ALBANY, NEW YORK

June 27, 1995

10:04 a.m.

REGULAR SESSION

SENATOR JOSEPH R. HOLLAND, Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT HOLLAND: The Senate will come to order.

The Senators will find their seats. Would everyone please rise and join us in the pledge to the flag.

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

May we now bow our heads in a moment of silent prayer.

(A moment of silence was observed.)

Thank you.

Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 26th. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Sunday, June 25th, was read and ap proved. On motion, Senate adjourned.

ACTING PRESIDENT HOLLAND: Hearing no objection, the Journal stands approved as read.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we ask for an immediate meeting of the Rules Committee in Room 332.

ACTING PRESIDENT HOLLAND: There will be an immediate meeting of the Rules Committee in Room 332.

The order of business.

Presentation of petitions.

Messages from the Assembly.

Secretary will read.

THE SECRETARY: The Assembly returned the Senate Bill Number 4524, Assembly Reprint 30006, entitled an Act to Amend the Election Law, with a message that it has concurred in the passage of the same with amendments.

ACTING PRESIDENT HOLLAND: Senator DiCarlo.

SENATOR DiCARLO: Mr. President, on behalf of Senator Maltese, I move that the Senate concur in said amendments.

ACTING PRESIDENT HOLLAND:

Without objection, the amendments are concurred in, and the bill is restored to the Calendar.

Further 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 MAZIARZ: Mr. President.

ACTING PRESIDENT HOLLAND: Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, on behalf of Senator Levy, I wish to call up bill, Print 4146A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 583, by Senator Levy, Senate Print 4146A, an act

to amend the Transportation Law, in relation to requiring the Commissioner of Transportation.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

SENATOR MAZIARZ: I now offer the following amendments, Mr. President.

ACTING PRESIDENT HOLLAND: Amendments received.

SENATOR MAZIARZ: Mr. President, I wish to call up bill, Print Number 4384, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 665, by Senator Cook, Senate Print 4384, an act relating to the apportionment of building aid

and reorganization incentive building aid.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

SENATOR MAZIARZ: I now offer the following amendments.

ACTING PRESIDENT HOLLAND: Amendments received.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on behalf of Senator Skelos, I wish to call up Print Number 4182A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 564, by Senator Skelos, Senate Print 4182A, an act to amend the Nassau County Civil Divisions

Act, in relation to the volunteer and exempt firemen's benevolent association.

SENATOR MAZIARZ: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

SENATOR MAZIARZ: I now offer the following amendments.

ACTING PRESIDENT HOLLAND: Amendments received.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on behalf of Senator Volker, I'd like to call up Print Number 2767A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 554, by Senator Volker, Senate Print 2767A, an

act to amend Chapter 207 of the Laws of 1994 relating to incorporating the Twin District Volunteer Firemen's Benevolent Association.

SENATOR MAZIARZ: I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

SENATOR MAZIARZ: Mr. President, I now offer the following amendments.

ACTING PRESIDENT HOLLAND: Amendments are received.

SENATOR MAZIARZ: Mr. President.

ACTING PRESIDENT HOLLAND: Senator Maziarz.

SENATOR MAZIARZ: On behalf of Senator LaValle, I'd like to call up Senate Print 1798, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND:

Secretary will read.

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.

SENATOR MAZIARZ: Mr. President, I now wish to -- I move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

SENATOR MAZIARZ: Mr. President, I now offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on behalf of Senator Holland, I wish to call up Print Number 475, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND:

Secretary will read.

THE SECRETARY: Calendar Number 515, by Senator Holland, Senate Print 475, an act to amend the Criminal Procedure Law, in relation to designating security officers.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 31.

SENATOR MAZIARZ: Mr. President, I now offer the following amendments.

ACTING PRESIDENT HOLLAND: Amendments are received.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on behalf of Senator Velella, I wish to call up Print Number 2946, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 176, by Senator Velella, Senate Print 2946, an act to amend Chapter 9 -- excuse me, 696 of the Laws of 1887 relating to providing hospitals.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll, please.

THE SECRETARY: Ayes 31.

