ALBANY, NEW YORK

January 23, 1995

3:01 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary.

P R O C E E D I N G S

ACTING PRESIDENT KUHL: Senate will come to order. We ask the members will take their chairs, visitors to find a seat.

If you will all rise with me and join in the Pledge of Allegiance to the American flag.

(The Assemblage joined in the Pledge of Allegiance to the Flag.)

In the absence of clergy, I would ask all of you to bow your heads in a moment of silence.

(Whereupon, there was a moment of silence.)

Reading of the Journal.

THE SECRETARY: In Senate, Friday, January 20. The Senate met pursuant to adjournment. Senator Hoblock in the chair upon designation of the Temporary President. The Journal of Thursday, January 19, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Hearing

no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports from select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno, that brings us to the calendar. What's your pleasure?

SENATOR BRUNO: Mr. President. I would now like to take up the reading of the noncontroversial calendar.

ACTING PRESIDENT KUHL: Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 1, by Senator Cook, Senate Bill Number 289, an act to amend the Agriculture and Markets Law, in relation to agricultural practices.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the

bill aside.

THE SECRETARY: Calendar Number 2, by Senator Kuhl, Senate Bill Number 514, an act to amend the Agriculture and Markets Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 6, by Senator Holland, Senate Bill Number 34, to relocate the Spring Valley Toll Plaza of the New York State Thruway.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 8, by Senator Levy, Senate Bill Number 369, an act to amend the Vehicle and Traffic Law, in relation to authorizing the proration of registration fees.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect September next succeeding

the date on which it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 11, by Senator Tully, Senate Bill Number 188, an act to amend the Penal Law, in relation to sexual performance by a child under the age of 18 years.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 13, by Senator Holland, Senate Bill Number 205, an act to amend the Criminal Procedure Law, in relation to expenses for extradition.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR HOLLAND: One day, please.

ACTING PRESIDENT KUHL: Tomorrow's calendar.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President. Can we now have the controversial reading of the calendar.

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 1, by Senator Cook, Senate Bill Number 289, an act to amend the Agriculture and Markets Law, in relation to agricultural practices.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Cook, an explanation has been asked for by the Minority Leader.

SENATOR COOK: Mr. President. In modern farming, aerial spraying has become as much an accepted practice as I suppose a hundred years ago plowing was. It is a very important thing to be able to spray the crops. As we have tried to encourage agriculture in the modern era in New York State, we have to be able to do the things that make us competitive, make our farmers competitive with people in other states.

When you are dealing with a crop such as corn, for example, where you really can't take a wheeled vehicle over the field when the crop is nearing maturity, it is very important to be able to apply pesticides by air, and this bill simply adds aerial spraying as one of the accepted agricultural procedures that is protected under the "Right to Farm" laws.

ACTING PRESIDENT KUHL: Senator

Paterson.

SENATOR PATERSON: Mr. President. Would Senator Cook yield for a question?

ACTING PRESIDENT KUHL: Senator Cook, do you yield to Senator Paterson?

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Mr. President. My question to Senator Cook is that wouldn't you know that the Department of Environmental Conservation, having the ability and having the uses of pesticide control -- they have a pesticide branch. They have other utilities at their disposal that the Department of Agriculture and Markets does not. Don't you think that they would be better to conduct this kind of review in the first place?

SENATOR COOK: Mr. President. The Department of Environmental Conservation exercises very strong, rigid oversight over any kind of aerial spraying. They have to -- the

sprayer, for example, has to be licensed by the Department. They have to use procedures that are acceptable by the Department, in fact, even under national standards.

The problem that we have had is that persons -- perhaps they don't like the noise of the airplane flying over the house, or for whatever reason -- have tried to interfere with the right of farmers to utilize airplanes for this purpose, and so we now have farmers who we have said in other contexts -- for example, we have said it is inherent in the operation that a tractor is going to make noise when it's plowing a field; and, therefore, even though it is an inconvenience, if the farm was there before the housing development was built, that tractor noise is part of the fact that it's a farming operation.

We're simply adding to that that aerial spraying is an inherent part of that farming operation. That does not take them out from the oversight of the Department of Environmental Conservation. They have to comply

with all the standards that are established by the Department. They have to go through the training. They have to be licensed. All the procedures have to be the nationally- and statewide-accepted standards.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President. If Senator Cook would yield to another question.

ACTING PRESIDENT KUHL: Senator Cook yields.

SENATOR PATERSON: This is just not a question of a nuisance as in a noisy tractor which is inherent in the operation. During the decades of the '50s and '60s, we had individuals who were victimized by the spraying of pesticides such as DDT and were assured by our government that this was safe. Now nationally DDT has been outlawed, not because it's a nuisance but because it's a hazard and particularly because it's a health hazard.

What I am asking, Senator Cook,

is, don't you think this kind of aerial spray, something that has been inherently dangerous in this state and in the country, is something that we would want to reserve for the Department of Environmental Conservation? I understand your point that you might feel that they are rigid at times, but if there is an environmentally sound reason to have the Department have sole control over an issue, if there was one time we would want strictness, I would submit to you, Senator Cook, that this would be exactly the time, the aerial spray of pesticides.

SENATOR COOK: Mr. President.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: To repeat myself. This bill does not remove the oversight that is currently being exercised by the Department of Environmental Conservation. It does not say that you can spray regardless of the circumstances. It does not say that the Department of Environmental Conservation can not continue to exercise its control or its

regulation or its inspection or anything else. It simply says that given that level of regulation, people can't stop farmers from spraying simply because they don't like the nuisance of having an airplane flying over their house, which is basically what we're dealing with.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President. I think Senator Cook has satisfied my questions by his answer both times.

On the bill, I would just like to submit to the rest of my colleagues that the aerial spray of pesticides is more than just the nuisance of an airplane flying overhead, and I think that this bill is actually rather sensitively constructed. Senator Cook is right. They do not solely restrict the Department of Environmental Conservation.

But what we are saying is that this type of situation, the aerial spray of pesticides, has been so dangerous in the past

that we would not even want to limit or scale back, by having an opinion stated by the Commissioner, at any point, the purview that the Department of Environmental Conservation has.

ACTING PRESIDENT KUHL: Chair recognizes Senator Oppenheimer.

SENATOR OPPENHEIMER: I'm sorry I was four minutes late. We are really starting on time, aren't we, Mr. President?

Therefore, I'm not exactly certain what's been said before I got here, but I want to mention on this bill that the EPL strongly opposes this for reasons that we have discussed in past years. Basically, it's very difficult to control spraying, particularly in suburban areas where houses are right on top of each other; and while we were told many years ago that DDT was perfectly harmless, we now see that substance has been banned after very serious and deadly cases arose from the very serious health risks involved.

To liken this to farm problems like the noise from tractors or the smell from

manure is just not realistic. We are talking about substances that are in air currents that may possibly be carcinogens and can implicate the health of many people in surrounding areas, and I feel it is fundamentally different from the other farm practices that we have been discussing and that we have tried to protect.

So for that reason, for the serious possible implications of aerial spraying of pesticides, I would urge a no vote, as does EPL.

ACTING PRESIDENT KUHL: Chair recognizes Senator Dollinger on the bill.

SENATOR DOLLINGER: Mr. President. Will the sponsor yield just to one question?

ACTING PRESIDENT KUHL: Senator Cook, do you yield to Senator Dollinger?

SENATOR COOK: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: I apologize, Senator, I didn't hear the first part of the

discussion about this bill, but I just wanted to ask you, do you have any specific instances in this state in which aerial spraying of crops has been determined to be a private nuisance and the courts issued an injunction banning aerial spraying because it was a public nuisance?

SENATOR COOK: No.

SENATOR DOLLINGER: Are there any specific instances that this refers to?

SENATOR COOK: Mr. President. There have not been any cases where the Court has specifically hneld that the spraying could not be carried out. There's been instances where people have complained to the Department of Environmental Conservation. The Department has gone to the farm, has looked at every part of the operation, has determined that it was being done meticulously in compliance with the regulation and people have still continued to, for want of a better word, harass the farmer about this and for the only -- the only reason that one could determine was the mere nuisance of the noise.

SENATOR DOLLINGER: Seems to me, Mr. President, just on the bill that -

ACTING PRESIDENT KUHL: Senator Dollinger on the bill.

SENATOR DOLLINGER: -- the system has worked reasonably well to date, and there have been no findings of public nuisance that the sponsor knows of, and I personally would feel more comfortable leaving it to the courts to balance those interests about whether the aerial spraying is causing the kinds of problems that Senator Oppenheimer made reference to or whether it's deleterious to the farmer. I would leave this to the courts and not enact this bill.

I will be voting in the negative, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the bill?

(There was no response.)

ACTING PRESIDENT KUHL: Hearing none, the Secretary will read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1 are Senators Abate, Connor, Espada, Gold, Jones, Kruger, Leichter, Levy, Markowitz, Mendez, Montgomery, Oppenheimer, Paterson, Solomon, Tully, also Senator Dollinger. Ayes 37. Nays 16. Also Senator Onorato recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will continue to read.

Senator Leibell?

