

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

ALBANY, NEW YORK

January 23, 1995

3:01 p.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary.

1 P R O C E E D I N G S

2 ACTING PRESIDENT KUHL: Senate

3 will come to order. We ask the members will
4 take their chairs, visitors to find a
5 seat.

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

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

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

14 (Whereupon, there was a moment of
15 silence.)

16 Reading of the Journal.

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

23 ACTING PRESIDENT KUHL: Hearing

1 no objection, the Journal stands approved as
2 read.

3 Presentation of petitions.

4 Messages from the Assembly.

5 Messages from the Governor.

6 Reports of standing committees.

7 Reports from select committees.

8 Communications and reports from
9 state officers.

10 Motions and resolutions.

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

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

16 ACTING PRESIDENT KUHL: Secretary
17 will read the noncontroversial calendar.

18 THE SECRETARY: Calendar Number
19 1, by Senator Cook, Senate Bill Number 289, an
20 act to amend the Agriculture and Markets Law, in
21 relation to agricultural practices.

22 SENATOR PATERSON: Lay it aside.

23 ACTING PRESIDENT KUHL: Lay the

1 bill aside.

2 THE SECRETARY: Calendar Number
3 2, by Senator Kuhl, Senate Bill Number 514, an
4 act to amend the Agriculture and Markets Law.

5 SENATOR PATERSON: Lay it aside.

6 ACTING PRESIDENT KUHL: Lay the
7 bill aside.

8 THE SECRETARY: Calendar Number
9 6, by Senator Holland, Senate Bill Number 34, to
10 relocate the Spring Valley Toll Plaza of the New
11 York State Thruway.

12 SENATOR PATERSON: Lay it aside.

13 ACTING PRESIDENT KUHL: Lay the
14 bill aside.

15 THE SECRETARY: Calendar Number
16 8, by Senator Levy, Senate Bill Number 369, an
17 act to amend the Vehicle and Traffic Law, in
18 relation to authorizing the proration of
19 registration fees.

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

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

1 the date on which it shall have become a law.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes 44.

6 ACTING PRESIDENT KUHL: The bill
7 is passed.

8 THE SECRETARY: Calendar Number
9 11, by Senator Tully, Senate Bill Number 188, an
10 act to amend the Penal Law, in relation to
11 sexual performance by a child under the age of
12 18 years.

13 ACTING PRESIDENT KUHL: Secretary
14 will read the last section.

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

18 ACTING PRESIDENT KUHL: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 44.

22 ACTING PRESIDENT KUHL: The bill
23 is passed.

1 THE SECRETARY: Calendar Number
2 13, by Senator Holland, Senate Bill Number 205,
3 an act to amend the Criminal Procedure Law, in
4 relation to expenses for extradition.

5 SENATOR PATERSON: Lay it aside.

6 ACTING PRESIDENT KUHL: Lay the
7 bill aside.

8 SENATOR HOLLAND: One day,
9 please.

10 ACTING PRESIDENT KUHL:
11 Tomorrow's calendar.

12 ACTING PRESIDENT KUHL: Senator
13 Bruno.

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

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

19 THE SECRETARY: Calendar Number
20 1, by Senator Cook, Senate Bill Number 289, an
21 act to amend the Agriculture and Markets Law, in
22 relation to agricultural practices.

