ALBANY, NEW YORK

May 9, 1995

11:05 a.m.

REGULAR SESSION

SENATOR ROBERT J. DiCARLO, Acting President

STEPHEN F. SLOAN, Secretary

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.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Cook.

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

ACTING PRESIDENT DiCARLO: The message is received and adopted.

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

ACTING PRESIDENT DiCARLO: The amendments are received.

Senator Skelos -- Senator Cook - Senator Skelos? Senator Cook first?

SENATOR COOK: Mr. President, on

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

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

Senator Skelos.

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

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

We have some substitutions at the desk, Senator Skelos.

SENATOR SKELOS: Make your substitutions, please.

ACTING PRESIDENT DiCARLO: The Secretary will read.

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

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

ACTING PRESIDENT DiCARLO: The substitutions are ordered.

Senator Skelos.

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

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

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

women state legislators;

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

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

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

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

These women state legislators of

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

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

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

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

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

ACTING PRESIDENT DiCARLO: Senator Skelos.

SENATOR SKELOS: Move the adoption of the resolution.

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

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

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Skelos.

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

ACTING PRESIDENT DiCARLO: The Secretary will read.

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

Rules, in relation to shareholder derivative suits.

ACTING PRESIDENT DiCARLO: The bill is laid aside.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Lay it aside.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

SENATOR SKELOS: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay it aside.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 41.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT DiCARLO: The

bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT DiCARLO: The bill is passed.

THE SECRETARY: Calendar Number 521, by Senator Lack, Senate Print 3121, an act to amend the Penal Law, in relation to influencing or injuring a judge, prosecutor, attorney, juror or witness.

ACTING PRESIDENT DiCARLO: Read

the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT DiCARLO:

Senator Skelos.

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

ACTING PRESIDENT DiCARLO: Sure. Results?

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

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Skelos.

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

SENATOR LARKIN: Senator Larkin.

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

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

Capitol. Continue.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read

the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The

bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: There

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

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

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

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

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

THE SECRETARY: Section -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT DiCARLO: Lay it aside.

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

ACTING PRESIDENT DiCARLO:

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

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

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

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

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

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

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

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

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

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

ACTING PRESIDENT DiCARLO: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 52.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

SENATOR PATERSON: Thank you, Mr. President.

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

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

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

ACTING PRESIDENT DiCARLO: Call up Calendar Number 368.

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: If we could take

up the controversial calendar at this time.

ACTING PRESIDENT DiCARLO: The Secretary will read.

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

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

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

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

ACTING PRESIDENT DiCARLO: Senator Paterson.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT DiCARLO: An explanation has been asked for.

Senator Lack.

SENATOR LACK: Thank you, Mr.

President.

This bill would require the pubic administrators within the five counties of the city of New York to be paid a salary that's the equivalent to the salary of a judge of the Civil Court or the Criminal Court of the city of New York.

ACTING PRESIDENT DiCARLO: Senator Paterson.

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

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

SENATOR LACK: Yes, Mr. President.

ACTING PRESIDENT DiCARLO: Senator Paterson.

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

response to that. That's all.

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

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

ACTING PRESIDENT DiCARLO: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT DiCARLO: The bill is passed.

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

ACTING PRESIDENT DiCARLO: Senator Paterson.

SENATOR PATERSON: Explanation.

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

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT DiCARLO: Lay the bill aside temporarily.

Senator Skelos.

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

ACTING PRESIDENT DiCARLO: The Secretary will read.

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

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

ACTING PRESIDENT DiCARLO: Senator Goodman on the nomination.

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

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

He's a graduate of Dartmouth

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

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

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

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

(Response of "Aye.")

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.

ACTING PRESIDENT DiCARLO: The Secretary will read.

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

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

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

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

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

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

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

of government.

All bills directly for third reading.

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

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT DeFRANCISCO: Senator Skelos.

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

Senator Volker.

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

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

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

Senator Skelos.

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

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

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

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT DiCARLO: Senator Skelos.

