

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

ALBANY, NEW YORK

June 15, 1994

12:05 p.m.

REGULAR SESSION

SENATOR NICHOLAS A. SPANO, Acting President

STEPHEN F. SLOAN, Secretary

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

P R O C E E D I N G S

ACTING PRESIDENT SPANO: Senate will come to order. Senators please come to the chamber.

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, we'll please bow our heads in a moment of silence.

(Whereupon, there was a moment of silence.)

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, June 14. The Senate met pursuant to adjournment. Senator Kuhl in the chair upon designation of the Temporary President. Prayer by the Reverend Peter G. Young of the Blessed Sacrament Church of Bolton Landing. The Journal of Monday, June 13, was read and approved.

On motion, Senate adjourned.

ACTING PRESIDENT SPANO: If there's no objection, the Journal stands

1 approved as read.

2 Presentation of petitions.

3 Messages from the Assembly.

4 Messages from the Governor.

5 Reports of standing committees.

6 Motions and resolutions.

7 Senator Farley.

8 SENATOR FARLEY: Thank you, Mr.

9 President. On behalf of Senator Libous, Mr.

10 President, I wish to call up his bill which is

11 Senate Print 8362 -- it's Print Number 8362,

12 recalled from the Assembly, which is now at the

13 desk.

14 ACTING PRESIDENT SPANO:

15 Secretary will read.

16 THE SECRETARY: By Senator

17 Libous, Senate Bill 8362, an act to amend the

18 Mental Hygiene Law.

19 SENATOR FARLEY: I now move to

20 reconsider the vote by which this bill was

21 passed.

22 ACTING PRESIDENT KUHL: The

23 Secretary will call the roll on reconsideration.

1 (The Secretary called the roll on
2 reconsideration.)

3 THE SECRETARY: Ayes 31.

4 ACTING PRESIDENT KUHL: The bill
5 is before the house.

6 SENATOR FARLEY: I now offer the
7 following amendments.

8 On behalf of Senator Holland, Mr.
9 President, I wish to call up his bill which is
10 on page 44, and I offer the following amendments
11 to Calendar Number 1133, Senate Print 8344, and
12 I ask that that bill retain its place on the
13 Third Reading Calendar.

14 ACTING PRESIDENT SPANO: So
15 ordered.

16 SENATOR FARLEY: On behalf of
17 Senator Velella, please place a sponsor star on
18 Calendar Number 1181.

19 ACTING PRESIDENT SPANO: The bill
20 is starred at the request of the sponsor.

21 Any other motions and
22 resolutions?

23 (There was no response.)

1 Substitutions. Secretary will
2 read.

3 THE SECRETARY: On page 31 of
4 today's calendar, Senator Cook moves to
5 discharge the Committee on Rules from Assembly
6 Bill Number 10529 and substitute it for the
7 identical Calendar Number 1167.

8 On page 32, Senator Smith moves
9 to discharge the Committee on Cities from
10 Assembly Bill Number 8068A and substitute it for
11 the identical Calendar Number 1169.

12 Also on page 32, Senator Connor
13 moves to discharge the Committee on Cities from
14 Assembly Bill Number 9451 and substitute it for
15 the identical Calendar Number 1171.

16 On page 33, Senator Velella moves
17 to discharge the Committee on Rules from
18 Assembly Bill Number 11408A and substitute it
19 for the identical Calendar Number 1181.

20 ACTING PRESIDENT SPANO:
21 Substitutions ordered.

22 Senator Present.

23 SENATOR PRESENT: Let's take up

1 the noncontroversial calendar, please.

2 ACTING PRESIDENT SPANO:

3 Secretary will read the noncontroversial
4 calendar.

5 THE SECRETARY: On page 5,
6 Calendar Number 199, by Senator Skelos, Senate
7 Bill Number 6552A, an act to amend the
8 Correction Law, in relation to enacting the sex
9 offender registration act.

10 SENATOR GOLD: Lay it aside.

11 ACTING PRESIDENT SPANO: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 282, by Senator Stafford, Senate Bill Number
15 437D, an act to amend the Environmental
16 Conservation Law, in relation to permitting
17 certain advertising in the Adirondack Park.

18 SENATOR GOLD: Lay it aside.

19 ACTING PRESIDENT SPANO: Lay it
20 aside.

21 THE SECRETARY: Calendar Number
22 478, by Senator Saland, Senate Bill Number
23 5881B, an act to amend the Family Court Act.

1 SENATOR PRESENT: Lay it aside.

2 ACTING PRESIDENT SPANO: Lay it
3 aside for the day.

4 THE SECRETARY: Calendar Number
5 586, by Senator Trunzo, Senate Bill Number
6 7057B, an act to amend the Administrative Code
7 of the City of New York.

8 SENATOR GOLD: Lay it aside.

9 ACTING PRESIDENT SPANO: Lay it
10 aside.

11 THE SECRETARY: Calendar Number
12 872, by Senator Velella, Senate Bill Number
13 7198A, an act to amend the Administrative Code
14 of the City of New York.

15 ACTING PRESIDENT SPANO: Read the
16 last section.

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

19 ACTING PRESIDENT SPANO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 31.

23 ACTING PRESIDENT SPANO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 922, by Member of the Assembly Bennett, Assembly
4 Bill Number 5058B, Executive Law, in relation to
5 state aid to rural areas.

6 SENATOR GOLD: Lay it aside.

7 ACTING PRESIDENT SPANO: Lay it
8 aside.

9 THE SECRETARY: Calendar Number
10 1065, by the Assembly Committee on Rules,
11 Assembly Bill Number 8734A, an act to amend the
12 Education Law and Chapter 327 of the Laws of
13 1992.

14 ACTING PRESIDENT SPANO: Read the
15 last section.

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

18 ACTING PRESIDENT SPANO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 31.

22 ACTING PRESIDENT SPANO: The bill
23 is passed.

1 THE SECRETARY: Calendar Number
2 1161, by Senator Marchi, Senate Bill Number
3 1362, an act to amend the -

4 SENATOR GOLD: Lay it aside.

5 ACTING PRESIDENT SPANO: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 1162, by Senator LaValle, Senate Bill Number
9 1425, an act to amend the Town Law, in relation
10 to exemption from the spending limits of fire
11 districts.

12 ACTING PRESIDENT SPANO: Read the
13 last section.

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

16 ACTING PRESIDENT SPANO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 31.

20 ACTING PRESIDENT SPANO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1163, by Senator LaValle, Senate Bill Number

1 1426, an act to amend the Town Law, in relation
2 to exemption from the spending limits of fire
3 districts.

4 ACTING PRESIDENT SPANO: Read the
5 last section.

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

8 ACTING PRESIDENT SPANO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 33.

12 ACTING PRESIDENT SPANO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1164, by Senator Kuhl, Senate Bill Number 2068,
16 authorize the County of Yates to convey certain
17 lands used for reforestation purposes.

18 ACTING PRESIDENT SPANO: Home
19 rule message is at the desk.

20 SENATOR GOLD: Lay it aside.

21 ACTING PRESIDENT SPANO: Lay it
22 aside.

23 THE SECRETARY: Calendar Number

1 1166, by Senator DeFrancisco, Senate Bill Number
2 4136, an act to amend the Tax Law.

3 ACTING PRESIDENT SPANO: Read the
4 last section.

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

7 ACTING PRESIDENT SPANO: Call the
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes 34.

11 ACTING PRESIDENT SPANO: The bill
12 is passed.

13 THE SECRETARY: Calendar Number
14 1167, substituted earlier today, by Member of
15 the Assembly Gunther, Assembly Bill Number
16 10529, an act to amend the Town Law, in relation
17 to the qualifications of police commissioners.

18 ACTING PRESIDENT SPANO: Read the
19 last section.

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

22 ACTING PRESIDENT SPANO: Call the
23 roll.

1 (The Secretary called the roll.)
2 THE SECRETARY: Ayes 34.
3 ACTING PRESIDENT SPANO: The bill
4 is passed.
5 THE SECRETARY: Calendar Number
6 1168, by Senator Stafford, Senate Bill Number
7 4822, an act to amend the Town Law.
8 ACTING PRESIDENT SPANO: Read the
9 last section.
10 THE SECRETARY: Section 2. This
11 act shall take effect immediately.
12 ACTING PRESIDENT SPANO: Call the
13 roll.
14 (The Secretary called the roll.)
15 THE SECRETARY: Ayes 34.
16 ACTING PRESIDENT SPANO: The bill
17 is passed.
18 THE SECRETARY: Calendar Number
19 1169, substituted earlier today, by the Assembly
20 Committee on Rules, Assembly Bill Number 8068A,
21 authorizing the City of New York to reconvey its
22 interest in certain real property.
23 ACTING PRESIDENT SPANO: There is

1 a home rule message at the desk.

2 Read the last section.

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

5 ACTING PRESIDENT SPANO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 34.

9 ACTING PRESIDENT SPANO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1170, by Senator Daly.

13 SENATOR PRESENT: Lay it aside
14 for the day.

15 ACTING PRESIDENT SPANO: Lay it
16 aside for the day.

17 THE SECRETARY: Calendar Number
18 1171, substituted earlier today, by Member of
19 the Assembly Lopez, Assembly Bill Number 9451,
20 authorizing the City of New York to reconvey its
21 interest in certain real property.

22 ACTING PRESIDENT SPANO: Home
23 rule message is at the desk.

1 Read the last section.

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

4 ACTING PRESIDENT SPANO: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 34.

8 ACTING PRESIDENT SPANO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1172, by Senator Gold, Senate Bill Number 6849A,
12 authorizing the City of New York to reconvey its
13 interest in certain real property.

14 ACTING PRESIDENT SPANO: Home
15 rule message is at the desk.

16 Read the last section.

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

19 ACTING PRESIDENT SPANO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 34.

23 ACTING PRESIDENT SPANO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1173, by Senator Wright.

4 SENATOR PRESENT: Lay it aside.

5 ACTING PRESIDENT SPANO: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 1174, by Senator LaValle, Senate Bill Number
9 6879, an act to amend the General Municipal Law.

10 ACTING PRESIDENT SPANO: Home
11 rule message is at the desk.

12 Read the last section.

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

15 ACTING PRESIDENT SPANO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 35. Nays
19 1. Senator Leichter recorded in the negative.

20 ACTING PRESIDENT SPANO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 1175, by Senator Pataki, Senate Bill Number

1 6909, legalize, ratify, confirm and validate the
2 acts and proceedings of the Town of Amenia.

3 ACTING PRESIDENT SPANO: Home
4 rule message is at the desk.

5 Read the last section.

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

8 ACTING PRESIDENT SPANO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 38.

12 ACTING PRESIDENT SPANO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 1176, by Senator Holland, Senate Bill Number
16 6961, an act to amend the General Municipal Law.

17 ACTING PRESIDENT SPANO: Home
18 rule message is at the desk.

19 Read the last section.

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

22 ACTING PRESIDENT SPANO: Call the
23 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 37. Nays

3 1. Senator Leichter recorded in the negative.

4 ACTING PRESIDENT SPANO: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1177, by Senator Rath, Senate Bill Number 7052,
8 an act to amend the State Administrative
9 Procedure Act, in relation to regulatory
10 flexibility.

11 ACTING PRESIDENT SPANO: Read the
12 last section.

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

15 ACTING PRESIDENT SPANO: Call the
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 39.

19 ACTING PRESIDENT SPANO: The bill
20 is passed.

21 THE SECRETARY: Calendar Number
22 1178, by Senator Pataki, Senate Bill Number
23 7128, an act to amend the Town Law.

1 ACTING PRESIDENT SPANO: Home
2 rule message is at the desk.

3 SENATOR GOLD: Lay it aside.

4 ACTING PRESIDENT SPANO: Lay it
5 aside.

6 THE SECRETARY: Calendar Number
7 1179, by Senator Rath, Senate Bill Number 7142,
8 State Administrative Procedure Act, in relation
9 to model plans or documents.

10 SENATOR GOLD: Lay it aside.

11 ACTING PRESIDENT SPANO: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 1180, by Senator Seward.

15 SENATOR PRESENT: Lay it aside.

16 ACTING PRESIDENT SPANO: Lay it
17 aside.

18 SENATOR PRESENT: For the day.

19 ACTING PRESIDENT SPANO: For the
20 day.

21 THE SECRETARY: Calendar Number
22 1182, by Senator Stafford, Senate Bill Number
23 7772, authorize the Commissioner of General

1 Services to convey certain land in Clinton
2 County.

3 SENATOR PRESENT: Lay it aside
4 temporarily.

5 ACTING PRESIDENT SPANO: Lay it
6 aside.

7 THE SECRETARY: Calendar Number
8 1183, by Senator Rath, Senate Bill Number 7776,
9 State Administrative Procedure Act.

10 SENATOR LEICHTER: Lay it aside.

11 ACTING PRESIDENT SPANO: Lay it
12 aside.

13 THE SECRETARY: Calendar Number
14 1184, by Senator Present, Senate Bill Number
15 7800, Real Property Tax Law.

16 SENATOR LEICHTER: Lay it aside.

17 ACTING PRESIDENT SPANO: Lay it
18 aside.

19 THE SECRETARY: Calendar Number
20 1185, by Senator Rath -- excuse me. 1185, by
21 Senator Wright, Senate Bill Number 7948,
22 authorize the Commissioner of General Services
23 to convey real property.

1 ACTING PRESIDENT SPANO: Read the
2 last section.

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

5 ACTING PRESIDENT SPANO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 40.

9 ACTING PRESIDENT SPANO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 1186, by Senator Libous, Senate Bill Number
13 7975.

14 SENATOR GOLD: Lay it aside.

15 ACTING PRESIDENT SPANO: Lay it
16 aside.

17 THE SECRETARY: Calendar Number
18 1187, by Senator Rath, Senate Bill Number 8002A,
19 State Administrative Procedure Act.

20 ACTING PRESIDENT SPANO: Read the
21 last section.

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

1 ACTING PRESIDENT SPANO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes 40.

5 ACTING PRESIDENT SPANO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 1190, by Senator Tully, Senate Bill Number 8547,
9 authorizing the assessor of the County of Nassau
10 to accept an application for exemption from real
11 property taxes.

12 ACTING PRESIDENT SPANO: Read the
13 last section.

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

16 ACTING PRESIDENT SPANO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 40.

20 ACTING PRESIDENT SPANO: The bill
21 is passed.

22 Senator Present, that completes
23 the noncontroversial calendar.

1 SENATOR PRESENT: Stand at ease
2 just for a moment or two.

3 (Whereupon, at 12:20 p.m., the
4 Senate was at ease.)

5 SENATOR LEICHTER: Mr. President.

6 ACTING PRESIDENT SPANO: Senator
7 Leichter.

8 SENATOR LEICHTER: While we're at
9 ease if we can just do something in the nature
10 of housekeeping. I understand there is a
11 resolution on the desk by Senator Markowitz; and
12 on his behalf, I would like to move that
13 resolution.

14 ACTING PRESIDENT SPANO: Can you
15 give us a couple minutes, Senator Leichter.
16 We're going to try to locate that for you.

17 SENATOR LEICHTER: Sure. Thank
18 you.

19 ACTING PRESIDENT SPANO: Senator
20 Skelos.

21 SENATOR SKELOS: Will you please
22 remove the star on Calendar Number 429.

23 ACTING PRESIDENT SPANO: Calendar

1 429, the sponsor is removed -- the sponsor is
2 removed? The star is removed at the request of
3 the sponsor.

4 Senator Stafford.

5 SENATOR STAFFORD: Thank you, Mr.
6 President. I would announce an immediate
7 meeting of the Committee on Finance in Room
8 332. Finance in 332.