SENATOR MAZIARZ: Mr. President, I now offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received, Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on behalf of Senator Goodman, I wish to call up Print Number 1409, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 125, by Senator Goodman, Senate Print 1409, an act to amend the Vehicle and Traffic Law, in

relation to increasing penalties for subsequent violations.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

SENATOR MAZIARZ: Mr. President, I now offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on behalf of Senator Kuhl, I wish to call up Print Number 658A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 61, by Senator Kuhl, Senate Print 658A, an act

to amend the Agriculture and Markets Law and the Environmental Conservation Law, in relation to the siting of solid waste management resource recovery facilities.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

SENATOR MAZIARZ: Mr. President, I now offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on behalf of Senator Nozzolio, I wish to call up Senate Print 580A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 42, by Senator Nozzolio, Senate Print 580A, an act to amend the Public Authorities Law, and the Executive Law, in relation to creating the Cayuga County Water and Sewer Authority.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

SENATOR MAZIARZ: Mr. President, I now offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

SENATOR MAZIARZ: Mr. President, on behalf of Senator DeFrancisco, I wish to call up Print Number 4225B, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 1404, by Senator DeFrancisco, Senate Print 4225B, an act to amend the County Law, the General Municipal Law and the Education Law, in relation to the appointment as private college campus security officers.

SENATOR MAZIARZ: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 32.

SENATOR MAZIARZ: Mr. President, I now offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

Senator Marcellino.

SENATOR MARCELLINO: It's a tough act to follow, Mr. President.

On behalf of Senator Saland, I wish to call up Bill Number 3475, having passed

both houses and not delivered to the Governor.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 950, by Senator Saland, Senate Print 3475, an act to amend the Family Court Act and the Domestic Relations Law, in relation to service of temporary orders of protection.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed and ask the bill be restored to the order of third reading.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 32.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

Senator Marcellino.

SENATOR MARCELLINO: On behalf of

Senator Maltese, may I call up bill, Print Number 3320, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 1445, by Senator Maltese, Senate Print 3320, an act to amend the Penal Law, in relation to false reporting of incidents.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 32.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

SENATOR MARCELLINO: Mr. President, on behalf of my colleague, Senator

Nozzolio, I wish to call up Print Number 3982, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 1411, by Senator Nozzolio, Senate Print 3982, an act to amend the Vehicle and Traffic Law, in relation to authorizing a residential parking system.

SENATOR MARCELLINO: Mr. President, I now move that we reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 32.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Kuhl, I wish to call up Print Number 5085, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 1340, by Senator Kuhl, Senate Print 5085, an act in relation to authorizing the village of Penn Yan, Yates County, to issue serial bonds.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 32.

SENATOR MARCELLINO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Goodman, I wish to call up bill, Print Number 917A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 1051, by Senator Goodman, Senate Print 917A, an act to amend the Civil Rights Law, in relation to prohibiting the non-consensual use of a person's voice.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 32.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Lack, I wish to call up bill, Print Number 3552, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 931, by Senator Lack, Senate Print 3552, an act to amend the Tax Law, in relation to mortgage recording taxes on credit line mortgages.

SENATOR MARCELLINO: Mr. President, I move the vote by which this bill - I move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 32.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Saland, I wish to call up bill, Print Number 1434A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 908, by Senator Saland, Senate Print 1434A, an act authorizing the Commissioner of General Services to sell certain land to the city of Beacon.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 32.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT HOLLAND: The

amendments are received.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Sears, I wish to call up bill, Print Number 1355B, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 894, by Senator Sears, Senate Print 1355B, an act to amend the Environmental Conservation Law, in relation to prohibiting the feeding of deer within 300 feet of a public highway.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 33.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT HOLLAND: The

amendments are received.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Levy, I call up bill, Print Number 4985A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 875, by Senator Levy, Senate Print 4985-A, an act to amend the Transportation Law, in relation to the investigation of accidents by the state Public Transportation Safety Board.

SENATOR MARCELLINO: Mr. President, I now move we reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 33.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT HOLLAND: The

amendments are received. Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Goodman, I wish to call up bill, Senate Print 3672A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: The Secretary will read.

THE SECRETARY: Calendar Number 75, by Senator Goodman, Senate Print 3672A, an act to amend Chapter 687 of the Laws of 1991, amending the General Business Law.

SENATOR MARCELLINO: Mr. President, I now move we reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 33.

SENATOR MARCELLINO: Mr. President, I offer the following amendments.

ACTING PRESIDENT HOLLAND: The amendments are received.

SENATOR MARCELLINO: Mr. President, last but not least, on behalf of Senator Leibell, I wish to call up bill, Print Number 2744A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Calendar Number 784, by Senator Leibell, Senate Print 2744A, an act to amend the Town Law, in relation to the refuse and garbage districts in the town of Putnam Valley.