23 SENATOR PATERSON: Explanation.

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

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

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

23 ACTING PRESIDENT KUHL: Senator

1 Paterson.

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

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

7 SENATOR COOK: Yes.

8 ACTING PRESIDENT KUHL: Senator
9 yields.

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

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

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

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

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

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

6 ACTING PRESIDENT KUHL: Senator
7 Paterson.

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

11 ACTING PRESIDENT KUHL: Senator
12 Cook yields.

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

23 What I am asking, Senator Cook,

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

13 SENATOR COOK: Mr. President.

14 ACTING PRESIDENT KUHL: Senator
15 Cook.

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

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

8 ACTING PRESIDENT KUHL: Senator
9 Paterson.

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

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

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

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

5 ACTING PRESIDENT KUHL: Chair
6 recognizes Senator Oppenheimer.

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

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

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

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

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

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

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

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

19 SENATOR COOK: Yes.

20 ACTING PRESIDENT KUHL: Senator
21 yields.

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

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

7 SENATOR COOK: No.

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

10 SENATOR COOK: Mr. President.

11 There have not been any cases where the Court
12 has specifically hnel'd that the spraying could
13 not be carried out. There's been instances
14 where people have complained to the Department
15 of Environmental Conservation. The Department
16 has gone to the farm, has looked at every part
17 of the operation, has determined that it was
18 being done meticulously in compliance with the
19 regulation and people have still continued to,
20 for want of a better word, harass the farmer
21 about this and for the only -- the only reason
22 that one could determine was the mere nuisance
23 of the noise.

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

3 ACTING PRESIDENT KUHL: Senator
4 Dollinger on the bill.

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

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

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

20 (There was no response.)

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

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT KUHL: Announce
6 the results.

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

14 ACTING PRESIDENT KUHL: The bill
15 is passed.

16 Secretary will continue to read.

17 Senator Leibell?

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

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

1 and Markets.

2 SENATOR PATERSON: Explanation.

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

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

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

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

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

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

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

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

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

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

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

20 ACTING PRESIDENT KUHL: Senator
21 Paterson.

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

1 question?

2 ACTING PRESIDENT KUHL: Senator
3 Holland, do you yield?

4 SENATOR HOLLAND: Yes.

5 ACTING PRESIDENT KUHL: Senator
6 yields.

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

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

1 entire road facility.

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

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

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

1 to move this toll barrier, as well.

2 SENATOR PATERSON: Thank you,
3 Senator.

4 ACTING PRESIDENT KUHL: Senator
5 Markowitz on the bill.

6 SENATOR MARKOWITZ: Thank you
7 very, very much.

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

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

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

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

11 SENATOR HOLLAND: Mr. President.

12 ACTING PRESIDENT KUHL: Senator
13 Oppenheimer. Senator Holland?

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

16 SENATOR HOLLAND: I would like to
17 just answer.

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

20 Senator Oppenheimer.

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

1 Give your answer.

2 SENATOR HOLLAND: Thank you,
3 Senator.

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

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

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

14 SENATOR HOLLAND: Yes.

15 ACTING PRESIDENT KUHL: Senator
16 yields.

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

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

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

7 SENATOR OPPENHEIMER: Would you
8 yield for another question?

9 SENATOR HOLLAND: Sure.

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

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

15 SENATOR OPPENHEIMER: Then yield
16 for one more question.

17 ACTING PRESIDENT KUHL: Senator
18 continues to yield.

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

1 additional monies involved?

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

11 The comment about the cost, since
12 287 came through, the number of trucks has
13 doubled across the Tappan Zee Bridge, and it
14 will increase as more truckers find out about
15 the route; and, hopefully, we will be able to
16 encourage some of those trucks that are going
17 north to Boston, et cetera, to go north on the
18 Thruway and across the Newburgh-Beacon Bridge,
19 et cetera, rather than coming across the Tappan
20 Zee Bridge and running through the center of
21 Rockland County and the center of Westchester
22 County. But the increase in the income has
23 already gone greatly up, Senator.

1 SENATOR OPPENHEIMER: Thank you,
2 Senator.

3 On the bill.

4 ACTING PRESIDENT KUHL: Senator
5 Oppenheimer on the bill.

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

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

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

13 Thank you.

14 ACTING PRESIDENT KUHL: Senator
15 Solomon on the bill.

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

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

21 SENATOR HOLLAND: Yes, sir.

22 ACTING PRESIDENT KUHL: Senator
23 yields.

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

15 SENATOR HOLLAND: I remember
16 that, Senator.

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

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

1 there is no toll on the Airmont exit either way.