THE SECRETARY: Also Senator Leibell in the negative on Calendar Number 1.

Calendar Number 2, by Senator Kuhl, Senate Bill Number 514, an act to amend the Agriculture and Markets Law, in relation to the duties of the Commissioner of Agriculture

and Markets.

SENATOR PATERSON: Explanation.

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

THE SECRETARY: Calendar Number 6, by Senator Holland, Senate Bill Number 34, to relocate the Spring Valley Toll Plaza of the New York State Thruway.

ACTING PRESIDENT KUHL: Senator Holland, explanation has been asked for by the Acting Minority Leader.

SENATOR HOLLAND: Mr. President. This is a bill that has passed this house a number of years and passed last year 57 to nothing.

The Spring Valley toll barrier is a barrier that runs across the middle of the Thruway in the center of Rockland County. Most other toll collecting facilities on the Thruway are at an entrance or an exit. This is, I believe, really unfair to the citizens of Orange and Rockland County. It stops -- it charges them 80 cents making the tour -- making the

cross the -- the county and no other -- or very few other counties that happens in.

If you take the tolls from the Harriman barrier to the Yonkers barrier, the tolls on the New York State Thruway are about 25 percent, and it's 9 percent of the mileage. We in Rockland and Orange County pay an unfair percentage of the tolls on the New York State Thruway.

I am trying to get this moved so that that will not only give us a fairer amount of tolls but will also improve the air quality in the County of Rockland and the County of Orange. Since Route 287 -- do you know what 287 is? It's the new beltway that comes around the City of New York. It enters the Thruway at Suffern, and trucks and vehicles have an opportunity to go north to Stewart Field, the Newburgh-Beacon Bridge to Boston, et cetera, or across the Tappan Zee Bridge. Since 287 came in just recently, the number of trucks has increased 100 percent on the Tappan Zee Bridge. It's fallen off appreciably on the George

Washington Bridge. It is unfair to put that kind of burden on Rockland County and is not done in many other areas in the State of New York.

I believe this toll barrier should be moved from the center of our county and put back at the entrance of 287 so that we can catch trucks and private vehicles coming into the Thruway, whether they are going north to Stewart Field, et cetera, or across the Tappan Zee Bridge.

I don't know how many of you have gone down Route 95 to Washington, D.C., or Richmond; but as you enter, on that 95, a different state, you will find a toll barrier on each and every state collecting as you hit the state. I do it often. I don't find it unfair, and I don't think the people entering the State of New York would find it unfair, either.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President. Would Senator Holland yield for a

question?

ACTING PRESIDENT KUHL: Senator Holland, do you yield?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator Holland, I have made those trips that you are describing. Fortunately for the state and the Thruway, I have never driven them, but the question that I have for you is, the New York State Thruway Authority has a memorandum in opposition and they calibrate the expenses to move that toll at $100 million dollars. Now, that sounds a little bit in excess to me, and I assume it would for you, so I just wanted to know if there is a fiscal impact notice or how much it would cost?

SENATOR HOLLAND: I do not have the figures, Senator. But, yes, it is ridiculous because the total cost was $100 million. I doubt just to add toll barriers would cost the same amount as to put in the

entire road facility.

Yes, sir, I don't have the figures that you are looking for, but I'm sure it could be done.

Let me tell you another thing that the budget of the Thruway -- the collections of the Thruway Authority annually are about $300 million, and their maintenance - their budget is about $200 million. I don't know where the rest of that money goes, but I'm sure they have excess money that they roll over every year for things that have to be done. We had a recent meeting with Mr. Shaffer and other members of the Thruway Authority, and they told us that they just didn't have the money to do it.

However, if you recall, recently, Senator, there was a rock that fell down in the County of Westchester on top of a woman's car. There was no discussion about money at that time. They removed all the rocks up and down the Thruway and had the necessary funds to do it. I think they can find the necessary funds

to move this toll barrier, as well.

SENATOR PATERSON: Thank you, Senator.

ACTING PRESIDENT KUHL: Senator Markowitz on the bill.

SENATOR MARKOWITZ: Thank you very, very much.

Senator Holland, if I was the Senator in your community, I would advocate exactly what you are advocating this afternoon. But I want to keep with -- in this instance, with the Republican agenda.

We don't have the money to spend, Senator Holland. I'm sorry. You are going to suggest to me that we should spend the precious dollars in our state budget? Governor Pataki is going to have enough challenges. You are asking us to take some money away maybe from Medicaid recipients, for instance, and remove your barrier for the folks in Rockland County who, obviously, feel that we are spending too much government money because, judging by the results -- and I know the results up there in this

recent election -- I want to keep with the spirit of the residents in Rockland County, "Do less with less."

And so it seems to me that if Brooklyn residents have to spend to go two miles, from Brooklyn to Staten Island, six dollars, or we have to go from Brooklyn to Manhattan and we're charged six dollars, well, you know what? I have no tears for the residents of Rockland County.

SENATOR HOLLAND: Mr. President.

ACTING PRESIDENT KUHL: Senator Oppenheimer. Senator Holland?

Senator Holland, I have several other members who have asked to be recognized.

SENATOR HOLLAND: I would like to just answer.

ACTING PRESIDENT KUHL: And I didn't hear a question.

Senator Oppenheimer.

SENATOR OPPENHEIMER: If Senator Holland would like to give an answer before the question, that would be very clever of him.

Give your answer.

SENATOR HOLLAND: Thank you, Senator.

Senator Markowitz, you understand, this is an authority. This does not come out of the state budget. This is a user fee. Only comes from the people who use the Thruway. Your comments were, I'm sorry, but incorrect in this particular situation.

SENATOR OPPENHEIMER: Senator Holland, if you would yield for a question.

ACTING PRESIDENT KUHL: Senator Holland, do you yield for Senator Oppenheimer?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR OPPENHEIMER: I'm trying to understand the logistics of this. Where you want the toll barriers to go, to be established, how far distant is that from where they presently are now?

SENATOR HOLLAND: It's maybe three or four miles. It's not a long distance.

It's just that as the beltway comes around the City, it attaches to the Thruway at Suffern, New York, and the people at that point have an option of going north or across the Tappan Zee Bridge. So it's not the distance. It's just the location.

SENATOR OPPENHEIMER: Would you yield for another question?

SENATOR HOLLAND: Sure.

SENATOR OPPENHEIMER: The second toll barrier would still be in your -- would still be in Rockland County. Is that correct?

SENATOR HOLLAND: Yes. It would be on the Jersey line in Rockland, yes.

SENATOR OPPENHEIMER: Then yield for one more question.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR OPPENHEIMER: Then you're saying we would acquire a lot more revenues if we were to move the toll? I'm trying to find out why we're moving a toll barrier three miles. I can't find a justification. Is there

additional monies involved?

SENATOR HOLLAND: Okay. The reason I want it moved is because I think it's unfair to the people of this county, just as I feel that the Yonkers toll barrier is unfair to the people of your county, because it is in the center of the Thruway. It is not at an exit. It is not at an entrance. People do not have an option of getting on or not getting on or getting off, et cetera. That's the reason.

The comment about the cost, since 287 came through, the number of trucks has doubled across the Tappan Zee Bridge, and it will increase as more truckers find out about the route; and, hopefully, we will be able to encourage some of those trucks that are going north to Boston, et cetera, to go north on the Thruway and across the Newburgh-Beacon Bridge, et cetera, rather than coming across the Tappan Zee Bridge and running through the center of Rockland County and the center of Westchester County. But the increase in the income has already gone greatly up, Senator.

SENATOR OPPENHEIMER: Thank you, Senator.

On the bill.

ACTING PRESIDENT KUHL: Senator Oppenheimer on the bill.

SENATOR OPPENHEIMER: The fact of the matter is I have the exact same situation in my district. We have the New York State Thruway, called the "New England Thruway" in this area, and we have a toll barrier that is in the middle of a community, New Rochelle, and we bear a substantial amount of the ridership, the traffic of the New York State Thruway in this very limited area. It runs -- we get 25 percent of all the traffic of the New York State Thruway on this little piece that's called the New England Thruway that runs up into Connecticut from Portchester in my district.

And I feel that if we advocate that for Senator Holland's district, then we ought to advocate it for all those toll barriers that are placed in the center of communities, as you mentioned, and in areas that are extremely

heavy trafficked. We are accustomed to hopping onto the New England Thruway and paying our dollar because that was what existed between the two exits that I had to get on from my office and off from my home; and while the dollar burden was not, you know, awesome, excessive, the fact is it's a nuisance. So I feel if it's a nuisance for Rockland County, then it's also a nuisance for the Long Island Sound part of Westchester County, and I think there are two or three other places in the Thruway that have similar situations.

Thank you.

ACTING PRESIDENT KUHL: Senator Solomon on the bill.

SENATOR SOLOMON: Thank you, Mr. President. Mr. President, will Senator Holland yield, please?

ACTING PRESIDENT KUHL: Senator Holland, will you yield to Senator Solomon?