SENATOR MARCELLINO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT HOLLAND: Call the roll, please.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 33.

SENATOR MARCELLINO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT HOLLAND: The

amendments are received. Nice job.

Senator Bruno.

SENATOR BRUNO: Mr. President, I understand that there is a resolution at the desk. I'd like to ask that it now be read in its entirety. I believe it's by Senator Rath.

ACTING PRESIDENT HOLLAND: Secretary will read, please.

Senator Rath.

SENATOR RATH: There is an expectation of someone coming to the chamber in a few moments. If we could do it when she arrives, that would be very important.

ACTING PRESIDENT HOLLAND: We'll lay it aside for a few moments.

Senator Leibell.

SENATOR BRUNO: Mr. President, what do I know!

ACTING PRESIDENT HOLLAND: Senator Bruno.

SENATOR BRUNO: In an attempt to move the process along, is there any other housekeeping at the desk?

ACTING PRESIDENT HOLLAND: Is there any other housekeeping?

SENATOR BRUNO: Mr. President, there is no other housekeeping at the desk. Thank you.

ACTING PRESIDENT HOLLAND: No, sir.

SENATOR BRUNO: Mr. President, I believe there's a Rules report now at the desk.

ACTING PRESIDENT HOLLAND: There is.

SENATOR BRUNO: Can we have the Rules report read.

ACTING PRESIDENT HOLLAND: Secretary will read, please.

SENATOR BRUNO: And adopted.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 2736A, by Senator LaValle, an act to amend the Domestic Relations Law, in relation to information regarding the Thalassemia Trait for applicants for marriage

licenses;

6138, by member of the Assembly Lafayette, an act to amend the Education Law, in relation to persons over 60 years of age auditing courses at the City University of New York;

Senate Print 5335A, by Senator Trunzo, an act to amend the Administrative Code of the city of New York, in relation to provid ing for transfer of the assets, liabilities and administration of the fire department pension fund;

5421, by Senator Trunzo, an act to amend the Administrative Code of the city of New York, in relation to providing for transfer of the assets, liabilities and administration of the police pension fund;

Senate Print 2149B, by Senator Spano, an act to amend the Environmental Conservation Law, in relation to authorizing certain wildlife rehabilitators;

Senate Print 916A, by Senator Goodman, an act authorizing the city of New York

to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Manhattan;

3260, by Senator Stavisky, an act authorizing the city of New York to reconvey its interests in certain real property acquired by in rem tax foreclosure in the borough of Queens;

3978, by Senator Volker, an act to amend the Executive Law, in relation to the organization of the New York State Police;

4201, by Senator Tully, an act to amend the Social Services Law, in relation to authorizing patient discharge to hospices and to residential health care facilities;

4582C, by Senator Hoblock, an act to amend the Education Law, in relation to state aid reimbursement for administrative costs related to pre-school special education programs;

4611, by Senator Lack, an act to amend the Surrogate's Court Procedure Act, in relation to the appointment of a guardian ad litem;

4733A, by Senator Holland, an act to amend the Social Services Law, in relation to enhancing the welfare management system;

4950B, by Senator Marcellino, an act to amend the Navigation Law, in relation to regulation of sewage disposal in certain cases;

5182, by Senator Seward, an act to authorize William F. McLorn to purchase service credit in the New York State and local police and fire retirement system;

5232, by Senator Stafford, an act to amend the Insurance Law, in relation to health insurance coverage;

5274, by Senator Maltese, an act to amend the Vehicle and Traffic Law, in relation to providing the owner of a vehicle with a second notice;

5307, by Senator Kuhl, an act to amend the Agriculture and Markets Law, in relation to the definition of commercial horse boarding;

5364A, by Senator Goodman, an act to amend the Arts and Cultural Affairs Law, in

relation to the maturity dates of notes and bonds of trusts;

5387, by Senator Velella, an act to amend Chapter 12 of the Laws of 1995, relating to providing a retirement incentive;

5402, by Senator Hannon, an act to amend Chapter 438 of the Laws of 1993, amending the Public Health Law;

5426, by Senator Stafford, an act to amend the Highway Law, in relation to purchase of new county road machinery;

5429, by Senator Marchi, an act to amend the New York State Urban Development Corporation Act, in relation to the name of the New York State Urban Development Corporation;

5430, by Senator Marchi, an act to amend the Public Authorities Law, in relation to the indemnification of the members of the boards of directors;