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

5 SENATOR HOLLAND: Yes.

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

9 SENATOR HOLLAND: Which way are
10 you coming?

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

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

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

22 SENATOR HOLLAND: No, it was
23 erected long before.

1 SENATOR SOLOMON: Thank you.

2 ACTING PRESIDENT KUHL: Senator
3 Montgomery.

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

7 ACTING PRESIDENT KUHL: Senator
8 Holland?

9 SENATOR HOLLAND: Yes, ma'am.

10 ACTING PRESIDENT KUHL: He
11 yields.

12 SENATOR MONTGOMERY: Thank you,
13 Senator. Senator Holland, do you have any idea
14 how much we just spent or the Thruway just spent
15 on the new adjustments to the exits at 15 and
16 15A?

17 SENATOR HOLLAND: Zero.

18 SENATOR MONTGOMERY: The Thruway
19 spent zero on it?

20 SENATOR HOLLAND: It was all
21 federal money.

22 SENATOR MONTGOMERY: All
23 federal.

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

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

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

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

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

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

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

3 SENATOR MONTGOMERY: Thank you.

4 ACTING PRESIDENT KUHL: Senator
5 Paterson.

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

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

11 SENATOR HOLLAND: Yes.

12 ACTING PRESIDENT KUHL: Senator
13 yields.

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

18 SENATOR HOLLAND: Federal money,
19 yes, sir.

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

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

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

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

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

23 SENATOR HOLLAND: Again, Senator,

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

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

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

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

19 SENATOR HOLLAND: No, that's all
20 right.

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

23 SENATOR HOLLAND: Yes. That's

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

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

6 Senator Dollinger for a second
7 time.

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

21 ACTING PRESIDENT KUHL: Secretary
22 will read the last section.

23 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT KUHL: Call the
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT KUHL: Announce
6 the results when tabulated.

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

12 ACTING PRESIDENT KUHL: The bill
13 is passed.

14 Senator Skelos.

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

17 ACTING PRESIDENT KUHL: The chair
18 recognizes Senator Goodman.

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

23 ACTING PRESIDENT KUHL: Without

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

3 Senator Skelos.

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

6 ACTING PRESIDENT KUHL: Secretary
7 will read.

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

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

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

16 SENATOR KRUGER: Its entirety,
17 please.

18 ACTING PRESIDENT KUHL: Just the
19 title?

20 SENATOR KRUGER: Its entirety.

21 ACTING PRESIDENT KUHL: Its
22 entirety. Secretary will read.

23 THE SECRETARY: Legislative

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

7 SENATOR KRUGER: In its entirety,
8 please.

9 ACTING PRESIDENT KUHL: Chair
10 recognizes Senator Kruger.

11 SENATOR KRUGER: In its entirety.

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

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

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

1 the United States Postal Inspection Service
2 Mutual Benefit Association.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (Response of "Aye.")

12 Opposed, nay.

13 (There was no response.)

14 The resolution is adopted.

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

20 (Applause.)

21 Senator Skelos.

22 SENATOR SKELOS: Mr. President.

23 I believe we have a resolution at the desk from

1 Senator Markowitz.

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

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

11 Thank you.

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

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

17 SENATOR MARKOWITZ: I do, indeed.

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

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

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

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

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

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

1 baccalaureate and master's degrees.

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

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

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

1 unusual and dramatic teaching methods.

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

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

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

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

1 ACTING PRESIDENT KUHL: Senator
2 Markowitz on the resolution.

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

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

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

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

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

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

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

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

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

5 Congratulations on this wonderful
6 award.

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

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

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

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

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

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

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

14 (Response of "Aye.")

15 Opposed, nay.

16 (There was no response.)

17 The Resolution is adopted.

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

1 (Applause.)

2 Senator Skelos.

3 SENATOR SKELOS: Yes, Mr.

4 President. I believe we have another resolution
5 at the desk; and at this time, I would like to
6 yield to Senator Connor.

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

9 Senator Connor.

10 SENATOR CONNOR: Thank you, Mr.

11 President. May we have the resolution read?

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

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

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

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

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

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

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

1 and disabled.

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

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

15 Manfred Ohrenstein, newly elected
16 to the position of Senate Minority Leader in
17 1975, was immediately plunged into the
18 incredible effort waged by the State Legislature
19 to rescue New York City from bankruptcy and
20 played an integral role in developing,
21 negotiating and enacting the comprehensive
22 fiscal reforms that restored the City's credit.

