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ALBANY, NEW YORK

May 9, 1995

11:05 a.m.

REGULAR SESSION

SENATOR ROBERT J. DiCARLO, Acting President

STEPHEN F. SLOAN, Secretary

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P R O C E E D I N G S

ACTING PRESIDENT DiCARLO: The Senate will come to order. Senators please take your seats, and rise and join with me in saying the Pledge of Allegiance to the Flag.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

In the absence of clergy, will everyone please bow their heads for a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, May 8th. The Senate met pursuant to adjournment, Senator DeFrancisco in the Chair upon designation of the Temporary President. The Journal of Sunday, May 7th, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT DiCARLO:  
Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

1 Reports of standing committees.  
2 Reports of select committees.  
3 Communications and reports from  
4 state officers.

5 Motions and resolutions.

6 Senator Cook.

7 SENATOR COOK: Mr. President, on  
8 page 39, I offer the following amendments to  
9 Calendar 644, Senate Print 3382, and ask that  
10 said bill retain its place on the Third Reading  
11 Calendar.

12 ACTING PRESIDENT DiCARLO: The  
13 message is received and adopted.

14 SENATOR COOK: Mr. President, on  
15 behalf of Senator Farley, on page 36, I offer  
16 the following amendments to Calendar 615, Senate  
17 Print 2675, and ask that said bill retain its  
18 place on the Third Reading Calendar.

19 ACTING PRESIDENT DiCARLO: The  
20 amendments are received.

21 Senator Skelos -- Senator Cook -  
22 Senator Skelos? Senator Cook first?

23 SENATOR COOK: Mr. President, on

1       behalf of Senator Velella, please place a  
2       sponsor's star on Calendar Number 532, and on  
3       behalf of Senator Stafford, please place a  
4       sponsor's star on Calendar 660.

5                   ACTING PRESIDENT DiCARLO: The  
6       bills will be starred at the request of the  
7       sponsor.

8                   Senator Skelos.

9                   SENATOR SKELOS: Yes, Mr.  
10       President. At this time, if we could adopt the  
11       Resolution Calendar.

12                   ACTING PRESIDENT DiCARLO: All in  
13       favor of adopting the Resolution Calendar  
14       signify by saying aye.

15                   (Response of "Aye".)

16                   Opposed, nay.

17                   (There was no response.)

18                   The Resolution Calendar is  
19       adopted.

20                   We have some substitutions at the  
21       desk, Senator Skelos.

22                   SENATOR SKELOS: Make your  
23       substitutions, please.

1                   ACTING PRESIDENT DiCARLO: The  
2                   Secretary will read.

3                   THE SECRETARY: On page 5,  
4                   Senator DeFrancisco moves to discharge from the  
5                   Committee on Corporations, Assembly Bill 6389,  
6                   and substitute it for the identical Calendar  
7                   Number 695.

8                   On page 6, Senator Libous moves  
9                   to discharge from the Committee on Insurance,  
10                  Assembly Bill Number 6245, and substitute it for  
11                  the identical Calendar Number 704.

12                  ACTING PRESIDENT DiCARLO: The  
13                  substitutions are ordered.

14                  Senator Skelos.

15                  SENATOR SKELOS: Mr. President,  
16                  I'd like to offer up the following resolution  
17                  and ask that it be read in its entirety and  
18                  adopted.

19                  ACTING PRESIDENT DiCARLO: The  
20                  resolution will be read in its entirety.

21                  THE SECRETARY: Legislative  
22                  Resolution, by Senator Bruno, Senator Connor and  
23                  others, commemorating the 100th Anniversary of

1 women state legislators;

2 WHEREAS, 1995 commemorates 100  
3 years of women as state legislators;

4 WHEREAS, on January 2nd, 1895,  
5 the first women elected to a state Legislature,  
6 Carrie Clyde Holly, a native of New York City  
7 who had worked in the New York Suffrage  
8 movement, Clara Clessingham, a native of  
9 Brooklyn, New York and Frances Klock of Denver  
10 took their seats in the Colorado State  
11 Legislature; and

12 WHEREAS, on Election Day 1918,  
13 New York voters first elected two women to the  
14 State Assembly, Mary Lilly, a Democrat from New  
15 York City and Emma Sammis, a Republican from  
16 Long Island were well-known leaders for women's  
17 suffrage; and

18 WHEREAS, in the decades since  
19 women were first elected to public office in New  
20 York State, 88 women have followed Assemblywomen  
21 Sammis and Lilly to the New York State Assembly  
22 and Senate.

23 These women state legislators of

1 New York State represent the success of women's  
2 campaigns for political equality.

3 The centennial of women state  
4 legislators is important to the history and  
5 future promise of New York State; and

6 WHEREAS, 1995 presents a special  
7 opportunity for New York, its government and  
8 communities, to recognize women state  
9 legislators of New York for their outstanding  
10 contributions to the state; now, therefore be it

11 RESOLVED, that this legislative  
12 body pause in its deliberations to commemorate  
13 the 100th Anniversary of women state legislators  
14 and the women of the New York State Legislature;  
15 and be it further

16 RESOLVED, that copies of this  
17 resolution, suitably engrossed, be forwarded to  
18 the current and former women state legislators  
19 of New York.

20 ACTING PRESIDENT DiCARLO:  
21 Senator Skelos.

22 SENATOR SKELOS: Move the  
23 adoption of the resolution.

1                   ACTING PRESIDENT DiCARLO: Do you  
2 wish, as has been past practice, that anyone not  
3 wishing to be on the resolution see the desk,  
4 otherwise all will be on the resolution?

5                   Any member not wishing to be on  
6 the resolution, please come to the front desk.

7                   The question is on the  
8 resolution. All in favor signify by saying  
9 aye.

10                   (Response of "Aye".)

11                   Opposed, nay.

12                   (There was no response.)

13                   The resolution is adopted.

14                   Senator Skelos.

15                   SENATOR SKELOS: Mr. President,  
16 at this time if we could take up the  
17 non-controversial calendar.

18                   ACTING PRESIDENT DiCARLO: The  
19 Secretary will read.

20                   THE SECRETARY: On page 9,  
21 Calendar Number 72, by Senator Skelos, Senate  
22 Print 1117, an act to amend the Business  
23 Corporation Law and the Civil Practice Law and

1 Rules, in relation to shareholder derivative  
2 suits.

3 ACTING PRESIDENT DiCARLO: The  
4 bill is laid aside.

5 THE SECRETARY: Calendar Number  
6 189, by Senator Cook, Senate Print 2453, an act  
7 to amend the Education Law, in relation to  
8 procedures for the submission of propositions in  
9 school district meetings or elections.

10 ACTING PRESIDENT DiCARLO: Read  
11 the last section.

12 THE SECRETARY: Section 8. This  
13 act shall take effect on the 1st day of  
14 September.

15 ACTING PRESIDENT DiCARLO: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes 37.

19 ACTING PRESIDENT DiCARLO: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 368, by member of the Assembly Harenberg,  
23 Assembly Print 1428, an act to amend the

1 Education Law, in relation to establishing the  
2 terms of contracts for superintendents and  
3 associate superintendents.