9 ACTING PRESIDENT SPANO:
10 Immediate Finance Committee meeting in Room 332.

11 SENATOR PRESENT: Mr. President.
12 Will you recognize Senator Ohrenstein, please.

13 ACTING PRESIDENT SPANO: Senator
14 Ohrenstein.

15 SENATOR OHRENSTEIN: Yes, thank
16 you, Mr. President, and I rise to a very
17 important piece of legislative business this
18 morning, and I offer a resolution which is at
19 the desk, and would you please read the title.
20 I think the title will be self explanatory.

21 ACTING PRESIDENT SPANO:
22 Secretary will read the title.

23 THE SECRETARY: Legislative

1 resolution, by Senators Ohrenstein, Marino, and
2 Oppenheimer, honoring the New York Ranger hockey
3 team on the occasion of their championship win
4 over the Vancouver Canucks in Madison Square
5 Garden, New York City.

6 ACTING PRESIDENT SPANO: Senator
7 Ohrenstein.

8 SENATOR OHRENSTEIN: I would like
9 to be heard.

10 Mr. President. The reason this
11 resolution is offered by the particular sponsors
12 is quite evident. I am lucky to have Madison
13 Square Garden and the home of the Rangers in my
14 district. Senator Oppenheimer hosts the Rangers
15 in her district when they practice, and Senator
16 Marino is necessary to get this resolution
17 passed in this house. And I know he is a great
18 fan of the Rangers.

19 But what I would like to really
20 say is this. You know there are a lot of people
21 in this chamber and in the other chamber and up
22 here who have been laboring hard for many, many
23 years to help New York and to restore New York

1 to its grandeur and to help us in economic
2 development and all of the lofty goals which we
3 debate about, but like everybody else in life,
4 in order to succeed, you need a lot of hard work
5 and a lot of good ideas but you also need a
6 little luck.

7 And I think we in New York City
8 and in New York State are very, very lucky this
9 year because we have not one but two
10 championship teams playing at the highest level
11 of sports in the United States, and one of those
12 teams, of course, is the New York Rangers, and
13 they have actually done it, and they were the
14 first to do it.

15 The Stanley Cup has been a golden
16 grail for residents of New York City for many,
17 many years. The Islanders, you know, were
18 always ahead of us. And I really want to
19 commend Senator Marino for being so gracious to
20 sponsor this resolution.

21 But it was a very difficult few
22 years to have to put up with that. There is
23 nobody like the New York Rangers and it took

1 them 54 years to restore themselves to glory,
2 but in doing that, they've also restored the
3 City of New York and the whole Metropolitan
4 Region to glory.

5 And so I offer this resolution,
6 commend them for what turned out to be a very,
7 very gritty championship series. Everybody -- I
8 was just saying everybody seems to complain.
9 Why didn't they win going away? Why didn't they
10 win, you know, four straights? Why aren't the
11 Knicks doing better?

12 Well, this is the championship,
13 and the championship should be hard, and the
14 championship should bring out the best in
15 people, and I think the kind of courage and
16 determination that we saw last night at that
17 particular game and throughout these playoffs is
18 really exemplary of the highest standards of
19 sportsmanship. And, certainly, I think it
20 exemplified New Yorkers as we like to know them,
21 gritty, hard-fighting, and never giving up.

22 So I'm very pleased to offer this
23 resolution before this house and then hopefully

1 to send it on to the Rangers as a token of the
2 appreciation of the Legislature for this
3 magnificent victory, and I hope to be back here
4 next week to offer a similar resolution for the
5 New York Knicks.

6 This is open for sponsorship by
7 anyone in the chamber.

8 ACTING PRESIDENT SPANO: On the
9 resolution.

10 Senator Waldon.

11 SENATOR WALDON: Thank you very
12 much, Mr. President.

13 I watched the game last evening,
14 and I join heartily with Senator Ohrenstein and
15 Senator Marino and others in the sponsorship and
16 support of this resolution. It was one of those
17 moment in sports where everybody really feels
18 good.

19 It was sad to see Vancouver lose,
20 and it was for certain that they lost painfully
21 because the players were openly crying right on
22 the ice, but it was joyful to see the Rangers
23 win, not only because they are the best team in

1 hockey right now but because they represent New
2 York and New York City, and it's goods to be
3 with the winner.

4 I fell in love with hockey in
5 France when I was in the United States Army, and
6 we used to go to watch the Canadian hockey teams
7 play, and I didn't realize it was such a great
8 sport. But it is a great game. The New York
9 Rangers are a great team, and last night was a
10 great victory for all of us.

11 And I'm very proud to be a New
12 Yorker and proud to be supportive of the New
13 York Rangers.

14 ACTING PRESIDENT SPANO: Senator
15 Present.

16 Senator Rath.

17 SENATOR RATH: Yes. On behalf of
18 the other members of the Western New York
19 delegation -- I didn't mean to supersede Senator
20 Present. He maybe was going to say the same
21 thing. But, of course, Western New York is the
22 home of the Buffalo Sabres. We wish the New
23 York Rangers all the best. We're very happy for

1 them. As long as it couldn't be us, we're glad
2 it was the New York Rangers.

3 ACTING PRESIDENT SPANO: Senator
4 Present.

5 SENATOR PRESENT: I'm sure all
6 members of the Senate would like to join the
7 sponsors of this resolution. Add all their
8 names. There might be an exemption. I doubt
9 it.

10 ACTING PRESIDENT SPANO: All
11 members of the Senate will be placed on the
12 resolution, unless there are any disgruntled
13 Islander fans that don't want to be placed on
14 it.

15 On the resolution, all those in
16 favor, signify by saying aye.

17 (Response of "Aye.")

18 Those opposed, nay.

19 (There was no response.)

20 The resolution is adopted.

21 Senator Ohrenstein, the chair
22 will note -- I don't know if there's any
23 significance -- that someone wanted to number

1 the Resolution 1940, but we didn't do that.

2 SENATOR OHRENSTEIN: I think
3 that's very appropriate.

4 (Whereupon, the Senate continued
5 at ease for a moment and then reconvened.)

6 SENATOR OHRENSTEIN: Mr.
7 President. I understand that there is a
8 resolution at the desk sponsored by Senator
9 Markowitz, and I would like to ask you to read
10 the title of that resolution.

11 ACTING PRESIDENT SPANO:
12 Secretary will read the title.

13 THE SECRETARY: Legislative
14 Resolution, by Senator Markowitz, honoring
15 Arline and Bernard Simon for distinguished
16 community service upon the occasion of their
17 selection as honorees at Temple Beth Emeth
18 Progressive Shaari Zedek's 82nd Anniversary
19 celebration.

20 ACTING PRESIDENT SPANO: On the
21 resolution, all those in favor, signify by
22 saying aye.

23 (Response of "Aye.")

1 Those opposed, nay.

2 (There was no response.)

3 The resolution is adopted.

4 Senator Present.

5 SENATOR PRESENT: Mr. President.

6 May we stand at ease.

7 ACTING PRESIDENT SPANO: Stand at

8 ease.

9 (The Senate continued at ease.)

10 (Whereupon, Senator Kuhl was in
11 the chair.)

12 ACTING PRESIDENT KUHL: Senate
13 will come to order.

14 Chair recognizes Senator Spano.

15 SENATOR SPANO: Mr. President. I
16 would like to announce an immediate meeting of
17 the Labor Committee in Room 332 for a short
18 three-bill agenda.

19 ACTING PRESIDENT KUHL: Immediate
20 meeting of the Labor Committee in Room 332, the
21 Majority Conference Room.

22 (Whereupon, having been at ease,
23 at 1:10 p.m., the Senate reconvened.)

1 ACTING PRESIDENT KUHL: Senator
2 Present.

3 SENATOR PRESENT: Mr. President.
4 Would you recognize Senator Marchi.

5 ACTING PRESIDENT SPANO: Chair
6 recognizes Senator Marchi.

7 SENATOR MARCHI: Mr. President.
8 I am requesting consideration of a privileged
9 resolution that is now at the desk, resolution
10 mourning the passing of the Grand Rabbi Menachem
11 Schneerson. I would request that the resolution
12 be read in its entirety, and then I will speak
13 to it.

14 ACTING PRESIDENT KUHL: Yes,
15 there is a privileged resolution at the desk.

16 Secretary will read it in its
17 entirety.

18 THE SECRETARY: Legislative
19 Resolution, by Senators Marchi, Ohrenstein and
20 all members of the Senate, mourning the passing
21 of Grand Rabbi Menachem Mendel Schneerson,
22 teacher, scholar and beloved leader of the
23 Lubavitch Hasidic movement of world Jewry at the

1 age of 92.

2 Whereas, a Russia-born and
3 Sorbonne-educated scholar, Rabbi Menachem Mendel
4 Schneerson was the seventh in the line of Grand
5 Rabbis, or Rebbes, of an Orthodox Jewish sect
6 dating from the 18th century, he rescued
7 Lubavitch Hasidism and brought it from near
8 extinction to the forefront of world Jewry
9 through his spiritual fervor, charismatic
10 personality and an innovative approach to
11 outreach which involved such common methods as
12 facsimiles of Talmudic dissections and "Mitzvah
13 Tanks," trailers used as recruiting stations on
14 the streets of New York City.

15 Emigrating to the United States
16 with his beloved wife, Chaya Moussia, in 1941 to
17 avoid Nazi persecution, young Rabbi Schneerson
18 accepted the responsibility to restore the
19 Lubavitch Hasidism decimated by the Holocaust,
20 and, in 1951, he succeeded his father-in-law,
21 Rabbi Yosef Yitzchak Schneerson, as Grand Rabbi
22 of the sect.

23 With a modern-day membership

1 estimated at between 100,000 to 300,000, Rabbi
2 Schneerson's followers represent one of the
3 worlds most powerful Hasidic sects, with an
4 influence far beyond their numbers; his Crown
5 Heights headquarters would become the seat of
6 ultra-orthodoxy as it flourished, spreading as
7 far afield as the Knesset of Israel and
8 influencing decisions as far-reaching as the
9 Palestinian peace talks.

10 As Lubavitcher Jews around the
11 world mourn for their beloved and influential
12 leader, it is a saddened and compassionate Body
13 of the Assembly which extends on behalf of the
14 City and State of New York its condolences to
15 the family and followers of Grand Rabbi Menachem
16 Mendel Schneerson, recognizing the significance
17 of his presence, the loss of his passing, and
18 the dynamic spiritual force his movement,
19 Lubavitcher Hasidism, brought to the world of
20 Judaism; now, therefore, be it

21 Resolved, that this Legislative
22 Body pause in its deliberations to mourn the
23 passing of Grand Rabbi Menachem Mendel

1 Schneerson, teacher, scholar and revered leader
2 of the Lubavitch Hasidic sect of world Jewry, at
3 the age of 92; and be it further

4 Resolved, that copies of this
5 resolution, suitably engrossed, be transmitted
6 to Lubavitch World Headquarters, 770 Eastern
7 Parkway, Brooklyn, New York.

8 ACTING PRESIDENT KUHL: Chair
9 recognizes Senator Marchi.

10 SENATOR MARCHI: Thank you, Mr.
11 President. The resolution was drafted by
12 Speaker Silver and expresses the feeling that's
13 common to both houses and -- however, there are
14 aspects that I felt might have been put in the
15 resolution, and I will by supplementation in
16 remarks here address them.

17 As was stated, the Rabbi
18 Schneerson was a product of a very exhaustive
19 academic preparation for the work he was later
20 to assume, attended the University of Berlin and
21 Sorbonne in Paris before coming to this country,
22 and this tremendous mastery that he had of
23 sciences, of mathematics, of culture, of

1 cultural influences generally, and his command
2 of philosophy was most impressive.

3 The work that he did -- you know,
4 we speak of 200,000 adherents. The resolution
5 says from 100,000 to 300,000. The number that
6 they have most usually used is the number of
7 200,000. When you reflect on the fact that
8 these educational centers, 1500 of them around
9 the world in 30 different nations, have had the
10 impact that they did, and have today, tells you
11 something. Two hundred thousand in a planet of
12 six or seven billion people would not seem
13 impressive, but the impact has certainly gone
14 way beyond their numbers, and we have to know a
15 little more about what Rabbi Schneerson and the
16 Lubavitcher movement has been responsible for.

17 He took great inspiration from
18 the work of Maimonides, the Rambam, back to the
19 12th century in taking it. When Maimonides took
20 all of the oral law, the strong law, and gave it
21 to us in the form of something that could be
22 read and was organized and could be presented
23 was a gigantic step.

1 Maimonides also quickened world
2 attention to Aristotlian philosophy upon which
3 scholasticism rests, and it had such a profound
4 effect on Judaism at that time and also was
5 responsible for the phenomena that has most
6 often related to Thomas Aquinas and others that
7 were in the scholastic philosophy, but had it
8 not be for Maimonides to give it the initial
9 start, it might have suffered for a while.

10 And Rabbi Schneerson joined that
11 effort again in quickening world awareness of
12 scholastic philosophy. The autonomy of the
13 individual, the soul and the existence of God,
14 the spiritual aspects of humanity, of each
15 individual, was a tremendous thought which,
16 really, the effect was exemplified by the
17 educational process which Rabbi Schneerson
18 brought to it around the world.

19 When we consider that people like
20 Robert Hutchings and Mortimer Adler, the editor
21 of the Encyclopedia Britannica, were two of the
22 great scholastics of this century, and Rabbi
23 Schneerson served as principal most admirably.

1 His urging that people do good not only to
2 members within their own religious persuasion
3 but throughout the length and breadth of the
4 societies in which they lived goes further.

5 I read the resumes that were
6 written, and it was a fairly impressive
7 initiative that was engaged in by the author of
8 the article in the New York Times, but there are
9 items in it that really require further
10 comment.

11 Rabbi Zalmen Marozov of Montreal
12 perhaps came closest to expressing the essence
13 of what Rabbi Schneerson represented. Rabbi
14 Marozov is from Montreal, and he said, "Once he
15 [meaning Rabbi Schneerson] is out of the body,
16 it is the soul, and you have no more
17 limitations. Hopefully he can accomplish
18 everything he wanted to now."

19 So, again, he was recognizing the
20 spirituality of the individual. On the other
21 hand, the psychologist Leon Festinger, who
22 studied the phenomenon of cognitive dissonance,
23 the anxiety that results from holding two

1 contradictory beliefs, he -- he seeks a
2 psychological answer to this, ignoring the fact
3 that he is working in another context, a context
4 that we can analogize even with study of earth
5 sciences, the likes of mathematics and physics.
6 When we consider what happened, for instance,
7 with Ptolemy being accepted as something logical
8 and something inevitable in our thinking,
9 Euclidean mathematics, how that process
10 underwent great changes when we reach Galileo
11 and Copernicus and, later on, the quantum
12 mechanics, even these realities in the real
13 world really are at odds with the comments that
14 were made by psychologists.

15 For instance, Professor Daniel
16 Batson, professor of psychology at the
17 University of Kansas, remarks that "Logically it
18 doesn't make sense," what Rabbi Schneerson was
19 talking to and then reversed the psychology for
20 answers, again missing the fact that we are
21 dealing with the spirituality of the individual,
22 and this is important.

23 I mean this is why 200,000 people

1 and this Rabbi had made the impact that they did
2 around the world. It wasn't an exercise in
3 reconciling psychological tensions. It was an
4 exercise in professing that which is the
5 spiritual foundation of much of our society,
6 that we are creatures created in a divine
7 image. We are creatures who have a spiritual
8 autonomy. We left the worship of rocks and
9 stones and the sun and all these other concepts;
10 and the philosophical and theological
11 foundations of our faiths that dominate so much
12 of our world are the disciplines that he
13 addressed so well.