5434, by Senator Maziarz, an act to amend the State Finance Law, in relation to establishing a transportation mobility revolving loan fund;

5441, by Senator Libous, an act to amend the Criminal Procedure Law and the Mental Hygiene Law, in relation to providing criminal history records;

5458, by Senator Kuhl, an act to amend the Alcoholic Beverage Control Law and a chapter of the laws of 1995, as proposed in legislative bill numbers Senate 5199 and Assembly 7797A;

5466, by Senator Trunzo, an act to amend the Retirement and Social Security Law, in relation to employer costs for retroactive membership;

5539, by Senator Hoblock, an act to amend the Military Law, in relation to application for civil service examinations;

All bills ordered directly for third reading.

ACTING PRESIDENT HOLLAND: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time recognize Senator Nozzolio for an announcement.

ACTING PRESIDENT HOLLAND: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. There will be an immediate meeting of the Committee on Crime Victims, Crime and Corrections in Room 334 of the Capitol.

ACTING PRESIDENT HOLLAND: There will be an immediate meeting of the Committee in Room 334 -- check that, yes, Senator, 332.

SENATOR NOZZOLIO: I just learned it's 332 of the Capitol.

ACTING PRESIDENT HOLLAND: 332 of the Capitol. Thank you, sir.

Senator Bruno, we have to accept the Rules Committee report.

SENATOR BRUNO: I move to accept the Rules report, Mr. President.

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

(Response of "Aye.")

All opposed say nay.

(There was no response.)

The committee report of the Rules -- Rules Committee report is accepted, adopted.

SENATOR BRUNO: Mr. President, I believe there is a Rules committee -- not Rules, Tourism in Room 332 immediately following the Crime Victims meeting in the same room.

ACTING PRESIDENT HOLLAND: There will be a Tourism Committee meeting immediately following the Crime Committee meeting in Room 332 of the Capitol.

SENATOR BRUNO: Mr. President, can we at this time take up the non-controversial calendar.

ACTING PRESIDENT HOLLAND: Secretary will read.

THE SECRETARY: Senator LaValle moves to discharge from the Committee on Rules Assembly Bill Number 4552A, and substitute it for the identical Calendar Number 765.

ACTING PRESIDENT HOLLAND: Substitution ordered.

THE SECRETARY: Calendar Number

765, by member of the Assembly DiNapoli, Assembly Print 4552A, an act to amend the Domestic Relations Law, in relation to information regarding the Thalassemia Trait for applicants for marriage licenses.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT HOLLAND: The bill is passed.

SENATOR MARCELLINO: No.

ACTING PRESIDENT HOLLAND: Wait. The results.

THE SECRETARY: On calendar Number 765, ayes 41, nays one, Senator Marcellino recorded in the negative.

ACTING PRESIDENT HOLLAND: The

bill is passed.

Secretary will read.

THE SECRETARY: Calendar Number 799, by member of the Assembly Lafayette, Assembly Print 6138, an act to amend the Education Law, in relation to persons over 60 years of age.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

ACTING PRESIDENT HOLLAND: Are there negatives? Results.

THE SECRETARY: Ayes 42, nays one, Senator Wright recorded in the negative.

ACTING PRESIDENT HOLLAND: The bill is passed.

Secretary will read.

THE SECRETARY: Calendar Number

1420, by Senator Trunzo, Senate Print 5335A, an act to amend the Administrative Code of the city of New York, in relation to providing for transfer of assets.

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

THE SECRETARY: Section 20. This act shall take effect July 1st.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1431, by Senator Trunzo, Senate Print 5421, an act to amend the Administrative Code of the city of New York, in relation to providing for transfer of assets.

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

THE SECRETARY: Section 18. This act shall take effect July 1st.

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Senator Spano moves to discharge from the Committee on Rules Assembly Bill Number 2257B, and substitute it for the identical Calendar Number 1440.

ACTING PRESIDENT HOLLAND: Substitution ordered.

THE SECRETARY: Calendar Number 1440, by member of the Assembly Brodsky, Assembly Print 2257B, an act to amend the Environmental Conservation Law, in relation to authorizing certain wildlife rehabilitators.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar - Senator Goodman moves to discharge from the Committee on Rules Assembly Bill Number 678, and substitute it for the identical Calendar Number 1462.

ACTING PRESIDENT HOLLAND: Substitution ordered.

THE SECRETARY: Calendar Number 1462, by member of the Assembly Ravitz, Assembly Print 678, an act authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Manhattan.