4 ACTING PRESIDENT DiCARLO: Read  
5 the last section.

6 THE SECRETARY: Section 5. This  
7 act shall take effect on the 1st day of July.

8 ACTING PRESIDENT DiCARLO: Lay it  
9 aside.

10 THE SECRETARY: Calendar Number  
11 375, by Senator Hoblock, Senate Print 3230, an  
12 act to amend the Education Law, in relation to  
13 the Board of Education in the city of Albany.

14 ACTING PRESIDENT DiCARLO: Read  
15 the last section.

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

18 ACTING PRESIDENT DiCARLO: Call  
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 38.

22 ACTING PRESIDENT DiCARLO: The  
23 bill is passed.

1 THE SECRETARY: Calendar Number  
2 403, by Senator Lack, Senate Print 3064, an act  
3 to amend the Surrogate's Court Procedure Act, in  
4 relation to the compensation of the public  
5 administrators.

6 SENATOR SKELOS: Lay it aside.

7 ACTING PRESIDENT DiCARLO: Lay it  
8 aside.

9 THE SECRETARY: Calendar Number  
10 439, by Senator Velella, Senate Print 3453-A, an  
11 act to amend the Insurance Law, in relation to  
12 enacting special provisions concerning  
13 short-term policies.

14 ACTING PRESIDENT DiCARLO: Read  
15 the last section.

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

18 ACTING PRESIDENT DiCARLO: Call  
19 the roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes 38.

22 ACTING PRESIDENT DiCARLO: The  
23 bill is passed.

1 THE SECRETARY: Calendar Number  
2 467, by Senator Hoblock, Senate Print 3659, an  
3 act to amend the Military Law, in relation to  
4 authorizing the Governor to present the  
5 Conspicuous Service Cross to certain persons who  
6 were missing in action.

7 ACTING PRESIDENT DiCARLO: Read  
8 the last section.

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

11 ACTING PRESIDENT DiCARLO: Call  
12 the roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes 38.

15 ACTING PRESIDENT DiCARLO: The  
16 bill is passed.

17 THE SECRETARY: Calendar Number  
18 477, by Senator Holland, Senate Print 2999, an  
19 act to amend the Social Services Law, in rela  
20 tion to the authorization of the Commissioner of  
21 Social Services to enter into an agreement with  
22 the federal Department of Housing and Urban  
23 Development.

1                   ACTING PRESIDENT DiCARLO: Read  
2                   the last section.

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

5                   ACTING PRESIDENT DiCARLO: Call  
6                   the roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY: Ayes 41.

9                   ACTING PRESIDENT DiCARLO: The  
10                  bill is passed.

11                  THE SECRETARY: Calendar Number  
12                  505, by Senator Trunzo, Senate Print 2145, an  
13                  act to amend the Eminent Domain Procedure Law,  
14                  in relation to acquisition of land by the state.

15                  ACTING PRESIDENT DiCARLO: Read  
16                  the last section.

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

19                  ACTING PRESIDENT DiCARLO: Call  
20                  the roll.

21                  (The Secretary called the roll.)

22                  THE SECRETARY: Ayes 42.

23                  ACTING PRESIDENT DiCARLO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 520, by Senator Saland, Senate Print 2596, an  
4 act to amend the Civil Practice Law and Rules,  
5 in relation to the statute of limitations for  
6 enforcement of support orders.

7 ACTING PRESIDENT DiCARLO: Read  
8 the last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect 90 days after it shall  
11 have become law.

12 ACTING PRESIDENT DiCARLO: Call  
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 42.

16 ACTING PRESIDENT DiCARLO: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 521, by Senator Lack, Senate Print 3121, an act  
20 to amend the Penal Law, in relation to influenc  
21 ing or injuring a judge, prosecutor, attorney,  
22 juror or witness.

23 ACTING PRESIDENT DiCARLO: Read

1 the last section.

2 THE SECRETARY: Section 3. This  
3 act shall take effect on the 1st day of  
4 November.

5 ACTING PRESIDENT DiCARLO: Call  
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 42.

9 ACTING PRESIDENT DiCARLO: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 522, by Senator Volker, Senate Print 3132, an  
13 act to amend the Criminal Procedure Law, in  
14 relation to peace officers employed by Canisius  
15 College.

16 ACTING PRESIDENT DiCARLO: Read  
17 the last section.

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

20 ACTING PRESIDENT DiCARLO: Call  
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT DiCARLO:

1 Senator Skelos.

2 SENATOR SKELOS: Please complete  
3 the roll call and the vote and then if you could  
4 recognize me.

5 ACTING PRESIDENT DiCARLO: Sure.  
6 Results?

7 THE SECRETARY: Those recorded in  
8 the negative on Calendar 522 are Senators Gold  
9 and Leichter. Ayes 40, nays 2.

10 ACTING PRESIDENT DiCARLO: The  
11 bill is passed.

12 Senator Skelos.

13 SENATOR SKELOS: On behalf of  
14 Senator Saland, there will be an immediate  
15 meeting of the Local Government Committee.

16 SENATOR LARKIN: Senator Larkin.

17 SENATOR SKELOS: Senator Larkin.  
18 That's I meant. There will be an immediate  
19 meeting of the Local Government Committee in  
20 Room 332 of the Capitol.

21 ACTING PRESIDENT DiCARLO: There  
22 will be an immediate meeting of the Local  
23 Government Committee in Room 332 of the

1 Capitol. Continue.

2 THE SECRETARY: Calendar Number  
3 523, by Senator Volker, Senate Print 3136-A, an  
4 act to amend the Criminal Procedure Law, in  
5 relation to a defendant's right to supporting  
6 disposition.

7 ACTING PRESIDENT DiCARLO: Read  
8 the last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect on the 1st day of  
11 November.

12 ACTING PRESIDENT DiCARLO: Call  
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 47.

16 ACTING PRESIDENT DiCARLO: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 530, by Senator Nozzolio, Senate Print 3947, an  
20 act to amend the Criminal Procedure Law, in  
21 relation to the extension of crime victims'  
22 rights at parole hearings.

23 ACTING PRESIDENT DiCARLO: Read

1 the last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the 120th day.

4 ACTING PRESIDENT DiCARLO: Call  
5 the roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes 48.

8 ACTING PRESIDENT DiCARLO: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 531, by Senator Nozzolio, Senate Print 3948, an  
12 act to amend the Criminal Procedure Law and the  
13 Executive Law, in relation to providing to  
14 victims the right to be present and heard at  
15 sentencing proceedings.

16 ACTING PRESIDENT DiCARLO: Read  
17 the last section.

18 THE SECRETARY: Section 3. This  
19 act shall take effect on the 90th day.

20 ACTING PRESIDENT DiCARLO: Call  
21 the roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes 48.

1                   ACTING PRESIDENT DiCARLO: The  
2 bill is passed.

3                   THE SECRETARY: Calendar Number  
4 534, by Senator Cook, Senate Print 224, an act  
5 to amend the General Municipal Law, in relation  
6 to withdrawal of mistaken bids on public  
7 contracts.

8                   ACTING PRESIDENT DiCARLO: Read  
9 the last section.

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

12                  ACTING PRESIDENT DiCARLO: Call  
13 the roll.

14                                 (The Secretary called the roll.)

