ALBANY, NEW YORK

January 18, 1994

4:27 p.m.

REGULAR SESSION

SENATOR NICHOLAS A. SPANO, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT SPANO: Senate will come to order.

All please rise for the Pledge of Allegiance to the Flag.

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

In the absence of clergy, may we please bow our heads for a moment of silence.

(Whereupon, there was a moment of silence.)

Reading of the Journal.

THE SECRETARY: In Senate, Sunday, January 16. The Senate met pursuant to adjournment. Senator Bruno in the chair upon designation of the Temporary President. The

Journal of Saturday, January 15, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT SPANO: Hearing no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Secretary will read.

THE SECRETARY: Senator Bruno from the Committee on Commerce, Economic Development and Small Business, reports the following bills directly for third reading:

Senate Bill Number 1744A, by Senator Bruno and others, an act to amend the Executive Law.

2389, by Senator Wright and others, State Administrative Procedure Act.

4106, by Senator Wright and others, State Administrative Procedure Act.

4107, by Senator Wright and others, State Administrative Procedure Act.

4615A, by Senator Bruno and others, an act to amend the Executive Law.

4616A, by Senator Bruno and others, Economic Development Law.

4617A, by Senator Bruno, State Administrative Procedure Act.

All bills reported directly for third reading.

ACTING PRESIDENT SPANO: Without objection, third reading.

Substitutions.

THE SECRETARY: On page 5 of today's calendar, Senator Volker moves to discharge the Committee on Investigations, Taxation and Government Operations from Assembly Bill Number 9032 and substitute it for the identical Third Reading 23.

ACTING PRESIDENT SPANO: Substitution ordered.

Motions and resolutions.

SENATOR PRESENT: Mr. President. I move that we adopt the resolution calendar on our desk.

ACTING PRESIDENT SPANO: The question is on the adoption of the resolution calendar.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The resolution calendar is adopted.

Any other motions or resolutions?

(There was no response.)

Senator Present, we are ready to begin the calendar.

SENATOR PRESENT: Mr. President. Let's take up the noncontroversial calendar, please.

ACTING PRESIDENT SPANO: Secretary will read noncontroversial.

THE SECRETARY: On page 4, Calendar Number 1, by Senator Volker.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it

aside.

THE SECRETARY: Calendar Number 4, by Senator Holland, Senate Bill.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 7.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 8, by Senator Volker, Senate Bill Number 364, an act to amend the Penal Law.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 10, by Senator Padavan.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number

13, by Senator Levy, Senate Bill Number -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 14, by Senator Tully.

SENATOR GOLD: Lay it aside for Senator Galiber, please.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 15, by Senator Daly, Senate Bill Number -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 18, by Senator Cook, Senate Bill Number 4739.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 19, by Senator Cook, Senate Bill Number 4787, an act to amend the Education Law.

SENATOR DOLLINGER: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside.

SENATOR GOLD: Senator Dollinger asked to lay it aside.

THE SECRETARY: Calendar Number 20, by Senator Daly, Senate Bill 4795, an act to amend the Education Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 21, by Senator Cook, Senate Bill Number 5640, an act to amend the Education Law.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT SPANO: Lay it

aside.

THE SECRETARY: Calendar Number 22, by Senator LaValle, Senate Bill Number 1050, an act to amend the Tax Law.

SENATOR GOLD: Lay it aside temporarily for Senator Leichter.

ACTING PRESIDENT SPANO: Lay it aside.

THE SECRETARY: Calendar Number 23, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 9032, an act to amend the Tax Law, in relation to the imposition of sales and use taxes in the County of Erie.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39. Excuse me. Ayes 38. Nays 2. Senators Dollinger and

Jones recorded in the negative.

ACTING PRESIDENT SPANO: The bill is passed.

Senator Stafford, that completes the noncontroversial calendar.

SENATOR PRESENT: I didn't hear you.

ACTING PRESIDENT SPANO: I do that all the time to you. Like I was saying, Senator Present, that completes the noncontroversial calendar.

SENATOR PRESENT: I hear you this time. Mr. President. Let's take up the controversial calendar, please.

ACTING PRESIDENT SPANO: Secretary will read.