SENATOR HOLLAND: Yes, sir.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR SOLOMON: I'm going to preface this by a statement. As I recollect, your predecessor, while he was in the Assembly, unfortunately, before you came to this chamber -- in fact, I think it was Senator Bruno who related the story to us, when Senator Bruno many, many years ago worked for the governor's staff, that Assemblyman Levy was somehow able to persuade the Rockefeller administration that they needed a new exit on the Thruway for Rockland during a particularly difficult time. I guess, during the budget debate, Senator Levy felt that it was important that that be included in the budget.

SENATOR HOLLAND: I remember that, Senator.

SENATOR SOLOMON: I'm just curious whether that location of the toll barrier relates to this particular exit and it's located there because this additional exit was put in?

SENATOR HOLLAND: No. No, Senator. The exit is the Airmont exit, and

there is no toll on the Airmont exit either way.

SENATOR SOLOMON: Senator, I know we can't get into an exchange. If you will yield to another question?

SENATOR HOLLAND: Yes.

SENATOR SOLOMON: Was this toll barrier placed after the location of the new exit or prior to the location of the new exit?

SENATOR HOLLAND: Which way are you coming?

SENATOR SOLOMON: Let's do it both directions, if I'm coming north and then you can answer it if I'm coming south.

SENATOR HOLLAND: Coming across the Tappan Zee Bridge, the toll barrier comes before the Airmont exit if you're coming across the Tappan Zee Bridge going north.

SENATOR SOLOMON: I'm sorry. Let me rephrase the question. Was the toll barrier erected after the new exit was opened, or prior to the opening of the new exit.

SENATOR HOLLAND: No, it was erected long before.

SENATOR SOLOMON: Thank you.

ACTING PRESIDENT KUHL: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President. Would Senator Holland yield for a question?

ACTING PRESIDENT KUHL: Senator Holland?

SENATOR HOLLAND: Yes, ma'am.

ACTING PRESIDENT KUHL: He yields.

SENATOR MONTGOMERY: Thank you, Senator. Senator Holland, do you have any idea how much we just spent or the Thruway just spent on the new adjustments to the exits at 15 and 15A?

SENATOR HOLLAND: Zero.

SENATOR MONTGOMERY: The Thruway spent zero on it?

SENATOR HOLLAND: It was all federal money.

SENATOR MONTGOMERY: All federal.

One other question, if you will. The -- you say that New York state has -- this is not New York State money. This is the Authority's money, Thruway Authority.

SENATOR HOLLAND: If you are still talking about 287 coming in and that entrance there, all of that $100 million that we talked about before was federal money.

SENATOR MONTGOMERY: The money that would be used to make the change that you are -

SENATOR HOLLAND: The money that would have to be used to make the change would be Thruway, yes, ma'am.

SENATOR MONTGOMERY: I'm just trying to figure out if there is any relationship between the State's bonding authority and the Thruway Authority's financing of such a project. Would we have to approve of them to do additional bonding for that, do you know?

SENATOR HOLLAND: I don't think so, Senator, and I'm willing to be corrected on

this. I believe it's the Thruway Authority that does that.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President. If Senator Holland would indulge me for one further question.

ACTING PRESIDENT KUHL: Senator Holland, do you yield to Senator Paterson?

SENATOR HOLLAND: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator Holland, you said a moment ago that the $100 million that originally built that area was federal money. Is that correct?

SENATOR HOLLAND: Federal money, yes, sir.

SENATOR PATERSON: Right. But you are also saying, and this is what I don't understand -- you then just said that the money to make the change would be Thruway money.

SENATOR HOLLAND: Yes. If we move the toll barrier, I believe that would be Thruway money.

SENATOR PATERSON: All right. Well, then -- thank you, Mr. President, for Senator Holland's answer, but a further question.

If it is Thruway money, then defining it as state, then what I'm in a quandary about because I understand the merits and actually agree with the bill, but what the members on this side of the aisle are trying to point out is the tremendous amount of an expenditure and if there is an increase or decrease in the amount of expenditures or in the appropriation of revenues, I would think there would be a defineable fiscal impact notice; and since we don't have one, I'm still trying to figure out how much money this is going to cost the state to effect this.

ACTING PRESIDENT KUHL: Senator Holland, would you like to yield?

SENATOR HOLLAND: Again, Senator,

I'm sorry that I do not have the figures that you're looking for; however, the money comes from an Authority. It does not come from the state budget. You understand that?

SENATOR PATERSON: Yes, I understand that it's an Authority bill, Senator. I was just wondering if you had a ball park figure. Since the Thruway Authority thought it was $100 million, I thought maybe they were going to build a ball park.

SENATOR HOLLAND: Yes, Senator. I guess what I can say is we have asked; and in this, what I consider a very poorly written memo from the Thruway Authority, they said it would cost the same amount of money as it would to build the entire 287, and that's just -

SENATOR PATERSON: We agreed - I'm sorry. Mr. President.

SENATOR HOLLAND: No, that's all right.

SENATOR PATERSON: We agreed that that's grossly excessive.

SENATOR HOLLAND: Yes. That's

all they gave us, Senator. I'm sorry I don't have something other than that for you.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on this bill?

Senator Dollinger for a second time.

SENATOR DOLLINGER: On the bill, Mr. President. It seems to me whether we are spending the Thruway Authority's money or our own money out of the General Fund, one of the messages -- or whether we're spending federal money. No matter where it comes from, one of the messages, at least as I read the tea leaves after November, was maybe we should spend a little bit less. It seems to me this is - whatever this project would cost to do, it doesn't seem to me it's, at this time, worth the cost with all the other things that we've got on our agenda.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 6 are Senators Dollinger, Espada, Jones, Kruger, Leichter, Markowitz, Nanula, Oppenheimer and Solomon. Also Senator Montgomery. Ayes 43. Nays 10.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President. Would you please recognize Senator Goodman?

ACTING PRESIDENT KUHL: The chair recognizes Senator Goodman.

SENATOR GOODMAN: Mr. President. With the approval of the Majority Leader, would you please record me in the negative on Calendar Number 1.

ACTING PRESIDENT KUHL: Without

objection, Senator Goodman will be recorded in the negative on Calendar Number 1.

Senator Skelos.

SENATOR SKELOS: Mr. President. Would you return to motions and resolutions.

ACTING PRESIDENT KUHL: Secretary will read.

Senator Skelos, we will return to motions and resolutions. There are several, I understand, privileged resolutions at the desk.

SENATOR SKELOS: Yes. I believe there is one resolution by Senator Kruger.

ACTING PRESIDENT KUHL: I ask the Secretary to read the title -- or read it in its entirety? Senator Kruger, what is your wish?

SENATOR KRUGER: Its entirety, please.

ACTING PRESIDENT KUHL: Just the title?

SENATOR KRUGER: Its entirety.

ACTING PRESIDENT KUHL: Its entirety. Secretary will read.

THE SECRETARY: Legislative

Resolution, by Senator Kruger, honoring Frank Garofalo, Postmaster, Lindenhurst, New York, as Long Island Postmasters' Council "Eagle" Postmaster of the Year at the Annual Dinner Dance held on Saturday, October 15, 1994, at the Naragansett Inn, Lindenhurst, New York.

SENATOR KRUGER: In its entirety, please.

ACTING PRESIDENT KUHL: Chair recognizes Senator Kruger.

SENATOR KRUGER: In its entirety.

THE SECRETARY: Whereas, Frank L. Garofalo has been a long-time postal employee being commended for his outstanding work and dedicated service to the community.

Frank L. Garofalo has selected the Juvenile Diabetes Foundation, Nassau/Suffolk Chapter, as the charity to receive the proceeds from this Annual Dinner-Dance.

Frank L. Garofalo has been very active in the Viceroy Civic Association as a member of the Executive Board, the Oyster Bay Rotary, the Oyster Bay Chamber of Commerce and

the United States Postal Inspection Service Mutual Benefit Association.

Frank L. Garofalo has dedicated himself to the youth of America as a Troop Leader, Assistant Scout Master, Eagle Scout and member of the Order of the Arrow, Boy Scouts of America.

Frank L. Garofalo has been a manager in the Babe Ruth Baseball League of Farmingdale/North Massapequa, Past President of the Mustang League, Pony Baseball; and also Past President of the Farmingdale Baseball League.

Frank L. Garofalo earned a Bachelor's of Arts Degree from Canaan College and furthered his education by taking courses at Brooklyn College and Columbia University.

Frank L. Garofalo taught special education at Roosevelt Junior/Senior High School and taught handicapped children at the Kaliski School.

Frank L. Garofalo has served as Postmaster of Lindenhurst for the past five years.

Frank L. Garofalo has been a dutiful husband to his lovely wife, Carol, and a strong father to sons, Frank and Christopher.

Now, therefore, be it Resolved, That this Legislative Body pause in its deliberations to honor Frank L. Garofalo for his many years of dedication and service to the community and its future on the occasion of the Annual Dinner-Dance honoring him as "Postmaster Of The Year" held on October 15, 1994.

Be it further Resolved, That a copy of this resolution, suitably engrossed, be transmitted to Frank L. Garofalo.

ACTING PRESIDENT KUHL: Chair recognizes Senator Kruger on the resolution.