15                  THE SECRETARY: Ayes 48.

16                  ACTING PRESIDENT DiCARLO: The  
17 bill is passed.

18                  THE SECRETARY: Calendar Number  
19 536, by Senator Saland, Senate Print 688, an act  
20 to amend the County Law, in relation to enhanced  
21 emergency telephone system surcharge.

22                  ACTING PRESIDENT DiCARLO: Read  
23 the last section.

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

3 ACTING PRESIDENT DiCARLO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes 50.

7 ACTING PRESIDENT DiCARLO: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 537, by Senator LaValle, Senate Print 1098, an  
11 act to amend the General Municipal Law, in  
12 relation to service award programs for volunteer  
13 firefighters.

14 ACTING PRESIDENT DiCARLO: Read  
15 the last section.

16 THE SECRETARY: Section 2. This  
17 act shall take effect on the 1st day of  
18 September.

19 ACTING PRESIDENT DiCARLO: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 50.

23 ACTING PRESIDENT DiCARLO: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 540, by Senator LaValle, Senate Print 1372, an  
4 act to amend the Town Law, in relation to  
5 exemption from the spending limits of fire  
6 districts.

7 ACTING PRESIDENT DiCARLO: Read  
8 the last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect on the 1st day of November  
11 -- of January.

12 ACTING PRESIDENT DiCARLO: Call  
13 the roll.

14 (The Secretary called the roll.)

15 THE SECRETARY: Ayes 50.

16 ACTING PRESIDENT DiCARLO: The  
17 bill is passed.

18 THE SECRETARY: Calendar Number  
19 542, by Senator Stafford, Senate Print 1398, an  
20 act to amend the Town Law, in relation to a  
21 publicity fund in the town Lake Pleasant,  
22 Hamilton County.

23 ACTING PRESIDENT DiCARLO: There

1 is a home rule message at the desk. Read the  
2 last section.

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

5 ACTING PRESIDENT DiCARLO: Call  
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 50.

9 ACTING PRESIDENT DiCARLO: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 544, by Senator Kuhl, Senate Print 1524, an act  
13 in relation to legalizing and validating the  
14 adoption of two bond resolutions by the board of  
15 trustees of the village of Canisteo, Steuben  
16 County.

17 ACTING PRESIDENT DiCARLO: There  
18 is a home rule message at the desk. Read the  
19 last section.

20 THE SECRETARY: Section 6. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT DiCARLO: Call  
23 the roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 50.

3 ACTING PRESIDENT DiCARLO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 545, by Senator Bruno, Senate Print 1859, an act  
7 in relation to authorizing the village of Round  
8 Lake, county of Saratoga, to reduce the speed  
9 limit on its highways.

10 ACTING PRESIDENT DiCARLO:  
11 There's a home rule message at the desk. Read  
12 the last section.

13 THE SECRETARY: Section -

14 SENATOR PATERSON: Lay it aside.

15 ACTING PRESIDENT DiCARLO: Lay it  
16 aside.

17 THE SECRETARY: Calendar 553, by  
18 Senator Leibell, Senate Print 2740, an act to  
19 amend the General Municipal Law, in relation to  
20 creating the town of Patterson Industrial Devel  
21 opment Agency and repealing certain provisions  
22 of such law relating thereto.

23 ACTING PRESIDENT DiCARLO:

1       There's a home rule message at the desk. Read  
2       the last section.

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

5                   ACTING PRESIDENT DiCARLO: Call  
6       the roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY: Ayes 50.

9                   ACTING PRESIDENT DiCARLO: The  
10      bill is passed.

11                   THE SECRETARY: Calendar Number  
12      554, by Senator Volker, Senate Print 2767, an  
13      act to amend Chapter 207 of the Laws of 1994,  
14      relating to incorporating the Twin District  
15      Volunteer Firefighter's Benevolent Association.

16                   ACTING PRESIDENT DiCARLO: Read  
17      the last section.

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

20                   ACTING PRESIDENT DiCARLO: Call  
21      the roll.

22                   (The Secretary called the roll.)

23                   THE SECRETARY: Ayes 50.

1                   ACTING PRESIDENT DiCARLO: The  
2 bill is passed.

3                   THE SECRETARY: Calendar Number  
4 555, by Senator Volker, Senate Print 2769, an  
5 act to amend the Local Finance Law, in relation  
6 to the sale of bonds and notes of the city of  
7 Buffalo.

8                   ACTING PRESIDENT DiCARLO: There  
9 is a home rule message at the desk. Read the  
10 last section.

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

13                  ACTING PRESIDENT DiCARLO: Call  
14 the roll.

15                                 (The Secretary called the roll.)

16                  THE SECRETARY: Ayes 50.

17                  ACTING PRESIDENT DiCARLO: The  
18 bill is passed.

19                  THE SECRETARY: Calendar Number  
20 556, by Senator Stafford, Senate Print 2803-A,  
21 an act authorizing the town of Johnsbury to  
22 convey an easement over certain parkland to the  
23 Department of Environmental Conservation.

1                   ACTING PRESIDENT DiCARLO:  There  
2                   is a home rule message at the desk.  Read the  
3                   last section.

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

6                   ACTING PRESIDENT DiCARLO:  Call  
7                   the roll.

8                   (The Secretary called the roll.)

9                   THE SECRETARY:  Ayes 50.

10                  ACTING PRESIDENT DiCARLO:  The  
11                  bill is passed.

12                  THE SECRETARY:  Calendar Number  
13                  558, by Senator Nozzolio, Senate Print 3202, an  
14                  act to amend the Town Law, in relation to  
15                  providing for the election of a third town  
16                  justice.

17                  ACTING PRESIDENT DiCARLO:  Read  
18                  the last section.

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

21                  ACTING PRESIDENT DiCARLO:  Call  
22                  the roll.

23                  (The Secretary called the roll.)

1 THE SECRETARY: Ayes 50.

2 ACTING PRESIDENT DiCARLO: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 561, by Senator Skelos, Senate Print 3433-A, an  
6 act to amend the Nassau County Administrative  
7 Code, Chapter 879 of the Laws of 1936 providing  
8 for an alternative form of government for  
9 certain counties.

10 ACTING PRESIDENT DiCARLO: Read  
11 the last section.

12 THE SECRETARY: Section 9. This  
13 act shall take effect immediately.

14 ACTING PRESIDENT DiCARLO:  
15 Senator Paterson, why do you rise?

16 SENATOR PATERSON: Is there a  
17 home rule message on that bill?

18 ACTING PRESIDENT DiCARLO: No,  
19 there is no home rule message. There isn't one  
20 required. Read the last section.

21 THE SECRETARY: Section 9. This  
22 act shall take effect immediately.

23 ACTING PRESIDENT DiCARLO: Call

1 the roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes 52.

4 ACTING PRESIDENT DiCARLO: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 572, by Senator Levy, Senate Print 391, an act  
8 to amend the Transportation Law, in relation to  
9 establishing a task force to develop and imple  
10 ment a statewide system for recording incidents  
11 and accidents.

12 ACTING PRESIDENT DiCARLO: Read  
13 the last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect on the 30th day.

16 ACTING PRESIDENT DiCARLO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 52.

20 ACTING PRESIDENT DiCARLO: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 587, by Senator Levy, Senate Print 4199, an act

1 in relation to requiring the Department of Motor  
2 Vehicles to include certain information in its  
3 annual summary of motor vehicle accidents.

