ALBANY, NEW YORK

March 30, 1993

4:20 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 places.

If you will please rise with me for the Pledge of Allegiance to the Flag.

(Whereupon, the Senate joined in the Pledge of Allegiance to the Flag.)

Today, in the absence of visiting clergy, we will bow our heads for a moment of silent prayer.

(Whereupon, there was a moment of silence.)

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Monday, March 29. The Senate met pursuant to adjournment. Senator Farley in the chair upon designation of the Temporary President. The Journal of Sunday, March 28, was read and approved. On motion, Senate adjourned.

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

read.

The order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

We have a motion on the floor.

Senator Padavan.

SENATOR PADAVAN: Yes, Mr. President. On page 10, I offer the following amendments to Calendar Number 291, Senate Print 2516, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT FARLEY: Amendments are received, and the bill will retain its place on the Third Reading Calendar.

Secretary has a substitution.

THE SECRETARY: On page 5 of the today's calendar, Senator Mega moves to

discharge the Committee on Judiciary from Assembly Bill Number 2127 and substitute it for the identical bill, Third Reading 128.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Senator DeFrancisco.

I'm sorry. Senator Present.

SENATOR PRESENT: It's all right. Mr. President. I move that we adopt the Resolution Calendar with the exceptions of Resolution 815 and 839.

ACTING PRESIDENT FARLEY: The Senate will adopt the Resolution Calendar with exceptions.

All in favor of adopting the Resolution Calendar, say aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Present.

SENATOR PRESENT: Would you

recognize Senator DeFrancisco, please.

ACTING PRESIDENT FARLEY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President. I request that Resolution Number 815 be read in its entirety.

ACTING PRESIDENT FARLEY: Secretary will read Resolution Number 815.

THE SECRETARY: Legislative Resolution Number 815, by Senator DeFrancisco, commending the Music Program of Ramsdell Elementary School upon the occasion of its participation in Music in Our Schools Month on March 30, 1993.

Whereas, the administrators of the Jordon-Elbridge Central School District are committed to actively promoting and nurturing a comprehensive music program for all the students of the district.

Those same administrators have been most supportive, actively encouraging music program staff to devote their time and energy to developing the talents of their students.

The Jordon-Elbridge Junior Eagles of the Ramsdell Elementary School comprised of students of the highest musical and academic caliber will be performing on March 30th, 1993, at the Empire State Plaza in Albany in celebration of Music in Our Schools Month.

The New York State Music Association sponsors this event and has helped it to evolve from a New York State day to a month long national observance.

Talent, dedication, and countless hours of practice have made the Jordon-Elbridge Junior Eagles of Ramsdell Elementary School the outstanding ensemble it is today.

The members work hard at their music rehearsals, classroom assignments and practice sessions, fully aware that the amount of time and energy they are willing to expend directly affects the quality of their music.

The Junior Eagle Band members along with their parents and teachers can be justifiably proud of their musical achievements and their participation in Music in Our Schools

Month.

Now, therefore, be it resolved that this legislative body extend a warm welcome to the staff and students of the Ramsdell Elementary School as they visit Albany for their performance at the Empire State Plaza and

Be it further resolved that copies of this resolution, suitably engrossed, be transmitted to Molly O'Neill Angelina, Principal of Ramsdell Elementary School; Band Director Maria Hare; Superintendent of Schools Dwayne R. Adsitt; and Gordon Tripp, President of the Board of Education.

ACTING PRESIDENT FARLEY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Mr. President. I believe the legislation was quite comprehensive. I just want to welcome all the students who are here with us today and congratulate them on not only their participation but the fact that they did a beautiful job today. I was down there listening to them.

And I would urge unanimous adoption of the resolution.

ACTING PRESIDENT FARLEY: Senator Nozzolio, on the resolution.

SENATOR NOZZOLIO: Yes, Mr. President. I would like to commend the sponsor, Senator DeFrancisco, for this resolution. And as a co-representative of the Jordon-Elbridge Central School District, I would like to extend my welcome to the group and compliment them on their musical abilities.

Thank you, Mr. President.

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

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is unanimously adopted.

On behalf of the Senate, let me say welcome to you and thank you for your patience. We're a little slow starting, but we're delighted to have you here and come back

and visit us again.

Senator Present.

SENATOR PRESENT: Mr. President. On behalf of Senator Stafford, I would like to call an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT FARLEY: There will be an immediate meeting of the Finance Committee in Room 332.

Senator Holland.

SENATOR HOLLAND: Mr. President. I have a privileged resolution at the desk, and I ask that it be read in its entirety, and then I have a few words to say, please.

ACTING PRESIDENT FARLEY: The Secretary will read Senator Holland's resolution.

THE SECRETARY: Legislative Resolution Number 839, by Senators Holland and Maltese, expressing sincerest sorrow upon the occasion of the death of the immortal Helen Hayes, long-time resident of Rockland County, New York.

Whereas, it is the sense of this assembled body that those who give positive definition to the profile and disposition of our American manner do so profoundly strengthen our shared commitment to the exercise of freedom.

Attendant to such concern and fully in accord with its long standing traditions, it is the intent of this assembled body to express sincerest sorrow upon the occasion of the death of the immortal Helen Hayes.

The acting career of Helen Hayes so clearly mirrors those prerogatives of personal initiative and accountability so paradigmatic of our American manner.

Helen Hayes Brown was born in 1900 in Washington, D.C., the daughter of a wholesale butcher. She was only a few years old when her parents, hoping to correct her pigeon toes, sent her to ballet school.

By a wild stroke of luck, she was spotted in a school play by a Broadway producer, Lew Fields, who urged her parents to train her

for the theatre.

At age 5, the vivacious, blue eyed Helen made her professional debut as Prince Charles in a comedy production.

When Helen Hayes was 9, Fields brought her to New York for her Broadway debut; by the time she was 15, her name was in lights on the Great White Way.

She graduated from Sacred Heart Convent High School two years later. Grown up at last, she was only five feet tall and 100 pounds, and shy and sheltered in her off-stage life; but on stage, she riveted audiences with the intensity of her personality.

Her private life blossomed. In 1928, she married playwright Charles MacArthur shortly after his famed "The Front Page" - written in collaboration with Ben Hecht - opened to cheers. Three years later, after giving birth to a daughter, Helen Hayes made her screen debut in "The Sin of Madelon Claudet", written by Charles MacArthur and was awarded the Academy Award as best actress.

The movie role she herself liked best soon followed, opposite Gary Cooper, in Ernest Hemingway's "A Farewell to Arms."

Preferring to be close to Broadway, Helen Hayes moved in 1932 to a 22-room house overlooking the Hudson in Nyack, Rockland County. A year later, she starred in "Mary of Scotland," written especially for her by Maxwell Anderson.

Then came perhaps her greatest stage role, portraying 80 years of Queen Victoria's life in the two and a half hours of "Victoria Regina."

She starred in the role for 517 performances on Broadway, winning the 1936 Drama League's Medal for Most Distinguished Performance.

Acclaimed as the theater's "First Lady," she then took the play on a 47-city tour that grossed an unprecedented 1.2 million.

Prizes, scrolls and honorary degrees were showered upon her. She won the Best Radio Actress Award in 1940 for the Helen

Hayes Theatre program. In 1947, she won a Tony in "Happy Birthday."

Helen's 19-year-old daughter, actress Mary MacArthur, who was about to co-star in a Broadway play with her died of polio in 1949.

Helen Hayes, who became a widow in 1956, when Charles MacArthur died, picked up her second Oscar for Best Supporting Actress as an outrageous old lady in the 1970 film "Airport."

On Broadway, meanwhile, Helen won another Best Actress Tony in 1958 for "Time Remembered" and was nominated for a third Tony in 1970 for a revival of "Harvey."

It is her concern for the perception of the American Theatre as a sharing and united endeavor that recommends the life and career of Helen Hayes for special commemoration.

This assembled body is greatly moved to note that Helen Hayes resided in Rockland County for 60 years.

Through her long and sustained

commitment to excellence in the performing arts, Helen Hayes did so unselfishly advance that spirit of united purpose and shared concern which is the unalterable manifestation of our American experience.

Now, therefore, be it resolved that this assembled body pause in its deliberations and express sincerest sorrow upon the occasion of the death of the immortal Helen Hayes, long-time resident of Rockland County, New York, fully confident that such procedure mirrors our shared commitment to preserve, to enhance, and yet effect the patrimony of freedom which is our American heritage; and

Be it further resolved, that copies of this resolution, suitably engrossed, be transmitted to James MacArthur.

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Yes, Mr. President. If anybody else would like to sign on as a co-sponsor, I'd be happy to have them.

SENATOR GOLD: Mr. President. I

know that a number of the members are out of the chamber at a Finance meeting, but everybody seems to be indicating they would like to be on it. So unless I hear a difference, I would like all of my members on this side on it.

ACTING PRESIDENT FARLEY: Senator Present, what is your pleasure?

SENATOR PRESENT: You may add all of the members of the Senate onto the resolution.

SENATOR GOLD: Yes. Thank you, Senator Present.

ACTING PRESIDENT FARLEY: All members of the Senate will be on, without objection. See the desk if you don't wish to be.

Senator Holland.

SENATOR HOLLAND: Mr. President. I rise and ask the deliberation of this house pause for a moment so that we, as a legislative body, can acknowledge that this state and nation have lost a woman the likes of which we may never see again.

The first lady of the American theatre, Helen Hayes, died recently at the age 92 in Nyack Hospital in Rockland County.

She was a resident of Nyack for more than 60 years, and I considered Helen Hayes MacArthur a friend. She was a tireless community and charity activist.

I first met Helen Hayes when I was County Clerk and held naturalization ceremonies for new American citizens four times a year. To spice up the events, we always had political speakers. I decided to have some different personalities, and I called Mrs. Hayes to speak. She graciously accepted and, naturally, she did a fantastic job. The new citizens were impressed, as was I.

From then on, we met on numerous events throughout Rockland County as she lent her name to so many community charities, and I think I met her at least four times during the last campaign.

I am proud to say that Rockland County is now in the process of raising money to

refurbish the Helen Hayes Theatre in Nyack, as another remembrance of this great lady.

Mrs. Hayes had a career that spanned eight decades, brought her two Oscars, two Tonys, an Emmy, and hundreds of other awards and honors.

So, Mr. President, as we work on the business of this state, I ask that we fittingly take this moment not only to lament the passing of Helen Hayes MacArthur but also to praise a great woman who will long be remembered for her acting ability as well as her unselfish ness toward others. She will be missed by many.

Thank you.

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

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The resolution is unanimously adopted with every member of the Senate on it.

Senator Present.

SENATOR PRESENT: Mr. President. Will you recognize Senator Sears?

ACTING PRESIDENT FARLEY: Senator Sears.

SENATOR SEARS: Mr. President. On behalf of Senator Levy, would you remove the sponsor's star from Calendar 63, Senate Print 191?

ACTING PRESIDENT FARLEY: The star is removed.

Senator Present.

SENATOR PRESENT: Mr. President. I understand there is a report of a standing committee at the desk. May we have it read, please.

ACTING PRESIDENT FARLEY: Yes, there is. Secretary will read a report of a standing committee.

THE SECRETARY: Senator Larkin from the Committee on Local Government reports the following bill directly for third reading:

Senate Bill Number 3222, by Senators Daly and Cook, an act to amend the

County Law, in relation to appointment, promotion, and retention of appointees of a county sheriff.

ACTING PRESIDENT FARLEY: Without objection, that bill is reported directly to third reading.

Senator Present.

SENATOR PRESENT: Mr. President. I think we're ready for the non-controversial calendar.

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

SENATOR SEARS: On page 7, calendar 187, Print Number 2003, please place a sponsor star.

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

Non-controversial.

THE SECRETARY: On page 8, Calendar Number 214, by Senator Holland, Senate Bill Number 2839A, an act to amend the Social Services Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 294, by Senator Stafford, Senate Bill Number 431, an act to amend the Real Property Tax 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 299, by Senator Padavan, Senate Bill Number 1856, an act to amend the County Law and the New York City Criminal Court Act.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number

301, by Senator Lack, Senate Bill Number 2041, an act to amend the General Municipal 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.)

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 302, by Senator Larkin, Senate Bill Number 2071, an act to amend the General Municipal 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 303, by Senator LaValle, Senate Bill Number 2487, an act to amend the General Municipal 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 304, by Senator Skelos, Senate Bill Number 568A, Real Property Law and the Banking 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 305, by Senator Mega, Senate Bill Number 1937, an act to amend the Court of Claims Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 307, by Senator Saland, Senate Bill Number 2367, an act to amend the Family Court Act and the Criminal Procedure Law.