THE SECRETARY: On page 4, Calendar Number 1, by Senator Volker, Senate Bill Number 64, an act to amend the Criminal Procedure Law.

SENATOR VOLKER: Lay this aside temporarily.

SENATOR PRESENT: Lay it aside.

ACTING PRESIDENT SPANO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 4, by Senator Holland, Senate Bill Number 211, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: My problem is just one of logistics. There are some bills that are going to be coming up, such as the Volker bill and the Holland bill which we have had before, and the debates I don't anticipate as being very long or complicated, but I am concerned that a number of members -- thirteen and fourteen in each case -- will want to vote in the negative, and I don't see them here. My only alternative, therefore, would be a slow roll call which I don't want to do.

I know some people have been delayed by the Governor's presentation. So I

don't know what to tell you. Perhaps with -- I know it's a procedure we don't like to do, Senator Present. But, for example, 22, I know there is only one no vote we have, is Senator Leichter. If you wanted to call that, you might be able to get rid of that quickly, or whatever procedure you want to follow.

SENATOR PRESENT: If we can just stand at ease and maybe they will come in. I don't want to start taking them out of order and jumping all over.

SENATOR GOLD: Well, if you read the rules, you will find out, Senator, that you are the boss and I am not.

SENATOR PRESENT: Good answer. Stand at ease.

ACTING PRESIDENT SPANO: Senate will stand at ease.

(Whereupon, the Senate was at ease.)

Senator Present.

SENATOR PRESENT: Mr. President. Let's start with the controversial calendar

again. We will go through it. If they are laid aside by Senator Gold, we will go through it again a second time.

ACTING PRESIDENT SPANO: We will begin the controversial calendar, starting at page 4, Calendar 1.

Secretary will read.

THE SECRETARY: Calendar Number 1, by Senator Volker, Senate Bill Number 64, an act to amend the Criminal Procedure Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT SPANO: Senator Volker.

SENATOR VOLKER: This is a bill which passed the Senate the last several years and which, very honestly, we've been discussing with the Assembly, and I thought last year we would have it passed, but for various reasons we didn't.

It is a bill which would allow police officers to be videotaped or to be -- to have their testimony presented to a grand jury by a remote electronic hook-up. These are

police officers who are not witnesses to a crime, who are not the sort of people who would be cross-examined in a grand jury room.

This has been, by the way, the subject of several demonstration projects, has been, in fact, tested in New York City on a very limited basis, and I understand it's been tested across the country, and it is believed that this sort of system could save millions of dollars in the State of New York, particularly I think in New York City where a police officer's time could be conserved by having special places for these people to be able to give their testimony.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Yes, I appreciate the Majority Leader giving us a little time. I think everyone who was concerned is now in the chamber or around the chamber.

As Senator Volker indicated, we have debated this in the past. Senator Galiber and myself and Leichter, Montgomery, Ohrenstein,

Paterson, Santiago and Smith have voted in the negative.

Anybody has any other comments? Otherwise, we can read the last section.

ACTING PRESIDENT SPANO: Read the last section.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT SPANO: Senator Leichter, do you wish to be recognized?

SENATOR LEICHTER: Just to explain my vote.

ACTING PRESIDENT SPANO: Senator Leichter, let's first read the last section and then we'll recognize you.

THE SECRETARY: Section 3. This act shall take effect on the first day of November.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SPANO: Senator Leichter to explain his vote.

SENATOR LEICHTER: Mr.

President. I wouldn't mind if we got rid of grand juries altogether; and, as you may remember, the former Chief Justice recommended that we do that. But it seems to me that if you have grand juries and you are going to require people to testify and if the D.A. thinks that the testimony of somebody is significant enough to present to the grand jury, then it seems to me that person should be before the grand jury and the grand jurors ought to have the ability to gauge the witness's truthfulness by his demeanor on the stand. They ought to have the opportunity to ask questions.

I can't understand why we would say, "Well, some witnesses have to appear; but some witnesses, well, they are more tangential so they don't have to appear." I think maybe the answer is let's get rid of the grand juries and really save money.

Mr. President. I vote in the negative.

ACTING PRESIDENT SPANO: Senator Leichter in the negative.