4 ACTING PRESIDENT DiCARLO: Read  
5 the last section.

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

8 ACTING PRESIDENT DiCARLO: Call  
9 the roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes 52.

12 ACTING PRESIDENT DiCARLO: The  
13 bill is passed.

14 Senator Paterson, a correction on  
15 Senate 3433-A. Senator Skelos, there was a home  
16 rule message required and it was received.

17 SENATOR PATERSON: Thank you, Mr.  
18 President.

19 ACTING PRESIDENT DiCARLO:  
20 Senator Skelos, that completes the noncontro  
21 versial calendar.

22 SENATOR SKELOS: Before we go to  
23 the controversial, I'm informed that Senator

1 LaValle inadvertently laid aside Calendar Number  
2 368, so unless somebody wants to lay it aside -  
3 lay the bill aside, if we could vote on it at  
4 this time.

5 ACTING PRESIDENT DiCARLO: Call  
6 up Calendar Number 368.

7 THE SECRETARY: Calendar Number  
8 368, by member of the Assembly Harenberg, Senate  
9 Print -- Assembly Print 1428, an act to amend  
10 the Education Law, in relation to establishing  
11 the terms of contracts.

12 ACTING PRESIDENT DiCARLO: Read  
13 the last section.

14 THE SECRETARY: Section 5. This  
15 act shall take effect on the 1st day of July.

16 ACTING PRESIDENT DiCARLO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 53.

20 ACTING PRESIDENT DiCARLO: The  
21 bill is passed.

22 Senator Skelos.

23 SENATOR SKELOS: If we could take

1 up the controversial calendar at this time.

2 ACTING PRESIDENT DiCARLO: The  
3 Secretary will read.

4 THE SECRETARY: Calendar Number  
5 72, by Senator Skelos, Senate Print 1117, an act  
6 to amend the Business Corporation Law and the  
7 Civil Practice Law, in relation to shareholder  
8 suits.

9 SENATOR SKELOS: Lay it aside for  
10 the day, please.

11 ACTING PRESIDENT DiCARLO: Lay  
12 the bill aside for the day.

13 THE SECRETARY: Calendar Number  
14 403, by Senator Lack, Senate Print 3064, an act  
15 to amend the Surrogate's Court Procedure Act, in  
16 relation to compensation.

17 ACTING PRESIDENT DiCARLO:  
18 Senator Paterson.

19 SENATOR PATERSON: Explanation.

20 ACTING PRESIDENT DiCARLO: An  
21 explanation has been asked for.

22 Senator Lack.

23 SENATOR LACK: Thank you, Mr.

1 President.

2 This bill would require the public  
3 administrators within the five counties of the  
4 city of New York to be paid a salary that's the  
5 equivalent to the salary of a judge of the Civil  
6 Court or the Criminal Court of the city of New  
7 York.

8 ACTING PRESIDENT DiCARLO:  
9 Senator Paterson.

10 SENATOR PATERSON: Mr. President,  
11 I just have a brief question for Senator Lack.

12 ACTING PRESIDENT DiCARLO:  
13 Senator Lack, do you yield to a question?

14 SENATOR LACK: Yes, Mr.  
15 President.

16 ACTING PRESIDENT DiCARLO:  
17 Senator Paterson.

18 SENATOR PATERSON: Senator Lack,  
19 the Mayor's office is saying that there is al  
20 ready a 15 percent increase that's going through  
21 and this would create what -- they almost  
22 describe it as a windfall for these public  
23 administrators, and I just wanted to get your

1 response to that. That's all.

2 SENATOR LACK: The only response,  
3 Mr. President, that can be given is this has  
4 nothing to do with a negotiated salary increase  
5 as it is relative to the work and experience  
6 that the public administrators do.

7 This is not the first time this  
8 bill has been before this house and, hopefully,  
9 it'll pass this house again, it'll pass the  
10 Assembly and it'll be signed into law by the  
11 Governor so that we equate the work load of the  
12 public administrators to the surrogate and the  
13 equivalent amount of work that's performed  
14 within the court system, notwithstanding any  
15 salary increase that's negotiated currently  
16 between the public administrators and the city  
17 of New York.

18 ACTING PRESIDENT DiCARLO: Read  
19 the last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect on the 30th day.

22 ACTING PRESIDENT KUHL: Call the  
23 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes 53.

3 ACTING PRESIDENT DiCARLO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 545, by Senator Bruno, Senate Print 1859, an act  
7 in relation to authorizing the village of Round  
8 Lake, County of Saratoga, to reduce the speed  
9 limit on its highways.

10 ACTING PRESIDENT DiCARLO:  
11 Senator Paterson.

12 SENATOR PATERSON: Explanation.

13 ACTING PRESIDENT DiCARLO:  
14 Senator Paterson has asked for an explanation.

15 SENATOR SKELOS: Lay it aside  
16 temporarily.

17 ACTING PRESIDENT DiCARLO: Lay  
18 the bill aside temporarily.

19 Senator Skelos.

20 SENATOR SKELOS: Mr. President,  
21 at this time if we could return to the reports  
22 of standing committees, I believe there's a  
23 report of the Finance Committee at the desk.

1                   ACTING PRESIDENT DiCARLO: The  
2                   Secretary will read.

3                   THE SECRETARY: Senator Stafford,  
4                   from the Committee on Finance, offers up the  
5                   following nomination: Director of the New York  
6                   State Urban Development Corporation, Charles E.  
7                   Dorkey III of New York City.

8                   SENATOR SKELOS: Mr. President,  
9                   would you recognize Senator Goodman?

10                  ACTING PRESIDENT DiCARLO:  
11                  Senator Goodman on the nomination.

12                  SENATOR GOODMAN: Mr. President,  
13                  it gives me much pleasure to say a word on  
14                  behalf of Mr. Charles E. Dorkey III who has come  
15                  before us for this nomination. I have known Mr.  
16                  Dorkey for many years. He is a constituent of  
17                  mine and is a leading citizen of the New York  
18                  City community.

19                  Very briefly, he is a practicing  
20                  attorney, a senior member and the litigating  
21                  partner of the firm of Haythe & Curley of New  
22                  York City.

23                  He's a graduate of Dartmouth

1 College and of the University of Pennsylvania  
2 Law School. He was admitted to the Bar in 1975  
3 and has a distinguished record as a practicing  
4 attorney.

5 He is also an individual who has  
6 been heavily involved in community service as a  
7 member of the Citizens Budget Committee, the -  
8 he's president of his Dartmouth College Class of  
9 1991 to '95. He's an at-large representative of  
10 its alumni council. He's active with the  
11 University of Pennsylvania and, in general, has  
12 distinguished himself in a number of ways and  
13 has especially shown great interest in govern  
14 ance in the city of New York.

15 It's a pleasure to commend him in  
16 the warmest terms to this body for his nomina  
17 tion and, I trust, his confirmation.

18 ACTING PRESIDENT DiCARLO: The  
19 question is on the confirmation of Charles E.  
20 Dorkey III as Director of the Urban Development  
21 Corporation. All those in favor signify by  
22 saying aye.

23 (Response of "Aye.")

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Opposed, nay.

(There was no response.)