SENATOR KRUGER: Thank you, Mr. President.

Firstly, I would like to extend the privileges of the floor to Mr. Garofalo. He is with us today, along with his family.

A former manager of the Babe Ruth Baseball League of Farmingdale, Mr. Garofalo has demonstrated in no uncertain terms his

commitment to our youth and to the communities that he serves.

And on behalf of myself, my staff, and our families, congratulations.

Secondly, I would like to open the resolution to the floor for sponsorship for those other members that would wish to sponsor.

ACTING PRESIDENT KUHL: Question is on the resolution. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The resolution is adopted.

Postmaster Garofalo, on behalf of Senator Bruno, Senator Kruger, all the members in the house, welcome to the chamber and congratulations on such a great job. Great to have you with us.

(Applause.)

Senator Skelos.

SENATOR SKELOS: Mr. President. I believe we have a resolution at the desk from

Senator Markowitz.

SENATOR KRUGER: Excuse me, Senator Skelos. If the Senator would yield.

At this time I would also like to recognize the presence in the chamber of my family, my very, very close friends, the Kronigs, the Bienkinis, and the Garofalos, as well as the Bergers and my friends that have joined us today, and I wish you a safe trip home. Thank you very much.

Thank you.

SENATOR SKELOS: I believe there is a resolution at the desk by Senator Markowitz.

Senator Markowitz, do you request that it be read in its entirety?

SENATOR MARKOWITZ: I do, indeed.

ACTING PRESIDENT KUHL: There is a privileged resolution at the desk, Senator Skelos. I'll ask the Secretary to read the resolution in its entirety.

THE SECRETARY: Legislative Resolution, by Senator Markowitz and others,

honoring Professor Teofilo Ruiz upon the occasion of his designation as recipient of the "Professor of the Year" Award by the Carnegie Foundation for the Advancement of Teaching.

Whereas, it is the practice of this Legislative Body to take note of and publicly acknowledge individuals of remarkable integrity and character whose endeavors have enhanced the growth of education in this great state.

This Legislative Body is justly proud to honor Professor Teofilo Ruiz upon the occasion of his designation as recipient of the Outstanding Master's Universities and Colleges Professor of the Year Award for 1994-95 by the Carnegie Foundation for the Advancement of Teaching.

The Carnegie Foundation for the Advancement of Teaching, a policy study center located in Princeton, New Jersey, is devoted to strengthening America's schools and colleges; the award is given to a professor at a comprehensive college that offers both

baccalaureate and master's degrees.

Professor Teofilo Ruiz has been a member of the Brooklyn College Department of History since 1973; he was born in Cuba and was a law student in the University of Havana; he became a political prisoner shortly after Fidel Castro took power; upon his release in 1961, he fled to the United States where he decided to pursue his childhood ambition of becoming a teacher.

Working as cab driver and factory worker, Teofilo Ruiz put himself through City College at night, receiving a baccalaureate degree magna cum laude in 1969; he went on to earn an M.A. degree from the New York University in 1970 and a Ph.D. in medieval studies at Princeton University in 1974.

As a teacher, Dr. Teofilo Ruiz has developed several highly successful and popular courses at Brooklyn College, including "Mystics, Alchemists, and Witches," in which he explores countercultures from the Middle Ages through the Early Modern Period and employs

unusual and dramatic teaching methods.

Professor Teofilo Ruiz continually demonstrates an impressive dedication, an unparalleled devotion and an unremitting enthusiasm for the quality of educational programs and opportunities offered at his college for the benefit of its faculty and students as well as for the entire community.

Rare indeed is the impressive dedication shown by an individual for the benefit of others which Professor Teofilo Ruiz has displayed throughout his life.

Now, therefore, be it Resolved, That this Legislative Body pause in its deliberations to honor Professor Teofilo Ruiz upon the occasion of his designation as recipient of the "Professor of the Year" Award by the Carnegie Foundation for the Advancement of Teaching; and

Be it further Resolved, That a copy of this resolution, suitably engrossed, be transmitted to Professor Ruiz.

ACTING PRESIDENT KUHL: Senator Markowitz on the resolution.

SENATOR MARKOWITZ: Thank you very much, Mr. President.

What you have just heard, if this was the academy awards, we would all be standing now watching all the actors and actresses applaud, and I can think of the Emmy Awards. This is the Academy Award in America of the best teacher in this nation.

Now, this professor did not come from Yale or Princeton or Harvard. He came and comes today from the heart of our state, Brooklyn, New York, Brooklyn College, a publicly financed and supported higher education institution.

All of us in this chamber should take great, great pride that one of our own, somebody who fled from Fidel Castro, somebody who worked as a cab driver, went to school in evening session.

You, Professor, have made the American dream come true. In spite of cutbacks

in spite of the dwindling resources that, unfortunately, the City University has faced over the last number of years, and God knows what we face during this last budget period, it still comes down to the teacher. Can the professor excite the students in his classes?

And I have to tell you that from all the students that I have met, there is something at Brooklyn College called "Teoism." Let me tell you about "Teoism." Students, whether they are interested in history or not, register for every single course that they can from this professor -- every single course - because he brings history to today. He excites the students, and so many of them have pursued careers beyond Brooklyn College and have become interested in history and have applied it to many other professions as they move ahead in their lives.

And so, it's my honor, on behalf of all of us in Brooklyn, all of us who value public education, all of us that value doing it the old-fashioned way, working for it and

earning it, you are a credit to Brooklyn. You are a credit to New York City, to New York State. To all of us from Brooklyn, you are our gift to the state and to the country.

Congratulations on this wonderful award.

ACTING PRESIDENT KUHL: Chair recognizes Senator LaValle on the resolution.

SENATOR LAVALLE: Thank you very much, Mr. President.

Certainly, the resolution speaks for itself and the accomplishments of Professor Ruiz; and, certainly, Senator Markowitz I think captured some very important elements that move away a bit from the accomplishment side because it doesn't tell you enough about the person.

And I just but today met Professor Ruiz, and I can tell you that I found that -- Senator Markowitz talked about "Teoism" and the excitement. I certainly heard the words and saw a certain passion in the person who was talking to me about students and humanity and, in his own words, about giving back to a system

that had given to him; and so I think we are seeing today the best in humanity, the best in a person who is a great resource in New York State, a great resource in the City University and, certainly, to Brooklyn College.

These are the kinds of things that we should be eminently proud of, and I'm sure that Professor Ruiz' colleagues and family are indeed very, very proud of him, his accomplishments and his attitude about life.

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

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The Resolution is adopted.

On behalf of Senator Bruno and Senator Markowitz, Professor Ruiz, thank you for coming and sharing just a moment of your life with us. We certainly appreciate it, and congratulations on your bestowed award, "Professor of the Year."

(Applause.)

Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. I believe we have another resolution at the desk; and at this time, I would like to yield to Senator Connor.

ACTING PRESIDENT KUHL: There is a privileged resolution at the desk.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. May we have the resolution read?

ACTING PRESIDENT KUHL: The Secretary will read the resolution in its entirety.

THE SECRETARY: Legislative Resolution, by Senators Connor and Bruno, honoring former State Senate Minority Leader Manfred Ohrenstein upon the completion of his 34 years of service to the State of New York.

Whereas, former State Senate Minority Leader Manfred Ohrenstein, who was first elected to represent the west side of Manhattan in the State Senate in 1960, decided

in 1994 not to seek re-election to the Legislature.

Manfred Ohrenstein, who served in the Legislature under the administrations of four different governors and six different New York City mayors, was first elected to the position of Senate Minority Leader by his Senate Democrat colleagues in 1975.

Manfred Ohrenstein, throughout his 34 years in the New York State Senate, championed a wide variety of important fiscal and public policy issues, including legislative initiatives designed to advance human rights, improve educational opportunities and assist the mentally disabled.

Manfred Ohrenstein has also worked to expand government openness and accountability, provide affordable housing for all New Yorkers, improve and stabilize the finances of both New York State and New York City and insure adequate funding for mass transit, including monies needed to make public transportation more accessible to the elderly

and disabled.

Manfred Ohrenstein counts among his proudest legislative accomplishments the creation and his chairmanship of the first Senate Standing Committee on Mental Health, a panel at his suggestion.

Manfred Ohrenstein, as chair of the Joint Legislative Commission on Higher Education in 1965 and 1966, authored the laws leading to the construction of the City University of New York and later, during the years of the New York City fiscal crisis, helped craft the legislation providing for the state takeover of CUNY.

Manfred Ohrenstein, newly elected to the position of Senate Minority Leader in 1975, was immediately plunged into the incredible effort waged by the State Legislature to rescue New York City from bankruptcy and played an integral role in developing, negotiating and enacting the comprehensive fiscal reforms that restored the City's credit.

Manfred Ohrenstein, throughout

his entire career, earned a reputation as a staunch human rights advocate, fighting to combat discrimination and bias in all of its forms.

Manfred Ohrenstein has been an outspoken advocate for greater openness and accountability in state government, believing that New York's citizens should be provided with enhanced opportunities for meaningful participation in the development of New York's fiscal and public policy.