14 So I believe that we should take
15 these into consideration, because it goes
16 beyond, even with the wording that we have in
17 our resolution, of the service and the
18 contribution that he made within the world of
19 Judaism, because Rabbi Schneerson's educational
20 activities throughout the globe have enriched -
21 I say this -- have enriched and strengthened the
22 religious, educational, cultural, moral and
23 ethical fibers of all the citizens of the

1 world. So that this very urbane and wonderful
2 individual must be recognized in all of the
3 dimensions that he filled.

4 I had the privilege of meeting
5 him one on one for, oh, well, up to about 45
6 minutes of conversation, and the ease with which
7 he slipped -- slipped into a personal
8 concentration on the subject of whatever we were
9 discussing at the time, most of it
10 philosophical, the individual reached out. You
11 knew that it had his total attention.

12 And members of the Lubavitcher -
13 the group, that so many people, thousands of
14 people going to him for detailed advice on even
15 the mundane matters, the great interest that he
16 took in the spiritual life of people on a one to
17 one basis, I experienced this myself. And I
18 began to appreciate the enormous impact that he
19 must have had with those people who had
20 entrusted and brought the important problems to
21 him which he discussed so willingly and so
22 positively in terms of a resolution that gave
23 them comfort and solace.

1 And it explains why, why there
2 was such an outpouring of grief when he passed
3 away, and I believe that he survives. He
4 survives in -- certainly his soul is there, and
5 it's a great work that he has accomplished that
6 enriches us all, all of society.

7 And I just wanted to emphasize
8 the dimensions of this individual who has gone
9 to his eternal reward as a matter that we know
10 that we will all miss him, and we are grateful
11 for the fact that he worked amongst us for the
12 years that he did, many years, and accomplished
13 so much good for mankind.

14 ACTING PRESIDENT KUHL: Chair
15 recognizes Senator Ohrenstein.

16 SENATOR OHRENSTEIN: Mr.
17 President. I want to express my appreciation to
18 Senator Marchi for sponsoring this resolution
19 and taking the lead on it. I think he is the
20 most appropriate person here, because John
21 Marchi has become the resident scholar on
22 religious matters in this chamber, and I say
23 that with a smile in some ways, but I mean it in

1 every way. I think thoughtfulness and the
2 scholarship that Senator Marchi has exhibited
3 over the years is rather extraordinary, and it's
4 a tribute to his own deep conviction in his own
5 faith, which I think makes him such an
6 exceptional member of this chamber, and it's
7 also appropriate that he be the sponsor for that
8 reason of this passing of a very, very great and
9 revered individual.

10 I want to speak very briefly on
11 this as a member of the Jewish faith. Rabbi
12 Schneerson, the Rebbe, the Lubavitcher Rebbe, is
13 a very, very extraordinary figure among Jews.
14 The Jewish faith is a very complicated faith.
15 There are many facets to it. There are many
16 divisions to it. Many people who profess
17 religiosity in a very orthodox way; others in
18 more modern forms. There are great divisions in
19 that faith about some very weighty matters of
20 religion and doctrine.

21 And so Judaism is a very
22 complicated community when it comes to its
23 religious faith. There is a very secular part

1 to that community that does not profess faith in
2 the Almighty particularly, but really it
3 continues to adhere to the Jewish community as a
4 cultural, national and social matter.

5 The reason I say this is because
6 the most extraordinary thing about the
7 Lubavitcher Rebbe is that all facets of this
8 very complicated community revered him and
9 respected him and looked to him for leadership,
10 even in matters where they disagreed with him.
11 He was -- he is, was, one of those very
12 extraordinary individuals who become leaders in
13 this world. Some are political people who go
14 beyond the area of politics or national or
15 international leadership and also become moral
16 examples and moral leaders. And then,
17 occasionally, a clergyman arises out of the
18 hundreds and thousands of members of the clergy
19 who so diligently serve us and becomes an
20 extraordinary figure.

21 Pope John was such a figure,
22 whose passing was mourned and revered by the
23 whole world. And Rabbi Schneerson is in that

1 category of individual. He preached a dedicated
2 faith. He was able to surround himself with a
3 group of hundreds of thousands of dedicated
4 individuals who were propigators of that faith
5 throughout the world.

6 And his very dedication, his very
7 reverence for his faith, for his people, for God
8 as he interpreted God to be, was an
9 extraordinarily compelling force throughout the
10 Jewish community and throughout the world.

11 I take one bit of historical
12 credit. I moved to Crown Heights at the same
13 time the Lubavitchers moved to Crown Heights. I
14 used to live in Brownsville. I grew up in
15 Brownsville. I wasn't born but I grew up in
16 Brownsville in Brooklyn. I'm still a Brooklyn
17 boy, Marty Markowitz. And I moved to Crown
18 Heights in 1948 at just about the same time that
19 the Lubavitcher group acquired -- what is it,
20 770? -- 770 Eastern Parkway, and I actually
21 lived about two blocks from there.

22 So I was there at the inception,
23 and I watched this movement grow, and it was and

1 is an extraordinary, extraordinary event that
2 such a small group, as Senator Marchi indicated,
3 of dedicated religious people can have the kind
4 of effect they have, controversial as they are.
5 And they are controversial in many, many ways
6 both amongst Jews and amongst the world at
7 large, but no one could every doubt their
8 reverence, the dedication to their faith, the
9 dedication to humanity, the dedication to
10 morality in the deepest and most comprehensive
11 sense of the word, and that is the deep
12 understanding of humanity and the need for
13 humanity's action, for human beings' actions of
14 one to another of righteousness and of rightness
15 in their conduct of themselves and towards each
16 other.

17 And so he and this group have
18 become great moral leaders in the Jewish
19 community and in the world at large, and it is
20 rather a really historic movement that this man
21 has passed. He passed in his mortal
22 configuration. There are those of his adherents
23 who believe that he is the Messaih and that he

1 will return again.

2 Whether the rest of us believe
3 that or not is irrelevant. What is relevant is
4 that his preachings and his example, his moral
5 example, his religious example, his example as a
6 dedicated Jew toward Judaism and humanity at
7 large, those are the things that will survive
8 him. And whether the mystical part of the
9 belief of the Lubavitchers is believed by
10 everybody, as I said, is not really relevant.
11 What is relevant is that his adherers believe
12 it, and his adherers will continue to preach
13 their particular brand of the religiousity, will
14 continue to work in his example and in his role
15 and perpetuate his memory and his work for many,
16 many years.

17 And to that extent, he is and
18 will be a historical figure, and I appreciate
19 Senator Marchi and Speaker Silver putting this
20 resolution before us so we can take some small
21 part in this remembrance.

22 ACTING PRESIDENT KUHL: Chair
23 recognizes Senator Markowitz.

1 SENATOR MARKOWITZ: Thank you
2 very, very much. Thank you also, Senator
3 Marchi.

4 I have represented the Lubavitch
5 communities since the day I was elected, 16
6 years ago, and I can attest to the positive
7 contributions made by the Rebbe and by the
8 Lubavitcher movement in terms of the
9 rejuvenation of the Crown Heights community.

10 One thing that the Rebbe did, he
11 encouraged his activists to reach beyond the
12 Hasidic group to work with African and Caribbean
13 Americans, to work with Latinos, to work with
14 the general population that lived in and around
15 the Crown Heights area and organized service
16 organizations to reach out beyond the one faith
17 and to reach out to all faiths, and tremendous
18 and as modern as you can imagine. Modern
19 telecommunications, organizations utilizing
20 state of the art in terms of helping out, in
21 terms of drug rehabilitation, crime prevention,
22 weatherization and a host of other programs
23 serving the general community.

1 You know, we Jews unlike
2 Catholics do not have a supreme religious
3 leader, as you know, very much like the
4 Protestant faith. But Rabbi Schneerson is as
5 close as you get to us as acknowledged leader of
6 the Jewish faith.

7 In keeping with Hasidic
8 traditions, I was at the funeral on Sunday. You
9 may know that there are no eulogies. At no
10 Hasidic funeral are there eulogies or even a
11 statement from those that mourn the passing of
12 anyone of the Hasidic faith, including the
13 Rebbe.

14 And so in keeping with that, my
15 statement is very clear. We mourn his death,
16 and we celebrate his life.

17 ACTING PRESIDENT KUHL: Chair
18 recognizes Senator Gold.

19 SENATOR GOLD: Thank you.

20 Mr. President. First on a
21 procedural basis, I would hope that the
22 resolution is open for the membership.

23 Everybody is on it already. I

1 just wanted to make sure that that was done.

2 Mr. President. I had a professor
3 in college, government professor, and he said
4 that the American government is federal because
5 the people say it is. What he meant by that is
6 that under the Constitution that we have, there
7 were many different kinds of interpretations,
8 and many different ways we could have gone.

9 That really goes with a lot of
10 things. It goes with Biblical study. It goes
11 with all kind of areas. And during the Passover
12 service, there is a story of an enemy of Jews
13 who wanted to slaughter rabbis, and he took the
14 Bible and said, "You know the brothers of Joseph
15 did this terrible thing and, therefore, even
16 though it's a long, long time ago, under Jewish
17 law we're going to hold everybody responsible
18 and they slaughtered rabbis.

19 They used a holy document for
20 that evil. We live in a world where people
21 teach hate and people teach killing. Some
22 people do it in buildings that are meant to be
23 holy buildings. Some people have killed

1 unfortunately millions, and they invoke the name
2 of the Almighty.

3 I say this because if the
4 Lubavitch movement is what Senator Marchi said
5 and what Senator Ohrenstein and Senator
6 Markowitz and others say, you've got to give
7 enormous credit to the Rebbe who has fashioned
8 that movement all these years.

9 Judaism is built upon study of
10 Talmud and Torah. And, yes, if you read the
11 words, they should lead you -- they should lead
12 you to a very moral life, and they should lead
13 you to a life that teaches good deeds and
14 respect for fellowman. But that doesn't always
15 come out that way; and, again, if it does,
16 you've got to, in my opinion, give enormous
17 credit to the Rebbe and what he did with that
18 movement.

19 There was a woman who was
20 interviewed on television and radio in the last
21 few days who said something that I have heard
22 from many, many people. People would wait for
23 hours for a few minutes of time to get advice or

1 to talk to the Rebbe, and they were amazed. He
2 would look at them and he would know things.
3 This is the woman speaking. "He would know
4 things and he could say something to you that
5 was totally relevant to your life and to why you
6 had come to see the Rebbe and you didn't even
7 have to say a word."

8 He was a man who would go out and
9 give people a dollar, and I think that that's
10 got to be internationally known as one of the
11 symbols, if that's the right word. He would
12 give people a dollar with a very simple message,
13 "Do a good deed." He didn't tell you what good
14 deed to do, and he didn't tell you where you
15 should be going or he didn't point -- he says do
16 a good deed.

17 I will never forget the first
18 time I was approached on the streets of New York
19 by a member of the Lubavitch movement who was
20 working out of Mitzvah wagon. I have seen
21 people all over downtown New York, on street
22 corners and other places, preaching religion of
23 one sort or another. I was never approached as

1 these people approached. They approached me as
2 a Jew to do something in a religious nature, and
3 it wasn't pushy. It wasn't offensive. It was
4 gentle. It was concerned. It was caring. It
5 was a human reaching out and saying, "You got a
6 minute say a prayer." "You want to bring some
7 candles home? Your wife can light candles
8 Friday tonight or whatever."

9 Just beautiful people coming out
10 and into the world to try to make it better.
11 And where does that come from? It came from
12 this wonderful, magnificent man who developed
13 and led that movement.

14 I respect what Senator Markowitz
15 said about traditions. But the fact is that I'm
16 glad we have this opportunity to say some
17 things, and I know certainly while I am not a
18 member of that movement, I feel a great sense of
19 personal loss, and I think the community at
20 large really has suffered a major loss.

21 ACTING PRESIDENT KUHL: The
22 question is on the resolution. All those in
23 favor, signify by saying aye.

1 (Response of "Aye.")

2 Those opposed, nay.

3 (There was no response.)

4 The resolution is unanimously
5 adopted.

6 Senator Present.

7 SENATOR PRESENT: Mr. President.

8 Can we return to reports of standing committees.

9 ACTING PRESIDENT KUHL: Clerk
10 will read.

11 THE SECRETARY: Senator Stafford
12 from the Committee on Finance reports the
13 following nominations:

14 Member of the State Council on
15 the Arts, Samuel H. Lindenbaum, Esq., of New
16 York City.

17 Member of the Empire State Plaza
18 Art Commission, Marijo Dougherty of Schenectady.

19 Member of the Board of Directors
20 of the Great Lakes Protection Fund, Henry G.
21 Williams of Guilderland.

22 Member of the Small Business
23 Advisory Board, William Hockenberger of Penfield

1 and Jennifer L. Carey of Bayshore.

2 Member of the Public Health

3 Council, Leo P. Brideau of Rochester.

4 Member of the Buffalo and Fort

5 Erie Public Bridge Authority, Rita J. Crangle of

6 Buffalo.

7 Member of the Port of Oswego

8 Authority, Christopher C. Dain of Oswego.

9 Member of the Passenger Tramway

10 Advisory Council, Ronald G. Bernhard of

11 Voohreesville, Gerald R. Fielding of Monticello,

12 William Gilber t of Rye Brook, and James R. Ruhl

13 of Ballston Lake.

14 Member of the Advisory Board on

15 Public Work, Neil B. Burnside of Caledonia and

16 Jeffrey J. Zogg of Delmar.

17 Member of the New York State

18 Olympic Regional Development Authority, Robert

19 W. Bouchard of Menands.

20 Member of the New York State

21 Hospital Review and Planning Council, John M.

22 Brown of Orchard Park, Christine Tassone Kovner

23 of New York City and Shiela Mary Smythe of New

1 York City.

2 Member of the Advisory Council to
3 the Commission on Quality of Care for the
4 Mentally Disabled, Esperanza Isaac of New York
5 City.

6 Member of the Council on Human
7 Blood and Transfusion Services, Robert Kratzel,
8 Ph.D., of Getzville.

9 Member of the Finger Lakes State
10 Park, Recreation and Historic Preservation
11 Commission, Robert E. Agan of Elmira.

12 Member of the Thousand Island
13 State Park, Recreation and Historic Commission,
14 John E. Stewart of Plattsburgh and Barry R.
15 Worczak of Lyons Falls.

16 Member of the Administrative
17 Review Board for Professional Medical Conduct,
18 Sumner Shapiro of Delmar.

19 Member of the Board of Directors
20 of the New York State Science and Technology
21 Foundation, Evelyn Berezin of East Setauket.

22 Member of the Advisory Council on
23 Agriculture, Samuel J. Casella of Canandaigua,

1 Jeremiah P. Cosgrove of Round Lake, Charles F.
2 Scheer, Jr., of Laurel, and James L. Vincent of
3 Byron.

4 Member of the Board of Visitors
5 of the Buffalo Psychiatric Center, Carolyn S.
6 Fenlon of West Falls, Margaret V. Lombardi of
7 Buffalo, and Geraldine Minter of Buffalo.

8 Member of the Board of Visitors
9 of the Capital District Psychiatric Center,
10 Lewis F. Krupka of Guilderland.

11 Member of the Board of Visitors
12 of Elmira Psychiatric Center, M. Patricia Lucas
13 of Elmira, and Wendy Potter of North Hornell.