The ayes have it. Charles E.  
Dorkey III is hereby confirmed as Director of  
the Urban Development Corporation.

SENATOR GOODMAN: Mr. President.

ACTING PRESIDENT DiCARLO:  
Senator Goodman.

SENATOR GOODMAN: May I request  
that I be recorded in the negative on Calendar  
403 which passed a few moments ago?

ACTING PRESIDENT DiCARLO:  
Without objection.

Mr. Dorkey, on behalf of the  
Senate -

SENATOR GOODMAN: He's not  
present, Mr. President.

ACTING PRESIDENT DiCARLO: He's  
not present. Okay.

Senator Skelos.

SENATOR SKELOS: I believe  
there's another report of the Finance Committee  
at the desk, if we could have it read, please.

1                   ACTING PRESIDENT DiCARLO: The  
2                   Secretary will read.

3                   THE SECRETARY: Senator  
4                   Stafford, from the Committee on Finance, hands  
5                   up the following bills directly for third  
6                   reading:

7                   Budget Bill, Senate Print 5144,  
8                   an act to provide for payments to municipalities  
9                   and providers of medical services.

10                  Budget Bill, Senate Print 5145,  
11                  an act making an appropriation for the support  
12                  of government.

13                  Budget Bill, Senate Print 5146,  
14                  an act making an appropriation for the support  
15                  of government.

16                  Budget Bill, Senate Print 5147,  
17                  an act making an appropriation for debt service  
18                  obligations.

19                  Budget Bill, Senate Print 5148,  
20                  an act making an appropriation for the support  
21                  of government.

22                  Budget Bill, Senate Print 5149,  
23                  an act making an appropriation for the support

1 of government.

2 All bills directly for third  
3 reading.

4 ACTING PRESIDENT DeFRANCISCO:  
5 Without objection, all bills reported to third  
6 reading.

7 SENATOR SKELOS: Mr. President.

8 ACTING PRESIDENT DeFRANCISCO:  
9 Senator Skelos.

10 SENATOR SKELOS: There will be an  
11 immediate meeting of the Aging Committee -  
12 Senator DiCarlo -- in Room 332 of the Capitol -  
13 I believe Local Government is meeting at this  
14 point -- following the Local Government  
15 Committee.

16 Senator Volker.

17 SENATOR VOLKER: Mr. President,  
18 the Codes Committee now will meet at its regular  
19 time at 12:00 noon in 708 over in the Capitol -  
20 or in the LOB at the regular room.

21 ACTING PRESIDENT DeFRANCISCO:  
22 All right. There will be an immediate meeting  
23 of the Aging Committee in Room 332 of the

1 Capitol and, at the regular time, the Codes  
2 Committee will meet at 708 in the LOB.

3 Senator Skelos.

4 SENATOR SKELOS: Yes, Mr.  
5 President. At this time, the Senate will stand  
6 at ease until 1:00 p.m. this afternoon.

7 ACTING PRESIDENT DeFRANCISCO:  
8 The Senate will stand at ease 'til 1:00 p.m.  
9 this afternoon.

10 (Whereupon, the Senate stood at  
11 ease from 11:35 a.m. until 1:45 p.m.)

12 SENATOR SKELOS: Mr. President.

13 ACTING PRESIDENT DiCARLO:  
14 Senator Skelos.

15 SENATOR BRUNO: There will be an  
16 immediate meeting of the Rules Committee in Room  
17 332 in the Capitol and session will resume once  
18 the Rules Committee has met.

19 ACTING PRESIDENT DiCARLO: There  
20 will be an immediate meeting of the Rules Com  
21 mittee in Room 332 of the Capitol. Immediately  
22 following, session will begin.

23 SENATOR BRUNO: Mr. President,

1           can we return to reports of standing commit  
2           tees? I understand that there's a report from  
3           the Rules Committee at the desk. Can we have  
4           that read?

5                           ACTING PRESIDENT DiCARLO: There  
6           is a report. Without objection, reports of  
7           standing committees.

8                           The Secretary will read.

9                           THE SECRETARY: Senator Bruno,  
10          from the Committee on Rules, hands up the  
11          following bill directly for third reading:  
12          Senate Print 5150, Budget Bill, an act making an  
13          appropriation for the support of government.

14                          ACTING PRESIDENT DiCARLO:  
15          Senator Bruno.

16                          SENATOR BRUNO: I would move we  
17          adopt the report of the Rules Committee.

18                          ACTING PRESIDENT DiCARLO: All in  
19          favor of adopting the report of the Rules  
20          Committee signify by saying aye.

21                          (Response of "Aye".)

22                          Opposed, nay.

23                          (There was no response.)

1                   The Rules report is adopted.

2                   Senator Bruno.

3                   SENATOR BRUNO: Mr. President,  
4 would you recognize Senator Goodman for the  
5 purposes of an announcement?

6                   ACTING PRESIDENT DiCARLO:  
7 Senator Goodman.

8                   SENATOR GOODMAN: Mr. President,  
9 the Committee on Investigations, Taxation and  
10 Government Operations which was scheduled to  
11 meet at this hour will instead meet immediately  
12 after this session in the outer lobby of this  
13 Senate chamber -- I mean, in the inner lobby of  
14 this Senate chamber next to the food, Mr.  
15 President.

16                   ACTING PRESIDENT DiCARLO:  
17 Senator Bruno.

18                   SENATOR BRUNO: Mr. President,  
19 can we now take up Calendar Number 780?

20                   ACTING PRESIDENT DiCARLO: The  
21 Secretary will read.

22                   THE SECRETARY: Calendar Number  
23 780, Senate Budget Bill, Senate Print 5150, an

1 act making appropriation for the support of  
2 government.

3 ACTING PRESIDENT DiCARLO:  
4 Senator Bruno.

5 SENATOR BRUNO: Mr. President, is  
6 there a message at the desk?

7 ACTING PRESIDENT DiCARLO: Yes,  
8 Senator Bruno, there is.

9 SENATOR BRUNO: I move we accept  
10 the message.

11 ACTING PRESIDENT DiCARLO: All in  
12 favor of accepting the message of necessity  
13 signify by saying aye.

14 (Response of "Aye".)

15 Opposed, nay.

16 (There was no response.)

17 The message is adopted.

18 Read the last section.

19 THE SECRETARY: Section 6. This  
20 act shall take effect immediately.

21 ACTING PRESIDENT DiCARLO: Call  
22 the roll.

23 (The Secretary called the roll.)

1 THE SECRETARY: Ayes 57.

2 ACTING PRESIDENT DiCARLO: The  
3 bill is passed.

4 Senator Bruno.

5 SENATOR BRUNO: Mr. President,  
6 you're moving so quickly in this chamber, I can  
7 hardly stand the pace. I wanted to just explain  
8 my vote.

9 SENATOR GOLD: Without objection.

10 SENATOR BRUNO: Without  
11 objection. Thank you, Senator Gold.

12 ACTING PRESIDENT DiCARLO:  
13 Senator Bruno to explain his vote.

14 SENATOR BRUNO: I'm pleased that  
15 we just acted on a legislative pay bill, and I  
16 wanted to note that this bill will pay all  
17 legislative employees from April 1st retro  
18 actively to April 19th and will then pay going  
19 forward to the next two weeks, whenever the pay  
20 is due, a week from this coming Wednesday.