As a legislator and New York City resident, Manfred Ohrenstein has worked diligently to encourage intelligent planning policies that balance the need for economic growth and development with the equally important need to preserve the unique character of the City's diverse neighborhoods.

Manfred Ohrenstein was born in Manheim, Germany, and immigrated to the United States with his family in 1938 and has been a leader in the effort to advance Holocaust remembrance and education initiatives.

Even though Manfred Ohrenstein, an attorney, decided in 1994 to leave the Senate, he is by no stretch of the imagination retired, pursuing many new challenges and remaining an active participant in politics and New York City community affairs.

Now, therefore, be it Resolved, That this Legislative Body pause in its deliberations to honor former Senate Minority Leader Manfred Ohrenstein for his decades of service to the people of the State of New York and wish him every success in the years to come; and

Be it further Resolved, That a copy of this resolution, suitably engrossed, be transmitted to Manfred Ohrenstein, former Minority Leader of the New York State Senate.

ACTING PRESIDENT KUHL: Chair recognizes Senator Connor on the resolution.

SENATOR CONNOR: Thank you, Mr. President. Also, if we could open this up to any colleagues who wish to join, I assume, without objection, all Senators would want to

cosponsor this resolution.

ACTING PRESIDENT KUHL: I'll direct the Secretary to put all members on the resolution. If there are any of those who don't wish to be on the resolution, would they please notify the desk.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

On the resolution. You know, looking around the chamber, I dare say there are not too many people still sitting in the New York State Senate whose service here predates that of Fred Ohrenstein's. Looking around this side of the aisle -- I said not too many. I know -- I know Senator Marchi.

As to the Minority side of the aisle, I think we have but two members who ever served under any other leader as Minority Leader, at least until 22 days ago. I think for my own self, Fred's the only leader I ever knew in my conference, and I think his accomplishments as the resolution pointed out,

are well-known and significant.

I admit to -- I think all of us on this side of the aisle have a bit of envy when we hear that he founded and chaired the Committee on Mental Health, because it means he was once in the majority in this house and none are left on this side of the aisle who have yet to enjoy that circumstance.

But aside from his legislative accomplishments, I think we all know that for many years we had a colleague in Fred Ohrenstein who was a friend, who was as wise counselor, who was a calm voice but, nonetheless, an ardent advocate for the issues he cared about. He was a very strenuous advocate for the rights of the Minority in this house for our viewpoints to be heard and for fair treatment here.

Senator Ohrenstein also is just a very, very fine gentleman, who -- we have all enjoyed his company on a social basis. His interest and scope for conversation truly cover a gamut of issues. He has always been well read and fun to be with.

Speaking for myself, I can't imagine how I ever would have come to this office, tried to grasp what was involved and gotten a start on being Minority Leader of the State Senate without the help of Senator Ohrenstein, who, from the time our conference met and expressed his choice, was just absolutely wonderful in terms of facilitating a transition, assisting me, making available his staff to advise and assist, really, the whole conference in learning how to do without Fred Ohrenstein as our leader, which is a lesson we are still pursuing.

As you know, we left here last July with some vague notion that we will be back at the end of the year. All of us thought, well, we will take our official leave of Fred Ohrenstein at that point, and that didn't occur. So as soon as possible after this session began, I suggested to Senator Ohrenstein that we would like to see him up here to personally extend our farewell.

He won't let anybody say he's

retired, because he's not. I think he's probably busier than ever pursuing other interests, but he certainly maintains his focus on politics as sort of a senior advisor, statesman, noncombatant but a wise noncombatant.

So we are delighted to have Senator Ohrenstein here to recognize his accomplishments; and, Mr. President, I'm sure under the rules we don't really have to do it because he does have the privileges of the floor but to formally say that we extend to Senator Ohrenstein the privileges of the floor today.

Thank you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Bruno on the resolution.

SENATOR BRUNO: Mr. President. Let me just add how welcome this Senator is to this side of the aisle as well as that side of the aisle, today and other days, Senator.

It really is a pleasure and an honor for me to acknowledge Senator Ohrenstein's presence and the recognition that we are giving him today; and the record, Mr. President, speaks

for itself.

There are many people in this chamber that have gone before that have established records and some of them very, very distinguished and outstanding, and Senator Ohrenstein in his 34 years in this chamber has certainly demonstrated what it means to lead. He has advocated for his own constituency and for that of this entire state. Sometimes he's been wrong, but many times he has been right, and I think he is here and living to see a day when a lot of the things that he talked about we are now in this chamber and in this world going forward with; and, again, I commend you for your efforts on behalf of the constituency of New York State.

There is one thing that I think that has distinguished Senator Ohrenstein in his career; and that is, while you have established this record with your own constituency and in this state, it's the manner in which you did it. You were always a gentleman in this chamber. You were always respectful of your

colleagues. You did things with a particular charm and wit when appropriate, and yet you were as ardent and vociferous as anyone in this chamber when challenged or compelled to do that. You have a style all your own, and I would hope that some of your colleagues will emulate that style in this chamber.

ACTING PRESIDENT KUHL: Senator Markowitz, on the resolution.

SENATOR MARKOWITZ: Just briefly. I know everyone of us feel just as strongly as Senator Connor and Senator Bruno.

The one thing, Fred, that in all the years I have known you is that you acted the same in victory or in defeat. In defeat, you have a graciousness; and in victory are the real -- to me, is the real sign of what an individual is all about, because you had that rare ability to be sensitive and caring to those that did not succeed.

It is my hope that in the future here in this house that our current leadership follows your example of leadership, sensitivity

for those that are truly in need, understanding for those that may not have had the privilege that many others have had in their lives, understanding that government's role is to provide a helping hand for people that honestly need help.

Senator Ohrenstein has always led this house by example with a kind of courage and love and devotion. There is an old Irish word that I use very, very often. You are a true mensch. There will never be anyone, ever, in my opinion, to grace this chamber that will emulate your style, your love, your sensitivity. I know all of us miss you very, very much, and I have a hunch that the values that you instilled and reaffirmed in each one of us, both on our side and, perhaps, even -- even -- on that side, maybe, perhaps, on that side -- I can only hope and pray -- that your principles will be enduring for the millions, for the days and months and years ahead, Senator Ohrenstein.

ACTING PRESIDENT KUHL: Chair recognizes Senator Mendez.

SENATOR MENDEZ: Mr. President. When my leader at the time, Fred Ohrenstein, decided to go into other things, I felt very much tempted to draw a big sign with the face of people crying and to picket him in front of his home, saying, "We hate to see you leave."

We all know that Fred was not only an excellent legislator, was not only a very devoted and passionate defender of the rights of everybody and fulfilling the needs of his constituency, but we know that he was and is a true friend.

When I came to the Senate, from the very moment I came to the Senate, he was there for me to advise me and to guide me at a time -- we know when we start this job we need all that.

But besides all what he's done for the State of New York, I really want to mention one thing that has always been very endearing to me from him; and that is, that as a leader, he was always a very rational leader. Any member of the conference could have a

difference of opinion on any issue and this man would listen and he wouldn't go to the extremes of twisting arms and forcing ideas on people. So that when I think of what democratic leadership is, when I think of what devoted leadership is, when I think what truly rational leadership is, I always think with great warmth in my heart for Fred Ohrenstein.

And we know that he is very happy, working very hard on other endeavors, and we miss him, and I do not know any words in Irish like the word mensch, but it could only come to mind that he is truly a great, jolly good fellow.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Abate.

SENATOR ABATE: I have particular joy in being able to say some wonderful things about Fred Ohrenstein. I wouldn't be here if he decided to stay here. But, although I was never his colleague, I have been a friend of his, he's been a friend of mine for many years. He served

as an inspiration for me.

And, clearly, to follow in your footsteps will be near impossible.

When I think of Fred Ohrenstein, I think of a great leader and a great humanitarian, someone who leaves New York State a legacy of 34 years of accomplishment.

And the one thing that I think is remarkable, if you go through his district and talk to people, everyone speaks fondly of him. Everyone has a wonderful story to say about what he has given to the district and the people in the district.

And if you look back on the 34 years, Fred Ohrenstein never forgot why he became a public servant. He became a public servant because he wanted to help people and improve the quality of their lives.

Best wishes.

ACTING PRESIDENT KUHL: Chair recognizes Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

It is a pleasure to rise and say to Senator Ohrenstein, the only leader that I have also known, that I am indeed very, very proud to have you here and to wish you all the best in the world.

And my first official act in the Legislature when I came was that Senator Ohrenstein selected me to accompany the Republican representative, Senator Levy, Gene Levy, to go and make the announcement to the Assembly, and I felt so proud of myself, and we walked into the Assembly chamber and the place burst into applause and I thought they were applauding for me, only to find out they were applauding for Gene Levy, so that was a little bit of a downer, but after getting to know Gene Levy, that was a very, very cherished moment for me, as well.