ACTING PRESIDENT FARLEY: Read

the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 309, by Senator Cook, Senate Bill Number 2989, Uniform Justice Court Act.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

312, by Senator Lack, Senate Bill Number 1396, an act to amend the Civil Service 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 313, by Senator Farley, Senate Bill Number 2192, Civil Service Law, Executive Law and the Public Health 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 316, by Senator Seward, Senate Bill Number 3247, an act to amend the Energy 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 319, by member of the Assembly Koppell, Assembly Bill Number 6130, an act to amend the Mental Hygiene 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 320, by Senator Farley, Senate Bill Number 1594, an act to amend the Banking Law.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Mr. President. I ask to be excused of voting on this bill, please.

ACTING PRESIDENT FARLEY: Senator Leichter is excused from voting, without objection.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: That bill is passed with Senator Leichter excused.

THE SECRETARY: Calendar Number 325, by Senator Farley, Senate Bill Number 907, an act to amend the Tax 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 326, by Senator LaValle, Senate Bill Number 1050, an act to amend the Tax 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Excuse me. Ayes 59, nays 1. Senator Leichter recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: In relation to Calendar Number 326, Senators Leichter and Pataki recorded in the negative. Ayes 58, nays 2.

ACTING PRESIDENT FARLEY: The bill is still passed.

THE SECRETARY: Calendar Number 327, by Senator Farley, Senate Bill Number 1616, an act to amend the Public Officers 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 332, by Senator Marino, Senate Bill Number 3710, an act to amend the Tax 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 60.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President. On behalf of Senator Levy, I would like to

announce an immediate meeting of the Transportation Committee in Room 332.

ACTING PRESIDENT FARLEY: There will be an immediate meeting of the Transportation Committee in Room 332.

Senator Present.

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

ACTING PRESIDENT FARLEY: Controversial. Secretary will read controversial.

THE SECRETARY: On page 8, Calendar Number 214, by Senator Holland, Senate Bill Number 2839A, an act to amend the Social Services Lay, in relation to the use of a fingerprint matching identification system.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for.

Senator Holland.

SENATOR HOLLAND: Yes, Mr. President. This bill would expand the fingerprint demonstration grant statewide that

we passed last year. It has the potential to save New York taxpayers literally hundreds of millions of dollars.

Almost every week, we read of fraud and abuse of government services and programs. Certainly, the home relief program in New York State is no exception. Let's look at some of the very interesting cases of fraud that New York State has witnessed recently.

In 1991, more than 100 women bilked New York City out of hundreds of thousands of dollars in welfare payments using fake Social Security cards.

In 1992, a Brooklyn woman with 12 separate forms of identification was arrested for collecting $313,000 in benefits since 1985.

And just last month, an employee of New York City Human Resources Administration knowingly bilked New York State out of more than $30,000.

Perhaps if the legislation before this house had been enacted, then these abuses might not have occurred. Over the past few

months, the counties of Rockland and Onondaga have been utilizing a new fingerprinting technology as a way to detect and deter home relief fraud in New York State.

The Department of Social Services has recommended a continuation of this program, and my legislation would make fingerprinting of home relief recipients a statewide occurrence.

I might also add that many county executives have also asked that this be expanded statewide.

Fingerprinting is an excellent quick, clean, painless way to identify fraudulent applicants for assistance; and fingerprinting promises progress in the area of state government that desperately needs attention. Not only will this program elevate the level of accountability in the home relief program but it will also make the program more dignified for both the honest recipients who truly need the aid and taxpayers who deserve more accountability from their government.

Some have argued that

fingerprinting is dehumanizing and degrading to public assistance recipients. However, attorneys, pharmacists, school custodians, mortgage brokers, employment agency operators, hospital employees, lawyers, military people, and employees of public art galleries and museums, among many, many others, must be fingerprinted as a condition of employment.

In fact, if degradation exists, it is the taxpayer who feels its impact because they are forced to support a system of social services which is heavy with fraud and abuse. Estimates have found the social services system costing taxpayers as much as $2 billion annually, and a recent report by the State Department of Social Services estimates that home relief costs taxpayers approximately $102 million a month. Who knows how much of this could be saved annually by fingerprinting?

It is not that fingerprinting will catch those who abuse the system in the act, but fingerprinting will act as a deterrent to the fraud. We pay for these services with

the expectation that some day should our families, our friends, need public assistance, an effective and efficient structure will exist; however, this is not the case today.

The city of Los Angeles instituted a computerized fingerprint system in June of 1991 which produced savings of more than $5 million in the first six months of operation by eliminating approximately 2900 duplications. Again, a savings of $5 million in the first six months of operation.

Like the Los Angeles model, New York's fingerprinting system requires prospective home relief recipients to place either one or two fingers on a small photo-like screen which compares the image of their prints with those already in the data bank.

Under the terms of my legislation welfare officials are prohibited -- prohibited -- from sharing these prints with the criminal justice system. Let us not forget that taxpayers are not the only individuals who suffer as a result of fraud and waste in the

welfare system. Perhaps the most victimized are all the recipients who desperately need these services to recover from economic shock.

What smacks of criminality is not the process of fingerprinting but a system that indulges unscrupulous recipients. It demeans all of us when criminal activity and poor management are tolerated despite taxpayers' demands that accountability and dignity be restored to the welfare system.

SENATOR WALDON: Mr. President.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President. Would Senator Holland yield to a question or two?

SENATOR HOLLAND: Yes, sir.

SENATOR WALDON: Senator Holland, when you said a few moments ago that the city of Los Angeles had saved $5.2 million in six months, you didn't mean that they had actually saved $5.2 million, did you?

SENATOR HOLLAND: I meant that

that money would have been expended had not those 2900 duplications disappeared.

SENATOR WALDON: What you really meant to say -- Mr. President, if I may continue -- was that a number of people refused to be fingerprinted, and it was estimated that $5 million was saved. Is that correct?

SENATOR HOLLAND: I don't believe, Senator, that anybody refused or a very small number refused to be fingerprinted. That wasn't the problem. They found duplication in the system. That saved the money, not that people refused to be fingerprinted.

I might also say, Senator, that in the counties of Onondaga and Rockland in the year or so that it's been operational there or the less than a year it's been operational there, only eight people have refused to be fingerprinted. Only one person in Rockland County hesitated, but no one refused to be fingerprinted in Rockland County.

SENATOR WALDON: Mr. President. If I may continue.

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Clearly, Senator Holland -

SENATOR HOLLAND: Yes.

SENATOR WALDON: -- your information is different from mine. My information on Los Angeles says that 3,000 people refused to be fingerprinted, and it was estimated -

But let me ask you another question, if I may continue, Mr. President? In the study done in Los Angeles, how many welfare centers were studied?

SENATOR HOLLAND: I believe it was 19, Senator, but I'm not sure.

SENATOR WALDON: It was 14. But that's not so important. How many welfare centers do we have in New York State?

SENATOR HOLLAND: I'm sorry. I don't know the answer to that question.

SENATOR WALDON: It's 143. What is the case load of Los Angeles, California, in

terms of AFDC typically called "welfare recipients?"

SENATOR HOLLAND: AFDC is not included in this, Senator.

SENATOR WALDON: Okay. I apologize. Welfare recipients, how many are there in Los Angeles?

SENATOR HOLLAND: (There was no apply.)

SENATOR WALDON: 75,000.

SENATOR HOLLAND: Thank you.

SENATOR WALDON: In New York State 1,500,000. Mr. President. May I continue?

ACTING PRESIDENT FARLEY: Yes, you have the floor.

SENATOR WALDON: Thank you, sir. The computer cost to start up the system in Los Angeles and make it work, what was the cost related to that?

SENATOR HOLLAND: How much was the cost? I think I have that if you can wait just one second, Senator. Based on the cost of

instituting fingerprinting statewide, based on the cost of experience in the program in Los Angeles, California, the cost of instituting the fingerprinting statewide would be $20 million.

SENATOR WALDON: Well, I asked specifically about Los Angeles. For your information, it was 9.6 million.

SENATOR HOLLAND: Thank you, Senator.

SENATOR WALDON: What would the cost be to implement a similar program in New York State?

SENATOR HOLLAND: Well, that's what I read you. $20 million. But we have another option, Senator. You probably know about this. There is also another firm who would like to bid on the possibility of supplying the system at no charge to the state of New York with a percentage of the savings going to that firm.

SENATOR WALDON: I have no knowledge of that. I think that's commendable. I wish there were more such organizations

willing to do for the state.

Mr. President. If I may? The information that I have says that to start this program up in New York State, Mr. President, would be between $96- and $192 million.

Mr. President. May I phrase another question to my learned colleague?

ACTING PRESIDENT FARLEY: If he is willing to yield, you certainly may.

SENATOR WALDON: Senator Holland, will you yield, sir?

SENATOR HOLLAND: Yes, sir.

SENATOR WALDON: Senator Holland, as you stated earlier, the savings in Los Angeles, whether real or imagined, meaning whether there were actual people who refused to be fingerprinted or it was an estimated number it was a cost savings of 5.2 million, which was 2 percent of all of the people who were, in fact, in the hopper.

To do that for New York State, do you have any idea how much we would actually save of a comparable number of people,

comparable percentage who would not be in the system?

SENATOR HOLLAND: Our estimates, Senator, are that we could save up to $300 million on just home relief under this system. Now, it would have to be statewide, you understand that. It could not be anything but statewide.

SENATOR WALDON: Yes, sir, I understand that. I recall, as you made your opening remarks, you said that we would save hundreds of millions of dollars.

SENATOR HOLLAND: 300 million.

SENATOR WALDON: My information says that if we use the same process and found the same percentage of fraud as they did in Los Angeles, we would save about $35 million.

If I may continue, Mr. President?

SENATOR HOLLAND: I don't know where you get your figures from, Senator. But my estimates are 300 million, and that's the figure that we have garnered from California and

the people that would be implementing the program.

And let me say another thing, Senator. You mentioned $96 million for implementation; and yet on the other side, there is a firm who has shown their equipment, and functions well, that would do it for just a percentage of the savings. That would be no cost to the state of New York. So even if it was your estimate of $30 million savings, that would be a $30 million savings for the taxpayers and, hopefully, a better delivery of service for the clients with less people in the system who are trying to rip it off.

SENATOR WALDON: If I may continue, Mr. President?

ACTING PRESIDENT FARLEY: Senator Waldon.

SENATOR WALDON: Will Senator yield?

SENATOR HOLLAND: Yes.

SENATOR WALDON: Senator Holland, would you please tell us what is the profile of

the average person who is receiving the aid that's in question for whom we would fingerprint if your bill becomes law? Who would you fingerprint?

SENATOR HOLLAND: I can't give you a profile, but it is home relief individuals who do not have any children. They could be male or female, and they could be young or middle-aged, but they are people who are not basically drug-dependent or alcohol-dependent who are capable and able to work.

SENATOR WALDON: Are you saying that the 1,500,000 people in New York State who are welfare recipients are all capable of working that we would fingerprint under this bill?

SENATOR HOLLAND: No, Senator. No. There are more home relief recipients than that. But some people would not come under this program, I don't believe, but it's just home relief.

SENATOR WALDON: I have one last inquiry, Mr. President, if I may? Senator

Holland.

ACTING PRESIDENT FARLEY: Senator Holland will yield, I think.

SENATOR HOLLAND: I'm sorry. I didn't hear you.

SENATOR WALDON: Senator Holland, you said, if I recall correctly -- and I may be paraphrasing, so please feel free to correct me if I'm in error. You said something to the effect that there would be no stigma and that people -- only one person in Rockland County refused to be fingerprinted, that these people would, in effect, not be treated as criminals.

You said that we have a number of employment situations, the military and others, where fingerprinting is a prerequisite to obtaining employment. But there is a distinction there.

If I want to be in the Army, I'm subjecting myself for fingerprint purposes for a specific reason. If I am in need of relief in order to survive as a human being, the motivation is different.

In your mind's eye, could you not see some stigma attached to a person being required to be fingerprinted? As when I was a police officer, I used to fingerprint muggers, rapists, murderers, burglars, and a whole host of the quality of life crimes related to prostitution and other activities. There is no correlation in your mind's eye to that?

SENATOR HOLLAND: Senator, I don't really think so. And I think that most of the clients who would have to have their fingerprints taken here would understand that the state is trying to eliminate the fraud and abuse. The state is trying to eliminate the people who are ripping off the system. We are not saying to these people who need assistance, "Don't come and get assistance from us." That's what we're here for. We're here to give them assistance.