14 Member of the Board of Visitors
15 of the Hudson River Psychiatric Center, Linda
16 Bryer-Green of Poughkeepsie.

17 Member of the Board of Visitors
18 of the Kingsborough Psychiatric Center, Shirley
19 B. Flowers of Brooklyn, and Wallace Nottage of
20 Brooklyn.

21 Member of the Board of Visitors
22 of the Kirby Forensic Psychiatric Center,
23 Seymour B. Jacobson, M.D., of New York City, and

1 Margaret E. Legrande of New York City.

2 Member of the Board of Visitors
3 of the Manhattan Psychiatric Center, Eugenia
4 Evans Clarke of New York City.

5 Member of the Board of Visitors
6 of Manhattan Children's Psychiatric Center,
7 Katharine Shields of New York City.

8 Member of the Board of Visitors
9 of the Mid-Hudson Psychiatric Center, C. Edgar
10 Flynn, Jr., of Slate Hill.

11 Member of the Board of Visitors
12 of the Pilgrim Psychiatric Center, Silvia
13 Velazquez Dorsky of Malverne, Arnold Gould of
14 Lido Beach, and Dorothy Schorr of Syosset.

15 Member of the Board of Visitors
16 of the Rochester Psychiatric Center, George
17 Follett of Albion, and Pamela S. Frame of
18 Rochester.

19 Member of the Board of Visitors
20 of the Rockland Psychiatric Center, Walter C.
21 Blount, Jr., of Orangeburg, Barbara Greenblatt
22 of Nyack, and Margot Vazquez of Suffern.

23 Member of the Board of Visitors

1 of St. Lawrence Psychiatric Center, Imogene
2 Wager of Ogdensburg.

3 Member of the Board of Visitors
4 of Sagamore Children's Psychiatric Center,
5 Louise P. Jones of Amityville, and Elaine Y.
6 Reinke of Massapequa.

7 Member of the Board of Visitors
8 of the South Beach Psychiatric Center, Albert C.
9 Wiltshire of Brooklyn.

10 Member of the Board of Visitors
11 of the Western New York Children's Psychiatric
12 Center, Bertha Laury of Buffalo.

13 Member of the Board of Visitors
14 of the Craig Developmental Disabilities Services
15 Office, Mary H. Derby of Geneseo, and David M.
16 Lane of Warsaw.

17 Member of the Board of Visitors
18 of the Bernard M. Fineson Developmental Center,
19 Beverly Berger of Bayside, and Helene
20 Schaumberger of Douglaston.

21 Member of the Board of Visitors
22 of the Manhattan Developmental Center, Willie
23 Mae Goodman of New York City, and Walter Greene

1 of New York City.

2 Member of the Board of Visitors
3 of the Oswald D. Heck Developmental Center,
4 Eleanor C. Pattison of West Sand Lake, and
5 Lucile Richards of Waterford.

6 Member of the Board of Visitors
7 of the Rome Developmental Disabilities Services
8 Office Jane G. Allen of Lyons Falls.

9 Member of the Board of Visitors
10 of the Sunmount Developmental Center, Margaret
11 Kolodzey of Moriah.

12 Member of the Board of Visitors
13 of Syracuse Developmental Center, James R. Iles
14 of Clay.

15 Member of the Board of Visitors
16 of Wassaic Developmental Center, Theresa
17 Sgrulletta of Mt. Kisco.

18 Member of the Board of Visitors
19 of Wilton Developmental Center, Edward Donohue
20 of Clifton Park.

21 ACTING PRESIDENT KUHL: Question
22 is on the confirmation of the appointment of the
23 previously read appointees. All those in favor,

1 signify by saying aye.

2 (Response of "Aye.")

3 Those opposed, nay.

4 (There was no response.)

5 The appointees are confirmed.

6 May we return to motions and

7 resolutions.

8 Senator Skelos, you have a couple

9 of motions.

10 SENATOR SKELOS: Mr. President.

11 I wish to call up Senator Daly's bill, Print

12 Number 4583B, recalled from the Assembly, which

13 is now at the desk.

14 ACTING PRESIDENT KUHL: Secretary

15 will read.

16 THE SECRETARY: By Senator Daly,

17 Senate Bill Number 4583B, an act to amend the

18 Real Property Law.

19 SENATOR SKELOS: Move to

20 reconsider the vote by which this bill was

21 passed.

22 ACTING PRESIDENT KUHL: The

23 question is on the motion to reconsider the vote

1 by which this bill was passed. The Secretary
2 will call the roll on reconsideration.

3 (The Secretary called the roll on
4 reconsideration.)

5 THE SECRETARY: Ayes 55.

6 ACTING PRESIDENT KUHL: The bill
7 is before the house.

8 Senator Skelos.

9 SENATOR SKELOS: I now offer the
10 following amendments.

11 ACTING PRESIDENT KUHL:
12 Amendments received and adopted.

13 Senator Skelos.

14 SENATOR SKELOS: Mr. President.
15 On behalf of Senator Cook, I move to recommit
16 Senate Print Number 7575, Calendar Number 617,
17 to the Committee on Education with instructions
18 to said committee to strike the enacting clause.

19 ACTING PRESIDENT KUHL: The
20 Senate bill is recommitted.

21 SENATOR SKELOS: On page number
22 14, I offer the following amendments to Calendar
23 Number 653, Senate Print Number 276, and ask

1 that said bill retain its place on the Third
2 Reading Calendar.

3 ACTING PRESIDENT KUHL:
4 Amendments are received and adopted. The bill
5 will retain its place on the Third Reading
6 Calendar.

7 SENATOR SKELOS: Mr. President.
8 On behalf of Senator Daly, on page number 32, I
9 offer the following amendments to Calendar
10 Number 1170, Senate Print 5933, and ask that
11 said bill retain its place on the Third Reading
12 Calendar.

13 ACTING PRESIDENT KUHL:
14 Amendments are received and adopted, and the
15 bill will retain its place on the Third Reading
16 Calendar.

17 SENATOR SKELOS: And, Mr.
18 President, on page number 39 of the starred
19 calendar, I offer the following amendments to
20 Calendar Number 708, Senate Print Number 7477A,
21 and ask that said bill retain its place on the
22 Third Reading Calendar.

23 ACTING PRESIDENT KUHL:

1 Amendments are received and adopted, and the
2 bill will retain its place on the Third Reading
3 Calendar.

4 Senator Present.

5 SENATOR PRESENT: Mr. President.

6 Can we take up the controversial calendar,
7 please.

8 ACTING PRESIDENT KUHL: Secretary
9 will read the controversial calendar.

10 THE SECRETARY: On page 5,
11 Calendar Number 199, by Senator Skelos, Senate
12 Bill Number 6552A, an act to amend the
13 Correction Law, in relation to enacting the Sex
14 Offender Registration Act.

15 ACTING PRESIDENT KUHL: Senator
16 Skelos, and explanation has been asked for by
17 both Senator Galiber and Senator Gold.

18 SENATOR SKELOS: Yes, Mr.
19 President. This legislation would establish the
20 Sex Offender Registration Act in New York State
21 which would require individuals that have been
22 convicted of certain enumerated sex offense
23 crimes to register with the local chief law

1 enforcement official in the communities in which
2 they plan to reside once they are released from
3 prison. Presently, there are 32 states that
4 have similar legislation.

5 This legislation also provides
6 that after ten years the individual can make
7 application to the court to no longer be
8 required to register where they live or annually
9 let the local law enforcement officials know
10 that they are still that community. That would
11 be at the discretion of the court.

12 There are also provisions that
13 any individual that is entitled to access of
14 these records at DCJS that if they inform
15 anybody of this registration that they are
16 committing a crime.

17 SENATOR GALIBER: Senator yield?

18 ACTING PRESIDENT KUHL: Senator
19 Skelos, do you yield to Senator Galiber?

20 SENATOR SKELOS: Absolutely.

21 ACTING PRESIDENT KUHL: Senator
22 Skelos yields.

23 SENATOR GALIBER: Senator, by no

1 means should this be interpreted as a serious
2 objection to what you're intending to do here,
3 but for some of us it's a bit troublesome and a
4 a bill as sweeping as this one where you are
5 covering 12 categories and maybe even more where
6 these persons would be forced to register.

7 Working backwards, and I'll give
8 you a philosophical approach to this which I
9 personally have, obviously. In the category of
10 statutory rape, that troubles me a bit. You
11 have two consenting parties here who but for the
12 age factor would probably make it a felony, I
13 believe, depending -- and we changed it just
14 relatively recently, five or ten years or so, is
15 that the age bracket, I believe, that makes it a
16 felony. If it is under it, it's a misdemeanor
17 so they would not be impacted on it.

18 Senator, we have a situation
19 where a college student goes out with a high
20 school student and they are two consenting
21 parties, why should we put that category of
22 person in this register that the other states
23 have and you're desirous of putting in New York

1 State law?

2 SENATOR SKELOS: Let me just say
3 this. First of all, there is an expungement
4 procedure which I did outline, that after ten
5 years this individual could go to be relieved
6 from this requirement.

7 SENATOR DOLLINGER: Yes, I
8 understand that, and there is that expunging
9 system, but there's ten years of this person
10 being forced to register, and I don't think it
11 was the intent to cover this particular category
12 of persons.

13 Actually, anyone who has
14 registered in any one of the categories that you
15 have enumerated after ten years would have an
16 opportunity to make application to have that
17 expunged, but I'm talking about why should, in
18 the first instance, this category of persons be
19 put in that 12 or 13? Why do we have those?

20 SENATOR SKELOS: I understand
21 your concern, Senator Galiber, but we just felt
22 that this would be appropriate in the
23 legislation. I want to point out that this bill

1 so far has been negotiated between Assemblyman
2 Feldman and myself in terms of the terms of the
3 legislation, but we also do expect that there
4 will be other changes in a final version of the
5 legislation. And, certainly, we will take your
6 recommendations into consideration, although in
7 fairness to you I don't want to say that the
8 bill -- this could be the final form, and the
9 bill that is finally before the house, if it is
10 amended, could have what you are concerned about
11 in the legislation.

12 SENATOR DOLLINGER: Okay.

13 Senator, now from a pretty practical standpoint,
14 we have a person who has now registered, and
15 they are in a particular geographical area, and
16 I think that the purpose of the registration is
17 so that if there is some subsequent crime
18 related to those categories that they would be
19 available to law enforcement or the
20 investigatory arm. How would this from a
21 practical standpoint work? We now have Tom Mix
22 registered at 400 Grand Concourse, and there is
23 -- in the second year or third year of the

1 registration, we have someone who has committed
2 a particular crime in that category. The police
3 run through the file and they see the person who
4 went out with the high school -- the college
5 student who went out with the high school
6 student who consented. Does the police have the
7 right to go in and bring that person in? Are
8 there any rules or regulations? In other words,
9 by registering do you give up any question of
10 probable cause or -

11 SENATOR SKELOS: I would say they
12 can use this information to investigate, just as
13 they can go into probation information to find
14 out as part of their investigation procedures.

15 SENATOR GALIBER: Okay. But it
16 doesn't take way any probable cause or some of
17 those other criteria.

18 SENATOR SKELOS: No.

19 SENATOR DOLLINGER: That police
20 officer can not just go out, unless he's abusing
21 his authority or our authority, and bring this
22 person in because they are registered -

23 SENATOR SKELOS: No.

1 SENATOR DOLLINGER: -- or mere
2 suspicion?

3 SENATOR SKELOS: No.

4 SENATOR DOLLINGER: Okay. The
5 confidentiality always troubles me. I'm sure it
6 troubles you, Senator, a bit. These records
7 that are sort of -- not closed, but they are
8 confidential and they are not supposed to be
9 given out as far as any basic information is
10 concerned. And if they do so, you claim -- not
11 claim, but your legislation talks about it being
12 a misdemeanor.

13 SENATOR SKELOS: It's a class B
14 misdemeanor.

15 SENATOR DOLLINGER: A class B
16 misdemeanor. If we have these felonies in that
17 category, is there any reason -- it's strange
18 coming from me because I don't believe in
19 enhancing sentencing, but it's so crucial that
20 if this information would be misused or leaked
21 out, if you will, and we're fortunate enough to
22 apprehend that person who did that, don't you
23 think it should be in a category of a felony as

1 opposed to misdemeanor? As odd as it is coming
2 from me who doesn't believe in enhancing
3 penalties.

4 SENATOR SKELOS: I think a B
5 misdemeanor is significant.

6 SENATOR DOLLINGER: B misdemeanor
7 is enough. All right. Mr. President. On the
8 bill.

9 ACTING PRESIDENT KUHL: Senator
10 Galiber on the bill.

11 SENATOR GALIBER: Thank you,
12 Senator Skelos.

13 I am just philosophically opposed
14 to some of the things you have mentioned, not
15 the intent of the legislation because what is
16 happening in our community nowadays is just
17 horrible, and I think a lot of those things were
18 happening before. We didn't focus in on them.

19 I guess what I'm really somewhat
20 concerned about is, I often say on this floor,
21 that how far do we really have to go to protect
22 the public at large? I refer to the 1984
23 Orwellian concept, and 1984 came to us, and we

1 said absolutely nothing. A staff person here
2 reminded me yesterday -- not reminded me,
3 because I did not know that when the book was
4 written he just reversed the dates on it, and if
5 it would have been the next year, it would have
6 been 1994 as opposed to '84. But the conditions
7 are still the same. We have DNA testing. We
8 have youngsters who are two months old, and we
9 are giving them Social Security numbers. We are
10 really invading an area of privacy, and I'm
11 concerned about how far we really will be going.

12 That's a philosophical approach
13 that I have, and we keep adding onto this. And
14 those persons, if you want to put the white hats
15 and the black hats on, folks, the white hats are
16 going to be impacted on this also. I think this
17 registration, though well-intended, is going to
18 cause horrible, horrible damages especially in
19 the category that I mentioned early on; that
20 we'll have the stigma attached to the rest of
21 the person's life and the notion of expunging is
22 a procedure which is not perfect and there's
23 always some slip-ups.

1 In addition thereto, if a person
2 has ever asked and as we proceed the way I think
3 we're doing, there will come a time when a
4 question on an application for a job will be,
5 "Have you ever had to register in this
6 category?" And you're going to have to say
7 yes. Expunging will not visciate the fact that
8 you have been registered, that is, that person,
9 in a felony category.

10 And I believe that it means -
11 does it mean merely being charged or is there a
12 conviction?

13 Conviction. So, Senator, I can
14 be courageous and vote against the bill because
15 of this one issue which I think is damaging, and
16 I may very well. And if I do, I want for the
17 record you to understand that the area that you
18 are covering is a very crucial one, and you
19 should be congratulated for adding New York
20 State in this category.

21 I'm just so strongly opposed to
22 the notion of big brother who is invading the
23 very basic and fundamental rights as

1 individuals. The price we're paying is a bit
2 too high. And I wish very seriously, and I'm
3 sure -- you have indicated and you are a person
4 of your word that especially that statutory
5 category is probably a bit much and never
6 intended to go that far.

7 ACTING PRESIDENT KUHL: Senator
8 Dollinger.

9 SENATOR DOLLINGER: Mr.
10 President. Will the sponsor yield to a couple
11 of questions?

12 ACTING PRESIDENT KUHL: Senator
13 Skelos, do you yield?

14 SENATOR SKELOS: Yes.

15 ACTING PRESIDENT KUHL: Senator
16 Skelos yields.

17 SENATOR DOLLINGER: Senator, I
18 share many of Senator Galiber's views about the
19 quality of this bill, and I think there's some
20 really good things in it, but let me just ask a
21 couple of quick questions for clarification.

22 One, was it your intention to
23 make all of the sex offenses which would have to

1 be registered under this bill, that they would
2 be felonies?