And when I was being prepared by the gossip grapevine who was the best debater and all of that, I was told that Manny Gold was the best debater on our side, and so I listened to him very carefully and I was very impressed,

but then I think at some point in time - perhaps when we were debating the apartheid bill or some other significant piece of legislation -- I heard Senator Ohrenstein debate, and I was so inspired and absolutely impressed and amazed at the level of compassion and how compassionate and eloquent he was in expressing his views, particularly as it related to human rights and the rights of people throughout the world in addition to our own nation, and I shall never forget that and will always appreciate that.

I think that you have made such a level of contribution to the level of discussion and debate on this floor. I have seen you have tremendous fights with -- at one time Senator Anderson; at other times, Senator Marino. I'm sorry you won't be here to have that same level of compassion with Senator Bruno, but we will attempt to carry on just as well.

You were a leader who really cared about your members. I felt that you supported us. I felt that you put together a

very dynamic and expert staff to help us in terms of our own desires to represent our constituencies. You were always open to whatever suggestions that we had and our views, and you really, I believe, cared about the same issues that we care about and made them your own issues, and I want to say that I shall always appreciate being able to come into the Legislature and have a leader, to experience the leadership that you provided in terms of the openness and the supportiveness, so that I feel that I have been able to grow and that I have not been stifled by a very -- sort of a tight reign autocratic and unresponsive person in that position.

I wish you all the best. We will always consider you at some level our leader.

Thank you.

ACTING PRESIDENT KUHL: Chair recognizes Senator Leichter.

SENATOR LEICHTER: Mr. President. I was sort of jawed, when the resolution was read, to the phrase, "former

Minority Leader Fred Ohrenstein" because it's hard somehow to accept the fact and adjust to the fact that Fred Ohrenstein is no longer here as the leader of this Minority. This is no reflection on the very fine Minority Leader we have now. But in all my years in the Senate, Fred Ohrenstein was the leader, and I think it's fair to say that he was not only the leader of the Democratic Conference but he was really the friend of every member of that conference. There was a personal relationship which bespeaks of Fred Ohrenstein, the man.

But I think of everyone here I knew Fred and know Fred longer than anyone else, because Fred Ohrenstein and I were active in what was then known as the Reform Movement on the west side of Manhattan; and in 1960, when Fred was elected to the State Senate, I was one of his captains. I worked for him; and he and the late William F. Ryan, who became a distinguished and superior Congressman representing the west side of Manhattan, were elected at that time in a very hard fought

campaign. But before Fred got to run as the candidate of the reform movement, he was opposed by one Alan Lowenstein, a name that some of you may know. He also served in Congress and is credited with being one of the leaders of the anti-war movement during the Vietnamese War, and reform clubs and reform movements, particularly on the west side, being what they were, and we were unable to ever agree on anything, so we couldn't agree on whether it should be Fred Ohrenstein or Alan Lowenstein. So there was special mediation, or maybe it was even an arbitration panel set up, of Eleanor Roosevelt, Frank Adams, a former police comissioner, and Garrison -- what is it? -- Lloyd Garrison, of course, a very distinguished attorney; and the feeling was that Alan Lowenstein was going to come out of that panel. In fact, the belief was that panel had been set up to see that Alan Lowenstein came out.

But, lo and behold, these three great eminent people saw something that all of us learned who served with Fred Ohrenstein, that

he had special qualities and attributes, and they recommended to the reform clubs that Fred ought to be their candidate; and, indeed, we supported Fred, and Fred beat an incumbent State Senator to win this seat.

It's not dissimilar to what happened in 1974 after the change in governor ship. When the former Minority Leader who had served for some years as Minority Leader no longer held that position, and Fred ran for that position, the belief was Fred had no chance whatsoever; and when we gathered Democratic Senators, I guess late in 1974, we knew who supported Fred that he was going to come out the winner. But, once again, it was an instance of Fred Ohrenstein, through stint of hard work and through people understanding and appreciating what he could bring to the position coming together and supporting him when he really went into that race as an underdog.

There are many, many things I could say about Fred Ohrenstein. I think some of these you know here. We have served with

him. As much as we in the resolution focused on his legislative achievements, maybe at a moment like this which means more to us than anything else is really the personal achievements, the colleague that he was, the friend that he was.

And I just want to mention one thing because I think it speaks so well of Fred Ohrenstein, the person. As we know, he was very unfairly treated in a situation that occurred in the '80s while he was Minority Leader. I think a lot of people under that situation would have said, "The heck with it," would have left, but Fred fought. He fought because he knew that he was right, and he showed a courage, a determination, and you never saw him down. You never saw him blame anybody. You never saw him bitter. He knew that he was right, that he had done no wrong, and he went through hell. But nobody who worked with him at that time could see what must have been going through him as a person, what must have been within him.

And, of course, he prevailed, and that's why I wanted to tell some of these

stories about Fred prevailing as the Democratic nominee of the reform movement, Fred prevailing as the Minority Leader of the Democratic Conference, because this person has an enormous heart. This person has enormous strength. Fred Ohrenstein is indeed a very, very special person, and it's good to know he is still going to be active in New York politics. He will certainly be active, continue to be active on the west side, so I will see him, and I will deal with him.

And he and I play tennis together, but it will take quite a bit of adjustment not to be able to turn to the Minority Leader and not find Fred Ohrenstein there because he was really an exemplary leader, an exemplary colleague, an exemplary friend.

ACTING PRESIDENT KUHL: Chair recognizes Senator Paterson on the resolution.

SENATOR PATERSON: Mr. President. About a year ago, I wrote an article for a newspaper. It was an article about issues. It was an article about people, and I

was very flattered at the response I got from people, the compliments I received about that particular article.

In April, Senator Ohrenstein announced he wasn't going to run for re-election and, in May, I saw him at a fund raiser for Senator Gold. At the fund raiser, he walks up to me and he says, "You know, I read that article of yours and I really don't like it, and we should have dinner some time and talk about it."

I found that through the rest of the fund raiser and the rest of the evening, I felt nervous. I felt hypertensive. I couldn't understand what was bothering me. I even said to myself, "I don't care if he likes my article or not. He's not Minority Leader any more. I don't have to listen to him any more."

But I think that was when I found, Fred, what my truest respect for you really was. That in the whole time that I was a member of this conference, I think I was always trying to win the approval of Senator

Ohrenstein. He has a way of inspiring people, as Senator Montgomery said. He has a way of motivating people. He is a true catalyst. He is really a true leader, and I found that it was a personal commitment that can often be confused with a person's title because they hold it, but is actually an application of their character.

I found that Senator Ohrenstein made me do a better job when he was around. I think that all of us in the Minority and in the Majority know that we were just a little bit better when Senator Ohrenstein was around. He stimulated us to be the best we could possibly be.

My proudest moment of being your friend, Fred, was in January of 1989. During a capital punishment debate right here in this chamber, when Senator Ohrenstein was asked by Senator Mega in debate what did he think about the death penalty when you put it in the context of the holocaust and the evils of this century, the horror and destruction that had been

promulgated in Germany and by the German government. I thought that Senator Ohrenstein's response was one of the most moving that I ever heard in my life. I think I was proud just to be in this chamber with him.

I was later proud to work on the establishment of the Holocaust Museum in New York with him. But we also found in that same area an old cemetery that had been an old Negro burial grounds. Every time I held a press conference, Senator Ohrenstein came to the press conference to tell me a lot about the history of early New York, because Manfred Ohrenstein is not just a legislator. He is a man of history. He is a man of culture. He understands sports. He understands everything that he puts his mind to.

He is truly a renaissance person that we had the benefit of knowing in the context of the New York State Legislature, but he could have been an admonished professor. He could have been anything that he really wanted to be. He chose, rather, to dedicate his life

to public service, and he did it as well as anyone else at that time.

And so when we think about the period in Senator Ohrenstein's life, a period of three or four years when he was beset with attacks, with ridicule, with complete character assassination, most of it false, most of it not reflective of the actual record, that was the time, when I think back on it, when I really grew to admire Senator Ohrenstein.

During the whole time he was here, he was always a leader. He was always respected in the Legislature by his colleagues. He has enjoyed, basically, a pretty good life.

But all of the character that was described by my predecessors who spoke here today, really is just diminished by the character displayed during that difficult period that Senator Leichter described, for I feel that when a person is winning and when they're doing well, you learn a lot about their character, but when they are losing and they are down and out, you learn about all of their character.

And so I have been ducking this dinner with Senator Ohrenstein to discuss this article, and I haven't really known how to address him; and, finally, I'm ready to have that dinner, Fred, because something was said in this chamber today that I think gives me the strength to come to this dinner. It was when the Majority Leader Senator Bruno said, "A lot of times Fred's wrong."

(Laughter.)

ACTING PRESIDENT KUHL: For the benefit of the members, I don't want to limit theatrics, but I would just remind you that our sound system is extremely sensitive, so for people who are giving speeches, for them to put their hands on the desk like this consistently, there is a pounding that is coming across the system, so if you can contain yourself a little bit that will make it easier for the other members to listen.

With that, Senator Espada.

