senator Leichter is comparing
17 what I believe is oranges and elephants, or
18 maybe donkeys, in the fact that this measure is
19 one that I hope now with his support he'll
20 convince his Democrat colleagues in the state
21 Assembly who have been blocking this legislation
22 for at least a couple of years, that he will
23 convince them that this is a measure worthy of

1 their support as well, that borrowing, Mr.
2 President, is a concept engaged in in every
3 financial institution in this state, and in
4 every financial institution in this state those
5 who borrow money are given a "truth in
6 borrowing" statement.

7 Senator Farley's bill simply
8 extends this process when those same
9 constituents of our state are asked to borrow
10 money in the form of a bond issue, and that I am
11 pleased, very pleased, to be a sponsor of this
12 legislation along with Senator Farley, and it is
13 the first reform we have pushed for in my tenure
14 on the Senate Elections Committee.

15 Thank you, Mr. President.

16 ACTING PRESIDENT MEGA: Senator
17 Dollinger.

18 SENATOR DOLLINGER: Mr.
19 President, would the sponsor yield to a
20 question? I promise you they won't lead to a -
21 (Talking over-unintelligible).

22 ACTING PRESIDENT MEGA: Senator
23 Farley, will you yield for a question?

1 SENATOR DOLLINGER:

2 (Unintelligible) -- my colleague and my friend
3 at the bar, Senator Leichter, I actually have
4 one on the substantive portion of the bill.

5 SENATOR FARLEY: Certainly. I'd
6 be delighted.

7 SENATOR DOLLINGER: Senator, the
8 estimated amortization, as you probably know,
9 the change in the interest rate on a substantial
10 bond issue could significantly affect the cost
11 of the payments over time.

12 SENATOR FARLEY: M-m h-m-m.

13 SENATOR DOLLINGER: Who does the
14 estimate of the amortization cost; who is going
15 to make the determination?

16 SENATOR FARLEY: That would be
17 the Comptroller's office, Senator.

18 SENATOR DOLLINGER: Would that be
19 done prior to passage of that proposition?

20 SENATOR FARLEY: Yes.

21 SENATOR DOLLINGER: Your bill
22 says it would be done afterwards, or suggests it
23 would be done afterwards. It says on -

1 SENATOR FARLEY: Does it say
2 after? I thought that it said -

3 SENATOR DOLLINGER: It says on
4 Section 1 of the bill says that such information
5 shall be provided to the state Board of
6 Elections and the Secretary of State by the
7 state Comptroller not later than seven days
8 after passage of the law.

9 SENATOR FARLEY: That would be -
10 that would be after the Legislature passes it,
11 and before it comes up on the ballot.

12 SENATOR DOLLINGER: Here is my
13 concern, Senator -

14 SENATOR FARLEY: O.K.

15 SENATOR DOLLINGER: -- and perhaps
16 you can answer this question. How do we avoid a
17 dispute with the Comptroller over what the
18 assumption or the interest rate assumption will
19 be for the amortization cost?

20 SENATOR FARLEY: This is an
21 estimated thing, and I realize the Comptroller
22 would have to put his reputation on the line
23 with that. I mean if he comes up with too low

1 an interest rate -- it's a guesstimate, it's an
2 estimate, but at least it's a good ball park
3 estimate as to the true cost. You know, one of
4 the problems with all of these bond issues, as
5 you're well aware of it, is the extravagant -
6 the opponents of a bond issue will come up with
7 an extravagant cost of the bond issue which is
8 inaccurate, and the proponents understate it and
9 at least if we get one that's on the ballot,
10 they can either dispute it or go after it any
11 way that they want, but it's out there for the
12 general public to make a decision on.

13 SENATOR DOLLINGER: Well -

14 ACTING PRESIDENT MEGA: Senator
15 Dollinger, would you please go through the
16 Chair?

17 SENATOR DOLLINGER: Yes. Excuse
18 me, Mr. President. So as I understand it this
19 just -- so I make sure -

20 ACTING PRESIDENT MEGA: Senator
21 Dollinger, are you requesting Senator Farley to
22 yield to one more question?

23 SENATOR DOLLINGER: Yes, one more

1 question, right.