ACTING PRESIDENT HOLLAND: 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 HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Senator Stavisky moves to discharge from the Committee on Rules Assembly Bill Number 5528 and substitute it for the identical Calendar Number 1473.

ACTING PRESIDENT HOLLAND: Substitution ordered.

THE SECRETARY: Calendar number 1473, by member of the Assembly Aubry, Assembly Print Number 5528, an act authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Queens.

ACTING PRESIDENT HOLLAND: 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 HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1474, by Senator Volker, Senate Print 3978, an act to amend the Executive Law, in relation to the organization of the New York State Police.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1475, by Senator Tully, Senate Print 4201, an

act to amend the Social Services Law, in relation to authorizing patient discharge to hospices and to residential health care facilities under the Medical Assistance Presumptive Eligibility Program.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1476, by Senator Hoblock, Senate Print 4582C, an act to amend the Education Law, in relation to state aid reimbursement for administrative costs related to pre-school special education programs.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT HOLLAND: Lay

the bill aside.

THE SECRETARY: Senator Lack moves to discharge from the Committee on Rules, Assembly Bill Number 7825 and substitute it for the identical Calendar Number 1477.

ACTING PRESIDENT HOLLAND: Substitution is ordered. Read the last section.

SENATOR SMITH: Lay aside, please.

ACTING PRESIDENT HOLLAND: Lay the bill aside.

THE SECRETARY: Calendar Number 1478, by Senator Holland, Senate Print 4733A, an act to -

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT HOLLAND: Lay the bill aside.

THE SECRETARY: Calendar Number 1479, by Senator Marcellino, Senate Print Number 4950B, an act to amend the Navigation Law, in relation to sewage disposal in certain cases.

ACTING PRESIDENT HOLLAND: Read

the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1480, by Senator Seward, Senate Print 5182, an act -

SENATOR SPANO: Lay aside.

ACTING PRESIDENT HOLLAND: Lay the bill aside.

THE SECRETARY: Senator Stafford moves to discharge from the Committee on Rules Assembly Bill Number 6788A, and substitute it for the identical Calendar Number 1481.

SENATOR SPANO: Lay aside.

ACTING PRESIDENT HOLLAND: Lay the bill aside.

ACTING PRESIDENT HOLLAND: Substitution is ordered first, then the bill is laid aside.

THE SECRETARY: Calendar number 1482, by Senator Maltese, Senate Print 5274, an act to amend the Vehicle and Traffic Law, in relation to providing the owner of a vehicle with a second notice of parking violation.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1483, by Senator Kuhl, Senate Print 5307, an act to amend the Agriculture and Markets Law, in relation to the definition of commercial horse boarding and special district tax exemption.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1484, by Senator Goodman, Senate Print 5364A, an act to amend the Arts and Cultural Affairs Law, in relation to maturity dates of notes and bonds of trusts.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1485, by Senator Velella, Senate Print 5387, an act to amend Chapter 12 of the Laws of 1995, relating to providing a retirement incentive for certain public employees.

ACTING PRESIDENT HOLLAND: Read the last section, please.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Senator Hannon moves to discharge from the Committee on Rules Assembly Bill Number 8135 and substitute it for the identical Calendar Number 1486.

ACTING PRESIDENT HOLLAND: Substitution is ordered. Read the last

section.

THE SECRETARY: Calendar Number 1486, by the Assembly Committee on Rules, a Assembly Bill Number 8135, an act to amend Chapter 438 of the Laws of 1993, amending the Public Health Law.

ACTING PRESIDENT HOLLAND: Call the roll.

Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1487, by Senator Stafford, Senate Print 5426, an act to amend the Highway Law, in relation to purchase of new county road machinery.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1488, by Senator Marchi, Senate Print 5429, an act to amend the New York State Urban Development Corporation Act.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT HOLLAND: Lay the bill aside, please.

THE SECRETARY: Calendar Number 1489, by Senator Marchi, Senate Print 5430, an act to amend the Public -

SENATOR STAFFORD: Lay it aside, please.

ACTING PRESIDENT HOLLAND: Lay the bill aside.

THE SECRETARY: Calendar Number

1490, by Senator Maziarz, Senate Print Number -

SENATOR SPANO: Lay aside, please.

ACTING PRESIDENT HOLLAND: Lay the bill aside, please.

THE SECRETARY: Calendar Number 1491, by Senator Libous, Print Number 5441.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT HOLLAND: Lay aside.