SENATOR ESPADA: Thank you, Mr. President. I promise not to pound, but I hope

to be profound in my own way. I kind of ducked a couple dinners myself with Senator Ohrenstein, but I wasn't successful in ducking one about, oh, late '93 in one of our marathon sessions. I was invited out to dinner, and I felt like one of the boys, you know, coming out, "Let's go out," freshman Senator with my senior leader, and I was fully indoctrinated into the workings of our Senate when at the end of that dinner somehow the check made its way to this freshman Senator, and it didn't rebound. It didn't make its way back around.

(Laughter.)

Actually, I'm making that up. Senator Ohrenstein's brilliance, his grace, everything that has been said about him is a perspective of this second term Senator. I remember him the day after I was elected welcoming me to the Senate via a breakfast that we had. He was there at my inauguration, meeting my family, my father and my mother, proud as they could be. He was there.

So it's those magical moments

and, really, that brand of leadership that has been discussed today that make him the man that he is. In Spanish, (spoken in Spanish). You are a prince of a man.

Thank you for your lessons. Look forward to working with you.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The chair recognizes Senator Daly.

SENATOR DALY: Mr. President. Experiences such as this are bittersweet indeed. Sweet because we know that our colleague will be able to enjoy the days without worrying about all the troubles and problems of the state, but also sad because we lose him as a colleague with whom we daily worked our way through the troubled and embroiling waters that we know as state government.

Mr. President. They say that the quality of a man can best be judged by how he accepts power; and, certainly, Senator Ohrenstein accepted the power of being the leader of his party in this house in a most

gracious and conscientious way with a forebearance and kindness towards his colleagues regardless of affiliation that marks him as a caring and good human being.

Mr. President. I know from personal experiences that he treated all of his colleagues with a singular dignity. He has given us an example which every member in this house shall remember and emulate. I thank him for his friendship, for being a colleague of mine. I truly enjoyed our association, and that I will not forget.

ACTING PRESIDENT KUHL: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President. I, too, would like to say a few words about Fred.

Senator Paterson -- David, I got to point out that I'm glad you told me he is a man of history because I thought he was around from the beginning of New York City.

But, seriously, when I first got here, Fred helped me immensely. He is not only

a good leader but he became a very close friend, and he had heard that Senator Gold and Senator Oppenheimer were teaching me how to play tennis.

So he took it upon him himself for the last couple of years that -- for those of you who don't play tennis, one of the most important parts of the game is to build up your confidence when you are playing so that you are very confident in every stroke and you don't think about it. So for the last couple of years, Fred has regularly let me beat him on Tuesday mornings, and I can never thank him enough for that, for helping me develop the confidence necessary to play with other people when we go and play tennis.

But I'll have to tell you something about that, and it's a unique lesson. I don't know how many of you are very gracious when you lose all the time, but I have never seen a man happier and enjoy playing more than Fred Ohrenstein no matter what the outcome of the game is. He could win one. He could lose

five. He could lose all of them, wouldn't make any difference. He could win all of them, he is always the same.

He enjoys the competition. He enjoys the camaraderie of the person he plays with, and so it's always a joy when Fred would call and say, "Would you like to play tennis," because it was. No matter if you thought you'd win or if you thought you wouldn't, and I'm sure the rest of us who play tennis feel the same way about that.

And I think that carries over with Fred; that in his business and in his politics, it was always -- no matter what the outcome, Fred was always the same. He was always happy to be with you. Happy to be in the fight and, hopefully, happy to win.

And, Fred, although you are a great leader, I treasure you more because you have become a true friend.

ACTING PRESIDENT KUHL: Chair recognizes Senator Levy.

SENATOR LEVY: Thank you very

much, Mr. President. It's really a great pleasure to join with my colleagues and salute Freddy Ohrenstein.

I remember when I first came to this chamber I sat back where Dale sits now, and Fred sat -- I think it was in the front row at that time, so I was able to sit there, see him when he was on his feet. Really, at those times, that was -- we called it "vintage Ohrenstein."

And as a new member, I was immediately impressed by his extraordinary ability, his oratorical articulateness, the fervor with which he believed in what he stood for and spoke about and the intensity and commitment of what he believed in, and this was really the hallmark and the tradition of his career then and his career as a New York State Senator and as the Minority Leader.

Freddy, it was a great pleasure to serve with you. We wish you the best in all of your future endeavors, and I know that they will be all great success.

Congratulations and best wishes.

ACTING PRESIDENT KUHL: Chair recognizes Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

It's extremely hard to imagine someone who looks as young as Fred Ohrenstein having come to these chambers 34 years ago, when many of us weren't even old enough to vote. But some seven years ago, I had the pleasure of joining the Senate and meeting Fred Ohrenstein.

Often times, our relationship was rocky, being that I'm not the easiest person to get along with. However, Fred has always been there for each and every one of us when we had problems, whether it related to the floor or whether it related to our districts. He has been the backbone of this conference. He has been a true leader and he has been a friend.

And we all wish him the best in what he claims to be retirement, but he can rest assured that all of us will be calling him at all hours of the night for that wonderful

guidance that we all continue to need.

Thank you.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Mr. President. I rise just to extend good wishes to my colleague, Senator Ohrenstein. I learned a lot about Fred's character by watching him play tennis with Senator Stachowski, a real treat, watching two uncompetitive people play uncompetitive tennis.

It was actually fascinating. They would sort of occasionally shout at each other, occasionally call points back, and it told you a lot about Fred Ohrenstein, and it told you a lot about his gumption to win, and yet, as Senator Stachowski pointed out, he could also lose and put a smile on his face and be ready to go.

I was struck in listening to Senator Connor's comments about Senator Ohrenstein about how, to some extent, Fred Ohrenstein is part of the American dream. Came

from another country. Through his own personal determination became a member of a profession, went into government, and gave something back to his adopted country.

And, Fred, your message to me is that the American dream is not something we sleep our way through. It takes conviction. It takes character, and it takes sacrifice, the sacrifice that you have given to public service that took you away from your family, took you away from your profession.

And I think it's an important reminder to all of us that we don't wake up from that dream. We have to live that dream, and you're an embodiment of it.

And I have tried to work hard in the two years I have been here to be a reformer. If some day someone asks me, "Were you a reformer in the State Senate?" I'll simply say, "No, I was a disciple of Fred Ohrenstein."

ACTING PRESIDENT KUHL: Senator Goodman is not in the chamber.

Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Mr. President. I, too, would like to say a few words on my leader, Fred Ohrenstein, and it's - being a staffer, you get -- being around quite a few years before being elected to the Senate, and he was always available there for advice. Sometimes -- most of the times, I agreed with him. Sometimes, I didn't, but he was always the next day there guiding and helping along, and I think that I found him to be, as all my colleagues have said, a truly sensitive human being and he is in a class by himself.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Goodman.

SENATOR GOODMAN: Mr. President. I am stunned to note that with the sole exception of Senator Marchi I have served longer with Fred Ohrenstein or as long as anyone else now in the chamber. Longer, I believe.

And I would like to say just briefly that the 26 years of our friendship are years which I truly cherish because Fred

Ohrenstein wrote the book on something known as enlightened bipartisan ecumenical action. Here was a man who in his earlier days was noted as a firebrand and, as time went on and he assumed the mantle of leadership, he mellowed and became a wise elder of both his party and this chamber.

And as I think back on his predecessor Joe Zaretzki, who was the only other Minority Leader I knew prior to Fred's leaving, I can say that Fred belongs in the pantheon of outstanding leaders of this chamber.

Let me just say that as a man he was always good for his word, as a sympathetic confidant on matters that related to our constituencies in the City of New York, he was always highly effective and yet sensitive to the rhythm of this chamber and understood the need for careful craftmanship in making things happen, and that, in fact, became his credo. He became a master at causing things to occur that were constructive.

Fred Ohrenstein, in addition, is an individual of extraordinary warmth,

compassion and human understanding. It's no coincidence that he possesses these qualities because, as we all know and as may have been noted prior to my arrival in the chamber, he came from a background of potential tragedy and was spared the unbelievable disaster of the Holocaust, having been an escapee from Nazi Germany. He came to this country with no knowledge whatever of English and, of course, become a master of that language.

In short, he was a renaissance man in many ways and, in addition, a companion with a keen sense of humor which he could bring to bear and could always see the absurdity in life's little vicissitudes and was someone that was really a cherished companion.

Fred, I almost have a little lump in my throat as I bid you au revoir. I know we'll be seeing you often in the future. But you will be sorely missed in this chamber where, without question, in this several decades, you have been one of the great public servants we have all known.

I salute you and look forward to many reunions.

ACTING PRESIDENT KUHL: Senator Onorato.

SENATOR ONORATO: Mr. President. I rise to join with my colleagues. I heartily concur with everything they have said. I've served with Fred for 12 years now, and it's really amazing that I have gone through six leadership changes in both houses, and Fred had that staying power, going out under his own power, and we really had a wonderful, wonderful relationship not only as my district leader, as my minority leader, but as a very, very dear friend.

He helped me in all of my hours need, and there were many times during my marriage with my wife in the condition that she was in, Fred was always there with a good shoulder and a willing ear to give me some guidance, and we have been breaking bread for many, many years. I have been organizing a lot of after-session dinner parties, and I'm not

going to stop on this occasion because tonight, Fred, we're going to continue that, and I can assure you Espada will not be picking up the check.