3 Because, at least in my quick
4 review yesterday -- and maybe we changed that
5 this year. I couldn't tell. I went through my
6 McKinney's. 13060 of the Penal Law is only a
7 misdemeanor.

8 SENATOR SKELOS: Except for
9 second demeanor, it is all felonies.

10 SENATOR DOLLINGER: So with the
11 exception of that, sex -

12 SENATOR SKELOS: Right.

13 SENATOR DOLLINGER: -- sexual
14 abuse in the second degree, which is still a
15 misdemeanor. Okay. The rest of it is all
16 felonies. That just clarifies it for me,
17 because I wasn't sure whether you intended to
18 make it exclusively felonies.

19 The second question, again,
20 through you, Mr. President, if the Senator
21 Skelos will yield?

22 ACTING PRESIDENT KUHL: Senator
23 Skelos, do you continue to yield?

1 Senator does.

2 SENATOR DOLLINGER: How do we
3 effect this bill for people who are convicted
4 out of states for comparable offenses? I note
5 the provision in the bill on page 2, lines 16
6 through 18. How will that work? Will we
7 notify, or who will notify sex offenders that
8 move into this state that they have an
9 obligation to register? How is that
10 notification process going to occur?

11 SENATOR SKELOS: The notification
12 from the other state?

13 SENATOR DOLLINGER: Well, again
14 through you, Mr. President, how will the
15 convicted sexual offender in Pennsylvania know
16 that when he comes to New York he suddenly has
17 all these other obligations created by this
18 statute?

19 I can see how someone who goes
20 through our court system and is either
21 incarcerated, put on probation or parole or
22 whatever, how they are well aware of their
23 obligations because I assume they'll be notified

1 through the process.

2 My question is how does the out
3 of state person get that same kind of notice so
4 that they know they've got to come forward and
5 register?

6 SENATOR SKELOS: Well, presently
7 there are 32 states, as I said, that require
8 this and the federal government is moving
9 towards having national legislation right now to
10 cover this, and I believe there will be
11 cooperation like out-of-state convictions of
12 DWIs that presently exist so that the states can
13 coordinate with each other when this type of
14 crime has been committed.

15 SENATOR DOLLINGER: I think
16 that's a good provision. I was just interested
17 in how it would actually occur.

18 My last question deals with the
19 expungement of records. I'm not familiar with
20 the procedures currently available for expunging
21 criminal records. And my question is, what are
22 the current standards for expunging of records,
23 and how do they play in this statute?

1 Because it says that you can
2 apply to have your records expunged, and if they
3 are expunged by the court of original instance,
4 then you no longer have an obligation to
5 register.

6 SENATOR SKELOS: This would be at
7 the discretion of the judge.

8 SENATOR DOLLINGER: Are there
9 any -- again, through you, Mr. President. Are
10 there any standards for the exercise of that
11 discretion?

12 SENATOR SKELOS: Not that I know
13 of.

14 SENATOR DOLLINGER: Well, I -- I
15 guess on the bill, Mr. President.

16 ACTING PRESIDENT KUHL: Senator
17 Dollinger on the bill.

18 SENATOR DOLLINGER: I think, in
19 response to my questions, I appreciate the
20 Senator's approach. I think the out-of-state
21 convictions are important. My hope is that the
22 federal government will move in that direction,
23 as well.

1 I do have a concern, and it's
2 probably not enough to justify a negative vote,
3 but that's the standards for expungement. As we
4 discussed yesterday, one of the things that we
5 sometimes do is we put guidelines in major broad
6 categories. We use broad language such as
7 "expungement," and we don't give to our court
8 justices the guidelines for determining when
9 expungement would be necessary and, therefore,
10 when the obligation to register ceases.

11 And I would suggest that perhaps
12 if this bill passes and becomes law that we turn
13 our attention to the expungement process so we
14 make sure that we have given those judges not
15 simply broad, unfettered discretion but,
16 instead, said there is some evidence of
17 rehabilitation, there is some evidence of -- be
18 it remorse or whatever, that there be some
19 evidence that the danger to society, if it still
20 exists, has subsided. That would give the
21 judges a greater idea of what this legislature
22 intends in the expungement process and would
23 ideally better facilitate the goal of this

1 legislation.

2 So I would just commend that to
3 the sponsor. I think this is a good bill.

4 SENATOR SKELOS: As I mentioned
5 to Senator Galiber, if in fact this bill is
6 changed prior to final passage between the two
7 houses, certainly this is something that we will
8 consider during that process.

9 SENATOR DOLLINGER: Again, Mr.
10 President, I don't think -- I'm going to vote in
11 favor of this bill. I think it's got many good
12 aspects to it. I think that would make it even
13 better.

14 Thank you.

15 ACTING PRESIDENT KUHL: Secretary
16 will read the last section.

17 Senator Mendez.

18 SENATOR MENDEZ: Mr. President.
19 Will the Senator yield for a question?

20 ACTING PRESIDENT KUHL: Senator
21 Skelos, will you yield to Senator Mendez?

22 Senator Skelos yields.

23 SENATOR MENDEZ: I am very much

1 interested in the fact that the national
2 association that works on behalf of missing -

3 SENATOR SKELOS: Mr. President, I
4 can't -

5 SENATOR MENDEZ: That association
6 that works on behalf of missing and exploited
7 children as well as other professionals do
8 believe that adults who feel attracted to
9 children, that kind of a behavior is incurable.
10 So that although I appreciate your bill that it
11 starts to do something -- it will help to
12 apprehend those men and women if there are some
13 over there that have come back to the
14 neighborhoods. Then if they go again and they
15 commit another horrendous crime against a child,
16 it would be easy in this instance because of
17 your bill to apprehend that monster. However,
18 there is no prevention.

19 So my question to you is, since
20 you do have interest in this area, do you plan
21 to go ahead and introduce some bills so that
22 these people that are so sick and that are going
23 to keep hurting children forever and ever will

1 stay locked up behind bars? Why should they be
2 paroled.

3 SENATOR SKELOS: I believe
4 Senator DiCarlo has passed the Sex Offender
5 Reform Act, which takes into account some of the
6 considerations you are mentioning right now.

7 SENATOR MENDEZ: I want some
8 correction. I just heard in the debate between
9 Senator Dollinger and yourself that there is a
10 section in the Correction Law that classifies as
11 a misdemeanor child sex abuse. What kind of an
12 abuse could possibly be a misdemeanor? You're
13 the lawyer. I am not. It's just that I am
14 shocked.

15 SENATOR SKELOS: Sexual
16 misconduct, consensual sodomy and sex abuse in
17 the third degree.

18 SENATOR MENDEZ: And that is
19 considered a misdemeanor? My God, Mr.
20 President.

21 Thank you.

22 My God, Mr. President. There be
23 something terribly wrong with -- I know there is

1 something terribly wrong in our criminal justice
2 system; but in an area in today's world here in
3 the United States where sex abuse is increasing
4 at alarming rates, I think that this Legislature
5 should take a closer look and eliminate from the
6 books those kinds of laws that shouldn't be
7 there because it allows these criminals to keep
8 preying, forever and ever, on our children, on
9 our kids.

10 I want to congratulate Senator
11 Skelos for this bill, and I hope that eventually
12 we can work on a bill that will really put these
13 crazy monsters behind bars. Let them work for
14 their keep. And in that way, we as a government
15 would be certain that the safety of our children
16 would be accomplished.

17 Thank you, Mr. President.

18 ACTING PRESIDENT KUHL: Is there
19 any other Senator wishing go speak on this
20 bill?

21 (There was no response.)

22 Hearing none, Secretary will read
23 the last section.

1 THE SECRETARY: Section 2. This
2 act shall take effect on the first day of
3 November next succeeding the date on which it
4 shall have become law.

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 55.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 282, by Senator Stafford, Senate Bill Number
13 437D, an act to amend the Environmental
14 Conservation Law, in relation to permitting
15 certain advertising in the Adirondack Park.

16 SENATOR PRESENT: Lay this aside
17 just temporarily and take up Resolution 3993.

18 ACTING PRESIDENT KUHL: Return to
19 motions and resolutions.

20 Secretary will read the title of
21 Resolution 3993.

22 ACTING PRESIDENT KUHL: On page 4
23 of today's calendar, Legislative Resolution

1 3993, by Senator Stafford, designating the
2 report of the fiscal committees on the Executive
3 Budget as the official statement of legislative
4 intent on the Executive Budget as submitted by
5 the Governor and as amended by the Legislature.

6 ACTING PRESIDENT KUHL: Chair
7 recognizes Senator Jones.

8 SENATOR JONES: Yes, on the
9 resolution.

10 ACTING PRESIDENT KUHL: Senator
11 Jones on the resolution.

12 SENATOR JONES: I'm not in the
13 habit here of looking through people's Eagle
14 Scouts and anniversaries and birthdays, et
15 cetera. I assume resolutions are each Senator's
16 personal choice and whatever.

17 So this is probably why I missed
18 this last year; however, I didn't this year.
19 And if there is one thing I've learned through
20 being here a year and a half, there is nothing
21 you can let go by here that you don't read all
22 the fine print.

23 Now, I'm looking at this

1 resolution, and I'm trying to decide -- was I
2 absent, and I'm quite sure I wasn't -- but when
3 this occurred. It apparently outlines the steps
4 that we took preparing the budget.

5 Number 1 I can go along with.
6 The Governor submits it. Number 2 in here says
7 that Senate Finance and Assembly Ways and Means
8 reviews it. I can even take that step. I did
9 go to the hearings. I am on the Finance
10 Committee. I sat through all the hearings, and
11 that part is correct.

12 Now we get to number 3, and this
13 is why I'm lost. It says the committee then
14 makes recommendations and presents them to
15 legislators, individually and collectively.
16 Now, I, first of all, would like to know at what
17 point that occurred?

18 If I missed that point, then
19 let's go on to number 4, which says what we did
20 was each member then was given the opportunity
21 to explain and indicate his opinion on all these
22 expenditures. That, in this resolution, says is
23 number 4 that we did.

1 Then it says -- number 5 says
2 members make their comments and suggestions.
3 Then the Finance Committee and Assembly Ways and
4 Means goes back and negotiates to reach a common
5 accord on the budget. After that, there is a
6 report.

7 Now, the only budget that I
8 received was a very large document on warm paper
9 which I would conclude had just come from the
10 print shop, and I fail to recall any of these
11 steps, and I think it's a little outrageous.

12 We had a bill a couple weeks ago
13 where we talked about historical documents, the
14 Constitution, et cetera, and we did not want any
15 of these presented in an untrue context or any
16 words being left out; and, yet, we are now going
17 to rewrite history and say this is what we did
18 to arrive at the budget we passed last week.

19 I just can only say I'm not even
20 sure. I'm fascinated, outraged. I'm not even
21 sure what adjectives I want to use in regard to
22 this. But, certainly, my name is not going to
23 appear on this legislation. And I'll leave it

1 up to the rest of you, if you want to certify
2 that this is what we did. Because I either was
3 absent or something, and I do have perfect
4 attendance so that obviously isn't what
5 happened.

6 ACTING PRESIDENT KUHL: Senator
7 Dollinger on the resolution.

8 SENATOR DOLLINGER: Mr.
9 President. I join my colleague from Monroe
10 County in standing up in opposition to this
11 resolution. I don't think that all the things
12 that are outlined there actually happened, and
13 I'm not sure that this resolution actually
14 reflects the budget process. It certainly
15 wasn't the budget process that I participated in
16 when at 4:00 o'clock last Wednesday morning I
17 was presented with a couple thousand pages of
18 material that was called the contents of the
19 budget.

20 I don't recall being given an
21 opportunity to explain and indicate his opinion
22 on all those proposed expenditures, other than
23 on this floor. I certainly didn't have it

1 beforehand.

2 And it seems to me that -- I'm
3 fascinated by what this resolution represents.
4 I can recall when I was a kid that we studied
5 Communist Russia and Communist China. Many of
6 you may have had the same history lesson that I
7 did, which said that they reached that point
8 where they wanted to destroy the reputation of
9 someone that they used to take a little air
10 brush and they'd air brush the pictures of the
11 Politburo, and the person would just disappear
12 -- there'd be a hole -- because they had grown
13 in disfavor. And that was the way they revised
14 history. They just kept air brushing people in
15 and out of the pictures.

16 Well, it seems to me that this is
17 the air brush at work here in the State
18 Legislature. If we're going to air brush the
19 last five months, the additional 66 days or 69
20 days that we deliberated beyond our
21 constitutional deadline, but this is the air
22 brush at work, that figurative and literal air
23 brush at work, changing history.

1 I think if we're going to be true
2 to what happened, I think we've got to vote
3 against this resolution. And it just seems to
4 me that this Legislature needs to go through a
5 budget revision process. We need public
6 hearings. We need better itemized legislative
7 budgets.

8 And if we had all those things
9 this resolution might reflect reality but it
10 doesn't. I can't vote for something that
11 doesn't reflect the truth of what we endured for
12 the last four months.

13 SENATOR CONNOR: Mr. President.

14 ACTING PRESIDENT KUHL: Senator
15 Connor on the resolution.

16 SENATOR CONNOR: Thank you, Mr.
17 President.

18 Senator Stafford, would you yield
19 for a question?

20 ACTING PRESIDENT KUHL: Senator
21 Stafford, would you yield?

22 SENATOR STAFFORD: Sure.

23 ACTING PRESIDENT KUHL: Senator

1 Stafford yields.

2 SENATOR CONNOR: Senator, in past
3 years on the budget we got a document called
4 "The Report of the Fiscal Committees." I think
5 it was commonly called, I don't know, "Green
6 Book." It had a green cover on it.

7 SENATOR STAFFORD: It was a
8 "Green Book" but it had a blue cover.

9 SENATOR CONNOR: Blue cover,
10 that's right. That's what it was. I take it
11 that this resolution refers to this year's
12 version of "The Report of the Fiscal
13 Committees."

14 SENATOR STAFFORD: Yes, it does.

15 SENATOR CONNOR: Is there such a
16 report, and can I see it?

17 SENATOR STAFFORD: Yes, there
18 is. It's been made available.

19 SENATOR CONNOR: It's been made
20 available. Has it be distributed?

21 SENATOR STAFFORD: Yes.

22 SENATOR CONNOR: Where?

23 SENATOR STAFFORD: I am advised

1 that all the members received it as in the past.

2 SENATOR CONNOR: Okay. So it's
3 in our offices.

4 SENATOR STAFFORD: Yes.

5 SENATOR CONNOR: Okay.

6 SENATOR STAFFORD: Thank you.

7 ACTING PRESIDENT KUHL: Any other
8 Senator wishing to speak on the resolution?

9 Senator Oppenheimer.

10 SENATOR OPPENHEIMER: I'm trying
11 to understand. Senator, if you would yield for
12 a question, please.

13 ACTING PRESIDENT KUHL: Senator
14 Stafford, would you yield to Senator
15 Oppenheimer?

16 SENATOR STAFFORD: Yes.

17 ACTING PRESIDENT KUHL: Senator
18 does.

19 SENATOR OPPENHEIMER: Normally,
20 when we have a resolution, it's for a purpose,
21 an occasion, an Eagle Scout, a testimonial
22 dinner. I can't understand. What is this
23 resolution for?

1 SENATOR STAFFORD: That's really
2 something I am pleased to see, a resolution that
3 really does do something. Now, I put in all
4 these resolutions and, at times, I wonder
5 whether, really, we read them and really
6 consider them. This resolution is resolving
7 that the budget process has taken place and, as
8 Senator Connor said, the "Green Book" is our
9 interpretation and -- very, very importantly for
10 lawyers -- intent of the Legislature.