2 ACTING PRESIDENT MEGA: Senator
3 Farley, do you yield?

4 SENATOR FARLEY: Sure.

5 SENATOR DOLLINGER: Excuse me.

6 ACTING PRESIDENT MEGA: Senator
7 Dollinger.

8 SENATOR DOLLINGER: So then as I
9 understand it, then there would be a judgment
10 after the bill is passed and it would refer to
11 the Comptroller for an estimate of the would-be
12 cost, and there would be an estimate of the
13 amortization cost; is that correct?

14 SENATOR FARLEY: That's correct.

15 SENATOR DOLLINGER: O.K. On the
16 bill, Mr. President.

17 ACTING PRESIDENT MEGA: Senator
18 Dollinger on the bill.

19 SENATOR DOLLINGER: I would just
20 recommend to the sponsor -- I understand the
21 purpose of this; I'm prepared to vote for it. I
22 do agree that the problem is often that dispute
23 as to what the assumption or assumed interest

1 rate will be that oftentimes can skewer
2 long-term costs. A minor percent or a percent
3 and a half change in the interest rate can
4 literally take billions, or I doubt billions,
5 depending on the size of the bond issue, but
6 certainly millions, if not hundreds of millions
7 of dollars over time.

8 I would suggest to the sponsor
9 that the bill be amended so that the Comptroller
10 furnish to the Legislature a stated assumption,
11 assumed interest rate and that, in approving the
12 proposition, we also approve the calculation of
13 the amortization so that there is no dispute
14 between Democrats and Republicans pro and con on
15 a bond issue about what the estimated
16 amortization cost would be.

17 And just one other comment on the
18 bill. I agree with my comment made by Senator
19 Leichter. I think it's an interesting
20 transition from truth in lending to truth in
21 spending to truth in mailing, and it's my hope
22 that the comments made by Senator Leichter that
23 we may be able to get to talk about in greater

1 detail tomorrow will become a part of the debate
2 in this institution as we figure out how we
3 spend 168 million that we directly control and,
4 I should add I guess it's 168 million. I can
5 only estimate. I don't really know. It may be
6 220 million.

7 But the only other comment I have
8 is really to my colleague from -- my neighboring
9 colleague on the east, Senator Nozzolio, I agree
10 this is a good bill. I commend the Election
11 Committee for bringing this bill forward. I
12 point out that there is a stack of other bills
13 that may be accumulating in the committee
14 shortly, one that you have proposed on
15 initiative and referendum which I support, one
16 that I have proposed on same day registration,
17 on motor-voter, on a whole bunch of other things
18 that will get access to the election process and
19 will accelerate election reform in this state.

20 It's my hope that this will be
21 the first bill to come from the committee that
22 it will start a string of reforms that will be
23 embraced by the other side of the aisle as well

1 as this side, and we can bring the election
2 process not only to better and full disclosure
3 about ballot propositions but have better and
4 full disclosure about who we are and what we
5 spend so the public can cast educated decisions
6 not only about propositions on the ballot but
7 about who put 'em there.

8 ACTING PRESIDENT MEGA: Is there
9 any further debate on the Farley bill which is
10 before the house? If not, read the last section.

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

13 ACTING PRESIDENT MEGA: Call the
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes 57.

17 ACTING PRESIDENT MEGA: The bill
18 is passed.

19 Senator Present, I believe that
20 concludes the calendar.

21 SENATOR PRESENT: It does unless
22 somebody has amendments or something to offer;
23 why, Mr. President, there being no further

1 business, I move we adjourn until tomorrow at
2 11:30 a.m.

3 ACTING PRESIDENT MEGA: So
4 ordered.

5 (Whereupon at 1:52 p.m., the
6 Senate adjourned.)

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