But just let me, if I can, take a few more minutes and tell you some of the other people who require fingerprints: Insurance adjusters, bail bondsmen, mortgage bankers

mortgage brokers, cashiers of checks, inspectors and investigators for the Department of Agriculture, bottle club licensees, all personnel of New York City school system; town policemen, as you would know, and constables; appointees of the sheriff or persons as undersheriffs, deputy sheriffs; partners, officers, directors and salesmen employed by a member or members of the National Security Exchange; applicants for license to conduct a business of private investigator or of a watchguard or patrol agency; person employed as private detective, investigator; persons employed as blasters; applicants for license to purchase, own, possess, transport or use explosives, to deal in manufacture of explosives or to store explosives; applicants for license to own or operate an employment agency; employees of public art galleries and museums and hospitals and their associated medical colleges; applicants for registration as farm labor contractors; applicants for participation or employees in Thoroughbred racing, harness

racing, quarterhorse racing; applicants for license as lottery ticket sales agents; prospective grand jurors if required by the commissioner; applicants for license to carry a pistol, as you know, or a revolver; applicants for license for boxing and wrestling matches; persons employed as school bus drivers as well as applicants for the position of school bus drivers; applicants for positions of school bus attendants; proposed appointees of railroad police; lawyers; if you are going to adopt a child, a military pharmacist; and school custodians. And those people do not believe that it is degradation on their part to put their fingerprints there.

SENATOR WALDON: Well, sir, I wouldn't believe that there's degradation on their part either.

Mr. President, if I may continue, and I'm winding up.

They are seeking employment. They are not in the throes of desperation seeking help from the state.

Last question, and then I would like to speak to the bill, if I may, Mr. President.

Mr. President, if the Senator will yield?

ACTING PRESIDENT FARLEY: Will you yield to a last question?

SENATOR WALDON: What is the turnaround time for the person who is requesting this aid from the moment that they are required to have the fingerprints taken to when they receive the aid?

SENATOR HOLLAND: If we have a computer system that is statewide which we are trying to get outside of the fingerprint system and the information is on this computer and can go on the computer, there is no time associated. It doesn't impact the timing at all. I might say that the new system that I spoke about doesn't require two fingers. It only requires one finger, and you can also take a camcorder picture of the individual and have that on the application, as well.

SENATOR WALDON: Thank you very much, Senator. I appreciate your indulgence.

Mr. President, if I may, on the bill.

ACTING PRESIDENT FARLEY: Senator Waldon, on the bill.

SENATOR WALDON: This is another example of stealing from Peter to pay Pauper. We're going to take millions of dollars of the state's money to create a system to save a few dollars. The bottom line is it will detect a very few people. It will not really save the state money, but we will waste an exorbitant amount of money.

The system to start up is 96- to $192 million, but it has to be maintained year after year after year after year. And so in order to catch 2 percent of people who may be, in fact, looking to defraud the state of New York, we're going to encumber ourselves in a time of debt-ridden existence with greater debt. Doesn't make a lot of sense to me.

I think there is a stigma

attached to the people who are required to submit to the fingerprinting. I think it is a waste. I think we're better than that. I think we're more responsible than that. I don't think this time around we must again steal from Peter to pay Pauper.

ACTING PRESIDENT FARLEY: Senator Solomon.

SENATOR SOLOMON: Senator Holland, yield, please?

Senator, I support this concept. I used to be against it; but after looking at the L.A. -- Los Angeles program, I support it. I just need the answers to two questions.

Mr. President. Will he yield?

ACTING PRESIDENT FARLEY: Yes.

SENATOR SOLOMON: Senator, is this going to apply to new applicants only?

SENATOR HOLLAND: No. The way it will operate, Senator, is as the new applicants come in, they will go in the system. And then they will go back and get the people who are on the system and bring them into the system.

SENATOR SOLOMON: Okay. What percentage, Senator -- if you will just bear with me for two or three more questions. What percentage of our public assistance payroll is related to home relief, or what number of people?

SENATOR HOLLAND: I can tell you it's about approximately a billion two annually, Senator. That's the only figure I know. About $102 million a month, about a billion two a year, in home relief.

SENATOR SOLOMON: In home relief. Would this impact Aid to Dependent Children when a single mother comes in, an allegedly single mother?

SENATOR HOLLAND: No, sir.

SENATOR SOLOMON: Thank you.

Mr. President. On the bill.

ACTING PRESIDENT FARLEY: Senator Solomon on the bill.

SENATOR SOLOMON: I originally opposed this concept. However, after looking at several general publication articles on the Los

Angeles system and after seeing substantial increases in fraud within my own Senate district to a degree where an individual moved into a Mitchell-Lama complex and that individual redid his apartment to a degree where he put a jacuzzi on -- in the apartment, and that individual who went shopping and pulled out the food stamps and who was also on Medicaid yet was driving a Lexus, and I have gotten a substantial number of complaints within my district from average people regarding the abuse of this system and the food stamp system, in and of itself, I feel that we have to start to take measures such as this.

In addition, today's system is not an ink pad system and a paper system. It's a system where you put your finger on, a photographic image gets taken of your finger almost instantaneously, and then it gets processed.

Unfortunately, I see the system in this state, the abuse continuing to rise in areas such as my Senate district on a day-to-day

basis. I see a general dissatisfaction with the system by the average person in my Senate district, as I have received numerous complaints and an increasing number of complaints. And I think that this system should be implemented.

I only disagree with Senator Holland in the fact that his original bill had a project or demonstration period for a project. Well, when that project is done we are supposed to take a project and fully evaluate it. That project has not been completed as of yet.

So I think this bill is a little early in terms of trying to jump the gun, and I'd like to see the final results of that project and see some concrete ways of whether we should move forward or there are some problems that can be resolved. Because you do experimental projects so that you can find out what the problems are, and you don't jump the gun and move into a full scale system.

But I think we're reaching a time period in this state where we have to move forward on projects such as this because the

increase in abuses in areas such as mine has gone up dramatically in the last few years.

Thank you.

ACTING PRESIDENT FARLEY: On the bill, Senator Gold.

SENATOR GOLD: Would Senator Holland yield for one question?

SENATOR HOLLAND: Yes, sir.

SENATOR GOLD: Senator, we have before us an A print. Can you just tell me the difference between the A print and the original print?

SENATOR HOLLAND: We added sponsors, and we changed the effective date from April 1 to immediately.

SENATOR GOLD: All right. So in other words as I understand it, without being critical -

SENATOR HOLLAND: M-m h-m-m.

SENATOR GOLD: -- there were people who wanted to be printed as sponsors on the bill and we changed the effective date. Other than that, the bill is the same?

SENATOR HOLLAND: Yes, sir.

SENATOR GOLD: On the bill.

ACTING PRESIDENT FARLEY: On the bill, Senator Gold.

SENATOR GOLD: Mr. President. I appreciate the concern of Senator Holland, and I certainly appreciate the concern of Senator Solomon, and I think that Senator Waldon certainly expressed most of my views very, very adequately. But you did one thing in the debate, Senator Holland, which I think is unfair.

There is undoubtedly -- there are undoubtedly many situations where people are subjected to or voluntarily submit to fingerprinting, and I understand the mentality of the average person when it comes to fingerprinting. As a young law student, I worked in the U. S. Attorney's office, and I had to be fingerprinted. I was thrilled to be fingerprinted to get that summer job. When I became a lawyer, I had to be fingerprinted and I was thrilled.

I wasn't so thrilled when I was about 4 years old and my father thought it was a good idea in case, God forbid, I got lost, but I understood it, and I got fingerprinted when I was about 4 years old; and people, Senator Holland, still do that today with their children.

But, Senator, to suggest that what people do in an atmosphere of voluntary understanding, what people do in a situation where their human dignity is well intact, where they proudly submit to printing because there is a benefit to them with an honor associated with it, and then to suggest that since there are so many people who in order to add honor to their lives get fingerprinted, that it's okay to take an individual who many, many times, most of the time, is on their backside and that under those circumstances we ask them to be printed and they should do it with the same dignity as the young law student, or the same dignity as the young police officer, is just ludicrous. And you are too intelligent a human being, Senator Holland,

to really believe that.

Now, if you believe that you want people fingerprinted and you think that society demands it, you think that economics demand it, then say that, and that's fine. But let's person to person at least aknowledge that there is no dignity to this situation. Let's at least person to person acknowledge, as the Catholic Conference and the Hunger Action Network of New York State have pointed out, that this is demeaning in the circumstance that we're talking about.

I used an expression the other day and I'll use it again today. People who have to come to the state in order to get this kind of help have not made a conscious career choice between that and being the CEO of IBM. Let's understand that. Let's try to have some compassion, some compassion, and understand that.

Now, this is a society where we consciously have a system of justice that allows some guilty people to sneak through because we

are compassionate people who care for the innocent. Why can't we just understand that when we are dealing with some of our people at a time in their lives when their luck has left them, when everything is turning upon them, and why can't we take those people and give them some bit of dignity.

We can't do it, Senator Holland, because one or two are going to fall through the cracks? We can't do it because one percent or whatever may be crooks? I've got news for you, I'm not here to demean anybody, but I bet you one percent of the people on Wall Street are crooks, one percent of the doctors, lawyers, Indian chiefs. Let's cut it out. Ninety-nine percent was great when we went to school.

The bill is demeaning and in my humble opinion I can only -- I have to make my judgment, Senator, based upon the same kinds of research you do. The memorandum dated March 17 by the Catholic Conference I think is a wonderful memorandum, and it shows that the economics of this bill are faulty. So if you

don't want to buy the compassion so eloquently spoken by Senator Waldon, at least be good mathematicians at a time of need in this state.

It is a terrible idea. You are not a terrible person, Senator Holland, and I'm sure your motives are not terrible but the idea is terrible, and we shouldn't proceed with it and, hopefully, it will be defeated.

ACTING PRESIDENT FARLEY: Read the last section.

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

SENATOR GOLD: Slow roll call.

ACTING PRESIDENT FARLEY: There's been a slow roll call asked for. Ring the bell.

THE SECRETARY: Senator Babbush.

(There was no response.)

Senator Bruno.

(There was no response.)

ACTING PRESIDENT FARLEY: Will the sergeant-at-arms please round up the Senators as best we can. They're in meetings

and -

THE SECRETARY: Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: Senator Cook.

(There was no response.)

THE SECRETARY: Senator Daly.

SENATOR DALY: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Espada.

SENATOR ESPADA: ^ know ^ no.

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Galiber.

SENATOR GALIBER: No.

THE SECRETARY: Senator Gold.

SENATOR GOLD: No.

THE SECRETARY: Senator Gonzalez.

(There was no response.)

THE SECRETARY: Senator Goodman. Senator Goodman?

SENATOR GOODMAN: Yes.

THE SECRETARY: Senator Halperin.

SENATOR HALPERIN: No.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hoffmann, excused.

Senator Holland.

SENATOR HOLLAND: Yes.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.

THE SECRETARY: Senator Jones.

SENATOR JONES: Yes, I would like to -

ACTING PRESIDENT FARLEY: Senator Jones to explain her vote. Excuse me.

SENATOR JONES: Thank you. I would like to speak on this issue. I hear - see two sides of it very clearly. I certainly

am on the side of wanting to do all we can today for people that are in need of home relief.

On the other hand, I continually hear from the communities, and my own county being one of them, that these kinds of things and certainly fraud within the system are a serious drain on the system.

So I'm going to vote yes, but I also want to voice my serious concerns that if we do not get the results that the makers of this bill are claiming, that this will be an issue we need to relook at.

ACTING PRESIDENT FARLEY: Continue the roll. She is in the affirmative.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator

Leichter.

(There was no response.)

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Marino.

(Indicating "Aye.")

THE SECRETARY: Aye. Senator Markowitz witnesses.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Masiello.

(There was no response.)

THE SECRETARY: Senator Mega.

SENATOR MEGA: Yes.

THE SECRETARY: Senator Mendez.

(There was no response.)

THE SECRETARY: Senator

Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Nolan.

SENATOR NOLAN: No.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Ohrenstein.

(Indicating "No.")

THE SECRETARY: No.

Senator Onorato.

SENATOR ONORATO: Aye.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: No.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Pataki.

SENATOR PATAKI: Yes.

THE SECRETARY: Senator Paterson.

(There was no response.)

THE SECRETARY: Senator Present.
SENATOR PRESENT: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.
THE SECRETARY: Senator Santiago.
SENATOR SANTIAGO: No.
THE SECRETARY: Senator Sears.
SENATOR SEARS: Yes.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: Yes.
THE SECRETARY: Senator Sheffer.
SENATOR SHEFFER: Yes.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith.
ACTING PRESIDENT FARLEY: Senator Smith to explain her vote.
SENATOR SMITH: Thank you, Mr. President. I would like to have my remarks from last year's debate added to the record. I won't repeat them, but I'm still greatly concerned that we continue to sacrifice human dignity for

what we consider to be a few shekels. We're voting on enlarging a program that has not yet been proven.