21 It also includes the executive  
22 chamber from, I believe, March 1st forward for  
23 the retroactive pay that those people have

1       earned.

2                   I really wanted to just commend  
3       the Governor for having sent this bill up in  
4       this form because this goes beyond the court  
5       decision. The court decision only indicated  
6       that going forward the pay bill would include  
7       legislative employees. This pays them  
8       retroactively.

9                   We, in this chamber, have been  
10       supportive of that and the Governor, I think in  
11       his wisdom, has been supporting people in this  
12       chamber and in the other chamber and all the  
13       legislative employees. All of us are indebted  
14       to them for being so conscientious, working so  
15       diligently day, night and weekends where it's  
16       been appropriate while they were not getting  
17       paychecks.

18                   So I really wanted to say thank  
19       you, Mr. President, to my colleagues, for your  
20       patience and for your support and especially to  
21       all of the legislative employees and those in  
22       the executive chamber who have worked so  
23       diligently to move the legislative process

1 forward.

2 ACTING PRESIDENT DiCARLO:

3 Senator Connor.

4 SENATOR CONNOR: Mr. President,  
5 to explain my vote.

6 ACTING PRESIDENT DiCARLO:

7 Senator Connor.

8 SENATOR CONNOR: I'm certainly  
9 willing to commend the Governor on sending this  
10 bill up under an old adage about knowing when to  
11 hold 'em and when to fold 'em, but I really do  
12 want to thank the framers of the United States  
13 Constitution for setting up a system of laws  
14 which even the most powerful in our society have  
15 to follow, and for including in that framework  
16 an independent judiciary in the federal courts  
17 wherein a judge -- I have been told he was once  
18 a Republican or he's a Republican -- I guess  
19 U.S. District Court judges can still be  
20 registered in a party -- he certainly called the  
21 law the way he saw it, the way the Constitution  
22 set it forth, and while the Governor certainly  
23 is to be commended for including pay back to

1 April 1st, it's clear from the judge's decision  
2 that he found it was illegal not to pay legis  
3 lative employees for that whole time period.  
4 His remedy, which looked forward and didn't  
5 cover those 13 days, was constrained by some of  
6 the intricacies of federal jurisdiction, but  
7 certainly the decision as to what was right and  
8 what was wrong applied to those first 13 days as  
9 well, and I'm glad that the Governor this week  
10 came to see that the appropriate thing to do was  
11 to pay these employees.

12 Mr. President, it was always a  
13 sideshow. This idea that you could somehow  
14 starve people into submission, un-American as it  
15 sounded, was also a sideshow. No legislator on  
16 any side of the aisle is going to vote for or  
17 against anything, in my opinion, that they don't  
18 believe is right, the right way to vote in  
19 representing their constituents, even if you're  
20 not getting paid, even if someone else,  
21 regretful as it was, is not getting paid.

22 So I'm afraid it was a bad idea  
23 from day one. It was always illegal. It may

1        have been driven by some sort of populist appeal  
2        to scapegoat certain people; that's regrettable,  
3        but it's now been abandoned and, hopefully, we  
4        will continue with the work of negotiating a  
5        budget, which I know Senator Bruno certainly has  
6        been doing and wants to do and I think all of my  
7        colleagues want to do.

8                        So, you know, I'm glad that we've  
9        put this part of the process which never should  
10       have been part of the process behind us, and we  
11       recognize that those who work in America get  
12       paid.

13                        Thank you, Mr. President.

14                        ACTING PRESIDENT DiCARLO:  
15       Senator Gold to explain his vote.

16                        SENATOR GOLD: Thank you.

17                        I'll be very brief. If it wasn't  
18       for Senator Bruno's remarks, I don't know  
19       whether we would make any but, Senator, I'll  
20       thank the Governor when the Governor does  
21       something that deserves his thanks regardless of  
22       party, but I don't think that when you do  
23       something because a federal judge bangs you over

1 the head, the people in your own party tell you,  
2 "Governor, why do you want to make enemies out  
3 of all of us", I don't think that's a place for  
4 commendation.

5 I do think, however, Senator  
6 Bruno, that you ought to be commended because  
7 the bottom line is I believe that you and the  
8 members on your side did not want to be disloyal  
9 to the Governor and were put in a very difficult  
10 situation. I saw you and others on television  
11 earlier this week -- or actually, towards the  
12 end of last week saying you were putting in the  
13 bill and you were just going to move forward,  
14 and I think that is to your credit.

15 I also want to commend Senator  
16 Connor who knew what was right from the  
17 beginning and who didn't need a federal judge to  
18 give him an education, and I think certainly the  
19 staff behind your back, Senator Connor, talks  
20 about you and is very grateful for the  
21 leadership in continuing this fight so that they  
22 could finally get this money.

23 Lastly, I don't congratulate -- I

1 don't want to mention Art Brown by name, but  
2 there is somebody of rather limited intellect  
3 who writes editorials for the Daily News and  
4 obviously if the Legislature was to do what he  
5 wanted, we would sink the city of New York, and  
6 somebody ought to sit down with that person in  
7 very small words that he might understand,  
8 explain that the budget fight is partly for the  
9 survival of the city of New York where a lot of  
10 their newspapers get sold, and if it wasn't for  
11 our intellect, rather than his, the city would  
12 go down the drain.

13 I vote yes.

14 ACTING PRESIDENT DiCARLO:

15 Senator Dollinger to explain his vote.

16 SENATOR DOLLINGER: Mr.

17 President, I rise to echo the sentiments of my  
18 colleagues, Senator Gold and Senator Connor.

19 I have really no thanks to go  
20 down to the second floor. I agree with Senator  
21 Gold. Governor Pataki was hit over the head  
22 with the threat of contempt and we now see the  
23 product of that threat of contempt, and he is

1       doing what, frankly, I think everybody on this  
2       side of the aisle loudly articulated for the  
3       last two weeks that it is the right thing.

4                       What he's doing is paying people  
5       for work that they have earned, and I'm  
6       astounded by two things that the Governor said.  
7       One, he's quoted in the paper this morning as  
8       saying it would be simple parity that requires  
9       that not only do the legislative employees who  
10      brought this lawsuit and who are the named  
11      parties, but also that his employees who work on  
12      the second floor and were not paid should be  
13      paid as well. It was simple parity that we pay  
14      legislative employees and his employees.

15                      It seems to me he forgot the  
16      other simple things that we talked about in this  
17      two-week fight, simple fairness, simple justice  
18      and simple compassion. I suggest to the  
19      Governor that he go back and look up those terms  
20      and realize that that's what we had argued all  
21      the time.

22                      The other thing I'm astounded by  
23      the Governor is the Governor wants to appeal be

1           cause of the importance of separation of powers  
2           between a federal court and a state government.  
3           Wasn't that the whole argument here, separation  
4           of powers? Why should the legislative employees  
5           not be paid while everybody in the executive  
6           branch except a handful of people who worked on  
7           the Governor's staff were paid?

8                         Did the Governor forget the  
9           importance of powers that are reserved to the  
10          Legislature, to this body? I think the Governor  
11          needs to go back to law school and learn  
12          something about the simple rules of law as well  
13          as the simple concept of separation of power.