THE SECRETARY: Those recorded in the negative on Calendar Number 1 are Senators Galiber, Gold, Leichter, Montgomery, Ohrenstein and Smith. Ayes 46. Nays 6.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 4, by Senator Holland, Senate Bill Number 211, an act to amend the Penal Law.

ACTING PRESIDENT SPANO: Read the last section.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT SPANO: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I rise -- I believe there are a series of amendments at the desk.

ACTING PRESIDENT SPANO: We have one amendment at the desk, Senator Dollinger.

SENATOR DOLLINGER: One amendment?

ACTING PRESIDENT SPANO: Yes.

SENATOR DOLLINGER: The amendment, Mr. President, which I propose to this bill is to take the Assembly version of the assault weapon ban and permitting process that was passed yesterday in extraordinary session -

ACTING PRESIDENT SPANO: Excuse me, Senator Dollinger.

Senator Present, do you wish to be recognized?

SENATOR PRESENT: Mr. President. A copy of this proposed amendment has been sent to this desk. And after reviewing it, I find that the amendment offered to Senator Holland's bill is out of order since it is not germane to the original purpose of the bill and, therefore, violates Senate Bill Rule 6, Section 46 -- 4(B), wherefore, it purports to amend a completely different section of the law.

Therefore, I ask that you rule Senator -- is it -- Senator Dollinger's amendment out of order.

SENATOR DOLLINGER: Mr. President. If I can be -

ACTING PRESIDENT SPANO: Senator -

SENATOR DOLLINGER: Mr. President. I don't know whether I can be heard on the issue of a request for the chair to be ruled out of order.

ACTING PRESIDENT SPANO: Let me first rule on Senator Present's motion, and then we will listen to you.

It is the ruling of the chair that your amendment is not germane to the bill and is, therefore, out of order.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I appeal the ruling of the chair.

ACTING PRESIDENT SPANO: On the appeal of the ruling of the chair. All those in favor -

SENATOR DOLLINGER: Mr. President. May I be heard on the issue of the appeal of the ruling of the chair?

ACTING PRESIDENT SPANO: On the ruling of the chair. All those in favor,

signify by saying aye.

SENATOR DOLLINGER: Excuse me, Mr. President. I would like to be heard on the appeal of the ruling of the chair.

ACTING PRESIDENT SPANO: Senator Dollinger, by all means. Sorry.

SENATOR DOLLINGER: Mr. President. This is an amendment, and I think it is germane because this deals with the issue - the underlying bill deals with the issue of providing auxilliary police with a weapon, a weapon that they don't currently have the authorization to utilize. And we're about to give -- if the will of this body is in the majority, as it appears, since most of these bills seem to have the support of the Majority these days, that the Majority will give Mace to auxilliary police, ideally because the purpose of that is to aid them in crime fighting. What I can't understand, Mr. President, why it's not germane to the issue of fighting crime to eliminate assault weapons from being able to be purchased by everybody in this state simply by

showing a driver's license, why it isn't germane to public safety to eliminate weapons that are killing people in our streets? And why I can't seem to understand why this is not germane to the issue of fighting crime and creating safer streets. It certainly seems to me that we'll save more lives by banning assault weapons than we will be by providing auxilliary police who may not be properly trained with Mace. I can't understand the logic on the other side of the aisle.

I would just point out to everybody in this chamber this is day two of the wait, day two of the hostage crisis, day two when the people of this state are being deprived of an assault weapon ban that the majority of the people in this state support, and which they ought to have and which should be a part of the law of this state; and it's far more important, far more significant than giving Mace to our auxilliary police.

I believe, Mr. President, it is germane to the issue of creating safe streets.

It is germane to the issue of reducing crime. And it is germane to the entire issue that's raised by this ban -- or this bill that will permit Mace to be used by auxilliary police officers. It is relevant. And, certainly, I wouldn't want to face the people of this state and say banning assault weapons isn't germane to reducing crime and reducing violence.

I don't understand the logic, Mr. President.

ACTING PRESIDENT SPANO: The question is on the overruling -- the appeal of the ruling of the chair. Affirmation, in the affirmative sustains the ruling; negative over rules the ruling.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

It is the opinion of the chair that the affirmatives have it; therefore, sustaining the ruling of the chair.

Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT SPANO: Yes, Senator Gold.

SENATOR GOLD: Is this on the bill?

ACTING PRESIDENT SPANO: We just read the last section. Would you like us to withdraw that, Senator Gold?

SENATOR GOLD: Yes, could you? Just for a moment, yes.

ACTING PRESIDENT SPANO: Sure. Senator Gold.

SENATOR GOLD: Because I know - Senator Holland, I've got a missile here which I know you are going to be very interested in. My notes from last year -- my notes indicated that last year the Democratic Mayor of the City of New York was opposed to this bill as was the

Police Conference of New York. I have in my hand a memorandum from Robert M. Harding, who represents the Republican Mayor of the City of New York, and this very distinguished Republican Mayor of the City of New York says, "Dear Senator Gold: Please tell Senator Holland to take this -- well, the idea is he is opposed to it. He is opposed to it, and I would just say, Senator Holland, that on the first or second day that we're really handling legislative matters, it's the wrong signal to send to Rudy that his people in this house just don't have any respect for his opinion.

So I know that this will change the tide on the bill, and I just wanted to point that out, and I would hope everybody would, in fact, vote in the negative.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 4 are Senators Dollinger, Espada, Gold, Jones, Markowitz, Mendez, Montgomery, Ohrenstein, Onorato, Oppenheimer, Santiago and Smith. Ayes 45. Nays 12.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 7, by Senator Volker, Senate Bill Number 247, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT SPANO: Read the last section.

SENATOR GOLD: Explanation.

ACTING PRESIDENT SPANO: Senator Volker.

SENATOR VOLKER: Mr. President. This is a bill relating to another bill relating to the waiver of immunity before a grand jury. The bill basically says -- and it relates to a series of cases and one in particular, a very bad case in Buffalo called People versus

Johnson, whereby a defendant waived his right of immunity to testify before a grand jury; but, as so often is the case, the argument was that he did not waive it in the presence of the grand jury. Anybody who has been around the grand jury room realizes that probably, at least it seems to me, most of the waivers actually don't technically happen in the presence of the grand jury. For years, that sort of process was going on.

What this bill would really do, it says that the waiver must be informed and voluntary but eliminates the requirement that the waiver must occur in the presence of the grand jury which is really a technicality that's been actually known more by its lack of observance than observance over the past few years.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Yes, it's another situation which we've had many times before

where, based upon one assistant D.A. not handling a case properly, we're asked to change the whole criminal law.

Senator Connor, Espada, Galiber, myself, Markowitz, Mendez, Montgomery, Ohrenstein, Oppenheimer, Santiago, Smith, Solomon, Stavisky and I assume DiCarlo will join us if he is here, but -

Last section.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 7 are Senators Espada, Galiber, Gold, Markowitz, Mendez, Montgomery, Ohrenstein, Oppenheimer, Santiago and Stavisky. Ayes 47. Nays 10.

ACTING PRESIDENT SPANO: The bill

is passed.

Senator Galiber.

SENATOR GALIBER: Mr. President. I seek unanimous consent to be recorded in the negative on Calendar Number 4.

ACTING PRESIDENT SPANO: Without objection.

THE SECRETARY: Calendar Number 8, by Senator Volker, Senate Bill Number 364, an act to amend the Penal Law.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: I believe that we had a debate on this one, too. This is one, I believe, Senator Volker, where there are matters which are already crimes in New York but you want them included under the Organized Crime Control Act. Am I right?

SENATOR VOLKER: That's right.

SENATOR GOLD: Yes, Mr. President. In the negative were Senators Connor and Espada, Galiber, Gold, Montgomery and

Ohrenstein. Why don't we read the last section.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 8 are Senators Espada, Gold, Leichter, Ohrenstein, Santiago, Smith and Waldon. Also Senator Montgomery. Ayes 49. Nays 8.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 10, by Senator Padavan, Senate Bill Number 546, an act to amend the Criminal Procedure Law.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Yes. This bill

which would allow prosecutors to appeal from sentences which they thought were unduly lenient is another one we've had in the past, with Senator Connor, Dollinger and Espada, Galiber, Gold, Montgomery, Ohrenstein, Smith, joined by two very, very enlightened and distinguished members of this house, Senator DeFrancisco and Senator Marchi.