THE SECRETARY: Senator Kuhl moves to discharge from the Committee on Rules Assembly Number 8179 and substitute it for the identical Calendar Number 1492.

ACTING PRESIDENT HOLLAND: Substitution ordered.

SENATOR SMITH: Lay aside, please.

ACTING PRESIDENT HOLLAND: Substitution ordered. Lay the bill aside.

THE SECRETARY: Calendar Number 1493, by Senator Trunzo, Senate Print 5466, an act to amend the Retirement and Social Security

Law, in relation to employer costs for retroactive membership.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT HOLLAND: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1494, by Senator Hoblock, Senate Print 5539, an act to amend the Military Law, in relation to application for civil service examinations.

ACTING PRESIDENT HOLLAND: The bill is high. Lay it aside, please.

SENATOR SPANO: Mr. President.

ACTING PRESIDENT HOLLAND: Senator Spano.

SENATOR SPANO: Mr. President, can we please go to the controversial calendar.

ACTING PRESIDENT HOLLAND: Controversial calendar. The Secretary will read, please.

THE SECRETARY: Calendar Number 1476, by Senator Hoblock, Senate Print 4582C, an act to amend the Education Law, in relation to state aid reimbursement for administrative costs of -

SENATOR PATERSON: Explanation.

ACTING PRESIDENT HOLLAND: Explanation is requested. Senator Hoblock.

SENATOR HOBLOCK: Yes, Mr. President.

This bill is one of several that have been introduced this year in an effort to give some relief to the counties in a program that has been growing substantially in dollars and that's the pre-school education program.

Right now, the counties are reimbursed for administrative costs relative to this particular program at the rate of $50. This bill increases that reimbursement to $250 and will be financed from monies reimbursed from

the federal government, if available.

ACTING PRESIDENT HOLLAND: Senator Paterson.

SENATOR PATERSON: Mr. President, would Senator Hoblock, as he graciously always does, yield for a question?

SENATOR HOBLOCK: Yes.

ACTING PRESIDENT HOLLAND: Senator Hoblock, would you graciously yield?

SENATOR HOBLOCK: Graciously yield.

ACTING PRESIDENT HOLLAND: He does, Senator.

SENATOR PATERSON: Senator, this is actually a noble cause. We are just wondering if there is a fiscal impact as a result of it.

SENATOR HOBLOCK: No, there will be no local impact. Actually this is a relief as opposed to a local impact.

SENATOR PATERSON: Mr. President, if there is going to be a refund, it would seem to me that it would be almost prima facie as it

relates to fiscal impact.

SENATOR HOBLOCK: I'm sorry, I didn't hear that.

SENATOR PATERSON: Senator, what I'm saying is, it would seem just almost -- it would just seem almost inherent in the concept that there would be a fiscal impact because it is a reward, and that's just what we'd like you to explain is how there is no cost to the state to provide this.

SENATOR HOBLOCK: I'm sorry, Senator Paterson, I talked about local -- local cost. What this is saying is that the -- it would be recouped from the federal participation pursuant to Title XIX for these types of programs if that money is available and not being used for other purposes.

SENATOR PATERSON: Thank you, Senator.

SENATOR SPANO: Last section.

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

ACTING PRESIDENT HOLLAND: There

is a local fiscal impact note at the desk. There is a fiscal local impact note at the desk. Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT HOLLAND: The bill is passed.

THE SECRETARY: Calendar Number 1477, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 7825, an act to amend the Surrogate's Court Procedure Act, in relation to the appointment of a guardian ad litem.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT HOLLAND: Explanation is requested.

SENATOR SPANO: Lay it aside.

ACTING PRESIDENT HOLLAND: Lay the bill aside temporarily, please.

THE SECRETARY: Calendar Number 1478, by Senator Holland, Senate Print 4733A, an act to amend the Social Services Law, in relation to enhancing the welfare management

system.

SENATOR SPANO: Last section.

ACTING PRESIDENT HOLLAND: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT RATH: The bill is passed.

THE SECRETARY: Calendar Number 1480, by Senator Seward, Senate Print 5182, an act to authorize William F. McLorn -

SENATOR SPANO: Lay aside.

ACTING PRESIDENT RATH: Lay the bill aside.

THE SECRETARY: Calendar Number 1481, substituted earlier today, by member -

SENATOR SPANO: Lay aside.

ACTING PRESIDENT RATH: Lay the bill aside.