It is my understanding that the amount that has been saved in these two demonstration projects is negligible and may even be less than the costs of implementing the program.

And I'm greatly concerned when we can spend a lot of money on additional mailings and on everything else that we do, but we seek to sacrifice those people who are in need.

And I am even more greatly concerned that we don't go after the doctors who defraud our system for even greater amounts of money or even those who embezzle and all of the other fraud that is out here. But, rather, it's so easy to go after those who cannot often speak for themselves and who are in need of services.

Therefore, Mr. President, I clearly vote no.

ACTING PRESIDENT FARLEY: Senator

Smith is in the negative. Continue the roll call.

ACTING PRESIDENT FARLEY: Senator Solomon.

SENATOR SOLOMON: Yes.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Yes.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Stavisky.

(There was no response.)

Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.
THE SECRETARY: Senator Waldon.
SENATOR WALDON: No.
THE SECRETARY: Senator Wright.
SENATOR WRIGHT: Aye.
ACTING PRESIDENT FARLEY: Absentees.
THE SECRETARY: Senator Babbush.
(There was no response.)
Senator Bruno.
SENATOR BRUNO: Yes.
THE SECRETARY: Senator Cook.
SENATOR COOK: Yes.
THE SECRETARY: Senator Gonzalez.
SENATOR GONZALEZ: No.
THE SECRETARY: Senator Leichter.
(There was no response.)
Senator Masiello.
(There was no response.)
Senator Mendez.
SENATOR MENDEZ: No.

THE SECRETARY: Senator Paterson.

SENATOR PATERSON: No.

THE SECRETARY: Senator Stavisky.

ACTING PRESIDENT FARLEY: Results.

THE SECRETARY: Ayes 39. Nays 17.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Goodman.

SENATOR GOODMAN: Mr. President. Yesterday, I was out of the chamber when Calendar Number 289, Senate Print 3538, was passed. I would like the record to show that had I been in the chamber I would have voted in the negative.

ACTING PRESIDENT FARLEY: The record will so indicate.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. May I have unanimous consent to be recorded in the negative on Calendar Number 305.

ACTING PRESIDENT FARLEY: Senator Kuhl will be in the negative on calendar 305, without objection.

Senator Present.

SENATOR PRESENT: Mr. President. Do you have a report of standing committees at the desk?

ACTING PRESIDENT FARLEY: We do, sir.

SENATOR PRESENT: May we receive that report.

ACTING PRESIDENT FARLEY: Secretary will read the report.

THE SECRETARY: Senator Stafford from the Committee on Finance, reports the following Senate Budget Bill directly for third reading: Senate Bill Number 650B, State Operations Budget.

ACTING PRESIDENT FARLEY: The bills are reported directly for third reading.

Senator Present.

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

ACTING PRESIDENT FARLEY: There is a message here, sir.

SENATOR PRESENT: I move we accept the message.

ACTING PRESIDENT FARLEY: I guess we have to sub the bill first.

SENATOR PRESENT: Substitute the bill first.

ACTING PRESIDENT FARLEY: Secretary will read a substitution, and then we will do the message.

THE SECRETARY: Senator Stafford moves to discharge the Committee on Finance from -

ACTING PRESIDENT FARLEY: Let's have a little order in this house.

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: I'm sorry.

THE SECRETARY: Senator Stafford moves to discharge the Committee on Finance from Assembly Bill Number 1350A and substitute it for

the identical Senate Bill Number 650B.

ACTING PRESIDENT FARLEY: Substitution is ordered.

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

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Mr. President. We just concluded a roll call on Senator Holland's bill, and I am told that while we had a slow roll call and many of the members were here that the bells were not rung and that some of the members did not hear it. And since the roll call was really -

ACTING PRESIDENT FARLEY: Senator Gold. That is inaccurate. The bell not only was rung, it is still ringing.

SENATOR GOLD: Well, I was in the chamber. Well, Mr. President. Mr. President.

ACTING PRESIDENT FARLEY: He just shut it off. Well, turn it on to make sure - well, he wants to see if it's ringing.

SENATOR GOLD: At any rate, Mr. President, while I understand the rules of this house, and I believe that it would be a -- no, no. May I please.

While I understand the rules of this house, and I don't suggest that we start to alter slow roll calls. That's never been the case. Since this roll call has been completed less than two minutes ago, I would ask on this occasion as an unusual occasion that we allow the opening of the roll call for perhaps another minute while some members who were within the nearby chamber could register a vote.

It will not change this particular result, and I would ask that that be done so that Senator Leichter, and I'm not sure whether there's any others, be able to cast a vote.

SENATOR PRESENT: How many have you got?

SENATOR GOLD: I think Senator Leichter who is here right now.

SENATOR PRESENT: Mr. President.

Reconsider the vote on Senator Holland's bill.

SENATOR GOLD: Just open the vote. You don't have to reconsider it.

ACTING PRESIDENT FARLEY: Just a moment, Senator Gold. I was trying to get Senator Present's direction.

Senator Present.

SENATOR PRESENT: Open it to allow Senator Leichter to vote.

ACTING PRESIDENT FARLEY: With unanimous consent, we will open the roll call for Senator Leichter.

SENATOR GOLD: Senator Leichter, how do you vote?

SENATOR LEICHTER: I vote in the negative, and I thank the acting Majority Leader.

SENATOR GOLD: And I want to thank Senator Present, too, he is a delight to work with.

ACTING PRESIDENT FARLEY: Secretary will read the title to the bill which has been substituted already. The message has

not been accepted. But go ahead.

THE SECRETARY: Calendar Number 337, Assembly Budget Bill, Assembly Bill Number 1350A, an act making appropriations for the support of government, State Operations Budget Bill.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Are we on the bill?

ACTING PRESIDENT FARLEY: Yes.

SENATOR GOLD: Will Senator Stafford yield to a question?

SENATOR STAFFORD: Sure.

ACTING PRESIDENT FARLEY: He said sure.

SENATOR GOLD: Senator, I understand that this bill which I believe has substantial support in both houses is a circumstance where the Governor made his recommendation. We took some things out, added some things back, but generally came back with

about the same general number. Is that correct?

SENATOR STAFFORD: Yes.

SENATOR GOLD: But, Senator Stafford, I want to ask you a couple of things, Senator.

SENATOR STAFFORD: All right.

SENATOR GOLD: First of all, it's my understanding that for probably about the fourth year in a row, the Governor has suggested the abolition of local boards in the Alcoholic Beverage Control Law and the restructuring of the SLA in order to be able to get better enforcement of those people who are licensees. I gather that, in fact, the SLA itself has asked that these changes be made so that they could better use the personnel they have and the, in fact, this would have saved almost three-quarters of a million dollars.

May ask why the determination was made to make that restoration?

SENATOR STAFFORD: I think it's really the impression of many of us in various

parts of the state that the local people involved are doing a job, the commissioners are doing a job, and I think sometimes people just say it's going to be better doing it this other way, and we question whether that's true or not.

SENATOR GOLD: Well, Senator, if you'll yield to a question. It's not a question of doing a job better or worse. I was under the impression that one of the philosophies that is certainly a public philosophy of the Republican Party is to cut out waste in government agencies. And this is one situation where the Governor has taken an initiative year after year now in trying to cut out the waste, the fat, the political appointments and turn this agency into a really effective law enforcement agency. I would like to know philosophically what there is about that that the Republican Majority in this house doesn't agree with so as to put this political fat back into the budget.

SENATOR STAFFORD: Would you allow me to make a broad-stroke conceptual brush?

SENATOR GOLD: Yes, sir.

SENATOR STAFFORD: I would suggest that many of the decisions or many of the opinions or many of the conclusions that are brought up aren't necessarily true. We do not think this is waste. This industry is very important to people in many areas of the state, and it is just not something that you deal with and say, "We'll do it this way because we think it would be something that would do a job better," when it wouldn't, and we know a little something about this ourselves.

SENATOR GOLD: Thank you. On the bill, Mr. President.

ACTING PRESIDENT FARLEY: On the bill.

SENATOR GOLD: Mr. President. I think that the State Operations Budget is so vast that it is the kind of document where there's got to be something good in here for everybody. And, certainly, one of the advantages that the majorities in each house have each year with these budgets is that no

matter what bad judgments there may be there's always enough good in there that they can divert attention -- certainly of the media, if the media ever paid attention -- from those things which they do which really are patently foolish. And I think it's a shame.

I think that in New York City, for example, time and time again we have seen problems which could be dealt with if the Liquor Authority and its chairman were able to grab a hold of that agency, bring some sensibilities to it and take their employees, take them away from some of the nonsense they do, and get them into enforcement. This Legislature has stopped that year after year and it makes no sense.

The Governor has suggested that we create a Division of Crime Victims Services. Having been involved with some crime victim legislation right from the start, I don't know why this Legislature is doing away with it.

The Governor has adopted one of my ideas which perhaps we can even get to this year; and that is, to provide some sort of

safety courses for people who buy guns. We have a situation where, if you want a driver's license, you have to take a three-hour course. But if you want to buy a gun, you walk in and within 12 minutes you can walk out with an AK-47 even though you don't even know which end of it the bullets come out of. The Legislature, in its infinite lack of wisdom, has not gone along with that one either.

At any rate, Mr. President, I can go on and on, but I won't. I congratulate those members who have been able to get part of the member items right into this part of the budget, and I think in all fairness, there is enough in here which is going to make my newsletter look good so I'm going to vote yes.

ACTING PRESIDENT FARLEY: Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President. While just from the viewpoint of process, there is some satisfaction in having a budget bill on our desk before that clock strikes midnight and the new fiscal year begins,

I think the issue is not will we pass a budget by April 1 but will we pass a good budget? Will we pass a budget that meets the needs of the people of the state of New York?

I'm disappointed in this particular bill. I am disappointed in what I think will be a budget that will finally be before us. And if anybody can take satisfaction from it and wants to write a nice newsletter - and I know that people have great skills when it comes to writing newsletters, but I think you'd have a hard time making this budget appear as if it benefits the people of the state of New York.

Frankly, I think we're in a terrible rut in this state. There is a lack of innovation, a lack of initiative. We go through this same sort of dance. It's like a no play, one of these very stylized Japanese dramatic presentations. There's little battles over school aid, and we know how that usually ends up and who ends up getting it; and the battle over maintaining a big fat expensive correction

system in the state of New York, and we know how that battle ends up. And as you take a look at this budget, it certainly ends up as it always has.

That's the biggest economic development program that the Republicans in this state have is build more prisons, fill up the prisons; and, that's the way we're creating jobs. I just want to focus, at least, on that aspect of this budget. I think there are probably other things that could be talked about. We could talk about the mental facilities. We could talk about the whole system of member items which I find, as it's done, is offensive and violative of proper budgeting and rules of good government.

But let me just focus on what I find very disturbing as a trend in this state, and it's reflected in this budget as it has been in the past budgets, and that is, the enormous growth in expenditures for Corrections at the same time that we have decreased support for higher education. Because I think that really

makes the point where the priorities are of this Legislature and of this Governor.

In the last ten years, expenditures for Corrections have gone up about 270 percent. That is adjusted for inflation. During that same period, expenditures for higher education have declined by 8 percent when adjusted for inflation.

Now, it tells you something about what the concerns, the interests, and the goals of this state are if our financial emphasis, if our input is all in correction while we allow what at one time had been an excellent public education system to deteriorate to the extent I think that both SUNY and CUNY are suffering under great financial troubles and handicaps.

And this budget pretty much maintains that. Now, the Governor, in all fairness, tried to make some changes in sentencing proposals that everybody who is involved in matters of penology will say makes sense, to change the provisions as they relate to second felony to see that people who need not

be in jail because they are not really a threat to society are put into some alternative form of sentencing, of punishment. But no! The Republican Majority insisted, once again, to keep those jails full. And we know the battle that you fought to get still another jail built in upstate.

And I appreciate what it may mean for areas that do have economic problems. But if the best thing that we can do in this state government to meet very legitimate needs for jobs in those counties is to plunk jails down, I think it's most unfortunate.

I remember a few years ago, maybe three years ago, tough budget, high taxes, one of our colleagues who has now gone to Washington and I was sort of twitting him about voting for the budget. I said, "It's going to be tough for you to go back and explain it." He said, "Oh, no. I got a lot out of this budget." I said, "You did?" He said, "Yes. I got a prison. I'm coming home with a prison."

