ALBANY, NEW YORK

March 24, 1993

12:21 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

flag.

Thank you.

ACTING PRESIDENT FARLEY: Your comments are duly noted.

Secretary will begin by reading the Journal.

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

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

The order of business: The presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Communications and reports from state officers.

We have a substitution. The

Secretary will read that.

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

ACTING PRESIDENT FARLEY: Substitution ordered.

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

ACTING PRESIDENT FARLEY: Substitution is ordered.

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

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

ACTING PRESIDENT FARLEY: Non-controversial.

THE SECRETARY: On page 23,

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

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

ACTING PRESIDENT FARLEY: The bill is passed.

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

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 37.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

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

ACTING PRESIDENT FARLEY: The

bill is passed.

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

SENATOR GOLD: Lay it aside, please.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: Calendar Number 222, by Senator Larkin.

SENATOR GOLD: Lay aside, please.

ACTING PRESIDENT FARLEY: Lay it aside.

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

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 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 224, by Senator Nozzolio, Senate Bill Number 3503, amends Chapter 79 of the Laws of 1992, amending the Election 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 35, nays 3, Senators Kuhl, Pataki and Spano recorded in the negative, also Senator Saland in the negative.

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

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

circumstances.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 42.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: There's 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 42.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: There's 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 44.

ACTING PRESIDENT FARLEY: The bill is passed.

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

SENATOR GOLD: Lay it aside,

please.

ACTING PRESIDENT FARLEY: Laid aside.

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

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 44.

ACTING PRESIDENT FARLEY: The bill is passed.

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

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number

233, by Senator Johnson.

SENATOR GOLD: Star the bill. Lay it aside.

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

SENATOR GOLD: Yeah, lay it aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 234, by Senator Marino.

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 235, by -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid aside.

THE SECRETARY: Calendar Number 239, by Senator -

SENATOR GOLD: Lay aside.

ACTING PRESIDENT FARLEY: Laid

aside.

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

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 43, nays two, Senators DeFrancisco and Saland recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

ACTING PRESIDENT FARLEY: Senator DeFrancisco.

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

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

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

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

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Sears, you're in the

negative; yeah.

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

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

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

SENATOR PRESENT: Senator Kuhl will take over for you.

ACTING PRESIDENT FARLEY: Senator Kuhl is in charge here.

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

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Yes, Senator Gold.

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

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

ACTING PRESIDENT KUHL: Senator Farley.

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

SENATOR GOLD: Yes.

SENATOR FARLEY: I'll lay it aside temporarily.

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

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

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

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

SENATOR GOLD: Hold on. Lay aside.

SENATOR PRESENT: Lay aside, please.

ACTING PRESIDENT KUHL: Bill is laid aside temporarily.

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

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Pataki.

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

We passed legislation some time

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

ACTING PRESIDENT KUHL: Last section.

SENATOR GOLD: Will the Senator yield to a question?

SENATOR PATAKI: Yes.

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

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

SENATOR GOLD: You have five supporting memos?

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

SENATOR GOLD: Just so you

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

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

SENATOR GOLD: And this bill passed in 1992?

SENATOR PATAKI: 1992, passed unanimously.

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

SENATOR PATAKI: Senator Goodhue's.

SENATOR GOLD: Great lady! Last section.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Senator Pataki yield? He does.

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

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

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

SENATOR LEICHTER: Mr. -- Mr. President.

ACTING PRESIDENT KUHL: Yes, Senator Leichter.

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

SENATOR PATAKI: Sure.

ACTING PRESIDENT KUHL: Says he does.

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

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

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

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

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

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

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

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

It would seem to me that would make sense -

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

ACTING PRESIDENT FARLEY: Senator Galiber.

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

SENATOR PATAKI: Certainly, Senator.

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

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

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

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

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

York?

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

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

SENATOR PATAKI: I assumed that you were, Senator.

ACTING PRESIDENT FARLEY: Senator

Waldon.

SENATOR WALDON: Thank you, Mr. President.

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

SENATOR PATAKI: Certainly.

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

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

SENATOR PATAKI: I think anything

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

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

SENATOR PATAKI: Certainly.

SENATOR WALDON: As well as the teachers?

SENATOR PATAKI: Certainly.

SENATOR WALDON: As well as the bad guys?

SENATOR PATAKI: Yes, certainly.

SENATOR WALDON: Thank you, Mr. President.

SENATOR PATAKI: Thank you.

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 53.

ACTING PRESIDENT FARLEY: The bill is passed.

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

SENATOR PRESENT: Let's do that now.

ACTING PRESIDENT FARLEY: Thank you.

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

Rabbi Butman.

RABBI BUTMAN: For the sake of

the record, I was here at 10:30.

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

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

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

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

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

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

Help us, dear God, to bring this message of charity and of the final redemption to all the people of the state of New York and to all the people in these great United States and to all the people of this world. Almighty God, in your infinite wisdom, you have established the members of this Legislature as the custodians of honesty, decency, justice and peace for all people of the state of New York and through them for all the people of the United States and through the United States, the moral superpower of the world, to all the people of this planet.

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

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

Thank you.

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

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

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

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

Schneerson, Shlita.

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

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

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

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

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

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

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

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

ACTING PRESIDENT FARLEY: Senator Marchi.

SENATOR MARCHI: Mr. President,

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

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

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

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

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

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

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

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

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

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

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

Thank you.

RABBI BUTMAN: Thank you very, very much.

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

All in favor of the resolution, say aye.

(Response of "Aye.")

Those opposed nay.