11 SENATOR OPPENHEIMER: Okay. Thank
12 you, Senator.

13 SENATOR GOLD: Hold on one
14 second.

15 SENATOR PADAVAN: Last section.

16 ACTING PRESIDENT KUHL: Senator
17 Padavan, Senator Gold asked for just a moment.

18 SENATOR GOLD: Thank you.

19 ACTING PRESIDENT KUHL: The
20 question is on the resolution. All those in
21 favor, signify by saying aye.

22 (Response of "Aye.")

23 Opposed, nay.

1 (Response of "Nay.")

2 Secretary will call the roll.

3 (The Secretary called the roll on
4 the resolution.)

5 ACTING PRESIDENT KUHL: Announce
6 the results.

7 THE SECRETARY: Those recorded in
8 the negative on Legislative Resolution Number
9 3993 are Senators Dollinger, Jones, Leichter,
10 Montgomery, Oppenheimer, and Waldon. Ayes 49.
11 Nays 6.

12 ACTING PRESIDENT KUHL: The
13 resolution as adopted.

14 Senator Padavan, do you wish to
15 return to the controversial calendar?

16 SENATOR PADAVAN: Controversial,
17 Mr. President.

18 ACTING PRESIDENT KUHL: Secretary
19 will read the controversial calendar.

20 THE SECRETARY: Calendar Number
21 282, by Senator Stafford, Senate Bill Number
22 437D, an act to amend the Environmental
23 Conservation Law, in relation to permitting

1 certain advertising in the Adirondack Park.

2 SENATOR OPPENHEIMER: Mr.
3 President.

4 ACTING PRESIDENT KUHL: Senator
5 Oppenheimer.

6 SENATOR OPPENHEIMER: On the
7 bill. In the past, I have spoken against this
8 bill and I think it should be noted that this is
9 the D print, and Senator Stafford has done a
10 considerable amount of work on this in changes,
11 and I congratulate Senator Stafford, because now
12 the Adirondack Council is working in conjunction
13 with the Senator on this.

14 This is a good bill now. Instead
15 of having signs all over the place in the
16 Adirondacks, there are now going to be
17 informational kiosks at rest areas and at
18 certain designated interchanges in the
19 Adirondack Northway, and they will tell the
20 availability of food and fuel and recreation and
21 hiking trails and state lands, and I think it's
22 going to be very beneficial.

23 Tourism is the main industry of

1 the Adirondacks, and I think this will benefit
2 both the people who live there and the millions
3 of visitors who come to the Adirondacks for
4 solace and the beauty of the area.

5 And I think it's a very happy
6 compromise, and I congratulate the Senator.

7 SENATOR STAFFORD: Thank you.

8 ACTING PRESIDENT KUHL: Secretary
9 will read the last section.

10 ACTING PRESIDENT KUHL: Read the
11 last section.

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

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 55.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 586, by Senator Trunzo, Senate Bill Number
22 7057B, an act to amend the Administrative Code
23 of the City of New York.

1 ACTING PRESIDENT KUHL: Read the
2 last section.

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

5 ACTING PRESIDENT KUHL: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 55.

9 ACTING PRESIDENT KUHL: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 922, by Member of the Assembly Bennett, Assembly
13 Bill Number 5058B, an act to amend the Executive
14 Law, in relation to state aid to rural areas.

15 ACTING PRESIDENT KUHL: Read the
16 last section.

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

19 ACTING PRESIDENT KUHL: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 55.

23 ACTING PRESIDENT KUHL: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 1161, by Senator Marchi, Senate Bill Number
4 1362, an act to amend the Judiciary Law, in
5 relation to creating the 13th Judicial District
6 consisting of the County of Richmond.

7 SENATOR LEICHTER: Explanation.

8 SENATOR GOLD: Explanation, Mr.
9 President.

10 ACTING PRESIDENT KUHL: Senator
11 Padavan.

12 SENATOR PADAVAN: Lay it aside
13 temporarily, Mr. President.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside temporarily.

16 THE SECRETARY: Calendar Number
17 1164, by Senator Kuhl.

18 SENATOR PADAVAN: Lay it aside.

19 ACTING PRESIDENT KUHL: For the
20 day. Lay the bill aside for the day.

21 THE SECRETARY: Calendar Number
22 1173, by Senator Wright, Senate Bill Number
23 6863A, authorize the sale of certain state land

1 in the Town of Ellisburg, Jefferson County.

2 ACTING PRESIDENT KUHL: Secretary
3 will read the last section.

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

6 ACTING PRESIDENT KUHL: Senator
7 Dollinger, do you wish to speak on the bill.

8 SENATOR DOLLINGER: Explanation
9 on the bill.

10 ACTING PRESIDENT KUHL: Senator
11 Wright, Senator Dollinger has asked for an
12 explanation.

13 SENATOR DOLLINGER: Excuse me,
14 Mr. President. Is this 1164?

15 ACTING PRESIDENT KUHL: This is
16 1173. Calendar 1173.

17 SENATOR DOLLINGER: I apologize,
18 Mr. President.

19 ACTING PRESIDENT KUHL: Secretary
20 will read the last section.

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

23 ACTING PRESIDENT KUHL: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 55.

4 ACTING PRESIDENT KUHL: The bill
5 is passed.

6 THE SECRETARY: Calendar Number
7 1178, by Senator Pataki, Senate Bill Number
8 7128, an act to amend the Town Law.

9 ACTING PRESIDENT KUHL: There's a
10 home rule message at the desk.

11 SENATOR GOLD: Explanation.

12 SENATOR PADAVAN: Lay it aside
13 for the day.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside for the day.

16 THE SECRETARY: Calendar Number
17 1179, by Senator Rath, Senate Bill Number 7142,
18 an act to amend the State Administrative
19 Procedure Act, in relation to model plans or
20 documents.

21 SENATOR GOLD: Will Senator yield
22 to a question?

23 SENATOR RATH: Surely.

1 ACTING PRESIDENT KUHL: Senator
2 Rath, Senator Gold has asked if you would yield.

3 Senator Rath yields.

4 SENATOR GOLD: Senator, I notice
5 in my notes that this was vetoed by the
6 Governor, and there was some reference about
7 clarity of language, I believe.

8 SENATOR RATH: Yes.

9 SENATOR GOLD: Has any of that
10 been addressed in this bill, or is this just a
11 repeat of the vetoed bill?

12 SENATOR RATH: No, I believe
13 that's been cleared up, and the Governor's veto
14 which I have in my hand points out, I think,
15 some concerns that the agencies indicate that
16 compliance with the requirements would be unduly
17 timeconsuming and burdensome.

18 The bill provides for a plan
19 which will help the regulated public understand
20 how they need to respond to the requirements of
21 the regulation when they need to file.

22 So I think what it's trying to do
23 is help SAPA become a little more user friendly,

1 and I believe it's important that we provide
2 that for the regulated public.

3 SENATOR GOLD: Senator, the point
4 I'm getting at is that in 1992, Senator
5 Ohrenstein and I had some questions. We passed
6 the bill unanimously in '93, but there was a
7 veto.

8 There are changes in this bill or
9 there are not changes?

10 SENATOR RATH: My understanding
11 is that there have not been changes because
12 there was -- the Governor's veto did not
13 reference any specific change. It appeared to
14 say, as I go back to the veto language, that the
15 agencies indicate it would be -- compliance with
16 the requirements would be cumbersome and
17 burdensome and costly.

18 But I think the agencies -
19 sometimes the regulated public finds the
20 agencies not to be their friend. It's almost a
21 contest.

22 And so I didn't think that the
23 veto required really changing the language. In

1 my opinion, it didn't require changing the
2 language. I thought the language was very
3 clear. It's a very simple bill.

4 SENATOR GOLD: All right.

5 SENATOR RATH: If I may,
6 Senator. I believe that some of it may have to
7 do with the review of SAPA that is going on at
8 this time. But none of the review areas that I
9 know of are dealing with this particular kind of
10 an issue, and it's a very simple issue.

11 It's presenting a responsibility
12 when a request is made that a model could be set
13 up so that the regulated public could see what
14 that model should look like as they respond.

15 SENATOR GOLD: Senator, just
16 lastly, I personally don't understand why if
17 there is a veto message and we repass bills -
18 people want to challenge and override a veto,
19 that's one thing -- but to not make language
20 change.

21 But I'm just reading, at the
22 request of Senator Leichter, the last sentence
23 of the bill, "This subdivision shall not require

1 the preparation of a model plan or document for
2 any provision of a rule which requires the
3 submission to the agency of an application or
4 similar form or blank which is prepared and
5 distributed by the agency or for any rule which
6 sets forth such model plan or document in the
7 text of the rule."

8 Senator, the Governor said that
9 there was some problem with the language. Do
10 you think that is a clear sentence for the
11 average guy to deal with, Senator, in knowing
12 whether or not this applies?

13 SENATOR RATH: And that, I think,
14 is exactly the point, Senator, that the language
15 is very difficult for the public to understand;
16 and so when they write in and request -- because
17 if you'll notice earlier in the legislation, it
18 says, "Upon the request of one or more regulated
19 parties, to prepare a model plan to provide
20 guidance as to the form."

21 I think that, yes, it is
22 difficult to understand but not for those of us
23 who need to expand to the public's confusion. I

1 think we can understand language like that, and
2 I think our agencies can, but I think the point
3 here is to make it easy for the public.

4 SENATOR GOLD: Well, Senator-

5 ACTING PRESIDENT KUHL: Senator
6 Rath, do you continue to yield?

7 Senator yields.

8 SENATOR GOLD: Yes. Senator,
9 what I don't understand is why we would pass
10 something which is, I think, tremendously
11 difficult. You need -- in the old expression --
12 59 Philadelphia lawyers to understand it. And
13 to say it's passing a law and it doesn't matter
14 whether the public understands it, we should
15 understand it. I'm not ashamed to tell you I
16 don't understand it.

17 And I think, Senator, there are
18 some of us -- you may not have that concern, but
19 some of us worry very much about judges and what
20 they've got to go through. And I'd hate to be a
21 judge and have to interpret what all of this
22 stuff means. I mean I think to some extent
23 that's what the Governor was concerned with.

1 SENATOR RATH: Well, Senator, I
2 can understand why he would be concerned because
3 I think there's probably a lot of legislation
4 has language that is very difficult to
5 understand.

6 But, as I indicated before, this
7 language is dealing with the regulating agencies
8 and asking them to respond to a request by a
9 regulated party. In my mind, that's clear
10 enough.

11 ACTING PRESIDENT KUHL: Secretary
12 will read the last section.

13 Senator Dollinger.

14 SENATOR DOLLINGER: I just rise
15 on the bill. We discussed this yesterday -

16 ACTING PRESIDENT KUHL: Senator
17 Dollinger on the bill.

18 SENATOR DOLLINGER: -- Senator
19 Johnson about the issue of what authority we
20 give to our regulators. And one of the points I
21 tried to make in that discussion was when we
22 give them broad grants of authority and they
23 used those broad grants of authority as broadly

1 as we gave it to them, we can't suddenly come
2 back to them and say, "You are not doing what we
3 want you to do."

4 It seems to me -- and I agree
5 with Senator Gold. I appreciate the difficulty,
6 perhaps, of drafting, that the concept that this
7 last sentence raises is a difficult one to put
8 into a textural form so many it can be clearly
9 understood. But the way it's currently drafted,
10 I think we're going to not only see judges
11 bewildered about how to try to figure it out but
12 we're going to have regulators try to figure it
13 out. They may do some things that we don't want
14 them to do, and we will be back here two or
15 three years from now on the same debate we had
16 with Senator Johnson yesterday on Environmental
17 Conservation, trying to figure out what is it
18 the Legislature really intended.

19 We have an obligation both to the
20 regulators to the courts and to the people who
21 are filing applications and relying on
22 regulators to be more specific. I appreciate
23 the sponsor's -- the difficulty in taking this

1 complicated area of procedural law, of the
2 administrative procedure and trying to make it
3 clear.

4 But it seems to me that this
5 subdivision, this section is unclear and will be
6 difficult for everyone to understand, and we may
7 just generate more confusion rather than
8 clarity.

9 ACTING PRESIDENT KUHL: Senator
10 Gold.

11 SENATOR GOLD: Senator Rath, let
12 me say this. There are times when we have
13 philosophical differences, and there are times
14 when we are just talking, I think, within the
15 context of the Legislature itself and the
16 product.

17 The bill is a short bill. And,
18 basically, the intent of the bill as I
19 understand it is, it says that if a -- if some
20 agency wants you to submit a document that they
21 ought to have some kind of a model as to what
22 they expect it to be. And if that's what it is,
23 I'm so far fine on it. And then that takes care

1 of about the first sentence.

2 The second sentence says it ought
3 to be available and people ought to be told by
4 the agencies it's available. And so I guess I'm
5 okay.

6 Senator, I'm not trying to give
7 you a difficult time, but I don't understand
8 what that last sentence means at all, and I tell
9 you something. My own intellect is
10 questionable. But when Franz Leichter doesn't
11 understand it, I get nervous.

12 And, you know, this
13 subdivision -- in other words, they have to have
14 a plan; they got to tell you about it; but the
15 subdivision does not require the preparation of
16 a plan or document. And then it goes from
17 there. I'm not sure what that means.

18 And all I'm saying, Senator, is I
19 don't think the idea is a terrible idea. I
20 think one of the most frustrating things in the
21 world for people is to want to apply for
22 something, maybe even be entitled to it, and
23 then have a bureaucrat tell them that they like

1 it laid out some other way.

2 I think the idea may be nine. I
3 just don't know what the heck that sentence
4 means. And all I'm saying to you is, we passed
5 it for you before, and the Governor said, "Look,
6 this may have some language problems." I'm just
7 suggesting maybe we don't go through with it
8 today and see whether or not there is any way of
9 fixing up that language.

10 There may not be, Senator, and it
11 may be that philosophically the Governor ain't
12 agoin' to do it, you know, but I think it's
13 worth a try to put it into easier language,
14 respectfully.

15 ACTING PRESIDENT KUHL: Secretary
16 will read the last section.

17 THE SECRETARY: Section 2. This
18 act shall take effect on the first day of
19 October next succeeding the date on which it
20 shall have become a law.

21 ACTING PRESIDENT KUHL: Call the
22 roll.

23 (The Secretary called the roll.)

1 SENATOR LEICHTER: Mr. President.

2 ACTING PRESIDENT KUHL: Senator

3 Leichter to explain his vote.

4 SENATOR LEICHTER: To explain my
5 vote. On the one hand, I want to say to Senator
6 Rath, who is relatively new here but has learned
7 the traditions and habits of this house, which
8 is, that any legislation which is put on the
9 floor cannot be improved in language, and you go
10 ahead and you pass the bill no matter what, even
11 if it's pointed out that it's sorely lacking in
12 comprehensibility or has some other problems.

13 I just want to say, I think the
14 point's been well made and if I, with all due
15 respect, may make a suggestion to Senator Rath
16 that next time she not borrow one of the
17 draftsmen of the Internal Revenue Code to draft
18 these bills, because only in the Internal
19 Revenue Code have I have read similar
20 provisions. And I would be delighted if Senator
21 Rath at her leisure would just send us something
22 which would tell us what this means.

23 Mr. President. I suspect that

1 this bill will meet the exact same fate that it
2 met last year. It will be vetoed. And if
3 traditions hold true, Senator Rath, you will be
4 putting forth the exact same bill with the exact
5 same language next year with the exact same
6 result.