14                        I also will commend Senator  
15          Bruno. Senator Connor referred to a group of  
16          Senators in this chamber who were silently  
17          whispering support. I think there were silent  
18          whispers of support from people in this  
19          chamber. I appreciate the fact that Senator  
20          Bruno, after the federal court decision came  
21          down and I understand even prior to that, was  
22          advocating that everybody that works ought to  
23          get paid which, as we all know, is the simple,

1 right, just, fair and compassionate thing to do.

2 I commend my colleagues. This is  
3 the right thing. Now we can get on with the  
4 real issue, which is to have a debate over what  
5 this budget means to the people of the state of  
6 New York and go forward. This sorry episode is  
7 over.

8 ACTING PRESIDENT DiCARLO:  
9 Senator Waldon to explain his vote.

10 SENATOR WALDON: Thank you very  
11 much, Mr. President, my colleagues.

12 I'll be very brief. I am not  
13 going to address, as my colleagues have, the  
14 resolution of the court case and that the  
15 Governor was put into a position where he felt  
16 it best to comply, was forced to comply.

17 I'm going to put out on the air  
18 the question of why did this ever occur? Why  
19 did someone attempt to bully us into having his  
20 way by holding hostage the little people?

21 Everyone knows who the Governor  
22 is. When we walk into a room, we recognize that  
23 we are the Senators. Senator Bruno is our

1 leader. Our Minority Leader is Marty Connor.  
2 If the Governor is there, he is the Governor.  
3 If Shelly Silver is there, he is the Speaker.  
4 We all know that. So there's no need to use the  
5 high office of the governorship of the state of  
6 New York to whip people into line by holding  
7 hostage my receptionist, my secretaries and my  
8 office managers, and I would think all of our  
9 people who work in similar capacities.

10 I don't understand this. I have  
11 never in all my years focusing upon, participat  
12 ing in government, ever seen this kind of bully  
13 tactic by someone who is sitting in a seat as  
14 high as the governor's seat of the state of New  
15 York.

16 One day we may know why. I am  
17 interested and concerned and would like to know  
18 why. I would like to know whether there was a  
19 Freudian slip where someone got out -- into  
20 something and didn't know how to pull back or if  
21 this really speaks to the mettle, m-e-t-t-l-e,  
22 of the man. If it speaks to the mettle of the  
23 man, I am really worried and really concerned,

1 but I'm glad that it's over.

2 I'm glad that my staff members  
3 are happier today than they have been in quite a  
4 few weeks and I'm glad that pall that's been  
5 hanging over our chamber driven by this  
6 contentiousness orchestrated from the second  
7 floor may now somewhat, if not disappear, at  
8 least dissipate, and I'll look forward to our  
9 making a budget that will work for all of the  
10 people of the state of New York, especially the  
11 little people.

12 Thank you, Mr. President.

13 ACTING PRESIDENT DiCARLO:

14 Senator Paterson to explain his vote.

15 SENATOR PATERSON: Mr. President,  
16 there's just a little issue that doesn't help  
17 this whole process any, and that relates to the  
18 fact that originally it was the intention not to  
19 pay any of the employees of this state, but  
20 there was a great deal of pressure from a number  
21 of unions and those who are powerful and those  
22 who were in position to make their interests the  
23 reality of those who were making the decisions

1 in this process.

2 And so the initial attempt was,  
3 in a sense, changed so that we would just have a  
4 bill that would not pay the legislators and  
5 wouldn't pay the staff. The staff doesn't have  
6 a union. The staff doesn't have the opportu  
7 nities or the rights that individuals around this  
8 state who are in unions did have, and so it was  
9 an attempt to pick on individuals who probably  
10 were perceived not to have any clout in terms of  
11 fighting back, and it was probably an oppor  
12 tunity to make a point at the expense of indi  
13 viduals, at the expense of their paychecks.  
14 Some of them work part time. Some of them work  
15 seasonally. Some of them work session. Many of  
16 them are single-family household heads. Many of  
17 them are just struggling trying to earn a  
18 living, and a great number of them live right in  
19 this particular area, in Albany, in Schenectady,  
20 in Troy and cities around here, and the feeling  
21 was, if anyone tried to defend them, that the  
22 media would not speak for them. The media would  
23 not even want to listen because these individ

1 uals were friends or relatives or political  
2 hacks or all kinds of names that staff members  
3 are called.

4 In fact, there have been  
5 instances where the process was certainly  
6 brought down by the fact that there was that  
7 kind of hiring, but the overwhelming majority of  
8 staff members, as in every area, are hard  
9 working citizens of this country who were just  
10 trying to earn a living who take a lot of pride  
11 in their work and have a reasonable expectation  
12 that they would be paid for it.

13 I hope that, as we continue in  
14 this budget process, that this court decision  
15 may tell us how to deal with the staff, but I  
16 think there's some dicta, some spirit in this  
17 decision that may help us in the budget process  
18 about perhaps not trying to scapegoat all of our  
19 problems on individuals who can't fight back or  
20 don't have a voice. I hope we will, from this  
21 lesson, move forward and think in terms of what  
22 the best interests of our state is, if we have a  
23 gap in our budget, that we divide it equally and

1           that we all share in the circumstances that have  
2           beset us in this fiscal year.

3                         I'll try to react positively from  
4           this verdict. I hope that the admonitions that  
5           Senator Waldon just gave us are not going to be  
6           fulfilled. I certainly hope that this will mark  
7           a time in which we will really now concentrate  
8           our full attention to the budget process. We  
9           have a contract, a contract with the citizens of  
10          New York, that we will bring in a budget and I  
11          hope that we could do that in the earliest time.

12                        ACTING PRESIDENT DiCARLO: The  
13          bill is passed.

14                        Senator Bruno.

15                        SENATOR BRUNO: Mr. President,  
16          can we now go back to Calendar Number 714?

17                        ACTING PRESIDENT DiCARLO: The  
18          Secretary will read.

19                        THE SECRETARY: Calendar Number  
20          714, Budget Bill, Senate Print 5144, an act to  
21          provide for payments to municipalities and  
22          providers of medical services.

23                        ACTING PRESIDENT DiCARLO:

1 Senator Bruno.

2 SENATOR BRUNO: Is there a  
3 message at the desk, Mr. President?

4 ACTING PRESIDENT DiCARLO: Yes,  
5 Senator, there is.

6 Senator Bruno.

7 SENATOR BRUNO: I move we adopt  
8 the message, Mr. President.

9 ACTING PRESIDENT DiCARLO: All in  
10 favor of accepting the message of necessity  
11 signify by saying aye.

12 (Response of "Aye".)

13 Opposed, nay.

14 (There was no response.)

15 The message is accepted.

16 Read the last section.

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

19 ACTING PRESIDENT DiCARLO: Call  
20 the roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes 57.

23 ACTING PRESIDENT DiCARLO: The

1 bill is passed.

2 Senator Bruno.

3 SENATOR BRUNO: Mr. President,  
4 can we now take up Calendar Number 715?

5 ACTING PRESIDENT DiCARLO: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 715, Budget Bill, Senate Print 5145, an act  
9 making an appropriation for the support of  
10 government.