What a wonderful thing to bring

home to his community, and I understand, and I emphasize again that it is jobs, and it means something to that community, but that's not the sort of jobs that we ought to be creating. If we're really going to address the economic needs of this state and to build a base we've got to do it through education, and we could be supporting and we could be building on what was an excellent higher education system, for which credit goes to Governor Rockefeller who built a state university system. Credit goes to Governor Carey, who at a very difficult time for the city of New York brought the state in to finance the City University. Two great systems that have been suffering.

We have doubled or even tripled the tuition of these universities; but even with all that, they are suffering. The buildings are in decay, classes are large. Important courses are no longer available. Students are being turned back.

But I think our problem is that we do these budgets almost by rote. This

is worse than gridlock. We are sort of frozen into the same response, more prisons, less for higher education.

I can't vote for this budget, and I suggest that anybody who congratulates himself on this budget, I think is very shortsighted.

ACTING PRESIDENT FARLEY: Senator Spano.

SENATOR SPANO: I want to first say that I'm glad that Senator Marino has given us the opportunity to have this budget out on the floor so that some of us can talk about not what is in it but what is not in it, and it's important. It's an important part of the process because the State Operations Budget that is on our desks here today is what I believe to be an incomplete document.

And to adopt this State Operations Budgets in its current form without any type of amendments at all is -- this -- all the members of this house agreeing to the reckless policies of the deinstitutionalization of Mario Cuomo. And I'm saying his name loudly

because maybe he is listening here today because he has a habit of having a very forgetful memory these days.

I refer my colleagues to a couple of articles over the last few days when the Governor on a couple of different occasions was asked by members of the press corps, "What about the Senate Chairman of Mental Health's position with respect to deaccelerating or delaying the closure of some of our psychiatric facilities and putting money into community-based system of care?" And his response was, and I quote, "I don't know where that came from."

When he was asked today by some members of the press corps about our plan to deaccelerate the closure of psychiatric hospitals, he again said, "These facilities are going to close."

Then someone reminded him that he can't close the facilities. It's the Legislature that can close facilities in the state, that every one of these psychiatric centers are enumerated in the Mental Hygiene

Law. Apparently, he might want to violate the law, like he has had Division of Budget, the Mental Hygiene Commissioner continue to do, and what he is doing in violation of Chapter 322 of the Laws of 1992, that require a comprehensive closure plan for every psychiatric center in the state.

We in the Legislature have been insulted by the Governor. We have been insulted by the Division of Budget, and we should not take up this bill until they listen to us, and it's a very basic thing we're talking about. It's basic as we read -- and I know that many of my colleagues on the other side of the aisle who represent the urban areas of New York City as well as my colleagues who represent areas of upstate New York where many of these psychiatric centers are located have the same level of concern for people who suffer from a mental illness. The difference is here that the reckless policies concern deinstitutionalization where we close the front door, open the back door, send people out to a nonexistent

community-based system of care, hurts all of us and hurts all of us as residents and as members of the state Senate, who are supposed to develop the policies to help people who through no fault of their own suffer from a mental illness.

We said last year when the Governor came through with his budget and said, "We're going to close the psychiatric centers," we adopted that policy. We in the Senate Majority have said, "We are for closure of facilities and consolidation of services." The Governor forgets that. The Governor continues to say every chance he can, he can point to the Republican Senate as those upstate Senators who want to keep these under-utilized psychiatric centers open. There is nothing further from the truth.

We have established a comprehensive plan that was passed by every member of this house that requires the Mental Health Commissioner to comply with the Mental Hygiene Law when we say you are going to give us notice before you close the psychiatric centers;

that you are going to build a community-based system of care for people who need help. You are going to pay close attention to the work force issues, people who work day in and day out in high stress positions who don't know tomorrow whether they are going to have a job at Central Islip or Harlem Valley or Mohawk Valley.

I had a story told to me last week in Central Islip of a woman who worked in that facility for 20 years who has eight children who was told as matter of factly, "You are going to be laid off next week." She came to me in tears and said, "What are we going to do about it?" Then we come up here and we face Division of Budget, who has a callous disregard for the concerns of the mentally ill in this state. We shouldn't stand for it.

A proposal that was agreed to by the Assembly and my colleague, Assemblyman Steve Sanders, who has that same level of concern that we all do. The two of us sat down and worked on a proposal that is being negotiated on as we speak that will deaccelerate the closure of two

facilities. Yes, it will do that.

The Governor characterizes that as $20 million to save two psych centers, which is absolutely wrong. What this does is delay the closure of Central Islip Psychiatric Center for 12 months. Let me tell you what that means. Tell you what that means for the 360 geriatric patients who currently reside in Central Islip.

There is an article in today's Newsday by Paul Vitello, where he quotes the head nurse, Head Nurse Devalin, in that facility, where she says, and I quote, "Moving is traumatic for anyone who is elderly, but for some of these people, it might kill them."

We have seen studies. We have a report that was issued on March 10 from the Commission on Quality Care, where they have some very severe concerns about a proposal that would close a facility, take these 360 geriatric patients who are currently living there and some who have lived there for 40 and 50 years, move them into a temporary location at Pilgrim in Brentwood, meanwhile spend 57 million on a

capital program, and then move them again into a permanent location two years from now.

Our plan, agreed to by the Assembly, stops that. Our plan, agreed to by the Assembly, delays the closure of Harlem Valley. Harlem Valley Psychiatric Center which, you may remember, the Governor agreed last year he was going to delay that closure until April of 1994. He forgot about all that. He said, "I don't remember any agreement. I don't know what Spano is talking about."

Well, maybe he should take a look at his own budget language. Maybe that will take care of his memory loss that he's been having.

In addition to those two very important psychiatric centers that we are very concerned about, our proposal does a few other things as well. Helps to build a community based system of care. It's very good for us to say slow down the closure of psych centers because we don't have a community-based system of care, but we should also put that money into

the community. Our proposal does that, as well. We put millions of dollars into the community so that these programs that are essential for people to continue to be mainstreamed back home and back into their communities, those programs will be available for them.

In addition to that, we restore some 70 percent of the jobs that are being cut out of this budget in the mental health system. People will say, What do you want to restore jobs for? Some people look and say, Is the Senate Majority protecting bricks and mortar? It's not bricks and mortar at all. It's the jobs of people that work tirelessly day in and day out in these psychiatric centers.

We all remember just a few years ago the tragic death of a woman who was the mother of eight children at Rockland Psychiatric Center. Her name was Clara Taylor. She was brutally murdered in a psychiatric center because it was understaffed, because she was the only person on the ward. And we're seeing time

and time again staff members at facilities all across the state who cannot handle the serious -- seriously and persistently mentally ill people who also have a dual diagnosis of a chemical dependency who are coming into these psych centers on a regular basis. They can't handle them.

The budget that the Governor gave to us exacerbates that problem and puts us in jeopardy of losing millions and millions and millions of dollars of federal certification. We saw just a few years ago what happened in Buffalo. Buffalo Psych Center was decertified by HCFA and JCAH when they came through and said those psych centers are not maintaining our federal standards.

We are putting ourselves in jeopardy once again by not building a community-based system of care, prematurely and recklessly closing facilities, not paying attention to work force issues, not paying attention to the economic impact of local communities when we talk about closing these

facilities across the state, not taking into account the effects on the criminal justice system, the social services system, the quality of care of the individuals that we care for in our current facilities and, of course, the impact on the local economy, as I mentioned, as well.

So I am hopeful that before we end this process, before we end the process of the budget, certainly before we end the process of passage of this incomplete document that we're all going to make sure that we have the benefit, the benefit of a negotiated addition to this document which will include the mental health additions that we need, that reflect the needs of our communities across the state. And we're going to have those additions in a way that are going to be veto proof, in a way they are going to be part of not just a two-part agreement between the both houses but will include the Governor, who I hope maybe is listening to this today.

Thank you.

ACTING PRESIDENT FARLEY: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President. It's pretty difficult to follow Senator Spano both in terms of his passion and his expertise in the area of mental hygiene. As the chair, he has worked hard, worked long, labored with extraordinary diligence for the constituency that he and his committee serve, for the constituency that so many of us serve also in our respective districts.

I would like to, if I could, bring you, Mr. President and my colleagues, to the events of about this time last year when myself and Senator Spano and Assemblyman Leibell who then -- I then represented the Harlem Valley site, which is currently represented by Senator Pataki.

The site was listed for closure. After laborious negotiations over an extended period of time, we hammered out an agreement, an

agreement which I thought was a thoughtful one, an agreement which I thought was a sensitive one, an agreement which I thought to the best of the ability of all parties recognized what had to be done to, in a systematic fashion, close a facility.

The Governor should claim no surprise. The Governor was a party to this agreement. He feigns ignorance. This was put in last year's budget. His Commissioner was well aware of it. What it said was that Harlem Valley would be closed on April 1 of 1994.

I don't have the reports with me, but I can site six separate reports, the last one of which was in October of 1992, in which OMH stated, restated, restated and restated again that Harlem Valley was going to close on April 1 of 1994.

The language in the budget, notwithstanding the chapter that Senator Spano referred to that we've all voted for, for a comprehensive closure program, the language in the chapter at that time provided that there had

to be community services available for clients; the state would actively work in providing its abilities, expertise and services to finding alternative uses for the site; and every effort would be made to try and assist the employees who were working at Harlem Valley in terms of either retraining or relocation. A reasonable solution to a very difficult problem.

Nobody expected Harlem Valley to be open indefinitely. But when out of the blue somewhere near the end of this calendar year the Governor decided to close the facility, he basically said, "Deals don't count. Agreements negotiated in good faith are meaningless."

This is not a partisan issue. This is not a philosophical issue. This is an issue of the integrity of the process, the legislative process, the role of this Legislature in its dealings with the Governor.

Now, we don't do contracts. We don't do agreement by way of contract. Sometimes we do agreements by way of a handshake. And, generally, I would like to

think they are honored once we make the agreement. But we did better than a handshake here. We wrote into the budget with the acquiescence of the Governor, the knowledge of his Commissioner, language that provided for an orderly closure and a transition for the community.

The Governor right now is setting up a strawman. If the Governor didn't know about this, the man has a problem and certainly shouldn't even be considered for the Supreme Court. Because, obviously, he must have blackouts. And if he's got that kind of a problem, I will tell you, I'm not quite sure if I want a man like that, a woman like that, sitting on the Supreme Court.

So if he is listening, perhaps he can conjure back to those days and maybe his recollection has now been refreshed, and he can recall that there was an agreement. And perhaps, since it was an agreement, he may be willing to abide by it.

Now, in January of this year -- I

think it was either January the 27th, January the 28th, myself, Senator Spano, Senator Pataki, Assemblyman Leibell, wrote a letter to the Governor, not presumptuous -- I think we can still write to the Governor -- and asked if we can meet with him. It's March 30. That's two plus months. Haven't heard from the Governor.

I traveled down to a Finance/Ways and Means Committee meeting when Commissioner Surles was testifying, and perhaps I wasn't as gentle with him as I could have been, and implored him to please, please let the Governor know how I felt about this, and would he please answer our letter. Well, that's probably five or six weeks ago now. Still haven't heard from the Governor.

He keeps hurling his barbs at Senator Spano, who is doing his job. If he can't abide by agreements, agreements can be modified and perhaps over the passage of time, over extended periods, they have to be changed. That's the way of the world. But an agreement that was not only instituted some six to seven

months prior to his changing his mind but which was relied upon in a series of reports by his own commissioner and his department, not only does he now throw it out the window but he says, "I don't want to talk about it." The ultimate act of chutzpah, the ultimate act of petulance. Bless him. Bless him. But I think the people of the state of New York deserve better.

ACTING PRESIDENT FARLEY: Senator Smith.

SENATOR SMITH: Thank you, Mr. President. History may be made today in my joining my colleague, Senator Spano. It's not often that we on this side of the aisle agree completely with any of you on that side of the aisle.

Senator Spano, no one could have been more eloquent and more true and more righteous about the plight of those we both seek to serve. As the ranking minority on this committee, I firmly believe in what Senator Spano and our colleague in the Assembly, Assemblyman Sanders, is trying to do for those

people who cannot help themselves.

I am also greatly concerned when I see a budget that has nothing to do with prevention. When I look at the State Op's Budget, there is no prevention when it deals with alcoholism. There is no prevention when it deals with mental health. There is nothing there for the education of those children in those communities which some of us on this side of the aisle seek to represent.

But I've got an even greater concern. We're sitting here talking about spending money. And somewhere along the line in one of those education courses that I had the opportunity to take, they told you that you had to put money in the bank before you could write a check, and we're here writing checks, but we don't know where the money is coming from.