7 I vote in the negative.

8 ACTING PRESIDENT KUHL: Senator
9 Leichter in the negative. Announce the results.

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 1179 are
12 Senators Connor, Dollinger, Galliber, Gold,
13 Leichter, Markowitz and Ohrenstein. Ayes 48.
14 Nays 7.

15 ACTING PRESIDENT KUHL: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 1182, by Senator Stafford, Senate Bill Number
19 7772, authorize the Commissioner of General
20 Services to convey certain land in Clinton
21 County to the Organization for Dannemora
22 Housing.

23 ACTING PRESIDENT KUHL: Secretary

1 will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 55.

8 ACTING PRESIDENT KUHL: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 1183, by Senator Rath, Senate Bill Number 7776,
12 State Administrative Procedure Act, in relation
13 to notification regarding rule proposals.

14 ACTING PRESIDENT KUHL: Senator
15 Rath, Senator Leichter has asked for an
16 explanation.

17 SENATOR RATH: Senator Leichter,
18 this particular item shows that various agencies
19 before promulgating rules will hold hearings
20 with select notification to the public,
21 circulate draft proposals to select entities,
22 and negotiate rule makings with the regulated
23 parties without notification to ARC or to ORMA;

1 and what we are doing here is insuring
2 legislative oversight by assuring that ARC and
3 ORMA receive notifications of such proceedings.

4 Therefore, the bill, as I said,
5 will insure legislative oversight and is doing
6 nothing more than assuring notification.

7 SENATOR LEICHTER: Thank you.

8 ACTING PRESIDENT KUHL:

9 Explanation satisfactory.

10 Read the last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect on the 90th day after it
13 shall have become a law.

14 ACTING PRESIDENT KUHL: Call the
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes 55.

18 ACTING PRESIDENT KUHL: The bill
19 is passed.

20 THE SECRETARY: Calendar Number
21 1184, by Senator Present, Senate Bill Number
22 7800, Real Property Tax Law.

23 ACTING PRESIDENT KUHL: Secretary

1 will read the last section.

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

4 ACTING PRESIDENT KUHL: Call the
5 roll.

6 (The Secretary called the roll.)

7 SENATOR LEICHTER: Mr.
8 President. If I may explain my vote.

9 ACTING PRESIDENT KUHL: Senator
10 Leichter to explain his vote.

11 SENATOR LEICHTER: I am going to
12 support this bill, although with some
13 hesitation. I just want to point out to the
14 members here that while this bill provides, in
15 effect, for local option and that really sort of
16 sanitizes the bill for me, but it does provide
17 for the county granting tax exemptions, real
18 estate tax exemption for new construction.

19 I just want to point out that in
20 the City of New York -- and the City was given
21 that power -- really had some very unfortunate
22 experiences. Maybe the counties have to learn
23 it for themselves or be more careful than the

1 City of New York was, but it's a power given the
2 counties which could be misused and create a
3 great deal of financial difficulties.

4 ACTING PRESIDENT KUHL: Announce
5 the results.

6 THE SECRETARY: Ayes 55.

7 ACTING PRESIDENT KUHL: The bill
8 is passed.

9 THE SECRETARY: Calendar Number
10 1186, by Senator Libous, Senate Bill Number
11 7975.

12 SENATOR PRESENT: Lay it aside
13 for the day.

14 ACTING PRESIDENT KUHL: Lay the
15 bill aside for the day.

16 SENATOR PRESENT: Stand at ease
17 for a moment.

18 ACTING PRESIDENT KUHL: Senate
19 will stand at ease for a moment.

20 (Whereupon, the Senate was at
21 ease.)

22 ACTING PRESIDENT KUHL: Senate
23 will come to order.

1 Senator Present.

2 SENATOR PRESENT: Take up
3 Calendar 1161.

4 ACTING PRESIDENT KUHL: Secretary
5 will read Calendar 1161.

6 THE SECRETARY: Calendar Number
7 1161, by Senator Marchi, Senate Bill Number
8 1362, an act to amend the Judiciary Law, in
9 relation to creating the 13th Judicial District
10 consisting of the County of Richmond.

11 SENATOR LEICHTER: Explanation.

12 ACTING PRESIDENT KUHL: Senator
13 Marchi, Senator Leichter has asked for an
14 explanation.

15 SENATOR MARCHI: Under the
16 present arrangement -- well, we are members of
17 the Second Department and we would remain in the
18 Second Department, the County of Richmond, even
19 under prospective legislation which may be
20 considered later in the session, creating a
21 Fifth Department.

22 But the fact that we are not a
23 judicial district, and especially if there is a

1 change, we would be with the County of Kings,
2 and there have been repeated circumstances in
3 the experience of the county where the desires
4 of the procedures on Staten Island in composing
5 the Supreme Court with some difficulties if it
6 were reduced. Especially with a change to a
7 fifth district, the difficulties would be
8 magnified. So we would -- by becoming a
9 judicial district, we would then be part of the
10 Second Department -- we would continue being
11 members of the Second Department, but we would
12 have the right to fill these offices within the
13 county, as is the case in Kings, as is the case
14 in Queens. It seems to me eminently fair.

15 There is unanimous support for
16 it, down in Richmond County for it. And I would
17 hope it prevails.

18 ACTING PRESIDENT KUHL: Senator
19 Connor.

20 SENATOR CONNOR: Thank you, Mr.
21 President. I certainly more than many members
22 here appreciate why Senator Marchi advances this
23 proposal. In fact, I guess in a prior

1 incarnation in a different district, I may have
2 voted for this and even co-sponsored this a few
3 years ago. And I don't want people from Staten
4 Island to think I have forgotten them so quickly
5 even though they don't have any votes in my
6 district.

7 But I do want to use this issue
8 to address the whole issue of judicial selection
9 in New York City and New York State.

10 There are presently pending two
11 or three lawsuits that challenge on a variety of
12 grounds, civil rights and voting rights grounds,
13 the way, one, we select Supreme Court justices;
14 two, the way Civil Court judges in the City of
15 New York are selected.

16 The cases, I suspect, have some
17 legal merit. They are pending in Federal
18 Court. They raise other issues besides voting
19 rights issues; for example, "one person one
20 vote" issues, issues like why is it that the
21 Borough of Manhattan has an incredibly
22 disproportionate number of Civil Court judges?
23 The political ramifications of adverse decisions

1 in one or all of these cases could be varied.

2 One benefit for those of us who
3 represent parts of other boroughs is it would
4 shift presumably some of the Civil Court judges
5 to other boroughs.

6 One may say Manhattan has a
7 disproportionate number of judges because of the
8 caseload there, but there are cases that say,
9 "Well, fine. So you assign the judges wherever
10 you need them." That doesn't mean that a person
11 in Brooklyn should have 1/6 of the say in
12 picking Civil Court judges as a person in
13 Manhattan, for example, a voter in Manhattan.

14 On the voting rights issues,
15 similar concerns prevail. People say, "Oh, but
16 you need the judges here instead of there,"
17 well, that doesn't mean you can't elect them in
18 different sorts of districts that empower
19 minority voters to select more judges, even if
20 they end up being shifted to some different
21 borough to deal with the workload.

22 So it's not about judicial
23 efficiency. We already allow in our state for

1 judges to be assigned wherever they are needed.

2 My colleagues. These cases have
3 been kicking around for a couple of years now,
4 and I'm afraid the day of reckoning is coming,
5 and I've talked to successive Judiciary
6 Committee chairs about what we're going to do
7 about this, and then I get answers, "Yes, we may
8 have to do something about that."

9 And my warning is let's not wait
10 until a federal judge decides how and where and
11 when we'll select judges. For example, who is
12 defending against these lawsuits? Well, the
13 executive, of course.

14 Well, I don't want to comment on
15 the situation in New York, but one of the
16 remedies one of the plaintiffs are asking for is
17 throw out this whole system of picking judges
18 because it violates the Voting Rights Act, "one
19 person one vote," and so on, and just let the
20 executive appoint -- you know, the Mayor appoint
21 a percentage and the Governor appoint a
22 percentage. In other words, they are asking
23 that all the power go to the person they are

1 suing who is defending against it.

2 Now, I don't think in New York
3 State we need worry about the vigor with which
4 the Executive defends these cases, even though
5 the Governor did have a task force which, in
6 effect, laid forth the theory the plaintiffs are
7 using in their lawsuit.

8 But we can look at a different
9 state, in Georgia, for example, and the case is
10 on hold. But in Georgia there was a similar
11 lawsuit against Governor Zell Miller there, and
12 he settled the case and said, "You know, you're
13 right. We're not electing judges properly. So
14 we will enter into a consent decree and I'll
15 just appoint them from now on."

16 In that case, the federal judge
17 said, "Wait a minute." That state had a history
18 of electing judges embodied in its
19 constitutional provisions, and the judge there
20 said, "No, no, you have to work out a different
21 settlement. You have to make it fair. You have
22 to follow the Voting Rights Act. You have to
23 follow also the principle of election."

1 But I believe really this
2 Legislature is now on notice for over two years
3 of the pendency of these lawsuits. I think
4 there are ways to insure a fair way of selecting
5 and electing judges to the various courts.
6 Ensure that "one person one vote" is upheld.
7 Ensure that minority voters have a fair share of
8 the opportunity to elect judges of their choice,
9 and we haven't acted on it.

10 All I have seen on this floor so
11 far now is a bill I once co-sponsored to give a
12 little bit of fairness and say-so to the voters
13 of Richmond County.

14 But with all due respect to
15 Senator Marchi, Mr. President, I think under the
16 circumstances there is a much greater need
17 that's not being met. Indeed, were this bill to
18 become law, it would have to go off to the
19 Justice Department because it does have an
20 impact -- it does have an impact on a voting
21 rights covered county, Kings County. And one
22 could easily construct a rationale whereby in
23 taking away and carving out so many judgeships

1 merely for Richmond County, you, in effect, are
2 depriving minority voters in Kings County of
3 their say-so in picking that many judges. They
4 may not control, but they have a voice in the
5 selection of the judges at present, and they
6 wouldn't were this act to become law.

7 So I think that this bill, were
8 it to become law, won't pass muster under the
9 Voting Rights Act. And on the larger question,
10 we better wake up here before an unelected,
11 lifetime appointee federal judge decides how
12 we're going to get all of our judges. And
13 that's without taking sides on merit selection
14 versus election or any other proposals, but we
15 ought to do something. We really ought to
16 address this and do something before it's done
17 to us as well as for us.

18 Thank you.

19 SENATOR LEICHTER: Mr. President.

20 ACTING PRESIDENT KUHL: Senator
21 Leichter.

22 SENATOR LEICHTER: If Senator
23 Marchi would yield.

1 ACTING PRESIDENT KUHL: Senator
2 Marchi, do you yield?

3 SENATOR LEICHTER: Senator, has
4 the Office of Court Administration taken any
5 position on your bill?

6 SENATOR MARCHI: Well, I wouldn't
7 want them to -- I wouldn't want to state here
8 that they endorse it when they have made no
9 official pronouncement on it, but I have
10 discussed it with them, and they say they saw
11 nothing objectionable, that it wouldn't create
12 any problem if we wanted to do it.

13 However, I want to caution you
14 that they have not said, yes, we will back it
15 up. I discussed it informally with them in
16 terms of doing this, and they said that that
17 wouldn't present any problem.

18 As far as review, you know, we
19 have no objection. There is no partisan
20 division, and we have certainly no objection by
21 federal review or anybody else. You know, if
22 Queens has a judicial district and Kings County
23 has a judicial district, I don't see why we

1 can't. At least we will be able to have a more
2 direct voice in filling out those Supreme Court
3 slots than we have now.

4 We've had delegates go over and
5 they were just voted down at the judicial
6 convention. I assume that probably happened
7 before Queens became a separate judicial
8 district. We're 400,000 people.

9 But we certainly don't have any
10 objection to having it reviewed by anyone. But
11 I did discuss it specifically with OCA, and they
12 said they didn't see any difficulty at all.
13 That was their word to me.

14 SENATOR LEICHTER: Mr.
15 President. I appreciate -

16 SENATOR MARCHI: In fact, I spoke
17 to Judge Malone's office, and he said he didn't
18 see any difficulty.

19 SENATOR LEICHTER: Thank you,
20 Senator Marchi.

21 ACTING PRESIDENT KUHL: Senator
22 Leichter on the bill.

23 SENATOR LEICHTER: Just briefly

1 on the bill. I think there's a certain element
2 of fairness in saying that Richmond County ought
3 to have the powers that other counties within
4 the City of New York have.

5 But, Senator, let me say there is
6 also an argument to be made that we ought to
7 keep politics, to the extent we can, out of the
8 court system. And I think you've already
9 honestly said that this was driven by politics
10 advantage, if you will, not just for county but
11 possibly for political party. And I don't know
12 whether that's enough justification to change
13 longstanding arrangements.

14 I want to say I have been
15 consistent, because I also opposed the
16 establishment of the 12th Judicial District.
17 But I think we need to do a lot in rationalizing
18 the whole way in which we have not only the
19 election of judges, the unification of our
20 courts, a fifth department, which I believe is
21 needed, and I support Senator Lack's efforts in
22 that.

23 So maybe really we need to look

1 at the whole cosmos of our judicial system, and
2 it may not be wise just from that viewpoint,
3 Senator, to address in this isolated fashion
4 your bill creating a 13th judicial district for
5 Staten Island.

6 ACTING PRESIDENT KUHL: Senator
7 Dollinger.

8 SENATOR DOLLINGER: Mr.
9 President. I rise to echo the sentiments of
10 both Senator Connor and Senator Leichter. I
11 think this is a piecemeal approach to what is a
12 very significant problem, the way elect our
13 judges and the circumstances under which we
14 elect them.

15 I'd simply point out in our neck
16 of the woods, Mr. President, both the judicial
17 district, the 7th Judicial District, which has a
18 majority of its population in Monroe County,
19 very difficult for your constituents from the
20 southern portion of the district or Senator
21 Nozzolio's from the eastern portion of the
22 district or Senator Volker's who are from the
23 western portion of the seventh district to win

1 elections against people who run from Monroe
2 County because of the substantial population
3 concentrated in Monroe County, and we have a
4 judiciary in the Seventh Judicial District
5 which, again, depending on your persuasion, is
6 really geographically and regionally balanced,
7 heavily tilted in favor of Monroe County. It's
8 very difficult for people outside the county to
9 win.

10 So I think there are a lot of
11 factors that go into the election of judges and
12 regional loyalties that accompany these
13 elections, but I really think to do it on
14 anything other than a comprehensive approach
15 doesn't make good sense.

16 And I understand Senator Marchi's
17 concern, certainly is a strong regional voice
18 for Staten Island, but I think we need to look
19 at the much bigger picture and figure out how
20 we're going to create a judiciary in this state
21 that accurately reflects all aspects and all
22 constituencies in this state so that we make
23 sure that justice is fair and it's even-handed

1 for everyone.

2 And I'm going to vote against
3 this bill only because I think this is a
4 piecemeal approach to a very big problem. I
5 know Senator Lack and the Judiciary Committee
6 are working on aspects of that problem. I hope
7 they bear fruit.

8 But I'm going to vote against
9 this on the basis of the fact that it's a
10 piecemeal approach at this stage.

11 ACTING PRESIDENT KUHL: Senator
12 Galiber.

13 SENATOR GALIBER: Senator, will
14 you yield for a question?

15 ACTING PRESIDENT KUHL: Senator
16 Marchi, do you yield?

17 SENATOR MARCHI: Yes.

18 SENATOR GALIBER: Senator, I want
19 you to go back a little bit and tell me whether
20 this is the same thing we had a problem with in
21 Bronx County. One time in Bronx County we were
22 drawing with Manhattan, and both Senator
23 Leichter and Senator Connor had a piece of

1 Manhattan, and they still owe us judges because
2 they didn't have the population. They must owe
3 us about seven or eight judges. We haven't got
4 them yet. They are still hanging out there.