11 ACTING PRESIDENT DiCARLO:  
12 Senator Bruno.

13 SENATOR BRUNO: Is there a  
14 message at the desk?

15 ACTING PRESIDENT DiCARLO: Yes,  
16 Senator, there is.

17 SENATOR BRUNO: Can we -

18 ACTING PRESIDENT DiCARLO:  
19 Senator Bruno.

20 SENATOR BRUNO: -- accept the  
21 message, Mr. President?

22 ACTING PRESIDENT DiCARLO: All in  
23 favor of accepting the message of necessity

1 signify by saying aye.  
2 (Response of "Aye".)  
3 Opposed, nay.  
4 (There was no response.)  
5 The message is accepted.  
6 Read the last section.  
7 THE SECRETARY: Section 4. This  
8 act shall take effect immediately.  
9 ACTING PRESIDENT DiCARLO: Call  
10 the roll.  
11 (The Secretary called the roll.)  
12 THE SECRETARY: Ayes 57.  
13 ACTING PRESIDENT DiCARLO: The  
14 bill is passed.  
15 Senator Bruno.  
16 SENATOR BRUNO: Mr. President,  
17 can we now take up Calendar Number 716?  
18 ACTING PRESIDENT DiCARLO: The  
19 Secretary will read.  
20 THE SECRETARY: Calendar Number  
21 716, Budget Bill, Senate Print 5146, an act  
22 making an appropriation for the support of  
23 government.

1                   ACTING PRESIDENT DiCARLO:

2           Senator Bruno.

3                   SENATOR BRUNO:  Is there a  
4           message from the Governor at the desk?

5                   ACTING PRESIDENT DiCARLO:  Yes,  
6           Senator Bruno, there is.

7                   SENATOR BRUNO:  And can we move  
8           the message at this time?

9                   ACTING PRESIDENT DiCARLO:  All in  
10          favor of accepting the message of necessity  
11          signify by saying aye.

12                               (Response of "Aye".)

13                               Opposed, nay.

14                               (There was no response.)

15                               The message is accepted.

16                               Read the last section.

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

19                   ACTING PRESIDENT DiCARLO:  Call  
20          the roll.

21                               (The Secretary called the roll.)

22                   THE SECRETARY:  Ayes 57.

23                   ACTING PRESIDENT DiCARLO:  The

1 bill is passed.

2 Senator Bruno.

3 SENATOR BRUNO: Mr. President,  
4 can we now take up Calendar Number 717?

5 ACTING PRESIDENT DiCARLO: The  
6 Secretary will read.

7 THE SECRETARY: Calendar Number  
8 717, Budget Bill, Senate Print 5147, an act  
9 making an appropriation for debt service  
10 obligations of the City University of New York.

11 ACTING PRESIDENT DiCARLO:  
12 Senator Bruno.

13 SENATOR BRUNO: Is there a  
14 message at the desk, Mr. President?

15 ACTING PRESIDENT DiCARLO: Yes,  
16 Senator Bruno, there is.

17 SENATOR BRUNO: Can we accept the  
18 message?

19 ACTING PRESIDENT DiCARLO: All in  
20 favor of accepting the message of necessity  
21 signify by saying aye.

22 (Response of "Aye".)

23 Opposed, nay.

1 (There was no response.)  
2 The message is adopted.  
3 Read the last section.  
4 THE SECRETARY: Section 3. This  
5 act shall take effect immediately.  
6 ACTING PRESIDENT DiCARLO: Call  
7 the roll.  
8 (The Secretary called the roll.)  
9 THE SECRETARY: Ayes 57.  
10 ACTING PRESIDENT DiCARLO: The  
11 bill is passed.  
12 Senator Bruno.  
13 SENATOR BRUNO: Mr. President,  
14 can we now take up Calendar Number 718?  
15 ACTING PRESIDENT DiCARLO: The  
16 Secretary will read.  
17 THE SECRETARY: Calendar Number  
18 718, Budget Bill, Senate Print 5148, an act  
19 making an appropriation for the support of  
20 government.  
21 ACTING PRESIDENT DiCARLO:  
22 Senator Bruno.  
23 SENATOR BRUNO: Is there a

1 message at the desk, Mr. President?

2 ACTING PRESIDENT DiCARLO: Yes,  
3 Senator Bruno, there is.

4 SENATOR BRUNO: Can we accept the  
5 message?

6 ACTING PRESIDENT DiCARLO: All in  
7 favor of accepting the message of necessity  
8 signify by saying aye.

9 (Response of "Aye".)

10 Opposed, nay.

11 (There was no response.)

12 The message is accepted.

13 Read the last section.

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

16 ACTING PRESIDENT DiCARLO: Call  
17 the roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes 57.

20 ACTING PRESIDENT DiCARLO: The  
21 bill is passed.

22 Senator Bruno.

23 SENATOR BRUNO: Mr. President,

1 can we now take up Calendar Number 7... I lost  
2 track ...19? This is hard.

3 Thank you, Mr. President.

4 ACTING PRESIDENT DiCARLO: The  
5 Secretary will read.

6 THE SECRETARY: Calendar Number  
7 719, Budget Bill, Senate Print 5149, an act  
8 making an appropriation for the support of  
9 government.

10 ACTING PRESIDENT DiCARLO:  
11 Senator Bruno.

12 SENATOR BRUNO: Is there a  
13 message at the desk, Mr. President?

14 ACTING PRESIDENT DiCARLO: Yes,  
15 Senator Bruno, there is.

16 SENATOR BRUNO: Can we accept the  
17 message?

18 ACTING PRESIDENT DiCARLO: All in  
19 favor of accepting the message of necessity  
20 signify by saying aye.

21 (Response of "Aye".)

22 Opposed, nay.

23 (There was no response.)

1 The message is accepted.

2 Read the last section.

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

5 ACTING PRESIDENT DiCARLO: Call  
6 the roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes 57.

9 ACTING PRESIDENT DiCARLO: The  
10 bill is passed.

11 Senator Bruno.

12 SENATOR BRUNO: Mr. President, I  
13 believe you have Calendar Number 545 at the  
14 desk. I'd like to lay it aside for the day.

15 ACTING PRESIDENT DiCARLO: We'll  
16 lay it aside for the day.

17 SENATOR BRUNO: Is there any  
18 housekeeping at the desk, Mr. President?

19 ACTING PRESIDENT DiCARLO: Yes,  
20 Senator, there is.

21 SENATOR BRUNO: Can we take it up  
22 at this time?

23 ACTING PRESIDENT DiCARLO:

1 Senator Nozzolio.

2 SENATOR NOZZOLIO: Yes. On  
3 behalf of Senator Libous, please place a  
4 sponsor's star on Calendar Number 663, and on  
5 behalf of Senator Cook, on page 23, the  
6 following amendments are offered to Calendar  
7 Number 475.

8 ACTING PRESIDENT DiCARLO: The  
9 bill is starred and the amendments are  
10 received.

11 Senator Bruno.

12 SENATOR BRUNO: Mr. President,  
13 there being no further business to come before  
14 this Senate, I move we stand adjourned until  
15 tomorrow at 10:00 a.m.

16 ACTING PRESIDENT DiCARLO:  
17 Without objection, the Senate stands adjourned  
18 'til tomorrow at 10:00 a.m..

19 (Whereupon, at 2:24 p.m., the  
20 Senate adjourned.)

21

22

23