23 Manfred Ohrenstein, throughout

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

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

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

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

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

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

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

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

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

1 cosponsor this resolution.

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

7 Senator Connor.

8 SENATOR CONNOR: Thank you, Mr.
9 President.

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

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

1 are well-known and significant.

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

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

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

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

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

23 He won't let anybody say he's

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

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

13 Thank you.

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

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

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

1 for itself.

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

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

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

8 ACTING PRESIDENT KUHL: Senator
9 Markowitz, on the resolution.

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

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

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

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

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

22 ACTING PRESIDENT KUHL: Chair
23 recognizes Senator Mendez.

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

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

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

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

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

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

15 Thank you, Mr. President.

16 ACTING PRESIDENT KUHL: Chair
17 recognizes Senator Abate.

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

1 as an inspiration for me.

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

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

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

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

19 Best wishes.

20 ACTING PRESIDENT KUHL: Chair
21 recognizes Senator Montgomery.

22 SENATOR MONTGOMERY: Thank you,
23 Mr. President.

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

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

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

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

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

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

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

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

18 Thank you.

19 ACTING PRESIDENT KUHL: Chair
20 recognizes Senator Leichter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (Laughter.)

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

21 With that, Senator Espada.

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

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

13 (Laughter.)

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

23 So it's those magical moments

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

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

7 Thank you, Mr. President.

8 ACTING PRESIDENT KUHL: The chair
9 recognizes Senator Daly.

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

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

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

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

13 ACTING PRESIDENT KUHL: Senator
14 Stachowski.

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

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

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

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

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

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

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

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

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

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

21 ACTING PRESIDENT KUHL: Chair
22 recognizes Senator Levy.

23 SENATOR LEVY: Thank you very

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

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

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

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

1 Congratulations and best wishes.

2 ACTING PRESIDENT KUHL: Chair
3 recognizes Senator Smith.

4 SENATOR SMITH: Thank you, Mr.
5 President.

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

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

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

1 guidance that we all continue to need.

2 Thank you.

3 ACTING PRESIDENT KUHL: Senator
4 Dollinger.

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

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

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

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

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

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

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

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

23 Senator Gonzalez.

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

13 Thank you, Mr. President.

14 ACTING PRESIDENT KUHL: Chair
15 recognizes Senator Goodman.

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

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

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

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

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

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

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

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

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

1 I salute you and look forward to
2 many reunions.

3 ACTING PRESIDENT KUHL: Senator
4 Onorato.

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

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

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

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

9 ACTING PRESIDENT KUHL: Senator
10 Nanula.

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

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

11 Congratulations.

12 ACTING PRESIDENT KUHL: Senator
13 Oppenheimer.

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

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

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

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

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

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

23 Lastly, nobody has mentioned this

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

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

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

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

22 ACTING PRESIDENT KUHL: Chair
23 recognizes Senator Gold.

1 SENATOR GOLD: Thank you, Mr.
2 President.

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

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

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

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

1 Paterson nervous.

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

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

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

10 And the next week, I beat him
11 6-1, 6-1. He says, "You know, my backhand,
12 towards the end of the last game, my backhand
13 was getting there, you know."

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

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

1 would also say thank you.

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

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

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

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

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

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

20 (Response of "Aye.")

21 Opposed, nay.

22 (There was no response.)

23 The Resolution is adopted.

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

11 (Applause.)

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

15 ACTING PRESIDENT KUHL: Senator
16 Skelos.

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

20 Senator Stavisky.

21 SENATOR STAVISKY: Thank you,
22 Senator Skelos.

23 Without objection, I shall like

1 to be recorded in the negative on Calendar
2 Number 1.

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

6 Senator Skelos.

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

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

11 Secretary will read.

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

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

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

1 crypts and the sale of cemetery lots.

2 591 being reported with
3 amendments. Both bills reported directly for
4 third reading.

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

8 Senator Skelos.

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

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

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

18

19

20

21

22