THE SECRETARY: Calendar Number 1488, by Senator Marchi, Senate Print 5429, an act to amend the New York State Urban Development Corporation Act, in relation to the name of the New York State Urban Development Corporation.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT RATH: Explanation has been requested.

SENATOR SPANO: Lay it aside.

ACTING PRESIDENT RATH: Lay the bill aside.

THE SECRETARY: Calendar Number 1489, by Senator Marchi, Senate Print 5430, an act to amend the Public Authorities Law, in relation to the indemnification of the members of the boards of directors.

ACTING PRESIDENT RATH: Read the last section.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT RATH: Explanation has been requested.

SENATOR SPANO: Lay aside.

ACTING PRESIDENT RATH: Lay the bill aside.

THE SECRETARY: Calendar Number 1490, by Senator Maziarz, Senate Print 5434, an act to amend the State Finance Law, in relation to establishing a Transportation Mobility Revolving Loan Fund.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT RATH: Explanation has been requested.

SENATOR SKELOS: Lay aside temporarily.

ACTING PRESIDENT RATH: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1491, by Senator Libous, Senate Print Number 5441.

SENATOR SKELOS: Lay aside for the day.

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

THE SECRETARY: Calendar Number 1492, substituted earlier today, by the Assembly

Committee on Rules, Assembly Bill Number 8179, an act to amend the Alcoholic Beverage Control Law and a chapter of the laws of 1995.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT RATH: Explanation has been requested. Senator Kuhl.

SENATOR KUHL: Thank you, Madam President.

Earlier this year the -- this chamber passed a bill that allowed for a modification of the Alcoholic Beverage Control Law as it deals with packaging of various products.

This bill is an attempt to modify that bill, which was previously passed as I mentioned, and the primary emphasis of this bill is to change the effective date.

Conceptually, what we did when we passed the bill, unknowingly was to potentially give out-of-state producers an advantage, and so this chapter amendment which has been already passed by the Assembly attempts to bring the competitors to an equal playing field by

allowing it to take effect on December 1st, 1995 rather than immediately, so this is an attempt to clean up a previous bill with an oversight that we didn't foresee at that time but which has been brought to our attention by the producers in New York State.

It's a very, very pro-New York State producers' bill, and I would suggest that all of our people and all of my colleagues in the chamber support it.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT RATH: The bill's passed.

SENATOR STAFFORD: Madam President.

ACTING PRESIDENT RATH: Recognize

Senator Stafford.

SENATOR STAFFORD: May we please announce an immediate meeting of the Committee on Finance in Room 332.

ACTING PRESIDENT RATH: An immediate meeting of the Committee on Finance in Room 332.

SENATOR STAFFORD: Lunch will be served.

ACTING PRESIDENT RATH: Senator Stafford advises lunch will be served.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT RATH: Senator Skelos.

SENATOR SKELOS: Would you please call up Senator Maziarz' bill, Calendar Number 1490.

ACTING PRESIDENT RATH: Clerk will read.

THE SECRETARY: Calendar Number 1490, by Senator Maziarz, Senate Print 5434, an act to amend the State Finance Law, in relation

to establishing a Transportation Mobility Revolving Loan Fund.

ACTING PRESIDENT RATH: Read the last section.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT RATH: Explanation has been requested. Senator Maziarz.

SENATOR MAZIARZ: Thank you, Madam President.

This legislation establishes a Transportation Mobility Revolving Loan Fund to be utilized principally for advanced technology, no transportation improvement projects, the money to be received from the state and local and private sources. However, Madam President, at this time the $5 million appropriation to the New York State Department of Transportation contained in this bill is a grant from the Federal Highway Administration.

This $5 million dollars is all federal money. The federal government has earmarked the money to be used for advanced

technology, mobility improvements in international transportation in the Niagara Frontier region of New York State and the Niagara region of Ontario, Canada. The fed's are requiring the state to establish a revolving loan fund to receive and spend the federal appropriation.

The goal is to encourage movement in the spirit of North America and the spirit of the North American Free Trade Agreement and to, at the same time, reduce traffic, mitigate air pollution from idling vehicles and reduce energy consumption and cost as well as improve the processing time at the borders.

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

SENATOR PATERSON: If Senator Maziarz would yield for a question, I have one.

ACTING PRESIDENT RATH: Senator Maziarz yield?

SENATOR MAZIARZ: Yes, Madam President.

ACTING PRESIDENT RATH: Senator

yields.