How about talking it up on your side? Last section.

ACTING PRESIDENT SPANO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 10 are Senators DeFrancisco, Dollinger, Espada, Galiber, Gold, Marchi, Montgomery, Ohrenstein, Santiago, Smith and Waldon. Ayes 46. Nays 11.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 13.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Lay it aside for the day.

THE SECRETARY: Calendar Number 14, by Senator Tully, Senate Bill Number 152A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: On Calendar Number 14, those recorded in the negative are

Senators Galiber and Smith. Ayes 55. Nays 2.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 15, by Senator Daly, Senate Bill Number 624, an act to amend the Public Authorities Law.

ACTING PRESIDENT SPANO: Senator Gold.

SENATOR GOLD: Yes. Will Senator Daly yield to a question?

SENATOR DALY: Yes.

ACTING PRESIDENT SPANO: Senator Daly will yield.

SENATOR GOLD: Senator Daly, does this bill still discriminate against Assemblyman Rappleyea?

SENATOR DALY: No, sir.

Mr. President. This bill does not discriminate against Assemblyman Rappleyea or Senator Ohrenstein.

SENATOR GOLD: There are minority appointments?

SENATOR DALY: I don't see any

party mentioned in here. No, sir. Actually, there's no Minority or Majority appointments, for that matter. We select the Majority Leader of the Senate and the Speaker of the Assembly, and they, in turn, if they wish to appoint someone else can appoint anyone they wish from either side of the aisle, Mr. President.

SENATOR GOLD: In other words - if the gentleman will yield to a question. In other words, if Senator Marino were to put all of the members' qualifications into a computer and it determined that the real talent was on this side of the aisle, he could make total Democratic appointments; is that correct?

SENATOR DALY: Without doubt, Mr. President.

SENATOR GOLD: Sounds terrific. Sounds terrific. I would encourage everyone on this side of the aisle to vote no on the bill because I think that Assemblyman Rappleyea, a distinguished graduate of Cornell University, deserves better.

ACTING PRESIDENT SPANO: Senator

Leichter.

SENATOR LEICHTER: Mr. President. I think there is another reason to vote against the bill besides the trenchant point that my good friend, Senator Gold, made. You know, if it ain't broke, you don't have to fix it. The Dormitory Authority is one of the state agencies, public bodies, if you will - it's not the only one, but it's certainly one of the best example we have of a well-functioning agency. I don't know why, Senator Daly, you would want to mess around with its board of directors and why you'd want to politicize it in this fashion. It's worked well. I think all appointees of the Dormitory Authority are subject to the advice and consent of the Senate. Why do we need to mess with it? I really think it's a mistake, and I would urge everybody to vote against the bill.

SENATOR DALY: Mr. President.

ACTING PRESIDENT SPANO: Senator Daly.

SENATOR DALY: I, too, agree that

the Dormitory Authority has been functioning well; and as we note, the Dormitory Authority has had another change and will continue to have change. We don't base this bill on what's happening now. We're basing this bill on what will happen in the future and to prevent bad things from happening. And, certainly, the Dormitory Authority is growing in responsibilities, and we do believe that the Legislature should have a voice in what the Dormitory Authority is doing not only in the year 1994 but in the year 2004.

We think that the state would be well represented if the Legislature, in particular, the Majority Leader of the Senate and the Speaker of the Assembly, had a voice in the operation of the Dormitory Authority through active representation on the board of directors.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 15 are Senators Espada, Galiber, Gold, Leichter, Markowitz, Montgomery, Ohrenstein, Onorato, Santiago, Smith, Stachowski and Stavisky. Ayes 45. Nays 12.

ACTING PRESIDENT SPANO: The bill is passed.

THE SECRETARY: Calendar Number 18, by Senator Cook, Senate Bill Number 4739.

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Lay it aside for the day.

THE SECRETARY: Calendar Number 19, by Senator Cook, Senate Bill Number 4787, an act to amend the Education Law.

SENATOR GOLD: May we lay it aside for the day?

SENATOR COOK: Yes.

ACTING PRESIDENT SPANO: Lay the

bill aside for the day.