5 So when the opportunity came,
6 with some struggle, I want you to know, and you
7 can recall we wanted to separate and make it the
8 12th and there was a lot of objection to it. I
9 think there is some kind of a little
10 self-serving something or other back there. I'm
11 going to vote for the legislation, because I
12 went through this, and they never gave us the
13 judges that they owe us, and I think that there
14 are some problems as pointed out;
15 notwithstanding the fact that there are two
16 people from Manhattan who kind of objected. You
17 guys owe me some judges, I want you to know
18 that. This is the only way we can do it.

19 They gave me the same argument
20 some years ago. Let's wait for whomever it may
21 be to come along and do an overall system. It
22 doesn't work that way in government. So I hope
23 that you stay with the City of New York first,

1 and if you don't or you do, I certainly want to
2 vote for your piece of legislation.

3 ACTING PRESIDENT KUHL: Chair
4 recognizes Senator Gold.

5 SENATOR GOLD: Thank you, Mr.
6 President.

7 Mr. President. This debate
8 brings a smile to my face because, while this
9 legislation is talking about an issue, it
10 reminds me of some other kinds of things, and
11 the smile on my face is a memory of a fellow by
12 the name of John D. Calandra, a Republican
13 Senator, a conservative Republican Senator, and
14 I don't mind putting it out on the record. I
15 absolutely loved the man, he was a great guy.

16 Why do I smile, and why do I
17 mention John Calandra? John Calandra had a bill
18 that came to this floor, and he was going to
19 redo all the judge districts in the Bronx, and
20 the reason was that minorities in the Bronx were
21 being abused and they didn't have judges, and we
22 have to redraw districts and we got to redo the
23 whole thing, and it was I think even for the

1 whole City of New York. But I know he was very,
2 very upset.

3 And in the bill, John Calandra
4 took the names of all the sitting judges, gave
5 them a district, and there was a whole calendar
6 of how these judgeships would get reelected, and
7 I know that John Calandra did this at random.
8 But somehow, somehow if you took a look at the
9 election dates, those districts which John
10 Calandra thought would elect white Republicans
11 happened to be the first elections. And in the
12 calendar, ten, fifteen years down the line,
13 there would be a Puerto Rican and there would be
14 a black some place along the line.

15 The schedule had nothing to do
16 with politics but it just turned out that all of
17 the districts that might give a Republican a
18 chance were the first elections. Then -- well,
19 that didn't get too far, as you know, but
20 certainly in the other house.

21 Then Senator Calandra, God bless
22 him, had another bill and this one dealt with -
23 it was either delegates to the judicial

1 convention or whatever, and he went through the
2 Assembly seats or the Senate districts or
3 whatever, and he realigned how the voting would
4 be. And I said I know how this vote is going to
5 come out. If your district had 18 and you were
6 getting 20, you were for the bill; if your
7 district had 19 and had 16, you were against the
8 bill.

9 And, you know, what this all
10 comes down to is that it really is ridiculous,
11 and I respect Senator Galiber very, very much,
12 and I do believe that, you know, you shouldn't
13 be in a situation where you don't have a chance
14 to participate in the system.

15 But, Senator Marchi, you know, I
16 really think it's enough. When Staten Island
17 wanted to vote to secede. I said, look, let
18 them take a vote, fine. I hope they don't go
19 that way. And, certainly, if it comes down to
20 the wire and they want to go and they want to
21 take all the debt with them that they've got to
22 take, I might be sympathetic with them. I'm not
23 so sympathetic with Staten Island walking out

1 and now people in Queens County having to pick
2 up their share of the debt. But there are a lot
3 of issues involved.

4 But I really believe that if
5 we're talking about getting out of here -- and I
6 know the Assembly isn't working tomorrow. They
7 apparently feel it's useless at this point.
8 This house says if you want to get out, we've
9 got to work tomorrow.

10 Well, maybe in the middle of
11 June, we shouldn't be posturing if you want to
12 get out. I mean what does it mean? Is June 15
13 the start of posturing and politics into the
14 matter? I hope not. I want to get out.

15 The courts are very vital to the
16 existence of a civilized society, and it
17 shouldn't be this kind of pulling and tugging.
18 I think that the bill is taking us in a
19 direction which makes it look like this
20 distinguished house is politicizing the courts.

21 There's so much to do, real
22 issues. Do we believe in merger or not? God
23 forbid. But are there other things that we

1 should be dealing with? But just to start
2 pulling out and creating a district here because
3 politically it's the right time, I really do
4 oppose it, and that's the way I'm going to vote.

5 ACTING PRESIDENT KUHL: The chair
6 recognizes Senator DiCarlo.

7 SENATOR DiCARLO: Thank you, Mr.
8 President. Having represented both Brooklyn and
9 Staten Island I think I can see both sides of
10 this issue as nobody here can, and I find
11 interesting that Senator Gold used the word
12 politicizing the courts.

13 Being a Republican from Kings
14 County who has a lot of experience with courts
15 in Kings County and the Second Judicial
16 District, I don't think we're politicizing the
17 courts here. I think that's something that has
18 been done over the years, and I would like to
19 see a little bit of fresh air brought into the
20 court system, not only in the state but
21 especially in the Second Judicial District.

22 I represent Brooklyn and Staten
23 Island, as I've said, and I live in Brooklyn.

1 But I have to tell you that not only do the
2 people in my district in Brooklyn not get
3 represented in the courts in the Second Judicial
4 District because we have no say in who gets
5 elected basically in a county of two and a half
6 million, but the people of Staten Island have
7 absolutely no voice in who sits on the bench in
8 the Second Judicial District.

9 It is the right thing to do for
10 the people of Staten Island, and I think that
11 you are correct, Senator Connor, that this whole
12 system is going to be shaken apart very quickly
13 and very soon, and the way that we elect judges
14 in this state, Supreme Court judges, is not
15 going to be around for a lot, much longer
16 because it is, based on the Georgia decision,
17 unconstitutional.

18 I look forward to the day when we
19 no longer elect judges the way we do in the
20 Second Judicial District. I believe that,
21 eventually, we're going to have Supreme Court
22 Judicial District which would not be in
23 violation of the Voting Rights Act. It's

1 coming, and I think that the people of Staten
2 Island deserve their voice to be heard, and I
3 would recommend that everybody support this
4 bill. It's the right thing to do, and I think
5 eventually it's going to happen.

6 Thank you.

7 ACTING PRESIDENT KUHL: The chair
8 recognizes Senator Lack.

9 SENATOR LACK: Thank you, Mr.
10 President. I must say I apologize to Senator
11 Connor. I missed his part of the debate, but
12 from what I've heard since I came in, I do find
13 it very funny, as Senator Gold did, wanting to
14 know why Senator Marchi could possibly want a
15 13th judicial district that would encompass the
16 County of Richmond in the City of New York.

17 Of course, for a little history
18 as we talk about the establishment of judicial
19 districts, Senator Galiber very honestly stood
20 up and said, "Well, we wanted Bronx," and that's
21 the 12th Judicial District in this state. Of
22 course, Senator Gold comes from Queens. That's
23 the 11th Judicial District in this state, and a

1 fine one at that. One has to think about how
2 did we get an 11th and how did we get a 12th,
3 and we got an 11th, and we got a 12th because of
4 Senator Gold, Senator Galiber, their colleagues
5 in both houses who said, "Hey, now, wait a
6 minute." We in Queens, we in Bronx, we've got
7 little problems being tied to Brooklyn or being
8 tied to Manhattan, and we, of course, want to
9 speak for ourselves in the county of Queens and
10 the County of Bronx. So, please, can we
11 establish a judicial district?

12 And do you know what? Colleagues
13 in this house, Republicans and Democrats,
14 listened and said, "Okay, that's what you want,
15 that's what you can have."

16 You know, the law only allows
17 this to happen once every ten years. So it's
18 not like every 15 seconds someone is plucking a
19 new judicial district off a tree. And, in fact,
20 the last two that were created were within the
21 City of New York with people expressing the same
22 sentiments that Senator Marchi is on behalf of
23 his constituents.

1 So, Senator Marchi, I'm proud as
2 chair of the Judiciary Committee to support your
3 effort, and I really don't think it's
4 posturing. You are evidencing a very grave
5 concern of your constituents and one that I
6 think should happen.

7 As far as the Assembly not being
8 here tomorrow, well, Senator Gold, I really wish
9 the Assembly would get here tomorrow. Perhaps a
10 little more posturing is needed to get through
11 session. All of us who have been here all these
12 years know, until that starts, you don't really
13 get through session.

14 One last comment again, Senator
15 Connor, I'm sorry I missed your comments on the
16 voting rights situation. Yes, indeed, it's been
17 in the newspapers. The Civil Rights Division,
18 the United States Department of Justice,
19 pursuant to their authority under the Voting
20 Rights Act, has been pulling information about
21 judicial elections in the State of New York.
22 Indeed, there is a meeting that's been going on
23 this afternoon in which, going back 20, 30

1 years, they are pulling information.

2 The state is under no sanctions.
3 The Civil Rights Division has not yet announced
4 anything that they want the State of New York to
5 do. They are still looking into it. There is
6 at this point -- unless you want to abolish
7 election of judges. I then might hear Senator
8 Gold standing up and having a few other comments
9 to make and abolishing that system whatsoever,
10 which might happen.

11 The creation of a 13th judicial
12 district vis-a-vis what is going on with the
13 Division of Civil Rights isn't going to matter
14 any more than the creation of the 12th Judicial
15 District or the 11th Judicial District vis-a-vis
16 that type of investigation that's going on.

17 If, indeed, there are results of
18 that that come before this Legislature and
19 announce we will when we get a pattern of what
20 to follow from the federal government as we do
21 for all such things, I would assume we would
22 comply. But other than shooting in the dark and
23 trying to divine what it is that the federal

1 government is looking at with respect to our
2 judicial elections within the voting rights
3 counties in the City of New York, quite frankly,
4 as I said, other than abolishing election of
5 judges, which I don't think would be very
6 popular if we suddenly put on the floor of this
7 Legislature, there is nothing for us to do.

8 So, Senator Marchi, I'm happy to
9 vote when the time comes in the affirmative for
10 your piece of legislation.

11 ACTING PRESIDENT KUHL: Secretary
12 will read the last section.

13 THE SECRETARY: Section 7. This
14 act shall take effect immediately.

15 ACTING PRESIDENT KUHL: Call the
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT KUHL: Announce
19 the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 1161 are
22 Senators Dollinger, Gold, Kruger, Montgomery,
23 and Ohrenstein. Ayes 50. Nays 5.

1 ACTING PRESIDENT KUHL: The bill
2 is passed.

3 Senator Goodman.

4 SENATOR GOODMAN: Mr. President.
5 May I reiterate once again our cordial
6 invitation to all members of this house to come
7 to Saratoga Performing Arts Center this evening
8 for the purpose of having a congenial dinner and
9 listening to "Madam Butterfly" by Jacimo
10 Puccini, a poignant story, as you all know,
11 involving the sad visitation of a Naval
12 lieutenant to the continent of Japan, where he
13 fell in love with an exquisite and wonderful
14 young Japanese lady and, alas, ultimately
15 abandoned her, having nothing whatsoever to do
16 with anything other than the fact that this is a
17 deeply moving and melodious event which I think
18 will bring joy and tears to every member who
19 witnesses it. Without each and every one of
20 you, the evening will not be complete. The food
21 will be superb, and the entertainment courtesy
22 of the New York City Opera and the outstanding
23 tradition of the Senate Committee on the Arts

1 and Cultural Affairs. Look forward to seeing
2 you all 6:30 sharp at SPAC.

3 Thank you very much.

4 ACTING PRESIDENT KUHL: Thank
5 you, Senator Goodman.

6 Senator Present.

7 SENATOR PRESENT: Mr. Cornell,
8 are you all straightened up, no house keeping?

9 Great!

10 Mr. President. I would like to
11 announce an immediate meeting of the Rules
12 Committee in Room 332. I now ask the Senate
13 stand at ease awaiting the Rules Committee
14 report. Upon the receipt of that report, the
15 Senate will adjourn until tomorrow at 11:00
16 a.m.

17 ACTING PRESIDENT KUHL: There
18 will be an immediate meeting of the Rules
19 Committee in Room 332. The Senate will stand at
20 ease until the report of the Rules Committee is
21 available.

22 Senator Leichter.

23 SENATOR LEICHTER: May I have

1 unanimous consent to be recorded in the negative
2 on calendar 1161.

3 ACTING PRESIDENT KUHL: Without
4 objection, Senator Leichter will be recorded in
5 the negative on Calendar 1161.

6 Senate will stand at ease.

7 SENATOR LEICHTER: Thank you very
8 much.

9 (Whereupon, at 3:17 p.m., the
10 Senate was at ease.)

11 ACTING PRESIDENT KUHL: Senate
12 will come to order.

13 Senator Present.

14 SENATOR PRESENT: Mr. President.
15 Can we return to report of standing committees
16 please.

17 ACTING PRESIDENT KUHL: Return to
18 report of a standing committee. Secretary will
19 read.

20 THE SECRETARY: Senator Marino
21 from the Committee on Rules reports the
22 following bills directly for Third Reading:

23 Senate Bill Number 2549, by

1 Senator Cook, an act to amend the Education Law.

2 3178B, by Senator Babbush,
3 authorizing the City of New York to reconvey its
4 interest in certain real property.

5 4485A, by Senator DeFrancisco,
6 authorize the city of Syracuse to replace
7 residential water service lines.

8 4646A, by Senator Espada,
9 authorizing the City of New York to reconvey its
10 interest in certain real property.

11 7497, by Senator Larkin, an act
12 to amend the Labor Law.

13 7699, by Senator Kuhl, an act to
14 amend the General Municipal Law.

15 7849, by Senator Cook,
16 authorizing the transfer and retirement plans
17 for certain police department employees.

18 7870, by Senator Farley, an act
19 to amend the Education Law.

20 7882, by Senator Tully, an act to
21 amend the Executive Law.

22 7887, by Senator DeFrancisco,
23 authorizing the Town of Camillus to discontinue

1 the use of parklands.

2 7921, by Senator Trunzo, County
3 of Suffolk to least certain parklands.

4 7951, by Senator Volker, an act
5 to amend the Local Finance Law.

6 8036, by Senator Bruno, authorize
7 the waiver of certain reports required to be
8 submitted by the Brunswick Central School
9 District.

10 8061, by Senator Daly, Monroe
11 County Tax Act.

12 8108, by Senator Skelos, Estates,
13 Powers and Trusts Law.

14 8361, by Senator Johnson, Suffolk
15 County charter.

16 8448, by Senator Sears, General
17 Business Law.

18 8472A, by Senator DeFrancisco,
19 Real Property Tax Law.

20 8574, by Senator Nozzolio,
21 Agriculture and Markets Law.

22 All bills reported directly to
23 third reading.

1 ACTING PRESIDENT KUHL: All bills
2 will be reported directly to third reading.

3 Senator Present.

4 SENATOR PRESENT: Mr. President.
5 There being no further business, I move that we
6 adjourn until tomorrow at 11:00 a.m.

7 ACTING PRESIDENT KUHL: Senate
8 stands adjourned upon the motion of the
9 Temporary President to tomorrow at 11:00 a.m.

10 (Whereupon, at 3:33 p.m., Senate
11 adjourned.)

12

13

14

15

16

17

18

19

20

21

22

23