And I'm trying to figure out, how do you spend the money before we figure out the revenue side of it. Maybe I'm a little dense, but I thought people went to jail when they wrote checks and there was no money in the

bank. And when they come here for the 211 legislators, I hope they get 210 because I don't want to be the other one on that end of the line.

I can not fathom how we can continue to make decisions in a vacuum and that's what we continue to do over and over and over in the five years that I have been here. And somewhere along the line, we've all got to stand up and say no, and I hope this will be the year.

Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Senator Pataki.

SENATOR PATAKI: Mr. President, on the bill.

I would like to join with Senator Smith and my colleagues, Senator Spano and Senator Saland, in criticizing in particular the Mental Hygiene part of this budget.

A few years bark, this state began a program of deinstitutionalization of patients in psychiatric centers that was widely

accepted, widely supported, and intelligently conceived. It was clear that this state had institutionalized people who would be better served in the community, and it was a disservice to the client, and it was a disservice to the community, and it was a disservice to the families, and it was certainly a disservice to the taxpayers because the cost was so much greater.

The beginning of this program, I believe, was to be commended because it was premised on two basic factors; first, that clients who were better served in the community should be placed in the community; and, second, that when they were returned to the community, they would have the support services, the community-based support services necessary to make sure that they were able to care for themselves.

What has happened with this program is that it has gone too fast too far. Whereas, about 15 years ago there were somewhat like 90,000 people held in psychiatric centers

in the state of New York, I understand by next year that number will be less than 9,000. Over 90 percent have been turned back into the communities.

And we have seen, under this Governor, two basic flaws in his program. He has released patients into the community who do not belong there and are better served for themselves and for our communities in the psychiatric centers. And certainly the "Beast of 96th Street" that we are all familiar with is someone who belongs in an institution and not back in the community.

And, second, the premise that the support services were going to follow -

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: Just on an inquiry of the chair, point of information. I was led to believe earlier today that there might be a procedure whereby this bill was going to be debated, laid aside, and who knows what, and I

would have had some remarks to make.

I specifically asked before we started this debate whether or not we were going to debate this bill, vote on it and go right through with it.

May I make an inquiry of the chair? Has there been a change in that? Are we going to debate this bill and vote on it now, or are we going to debate this bill -

ACTING PRESIDENT FARLEY: That is a decision of the Majority Leader, which has not sent that forward, the Acting Majority Leader. I don't know that he has made a judgment on that at this point.

SENATOR GOLD: Can I make a suggestion, Mr. President. Then why don't we find out whether or not we are playing around with this thing right now or whether or not we are going to have a vote on this bill?

ACTING PRESIDENT FARLEY: I understand what you're saying, but Senator Pataki -

SENATOR PADAVAN: Point of order,

Mr. President.

ACTING PRESIDENT FARLEY: Yes. What's your point of order?

SENATOR PADAVAN: Senator Pataki had the floor.

ACTING PRESIDENT FARLEY: Yes, Senator Pataki has the floor.

SENATOR PADAVAN: And as a point of order, I think he should be allowed to finish.

ACTING PRESIDENT FARLEY: Senator Gold, Senator Pataki does have the floor. I recognized you for a point of inquiry. I think that that's something that you should go address to the Majority Leader or to the Acting Majority Leader. I can not answer.

SENATOR GOLD: I'd like to do that through the chair. Will the Majority Leader inform the chamber as to whether or not we are debating this bill?

ACTING PRESIDENT FARLEY: Senator Kuhl, do you wish to answer this? Senator Pataki, are you willing to yield -

SENATOR PATAKI: Yes.

ACTING PRESIDENT FARLEY: - while we attempt to handle this for a minute.

SENATOR GOLD: Thank you, Senator.

SENATOR KUHL: Yes, Mr. President. We're attempting to debate a budget bill. This bill has been agreed upon. Certainly, some of the members have indicated some displeasure that the document is not necessarily complete, and we intend to carry on as much of this debate as possible. We're in hopes that we, in fact, will take a vote on this in the very near future. However, things are subject to change as they always are in this chamber at a moment's notice. And, certainly, I'm sure we will be informed by the Majority Leader if he is desirous of not continuing it.

So I would like to proceed - Senator Pataki does have the floor -- with that procedure.

ACTING PRESIDENT FARLEY: Senator Pataki, you do have the floor.

SENATOR PATAKI: Thank you, Mr. President. As I indicated, the deinstitutionalization program, as carried out by this administration and this Governor, has failed in two fundamental areas. One, it has turned back into the community patients who are better served for themselves and the community by being returned to institutions; and, second, the premise on which deinstitutionalization was based, that the support services would follow the patient to the community so they would have the counseling and support necessary, has not in fact taken place.

And, last year, when it was clear that the Governor had proposed to close Harlem Valley and Central Islip and others and continue this policy of too fast with too little community-based support services, Senator Spano and Senator Saland and others worked very hard to put in place an orderly program that this body, the state Assembly and the Governor agreed to, to create an orderly phase-out of the Harlem Valley Psychiatric Center. And, yet, in the

middle of this past budget year and notwithstanding that agreement that he had agreed to, the Governor precipitously said, "We're going to continue this program. We're going to take it even further," and once again, continue to dump patients in appropriately and without the support services into the community.

This budget, as Senator Spano indicated, is an incomplete document. It's an incomplete document because it breaks the pledge, it breaks the agreement, the compact, if you will, that was reached between the Governor and the Legislature last year to have an orderly phase-out.

And I want to commend Senator Spano and Senator Saland and the others and Senator Marino for their courageous effort to overcome the opposition of this Governor, who is doing everything in his power to block restoration of the funds necessary to have an orderly phaseout of this facility, and I believe that we should not pass the State Operations

Bill, as the Assembly has done, until this incomplete document is made complete by restoration of those funds for Harlem Valley and Central Islip.

Thank you.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: I believe you said you had a list and that Senator Nozzolio is next?

ACTING PRESIDENT FARLEY: You are the list. You are the end of the list.

SENATOR GOLD: That's the end of the list?

ACTING PRESIDENT FARLEY: Oh, I'm sorry. Senator Nozzolio was on the list. My apologies.

SENATOR GOLD: I didn't want you to be impolite.

ACTING PRESIDENT FARLEY: Thank you. My apologies, Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. Thank you, Mr. Minority Leader.

Mr. President. On the bill.

Senator Spano's message to all of us is a clarion call to those who care for the mentally ill, not just those at Central Islip or Harlem Valley but for every mentally ill patient in every institution across this state.

I happen to have one of those institutions in my district, the Willard Psych Center, a center that has continually received high grades, has cared for the mentally ill in the best of fashions, but is now faced with a system that is being dismantled at an alarming rate with no rhyme or reason, without criteria, without standards, and I applaud the chairman of the Mental Health Committee for standing up today for those who can't advocate for themselves.

Ladies and gentlemen of this Body, today it's Central Islip and Harlem Valley. Tomorrow, it will be additional institutions who have been serving our state for, in many cases, over 100 years. That we can not look at these institutions and the people

whether work there and the people who are served there with a callous disregard for their welfare.

Unfortunately, the policies put in place by this administration are callous and disregard those people.

Senator Spano, thank you for raising this issue today, and thank those of my colleagues who stood up to join him in this effort.

SENATOR GOLD: Last section.

ACTING PRESIDENT FARLEY: We can not read the last section because the message has not been accepted.

Senator Kuhl, what is your pleasure? Just a moment.

SENATOR KUHL: At this time I think we would like to lay the bill aside and go back to the regular order of the calendar, please.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: The bill is laid aside.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: On the motion to lay aside the bill, I want to be heard.

ACTING PRESIDENT FARLEY: All right.

SENATOR GOLD: Mr. President. Since the beginning of this year, I have really enjoyed -- and I'm not being facetious on that.

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

SENATOR COOK: I would like to raise a point of order. I was not aware that whenever a member wished to lay a bill aside that there was any debate on the issue and I would think that a budget bill -

ACTING PRESIDENT FARLEY: The ruling on that is that a member controls his own legislation. He can lay the bill aside at any time. The Majority Leader laid that bill a side. Senator Gold asked to speak on it.

Is there an objection to Senator

Gold speaking against -- on the issue? That, basically, that's where we are at. Are you objecting to Senator Gold?

SENATOR COOK: Mr. President. If Senator Gold wishes to make a statement with unanimous consent, I have no problem with that. I just think it would be an error for us to begin a precedent in this house whereby when a member wished to lay aside his own bill, as I believe the Finance Chairman has wished to lay aside this bill, that that precedent would not be good.

ACTING PRESIDENT FARLEY: The acting Majority Leader or Finance Chairman, I'm not just sure who is controlling that legislation.

SENATOR KUHL: Mr. President. We have no objection to Senator Gold making a statement.

ACTING PRESIDENT FARLEY: I'm sure we don't. But let me make something clear. As far as I'm concerned, the bill is laid aside on the motion of the Acting Majority

Leader.

Senator Gold, you have the floor without objection.

SENATOR GOLD: Thank you. I was saying -- and I appreciate your courtesy, sir. I can honestly say that since the beginning of the year I have enjoyed very much the relationship that I have had with Senator Present and I admire the way he runs the floor. I think everybody would agree that if this chamber is to operate properly we have to have cooperation and also some degree of candor.

Now, I asked specific before we started this whether we were going to continue this, debate it, and vote on it, and I was assured that that was to happen. I asked that question because I had heard a rumor earlier in the day that the intention was to go through some motions and then lay it aside and do exactly what you've done. All right?

I resent it. I think that the comments by Senator Spano are totally legitimate. I think the comments that others

made are legitimate. I think this chamber has a right to debate any issue it wants, to make comments any way you want. But I think we have to have some candor with each other.

We don't have to go through a charade where we are told that we're bringing up this bill, and we're going to handle the bill, and then, oh my God, these things that were said were so out -- boy, we better hold the bill.

I mean let's be adult about it. I think the concerns expressed are legitimate. Let's find a mature way to deal with this.

ACTING PRESIDENT FARLEY: Senator Kuhl, what's your pleasure as to the calendar?

SENATOR KUHL: Calendar Number 299. I would like to proceed in regular order.

ACTING PRESIDENT FARLEY: Regular order, controversial.

THE SECRETARY: Calendar Number 29, by Senator Padavan, Senate Bill Number 1856, an act to amend the County Law and the New York City Criminal Court Act.

ACTING PRESIDENT FARLEY: Senator

Galiber.

SENATOR GALIBER: I have an amendment to this piece of legislation. I think it's Calendar Number 299.

ACTING PRESIDENT FARLEY: That's correct, and the amendment is here at the desk, Senator Galiber.

SENATOR GALIBER: Yes, if your Honor pleases. I said "your Honor." You heard that, didn't you? It's your last ruling that I was referring to.

ACTING PRESIDENT FARLEY: I take that as a high honor. Thank you.

SENATOR GALIBER: On a serious note, Mr. President. I offer the following amendments and ask that the title be read and be given an opportunity to discuss the amendment.

ACTING PRESIDENT FARLEY: Secretary will read the title of the amendment. You waive the reading, I presume.

SENATOR GALIBER: I waive the reading. Just the title, that's all.

Yes, the title to the bill has

been read already, Senator Galiber.

SENATOR GALIBER: Fine. Okay.

ACTING PRESIDENT FARLEY: On the amendment.

SENATOR GALIBER: Mr. President.

ACTING PRESIDENT FARLEY: Before you go on the amendment, let me get a little order in this house. There is a lot of conversations going on here. I'm going to ask the sergeant-at-arms or somebody to stop these conversations so we can hear Senator Galiber. Senator Libous, please.

SENATOR STAFFORD: Mr. President. Senator Galiber has very kindly consented for me to say just a speck. I certainly respect people on both sides of the aisle, and I would try to explain this, that there's no question on many, many issues, there's a lot of discussions -

ACTING PRESIDENT FARLEY: Senator Stafford, I'm awfully sorry. I don't think the stenographer or even myself can hear you, and I realize -- you are going to have to try to talk

into the mike as best you can, sir.

SENATOR STAFFORD: I'll be very brief. A point was made and I think I should try to point out that there was by no means here anyone trying to be devious or trying to play any games. I understand the question was raised.

What I would say is the Majority Leader wants us to get all the work we can out of the way. There are many discussions going on. And actually, there will be many, many more discussions, but it was no way -- we did not intend to make it look any way other than get the debate out of the way, and then we move from there.

Thank you.

ACTING PRESIDENT FARLEY: Senator Galiber, you have the floor.