THE SECRETARY: Calendar Number 21, by Senator Cook, Senate Bill -

SENATOR PRESENT: Lay it aside for the day.

ACTING PRESIDENT SPANO: Lay it aside for the day.

THE SECRETARY: Calendar Number 22, by Senator LaValle, Senate Bill Number 1050, an act to amend the Tax Law.

ACTING PRESIDENT SPANO: Read the last section.

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

ACTING PRESIDENT SPANO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT SPANO: The bill is passed.

ACTING PRESIDENT SPANO: Senator Present, that completes the controversial calendar.

Excuse me, Senator Present.

Senator Galiber.

SENATOR GALIBER: Yes. Unanimous consent again, if it is possible, on Calendar Number 8, I would like to be recorded in the negative.

ACTING PRESIDENT SPANO: Without objection.

Senator Present.

SENATOR PRESENT: Mr. President. We're looking for Senator Waldon, and can we just stand at ease. Senator Waldon was not here when we passed our resolution calendar, and I believe Senator Waldon would like to speak on resolution 2406.

ACTING PRESIDENT SPANO: Senator Santiago.

SENATOR SANTIAGO: I request unanimous consent to be recorded in the negative on Calendar Number 1.

ACTING PRESIDENT SPANO: Calendar Number 1?

SENATOR SANTIAGO: Yes.

ACTING PRESIDENT SPANO: Without objection.

Senator Smith.

SENATOR SMITH: Mr. President. I would request unanimous consent to be recorded in the negative on Calendar Number 7, please.

ACTING PRESIDENT SPANO: Without objection.

Senator Waldon.

SENATOR WALDON: Thank you, Mr. President. My colleagues. I had the good fortune of serving in the Congress of the United States, if only for a brief period; and from that experience, some fond moments remain with me and some fond memories of personalities. Without a doubt the biggest person in a very large pool of important people, and I'm talking in terms of his stature, was the Speaker while I was there, Tip O'Neill.

I recall the first day that I met him after being sworn in. He asked me to stop by his office with my wife and children, just to express his welcoming, I guess, to the house.

And this giant of a man wrapped his arms around my wife and told her what she had to do to insure that I was able to function well in the House representing the people.

And then he invited me back a week or so later and gave me some of his pointers as to what politics was all about, and he told me the story of the time that he was traveling through the streets, and asked a lady had she voted who lived down the street from him, and she said "Yes," and he asked her had she voted for him because he was running for office for the first time, and she said, "No." And he said, "Well, I live right up the street from you. You have known me since I was a child. You have known me going through the local parish school. How could you not vote for me?" And she said, "You didn't ask."

And he said, "Always remember that. Everything is local, and you have to really reach out and extend yourself to the people whom you wish to represent."

He got his name because was he

was a heck of a good baseball player, and he was able to -- like some guys with the Dodgers when I was growing up, Ed Stancke, for one, could just constantly foul the ball off. And that's why he was called Tip O'Neil.

He changed the House of Representatives. He made sure that the old guard, where the committee chairmen ran each and everything, was some how mollified and so those other institutions within the house had some power.

I would like to share with you a statement that was Tip O'Neill's credo, and I would like to extend to all the members of this house, which may have occurred when I was out of the chamber, an opportunity to participate in this resolution. Tip O'Neill learned from his father, and I quote, "Do the best you can for your neighbor; never forget from where you come; and see if you can improve the lot of your fellowman." Tip O'Neill set a standard for all legislators at the local, state and national level to aspire to.

I submitted this resolution for our consideration because this was a giant of American politics. This was a great man, and what he offered to us as a nation has so improved our governance of ourselves that he will for a long-long time be a star in the firmament of politics. It was a pleasure to have served with him. It is my honor to submit this resolution on his behalf and on his family's behalf.

And I thank you, Mr. President, for your indulgence.

ACTING PRESIDENT SPANO: Senator Waldon, the resolution has previously been adopted and will remain open for all members of the Senate who would like to join in its sponsorship.

Senator Present.

SENATOR PRESENT: Mr. President. There being no further business, I move that we adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT SPANO: Senate will stand adjourned until tomorrow at 3:00 p.m.

(Whereupon, at 5:09 p.m., Senate adjourned.)