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

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

SENATOR BRUNO: Mr. President,

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

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

The Secretary will read.

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

ACTING PRESIDENT DiCARLO: Senator Bruno.

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

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Rules report is adopted.

Senator Bruno.

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

ACTING PRESIDENT DiCARLO: Senator Goodman.

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

ACTING PRESIDENT DiCARLO: Senator Bruno.

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

ACTING PRESIDENT DiCARLO: The Secretary will read.

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

act making appropriation for the support of government.

ACTING PRESIDENT DiCARLO: Senator Bruno.

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

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

SENATOR BRUNO: I move we accept the message.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is adopted.

Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Bruno.

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

SENATOR GOLD: Without objection.

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

ACTING PRESIDENT DiCARLO: Senator Bruno to explain his vote.

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

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

earned.

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

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

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

forward.

ACTING PRESIDENT DiCARLO: Senator Connor.

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

ACTING PRESIDENT DiCARLO: Senator Connor.

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT DiCARLO: Senator Gold to explain his vote.

SENATOR GOLD: Thank you.

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

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

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

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

Lastly, I don't congratulate -- I

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

I vote yes.

ACTING PRESIDENT DiCARLO: Senator Dollinger to explain his vote.

SENATOR DOLLINGER: Mr. President, I rise to echo the sentiments of my colleagues, Senator Gold and Senator Connor.

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

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

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

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

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

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

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

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

right, just, fair and compassionate thing to do.

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

ACTING PRESIDENT DiCARLO: Senator Waldon to explain his vote.

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

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

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

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

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

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

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

but I'm glad that it's over.

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

Thank you, Mr. President.

ACTING PRESIDENT DiCARLO: Senator Paterson to explain his vote.

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

in this process.

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

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

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

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

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

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

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Bruno.

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

ACTING PRESIDENT DiCARLO: The Secretary will read.

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

ACTING PRESIDENT DiCARLO:

Senator Bruno.

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

ACTING PRESIDENT DiCARLO: Yes, Senator, there is.

Senator Bruno.

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

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The

bill is passed.

Senator Bruno.

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

ACTING PRESIDENT DiCARLO: The Secretary will read.

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

ACTING PRESIDENT DiCARLO: Senator Bruno.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT DiCARLO: Yes, Senator, there is.

SENATOR BRUNO: Can we -

ACTING PRESIDENT DiCARLO: Senator Bruno.

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

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

signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we now take up Calendar Number 716?

ACTING PRESIDENT DiCARLO: The Secretary will read.

THE SECRETARY: Calendar Number 716, Budget Bill, Senate Print 5146, an act making an appropriation for the support of government.

ACTING PRESIDENT DiCARLO: Senator Bruno.

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

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

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

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The

bill is passed.

Senator Bruno.

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

ACTING PRESIDENT DiCARLO: The Secretary will read.

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

ACTING PRESIDENT DiCARLO: Senator Bruno.

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

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

SENATOR BRUNO: Can we accept the message?

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is adopted.

Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we now take up Calendar Number 718?

ACTING PRESIDENT DiCARLO: The Secretary will read.

THE SECRETARY: Calendar Number 718, Budget Bill, Senate Print 5148, an act making an appropriation for the support of government.

ACTING PRESIDENT DiCARLO: Senator Bruno.

SENATOR BRUNO: Is there a

message at the desk, Mr. President?

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

SENATOR BRUNO: Can we accept the message?

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President,

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

Thank you, Mr. President.

ACTING PRESIDENT DiCARLO: The Secretary will read.

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

ACTING PRESIDENT DiCARLO: Senator Bruno.

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

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

SENATOR BRUNO: Can we accept the message?

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

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

ACTING PRESIDENT DiCARLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT DiCARLO: The bill is passed.

Senator Bruno.

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

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

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

ACTING PRESIDENT DiCARLO: Yes, Senator, there is.

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

ACTING PRESIDENT DiCARLO:

Senator Nozzolio.

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

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

Senator Bruno.

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

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

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