SENATOR GALIBER: Yes, Mr. President. This is a very simple amendment, and it touches and concerns, however, a very serious problem that has plagued us in the city of New York for many, many years. And in reality what

it amounts to is a question of the residence requirement in the city of New York.

Now, at first blush, if you read the legislation, we're talking about assistant district attorneys; but, in reality, they are public officers; and under the law, they come under the section of law which covers all public officers. A district attorney is elected and has the right to appoint his assistants.

Heretofore, in the city of New York -- and John Calandra, former State Senator here and even Senator Guy Velella, at one point in time had residency requirement bills in the hopper. The mayor of the city of New York this year has made a request. There has been no movement whatsoever, but he has made a request as the executive of the city of New York covering five boroughs, asked that we seriously consider a residence requirement bill which we should do.

There are many places in this state of ours where residence becomes a requirement. Even some places in Nassau and

Suffolk County there is a residence requirement. But when it comes to the city of New York, we look a bit the other way, if you will, in regard to the residence requirement.

The bill originally and not this amendment directly but indirectly, the amendment and the bill said simply that if you are -- in the future, if you have application or you are hired in the city of New York, then you would have to be a resident in order to accept that, as a condition precedent.

However, in this particular piece of legislation which covers the question of district attorneys in various counties, the bill is not really clear, in my judgment, and I know that the sponsor of the bill will be able to clear it up perhaps in this debate or when the main bill is presented if this amendment is not adopted.

But I had some checking to do, and I talked with some of the district attorneys, and they are pretty satisfied, if you will, with what they have, and I don't know

where the sponsor of this bill -- the request came from, but certainly he will explain it, as I mentioned before.

The position that we have taken is simply this, that the piece of legislation or the amendment that I have introduced is to amend the County Laws and the New York City Criminal Court Act, in relation to assistant district attorneys and the Public Officers Law and the Executive Law, in relation to residence requirements for members of the police force, the department of sanitation, probation officers, members of the uniformed force of the fire department, employees of the department of correction and correctional services, classification and the classified civil service, and officers and inspectors of the Department of Health, in cities with a population of one million or more to repeal section 94 of the New York City Criminal Courts Act relating thereto, and it merely -- the amendment covers that particular area.

Now, there are some who would

suggest that asking people to come in from other than New York City is unreasonable, it's not proper, it's unfair and a number of other things. But I want you to know that the bill that I have presented, the amendment, would not ask that persons who are already outside the city of New York to come into the city in order to keep their employment. It merely says, in the future if you are hired in those categories that you would have to be a resident of the city of New York.

Now, there has been a test case on this. There are some who suggest it is unconstitutional. We know that in Chicago and in a number of great cities, big cities throughout the nation that this has been tested and it does apply, that the residence requirement is not a condition precedent to employment.

In addition thereto, we find that in local government where we have a serious problem in the city of New York and the larger cities throughout the states, that we're asking

that it's in the best interest of the city of New York that we have this residency requirement. Some suggest, also, that the evolving economic theory that if you work in the city that you spend your money in the city and it stays in the city. Others suggest that a commitment that a person has who lives in a particular district is stronger and is certainly needed that they have an interest, a vested interest in what's going on in the city of New York.

In the sanitation department, we can recall in the Lindsay days when they missed a forecast, if you will. I wished they had a couple this year. But they missed a forecast in the expenditures, and the reason for it was they did not know, so the sanitation people could not be called in from the suburbs in time.

So this amendment suggests indirectly that certainly we need in the city of New York a residence requirement. Certainly, the mayor of the city of New York, the executive branch of government, has made a reasonable

request.

Pointing to the bill that is actually amended, we're asking that district attorneys -- and this is where some ambiguity comes -- that a district attorney serving in a county can serve in any county throughout the state. There is some ambiguity there.

The history, I believe, of this piece of legislation came about because some district attorneys in various counties have prohibited their employees or said to their employees if you want to work in this county that you have to live there. So you have to be a resident, if you will, of that county. Bronx County is one.

Senator Padavan, I took the liberty of calling around to some of the boroughs. And I'm sure when you respond you will tell us where the drive comes for this piece of legislation. The Bronx District Attorney's office is steadfast on residence requirements. Your own county tells us that if it's so -- does not speak directly to your

district attorney -- that he takes no position on it. Staten Island, I'm not very sure what your position or Staten Island's position is on this particular piece of legislation. But I can find no one except in New York County. And historically, that came about as a result of some ambiguity in the section which indicated that in New York City or in New York County that they could recruit district attorneys outside of the borough, which meant within the frame of the five boroughs. So it doesn't go outside of the city.

So I say this is not a bad piece of legislation. I'm not sure what the intent of it is or where it comes from, but certainly the amendment that I have offered opens up the door for a larger debate which I'm hoping that we will have before this session is over, and that is, a basic request from the mayor of the city of New York indicating that he needs and we in the city of New York, those of us who plan to stay, not possibly leave as Staten Island and Queens County have suggested, need this

residence requirement bill as a condition of the quality of life in the city of New York.

I move the amendment.

ACTING PRESIDENT FARLEY: On the amendment. Wait a second. Where are we? Senator Montgomery, do you wish to speak to the amendment?

SENATOR MONTGOMERY: Yes.

ACTING PRESIDENT FARLEY: Oh, I'm sorry.

SENATOR MONTGOMERY: Mr. President. Briefly on this amendment.

I want to compliment Senator Galiber for bringing this up in an attempt to open up an official debate on it by having it brought out of committee, because this is a very crucial legislation for New York City.

As we know, it has been proven to be beneficial to the police because they have an opportunity to serve the community over and above their professional position as a police officer, but they can interface with people in the blocks and in the communities and help

people understand better how to work with the police department. So it's really proven to be helpful to have police officers and other uniformed personnel be residents of the city. And we know that police officers, in particular, but these men and women of the uniformed services when they come onto the force or into office are young and, very often, just starting out with their families. Some of them are not even yet a family, but individuals who really have a lot to offer as residents, as neighbors of a community. And so in that way, the community really benefits from having them.

I know I have a number of people who are on the police force, in particular, who live in my district and are extremely helpful and valuable in terms of their being a resource. And, moreover, as we look to build our communities in the city of New York, our neighborhoods, to improve the feeling of safety and to begin to enhance the quality of life overall, we look to have a kind of gentrification, if you will, where we have young

professionals who are willing to move back into their neighborhoods, into neighborhoods, and become a part of them and begin to build.

I think that's the premise on which President Clinton has launched a new direction for education or higher education assistance in this nation; and that is, to encourage young people to come back into their neighborhoods and serve as young professionals to begin to enhance and uplift those areas.

And so I think Senator Galiber's bill goes absolutely in the right direction. Besides the fact that by having a strong neighborhood, city-based uniformed services group of people, we have a group of people who identify with the city, give back to the city, both in terms of the tax base as well as being part of the fabric of the city that functions on a daily day-to-day basis.

So I think that we really should be debating this bill. Senator Galiber, I'm distraught that it has taken this drastic step on your part. I thank you for doing it. But we

should not have to do this. We should be voting on this bill as we vote on so many pieces of legislation to address a very critical issue in relationship to the city of New York.

So, Mr. President, I hope that this bill can be voted on, can be brought to the floor in this chamber.

Thank you.

ACTING PRESIDENT FARLEY: Thank you, Senator. Anybody else on the amendment?

(There was no response.)

On the amendment. All those in favor, say aye.

(Response of "Aye.")

Those opposed, nay.

(Response of "Nay.")

The nays have it. The amendment is not accepted.

Read the last section of the bill.

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

ACTING PRESIDENT FARLEY: Call

the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FARLEY: Do you wish to speak on the bill or explain your vote?

SENATOR GALIBER: I would like to have an explanation for it, because there is some ambiguity there.

ACTING PRESIDENT FARLEY: Oh, Okay. Withdraw the roll call. Senator Padavan, an explanation has been asked for.

SENATOR PADAVAN: Certainly, Senator. I will be glad to provide it for you.

It's very simple really. Currently, the law within the city of New York allows assistant district attorneys in the county of Manhattan to live outside the city if they choose, but that same prerogative is not allowed to assistant district attorneys in the other counties.

At the request -- because you raised this question earlier and perhaps you are entitled to an answer. At the request of some assistant district attorneys that disparate

prerogative, that inequity, that contradiction, was thought to be inappropriate.

So what this bill simply says is that district attorneys in any of the counties, the five boroughs, may hire assistant district attorneys from outside their county and outside the city.

Now, it's interesting to note that there are no memos in opposition from any of the district attorneys from the city of New York. And while I take no issue with your personal survey, the fact remains that none of them have taken the initiative, as they do from time to time, in speaking out on a bill that directly relates to their operation.

At the same time, a district attorney hires whomever he or she chooses to hire. If the district attorney in Bronx County whom you cited feels that generally speaking he would prefer to hire people from Bronx County, nothing this in this bill would prevent him from doing so. He might, however, from time to time attempt to reach out to a D.A. with particular

expertise and find the best person in that area doesn't live in Bronx County. Might live in Yonkers, for example. If we didn't pass this bill, he would be precluded from hiring that individual.

So very simply, this is a bill that provides an opportunity for district attorneys, if they choose to, as the district attorney of Manhattan now has the right to do, to reach outside and hire someone whom they feel would do the job best of all.

SENATOR GALIBER: Will you yield?

SENATOR PADAVAN: Sure.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: Yes. Senator, under your piece of legislation, could an assistant district attorney -

ACTING PRESIDENT FARLEY: Senator Galiber, I know it's very difficult when you are speaking to somebody at your back, but try to keep it into the microphone for the stenographer

and for the rest of the world. They can't hear you.

SENATOR GALIBER: I would rather face you, Mr. President, anyway.

Senator, on this piece of legislation, a district attorney in one of the five counties, could he or she hire someone in Buffalo under your piece of legislation?

SENATOR PADAVAN: Absolutely. Any county.

SENATOR GALIBER: In other words, throughout the state of New York, anyone who wanted to be hired by a district attorney in a particular county could be hired?

SENATOR PADAVAN: If the district attorney chose to reach out and recruit someone from Buffalo -- it would seem rather impractical, but if they chose to do so, yes, under this particular legislative proposal they could do so.

SENATOR GALIBER: Senator, I'm sure you are not questioning the surveys that I took, and I know that you are not. I'm not

being facetious about it. Manhattan already has a privilege, and I think you are going a bit further than Manhattan goes here. I believe that they have had an experience where ADAs in their particular office are still hired within the city of New York. Some of them abuse the privilege.

SENATOR PADAVAN: Senator, let me answer your question very directly. The current law says, and I quote, "the assistant district attorney in New York County in any county other than the one in which he is employed." Any county. There are 61 counties in the state of New York. Any county is any county. I don't know how you could interpret it any other way.

SENATOR GALIBER: Mr. President. Yes, another county. There is Bronx County.

SENATOR PADAVAN: No, it does not say any other county in New York City.

SENATOR GALIBER: Mr. President.

SENATOR PADAVAN: Senator Galiber. If I may, Mr. President. It does not say -

SENATOR GALIBER: You got my attention, Mr. President. He's not paying attention to me.

ACTING PRESIDENT FARLEY: Hold on just a moment.

SENATOR PADAVAN: I was trying to answer your question, Senator Galiber.

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

ACTING PRESIDENT FARLEY: Who do you want to yield? Senator Padavan?

Senator Padavan, would you yield to Senator Galiber?

SENATOR PADAVAN: I'm delighted to, Mr. President.

ACTING PRESIDENT FARLEY: He's delighted to yield to you.

SENATOR GALIBER: Senator, the question I asked you is that in the authorization that New York County has to hire district attorneys other than in the county, my position is that there is nothing in that bill which says that they can hire in other counties

throughout the state of New York. There are some who have suggested that the county that they refer to is the counties within the five boroughs which make up the city of New York. You have disagreed with that, I understand?

SENATOR PADAVAN: No, Senator, it's not that I disagree with it. If you have the bill, Senate 1856, and if you would with me go to line 13 and 14.

SENATOR GALIBER: Yes.

SENATOR PADAVAN: You see, it says currently, "Any duly appointed assistant district attorney in New York county may reside in any other county other than the one in which he is employed." So it does not say in any other county in New York City. It says, "in any other county."

SENATOR GALIBER: Yes. Mr. President.

ACTING PRESIDENT FARLEY: Senator Galiber.

SENATOR GALIBER: I have no difficulty reading lines 13 and 14.

SENATOR PADAVAN: That's the only way I can answer you.

SENATOR GALIBER: It happens to be a question of interpretation and I understand that. And I am wondering, Senator, did you make any inquiry of District Attorney Morgenthau about this piece of legislation as to what it really meant? Did it really mean going outside of the five counties in the city of New York?