In conclusion, I really want to wish you and your family everything that I wish for myself and for my family, and I will be talking to you a little bit later this evening.

ACTING PRESIDENT KUHL: Senator Nanula.

SENATOR NANULA: Mr. President. I also rise to honor, to commend our former Minority Leader. As Senator Smith had mentioned, some of us weren't old enough to vote when Senator Ohrenstein began his career in public service. Well, I was several years away from being born, and I really appreciate and respect the short period of time, Fred, I was able to serve you as my Minority Leader, and you really were in many ways a source of inspiration for me. Having gone through a tough year last year, your words of support and your attention paid to me as a new Senator coming in during a

special election certainly greatly benefited me, and I think we all can live by your example as a leader, and the things you have done for the people of this state, the things you have done for the Senators in this chamber and of our conference, and I'm hopeful that you are going to continue to provide us with leadership and direction, and your face will always be a familiar one here in this chamber for a long time to come.

Congratulations.

ACTING PRESIDENT KUHL: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you. I have been sitting here thinking that it's quite possible -- I never pursued this with Senator Ohrenstein, but it's quite possible that the reason I'm here has something to do with the fact, or possibly has, that we dined together - I did, isn't that interesting? We dined together when I was Mayor of Mamaroneck and on a ski weekend, and we had several -- a couple who were mutual friends, and it was about two years

later that the Senate Democrats approached me about making the run; and until this moment, I never put that altogether -- I'm not too swift -- and realized it must have been we had a lovely dinner and spent a weekend skiing together, and that must have been the genesis of this whole thing. So, hey, I owe it all to you, Freddy.

But I want to speak of a couple things that have already been mentioned, and one is the passion of your oratory when you get on certain issues relating to humanitarian issues, social justice, civil rights, civil liberties. You usually weren't in the chamber; but when you came in the chamber, it was for an issue that you felt passionately about, and you were riveting in your passion, the way you spoke on those issues, and it made me very proud because those are issues that I am very happy to have a leader feel are paramount issues, issues that affect the human condition.

I also wanted to mention that you showed such caring in conference. You really

bent over backwards to help each one of us, both collectively and individually. I remember once someone said, "Well, do you get pounded over the head or your arm twisted because you must vote this way?" And I said, "First of all, our leader rules more by consensus." He tries to find a middle position that maybe all of us don't love but all of us don't hate, and at least there is the middle ground; and who knows, that is proobably the best solution to find that middle ground and not have everybody deliriously happy.

But you also felt that way in the chamber. You tried to work in a bipartisan manner so that we could move the issues of the day. When we get too tangled up in our bipartisan and ideological positions, we really don't move much. We get stuck; and if you want to move an issue, you have to find that middle ground, and I find that Senator Ohrenstein was very, very competent in that area, being able to conciliate, mediate and find the middle ground.

Lastly, nobody has mentioned this

man's optimism. He is incurably, hopelessly optimistic, but that normally makes people happy and outgoing and friendly and warm, and I think that was surely the essence of his personality something that made us all feel that he was our very, very good friend, which, indeed, he demonstrated over and over again in conference and on the floor.

And I know I will continue to see a lot of Freddy because we ski together and we tennis together and we dine together, and I say with all this extra time, Freddy will have a lot of time to improve his tennis, improve his skiing, and I'm glad he is not listening.

At any rate, he has just built a lovely weekend home, which is very close to me, and so I know we will see a lot of you, Freddy, and I hope at some point in the next decade you will get into that home and start enjoying it.

And, meanwhile, I wish you and Lynn the very best of everything in life.

ACTING PRESIDENT KUHL: Chair recognizes Senator Gold.

SENATOR GOLD: Thank you, Mr. President.

Mr. President. As someone who shared a mortgage with Senator Ohrenstein for a number of years, I may not have known him as long as some of the others, but I think I may have known him best. But I am going to support the resolution and speak for it, anyway.

No, actually, when the session ended and everybody knew that we were going to come back after that, I have had my doubts about that. I have heard those things before so I made a lot of my remarks at the end of session, but I want to add a few things too.

Senator Montgomery was very gracious in her remarks about my debating ability, but actually, as most of you know, I am really best known as being a political sage, and that's why, in 1975, I supported Jerry Bloom as the leader. I didn't guess so good last year, either.

I have always wondered, though, why did you pick my fund raiser to get David

Paterson nervous.

At any rate, I think a couple things I just want to say in addition to what I have already said last time. First of all, I'm glad that no one is casually -- casually taking the concept of being a Holocaust survivor, because for those people who have been involved with that issue, the survivors have survived but the damage that is done to so many people has caused many of them different kinds of personality problems in their lives and not all of them have been able to get to a point of reaching their full potentials, and I think that one must understand that Senator Ohrenstein certainly has not only brought the compassion that you would expect from that situation but has been able to take from the experience those facets of it which one would hope would make one a better individual rather than just live their life reflecting upon the scars.

In terms of optimism, I have told this story before I guess I've got to tell it. Many of us, as Senator Stachowski, would be up

and down in their lives and needed that extra push, and we would play tennis with Freddy to help get that push. But the one morning which was the ultimate was the day that -- well, I guess it started one morning when I played with Freddy, and I beat him 6-2, 6-1, and as he got off the court he was saying, "You know, towards the end, I sort of felt that forehand coming along." He said, "I felt it coming."

And the next week, I beat him 6-1, 6-1. He says, "You know, my backhand, towards the end of the last game, my backhand was getting there, you know."

The next week, he didn't have his racket and he had to borrow this old dilapidated racket from the pro, and I beat him 6-1, 6-love, and he says, "You know something, I'm going to buy this racket." I don't know how much more optimistic you get than that.

On a little more serious note, Fred can't speak today which may be one of the advantages, but I know if he could, as well as accepting the thank yous of everyone, I think he

would also say thank you.

Because let's be fair in terms of his leadership and some of the rockier parts of that leadership, this Conference stood by him. We stood by him. We stood by him for good reason. He earned it; and in standing by it, he did a lot of good things. But I think that there is no doubt that he would express that kind of thank you.

And I know that while one of my colleagues said that some of those references were false, we all know that they were all false and that his situation was one of the worse scapegoatings I have ever seen in a political situation.

At any rate, the last comment I would like to make, and it reflects somewhat upon the character of the individual, somebody said that they think that Fred Ohrenstein, even though he was not born in this country, speaks English pretty well. There was one time, though, in his life when he came over here, not being born here, that he didn't speak English so

well, and he was in school in those days, and something happened, and he was called upon to make a statement about it, and he didn't speak as well as he does today, but he could express himself in English, and he is the author of that very, very famous statement, "Me no snitch." It was a day of great pride in his life, and it was a day that showed some character, and I think out of respect for it, Fred, before I say too much, I ain't going to snitch, either.

So you can relax a little bit. But Fred served this house well. He served the people well, and he deserves the rest from us in order to go out for those big bucks -- uh, for the personal things that one gets out of a law practice, and we all wish him well.

ACTING PRESIDENT KUHL: Question is on the resolution. All in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The Resolution is adopted.

Senator Ohrenstein, on behalf of Senator Bruno, certainly Senator Connor, all of the members of this house, we are sorry to see you go, for most of us, but we certainly take a great deal of pride in your leadership, and certainly in what you have done, you can take a great deal of pride in knowing full well that you will be remembered as one of the great political figures in this state, and congratulations.

(Applause.)

SENATOR SKELOS: Mr. President. If we can return to reports of standing committees.

ACTING PRESIDENT KUHL: Senator Skelos.

Senator Skelos, can we recognize Senator Stavisky first, relative to a vote earlier in the day, before we return.

Senator Stavisky.

SENATOR STAVISKY: Thank you, Senator Skelos.

Without objection, I shall like

to be recorded in the negative on Calendar Number 1.

ACTING PRESIDENT KUHL: Without objection, Senator Stavisky will be recorded in the negative on Calendar Number 1.

Senator Skelos.

SENATOR SKELOS: Mr. President. Return to reports of standing committees.

ACTING PRESIDENT KUHL: We will return to reports of standing committees.

Secretary will read.

THE SECRETARY: Senator Marchi from the Committee on Corporations, Authorities, and Commissions, reports the following two bills directly for third reading:

Senate Bill Number 469, by Senators Present and Kuhl, an act to amend the Public Authorities Law, in relation to creating the Alfred, Armond, Hornellsville Sewer Authority.

Also, Senate Bill Number 591, by Senator Daly, an act to amend the Not-For-Profit Corporation Law, in relation to the sale of

crypts and the sale of cemetery lots.

591 being reported with amendments. Both bills reported directly for third reading.

ACTING PRESIDENT KUHL: Both bills will be reported directly to third reading.

Senator Skelos.

SENATOR SKELOS: Yes, Mr. President. There being no further business, I move we adjourn until Tuesday, January 24, 1995, at 3:00 p.m. sharp.

ACTING PRESIDENT KUHL: Without objection, Senate stands adjourned until tomorrow at 3:00 p.m. sharp.

(Whereupon, at 4:50 p.m., Senate adjourned.)