(There was no response. )

The resolution is unanimously adopted.

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

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

RABBI BUTMAN: Thank you very, very much.

ACTING PRESIDENT FARLEY: Thank you.

(Applause)

SENATOR COOK: Mr. President.

ACTING PRESIDENT FARLEY: Senator Cook.

SENATOR COOK: Would you please recognize Senator Goodman.

ACTING PRESIDENT FARLEY: Senator Goodman.

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

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

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

SENATOR GOODMAN: Thank you, Senator.

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

SENATOR COOK: Could we continue with the calendar.

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

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

SENATOR GOLD: Last section.

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.

ACTING PRESIDENT FARLEY: The bill is passed.

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

ACTING PRESIDENT FARLEY: Read the last section.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation.

Senator Johnson.

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

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

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

So this just clarifies it by

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

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

SENATOR GOLD: I yield to Senator Stavisky.

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

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

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

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

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

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

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

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

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

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

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

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

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

SENATOR JOHNSON: If I may.

ACTING PRESIDENT FARLEY: Senator Johnson.

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

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

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

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

ACTING PRESIDENT FARLEY: Senator Johnson, would you yield?

SENATOR JOHNSON: Yes.

ACTING PRESIDENT MEGA: Senator Stavisky.

SENATOR STAVISKY: Yes, Senator.

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

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

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

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

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

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

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

SENATOR STAVISKY: O.K. No further questions.

ACTING PRESIDENT FARLEY: Senator Gold.

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

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

SENATOR JOHNSON: Yes.

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

SENATOR JOHNSON: That's correct.

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

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

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

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

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

ACTING PRESIDENT FARLEY: Senator Gold.

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

Weinstein voted in the negative.

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

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

ACTING PRESIDENT MEGA: The bill is passed.

Senator Goodman.

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

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

SENATOR GOODMAN: Thank you, Mr. President.

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

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

SENATOR GOLD: Last section.

ACTING PRESIDENT MEGA: Read the last section.

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

ACTING PRESIDENT MEGA: Call the roll.

(The Secretary called the roll. )

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

ACTING PRESIDENT MEGA: The bill is passed.

SENATOR STAVISKY: Mr.

President.

ACTING PRESIDENT MEGA: Senator Stavisky.

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

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

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

SENATOR GOLD: Explanation.

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

ACTING PRESIDENT MEGA: Lay it aside.

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

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

SENATOR GOLD: Last section.

ACTING PRESIDENT MEGA: Last section.

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

ACTING PRESIDENT MEGA: Call the roll.

(The Secretary called the roll. )

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

ACTING PRESIDENT MEGA: The bill is passed.

Senator Cook.

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

ACTING PRESIDENT MEGA: Secretary will read Calendar Number 222.

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

for voting at primary elections.

ACTING PRESIDENT MEGA: Last section.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT MEGA: Explanation requested. Senator Larkin.

SENATOR LARKIN: Who?

(Senator Connor indicates.)

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

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

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

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

ACTING PRESIDENT MEGA: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT MEGA: Read the last section.

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

ACTING PRESIDENT MEGA: Call the roll.

(The Secretary called the roll. )

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

ACTING PRESIDENT MEGA: The bill is passed.

Senator Cook.

SENATOR COOK: Mr. President,

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

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

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

SENATOR FARLEY: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT MEGA: Senator Halperin.

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

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

up to the Board of Elections to develop language.

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

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

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

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

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

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

SENATOR HALPERIN: Yes.

SENATOR GOLD: Mr. President.

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

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

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

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

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

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

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

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

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

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

floor.

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

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

(Response of "Aye.")

Opposed nay.

(There was no response. )

The amendment is defeated.

Senator Leichter.

SENATOR LEICHTER: Would Senator Farley yield, please?

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

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

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

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

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

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

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

SENATOR FARLEY: I certainly will.

ACTING PRESIDENT MEGA: Senator Leichter.

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

SENATOR FARLEY: I think they do.

Are you setting me up here?

SENATOR LEICHTER: Had to be said.

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

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

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

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

SENATOR LEICHTER: O.K. Thank you.

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

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

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

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

Governor.

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

SENATOR LEICHTER: Well, Senator, again, I -

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

SENATOR LEICHTER: Yes.

SENATOR FARLEY: Yes.

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

SENATOR FARLEY: Yes.

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

other expenditures, other actions involving taxpayers' monies?

SENATOR FARLEY: This bill only applies to bond issues.

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

SENATOR FARLEY: All right.

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT MEGA: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr.

President. On the bill.

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT MEGA: Senator Dollinger.

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

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

SENATOR DOLLINGER:

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

SENATOR FARLEY: Certainly. I'd be delighted.

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

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

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

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

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

SENATOR FARLEY: Yes.

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

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

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

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

SENATOR DOLLINGER: Here is my concern, Senator -

SENATOR FARLEY: O.K.

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

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

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

SENATOR DOLLINGER: Well -

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

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

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

SENATOR DOLLINGER: Yes, one more

question, right.

ACTING PRESIDENT MEGA: Senator Farley, do you yield?

SENATOR FARLEY: Sure.

SENATOR DOLLINGER: Excuse me.

ACTING PRESIDENT MEGA: Senator Dollinger.

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

SENATOR FARLEY: That's correct.

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

ACTING PRESIDENT MEGA: Senator Dollinger on the bill.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT MEGA: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 57.

ACTING PRESIDENT MEGA: The bill is passed.

Senator Present, I believe that concludes the calendar.

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

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

ACTING PRESIDENT MEGA: So ordered.

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