SENATOR PADAVAN: No, but I'll tell you what I did do. People who came to me with this legislative proposal, I asked the question. Are ADAs in Manhattan all residents of New York City? I was told that there are a number who are not, which means, obviously, they live in counties outside New York City.

SENATOR GALIBER: Okay. Some of them may even live -- Senator, to support that to a degree, some of them live outside of the state of New York.

SENATOR PADAVAN: Possible.

SENATOR GALIBER: But what I'm suggesting is, that is a passive position that

the district attorney in that county has taken, if he does not wish to enforce that.

What you are doing now, you are taking -- even stepping further than what we have here at the present time, which we argue about; and that is, whether we should have residence requirements in the city of New York for those persons in the other four of the five counties.

SENATOR PADAVAN: Will Senator Galiber yield to a question?

SENATOR GALIBER: No, that's not a question.

SENATOR PADAVAN: No, I'm asking you a question, if I may.

SENATOR GALIBER: You have to ask him whether I'll yield or not.

ACTING PRESIDENT FARLEY: I'm sure that he will.

SENATOR PADAVAN: Senator, are you suggesting that the district attorney from Manhattan would violate the law and overlook a statute?

SENATOR GALIBER: No, I'm suggesting that he is a human being like most prosecutors, that he has the proclivity from time to time deviating from the law, deviating from the law.

On the bill, Mr. President.

ACTING PRESIDENT FARLEY: Senator Galiber, on the bill.

SENATOR GALIBER: Mr. President. I've had the opportunity to talk to a couple of the district attorneys or their offices. Queens County, the very county that the sponsor of this bill comes from, that district attorney's office has no position on it. Bronx County has insisted that there be a residence requirement, that those persons reside in that particular county. The District Attorneys' Association does not have a position on this bill. Brooklyn is neutral on this bill.

Now, I know from time to time, we get requests for legislation or we get an idea for legislation and we go about the business of putting it in a form, and I have no problem with

that. But it's difficult, Senator, for me to conceive of someone in Rochester or in Buffalo or in some other city in the state of New York coming to you and requesting that you put this piece of legislation in.

I can only recall one crazy incident occurred, and it happened to be in your county where they indicted one of the residents for a particular criminal act, and then he was about to be tried. They made motions to dismiss the case because of the residency requirement, saying that based on that they moved to dismiss the case because the D.A. who prosecuted the case was not a resident. Big write-up, big paper. A lot of it.

But in this instance somewhere, we have a district attorney, no one has requested this. If it's somebody or a group of persons in some part of the state who want to come to us and say, Let's make an exception here and we have a DA who says this particular person has such extraordinary talents that we want that person to work for the Queens district attorney

or one of the other five counties, so be it. Let's put the piece of legislation in.

The danger with this piece of legislation, Senator -- and I've watched your legislation very carefully, and you have introduced some very parochial pieces of legislation, concerned about your community and neighborhood like I am, that you want to be close about it, and it comes out in different forms. But this opens up the door where some of us are trying to shrink the passage as far as the residency requirement.

You are saying to anyone -- which doesn't make too much sense because I'm sure someone is not going to commute back and forth from Buffalo on a day-to-day basis, won't even commute back and forth from New Jersey in some instances. Maybe New Jersey. I don't see any need for this bill. I have no serious objections, only to the extent that it opens up the possibility of enlarging on this residency requirement bill, when we are about the business of shrinking it so that executives in the

various boroughs will have an opportunity to say or require that there be a residency requirement bill, and that's why I object to it, Senator.

I object to it because nobody really wants it. Nobody pays too much attention to it, probably. But the poll that I took of the district attorneys who have the responsibility to hire people -- and there's a few that slip through the cracks. You're absolutely right. Just like policemen for a long time lived in Jersey, lived across the bridge, until they closed the door there.

So I'm saying, Senator, it's dangerous only for what it represents for the future, as far as I'm concerned. If there is one or two persons who want to come down and be district attorneys in Queens County and DA Brown objects to it, let's put a piece of legislation in. I will vote for the two or three people. But this is too wide, too broad and too dangerous.

ACTING PRESIDENT FARLEY: On the bill. You can read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FARLEY: Senator Waldon to explain his vote.

SENATOR WALDON: Thank you very much, Mr. President. I see some dangers in this legislation in terms of the tax base for the city of New York. It's minuscule what would happen with people who are from outside of the city, as I'm sure some of these ADAs would be if we pass this legislation.

But the most important consideration, I believe, is their sensitivity to the county in which they work. They will be traveling, some of them, very long distances. If they don't live in the community, they will not have an affinity for the community. They will be torn between rushing to the suburbs at the end of the day versus their duty and task as an assistant district attorney.

The fact that Manhattan County has had an exception does not make it right. Do two wrongs ever make a right? I think that it's not sensitive to the needs of the people in my borough, the county of Queens. I think it's not sensitive to the borough where I was raised, the county of Kings. And I must oppose this legislation and vote in the negative.

ACTING PRESIDENT FARLEY: Senator Waldon in the negative.

Negatives, raise your hands. Did you get them all, Mr. Secretary?

Senator Connor to explain his vote.

SENATOR CONNOR: Yes, Mr. President, to explain my vote.

You know, I certainly appreciate Senator Padavan's plea for equity. Why treat an assistant district attorney in Kings County differently than one in New York County even though we all know from the Hogan era on, or even before that, I guess the Manhattan District Attorney's office has been considered more than

just the county. At least in its own mind and the the mind of some of the press, it's more than its own prosecutor.

But I agree we shouldn't treat them any differently. But I think you are going in the wrong direction, Senator. I think you ought to require Manhattan New York County ADAs to live in the City as well.

And I know I read in the paper about some of their lead prosecutors. I read a story a week or two ago. I can't remember the gentleman's name, but it talked about his lovely suburban home in Westchester. Well, that's fine. Let him go to work in White Plains for the Westchester County District Attorney.

The fact of the matter is prosecutors, as much as police officers or anyone else, who serve the people of the city of New York, ought to be in touch. And a lot of these D.A.s -- they do it in Kings County; they do it, certainly, in New York County; I'm sure other DAs do it -- you know, they recruit from some of the finest law schools. They recruit

people who aren't New Yorkers. Nothing wrong with that. Once upon a time, a law firm in New York recruited a non-New Yorker like me to come and work in New York, and I lived in New York, as well. But they recruit this talent as starting ADAs. They are not native New Yorkers. And if they are allowed to start work in Brooklyn or Manhattan or wherever and immediately decide they are going to live in some suburban county and commute, I suggest to you that they will never get a flavor for the people they are serving. They will never get a sense of the streets whose safety their job is to help protect, and the people of the city of New York will suffer for it.

New York City is a great big city, and I don't think we ought to say you don't have to live -- I'll accept you don't have to live in the county you work in. That's not always practical. But somewhere in the five counties of New York, it seems to me you can find any sort of housing accommodations or any sort of neighborhood you want to live in if you

are an assistant district attorney.

And I think we are going in the wrong direction. We ought to equalize it by taking away the special treatment that Manhattan gets and require all assistant district attorneys in any of the five counties to live somewhere in the city of New York.

ACTING PRESIDENT FARLEY: Senator Connor is in the negative.

Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 299 are Senators Connor, Galiber, Halperin, Mendez, Montgomery, Ohrenstein, Onorato, Santiago, Smith and Waldon. Ayes 50, nays 10.

ACTING PRESIDENT FARLEY: The bill is passed.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT FARLEY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Yesterday we had a vote on a bill which were I present in

the chamber -- it was a slow roll call. Unfortunately, I couldn't be here. But if I had been here, I would like it to be noted that I would have voted in the negative on Calendar 289, S. 3358.

ACTING PRESIDENT FARLEY: The record will so indicate.

That bill is passed.

Continue the calendar. 301, Senator Present?

SENATOR PRESENT: Yes.

ACTING PRESIDENT FARLEY: 301.

THE SECRETARY: Calendar Number 301, by Senator Lack, Senate Bill Number 2041, an act to amend the General Municipal Law.

ACTING PRESIDENT FARLEY: Senator Dollinger.

SENATOR DOLLINGER: May we have an explanation?

ACTING PRESIDENT FARLEY: Sure. Explanation, Senator Lack.

SENATOR LACK: Yes, Mr. President. This bill would allow self-funding

mechanisms by consortiums, cooperative agreements, amongst school districts in the state of New York.

ACTING PRESIDENT FARLEY: That's the explanation.

Senator Dollinger.

SENATOR DOLLINGER: Short and simple, Mr. President. Perhaps a model to be proud of. Will the sponsor yield to one other question?

ACTING PRESIDENT FARLEY: I'm sure he will.

Senator Lack.

SENATOR LACK: Go right ahead, Senator.

SENATOR DOLLINGER: Senator, there's a mention in the bill justification about the Yates BOCES.

SENATOR LACK: Excuse me. You've got to talk a little louder.

SENATOR DOLLINGER: There is a mention in the justification about the BOCES in Cayuga, Ontario, Seneca, Wayne, and Yates

County.

SENATOR LACK: I'm sorry, I can't hear the Senator.

ACTING PRESIDENT FARLEY: Gentlemen, I'm going to ask that you hold the conversations down. The two Senators can't even hear each other. I see the culprits.

SENATOR DOLLINGER: Senator, there is a reference in the bill justification about the Cayuga, Ontario, Seneca, Wayne and Yates Counties and their BOCES.

SENATOR LACK: Right.

SENATOR DOLLINGER: And that was one of the consortiums that apparently the Department of Insurance has opined that they can not -- because of the absence of statutory authority, cannot enter into such a consortium. And there's also mention of the Long Island districts -

SENATOR LACK: Right.

SENATOR DOLLINGER: -- that have attempted to do the same thing.

My question is, do you know

whether this would apply to other regions of the state as well, or just the Long Island bill and just the Cayuga bill?

SENATOR LACK: These are just examples. It would apply to any region of the state.

SENATOR DOLLINGER: Okay. And my understanding is that the role that Blue Cross and Blue Shield plays in these consortium projects is as the administrator of the project. The school districts actually fund the pool and Blue Cross and Blue Shield administers the pool. Is that correct?

SENATOR LACK: It doesn't have to be Blue Cross and Blue Shield. I assume if they want to contract with Blue Cross and Blue Shield, they could. There is nothing in this bill that requires Blue Cross or Blue Shield to have anything to do with it.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT FARLEY: Read the last section.

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

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FARLEY: Senator Tully to explain his vote.

SENATOR TULLY: Yes, Mr. President. May I have unanimous consent to be excused from voting on this bill, please?

ACTING PRESIDENT FARLEY: Without objection, Senator Tully is excused.

Results.

THE SECRETARY: Ayes 59.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's all we have up here as far as the regular calendar is concerned.

SENATOR PRESENT: Mr. President. I move that we recess for a while, that I would advise you to stay close to your office for possible phone calls or the Senate telephone

operators for the possibility we may be back later tonight for further action.

ACTING PRESIDENT FARLEY: Yes, sir. The Senate will stand -- hold on. We've got some Senators want to be recognized before the recess.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. On the Senate schedule for tomorrow, there is a 9:00 o'clock Agriculture Committee meeting. In light of the announcement that was just made, I would like to inform the members of that committee meeting that we will postpone that temporarily and call that meeting off the floor tomorrow.

ACTING PRESIDENT FARLEY: All right. As long as we're on committee notices which I think are appropriate at this time, the Senate Banks Committee will be meeting at 10:00 o'clock.

I'm sorry. I said the Senate Banks Committee will be meeting at 10:00 o'clock tomorrow morning.

These are committee notices. Any other committee notices or anything?

Senator Dollinger.

SENATOR DOLLINGER: Mr. President. Just a question for Mr. Present. Is there an outside time that we should expect that that call might come through?

(Laughter.)

SENATOR DOLLINGER: Can I go home?

ACTING PRESIDENT FARLEY: Senator Present, is there an outside time?

SENATOR PRESENT: Mr. President. It's obvious we have a new member in the house. I'm sure that his leader will advise him.

ACTING PRESIDENT FARLEY: Are there any other announcements or notices?

We're going to stand in recess subject to the call of the leader.

(Whereupon, at 6:56 p.m., the Senate recessed.)

(Whereupon, at 10: 54 p.m., Senate reconvened.)

ACTING PRESIDENT FARLEY: Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President. There being no further business, I move we adjourn until tomorrow at 11:30 a.m.

ACTING PRESIDENT FARLEY: Senate stands adjourned until 11:30 a.m. tomorrow.

(Whereupon, at 10:55 p.m., the Senate adjourned.)