SENATOR PATERSON: Madam President, contrary to this piece of legislation, the Capital District Transportation Authority, Metropolitan Transportation Authority and many others as well, could benefit from this sort of multi-system that will be addressed in this particular legislation.

What is your recommendation as to how to bring federal dollars in to assist those needed areas of transportation as well?

SENATOR MAZIARZ: Well, first of all, Senator, this 5 million appropriation from the federal government is more than to enhance crossings at international borders. All the ones that you mentioned, Capital District -- I'm sorry. What were the other areas, Senator?

SENATOR PATERSON: Capital, New York City, there's several others all around the state.

SENATOR MAZIARZ: Yes, but not any of them are at international borders such as the Niagara Frontier where we have four

international border crossings. So my recommendation would be for the legislators from those areas to contact their federal representatives and convince them that they have transportation-related problems which I'm sure that they do and attempt to get a revolving loan fund established for those areas.

SENATOR PATERSON: On the -- if Senator Maziarz would continue to yield.

ACTING PRESIDENT RATH: Senator will continue to yield.

SENATOR MAZIARZ: Certainly.

SENATOR PATERSON: I notice that the aspect of revolving loan fund is not really addressed or is addressed minimally in this legislation and, of course, this has been a very effective tool in the past for -- for paying back the loans. I was wondering why you didn't look to it as a further criteria to have established in the legislation.

ACTING PRESIDENT RATH: Senator Maziarz.

SENATOR MAZIARZ: I'm sorry,

Senator, I couldn't hear the question.

ACTING PRESIDENT RATH: Could you repeat the question, please, Senator Paterson.

SENATOR PATERSON: I'm sorry, Madam President. The question related to revolving loan funds which Senator Maziarz just mentioned, and I was just pointing out to him for his perusal the fact that there's really minimal criteria in this legislation that provides for revolving loan funds.

SENATOR MAZIARZ: Well, I don't know that I agree with that, Senator. It's a rather comprehensive agreement between the DOT, between the Niagara Frontier Transportation Authority and the city of Niagara Falls, New York, the city of Buffalo, I believe, is listed in there and also the province of Ontario, the city of Niagara Falls, Ontario. I thought it was a rather comprehensive agreement, Senator.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: All right, Senator. I'll -- I'll yield on that. I would

have to -- I would have to read it over, but certainly it -- if this was within your contemplation when you wrote the bill, I certainly accept it and you did mention it even before I asked you, so I imagine you're absolutely right.

My final question, Madam President, if the Senator would continue to yield.

SENATOR MAZIARZ: Certainly, Madam President.

ACTING PRESIDENT RATH: Senator yields.

SENATOR PATERSON: This relates, Senator Maziarz, to the Commissioner of Transportation really being the sole arbiter in deciding who gets the loans. My concern is that this is vesting too much power in one entity.

Do you understand the possibility that there may be unfortunately too much authority confined to the Commissioner where it might be better spread around to ensure that the loans go to the -- to those most seeking and

most deserving?

SENATOR MAZIARZ: Well, Senator, as you know, we have a -- we have a new Commissioner of Transportation who I believe was unanimously confirmed very recently by this body. I have the utmost trust and faith in that Commissioner that he will be fair in allocating these funds throughout the Niagara Frontier and, of course, that Commissioner, as you are well aware, represented a very large portion of the Niagara Frontier, and I'm sure he's very well aware of where the most needy areas are for international border crossing transportation funds.

SENATOR PATERSON: Senator, I am not challenging the credentials of the new Commissioner. There's no one in this body who I think was better and, as a matter of fact, he was even better than Senator Skelos, but what I'm saying is that we're talking about a process that we're setting up that will inure to the benefit of this state for a long period of time and the next Commissioner could be -- could be

someone like me who should never be allowed to have any authority to a great extent, and so other than that, for the -- for the present, I agree with you.

I'm sure this Commissioner will discharge his duties most aptly, particularly since he represented that particular area which both you and he are familiar with, and so on that note, I guess that concludes my questions and have a nice day, Senator.

ACTING PRESIDENT RATH: Read the last section.

SENATOR MAZIARZ: Thank you very much. You have a nice day too.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT RATH: The bill

is passed.

Senator Skelos.

SENATOR SKELOS: Would you call up Calendar Number 1488, by Senator Marchi.

ACTING PRESIDENT RATH: Clerk will read.

THE SECRETARY: Calendar Number 1488, by Senator Marchi, Senate Print 5429, an act to amend the New York State Urban Development Corporation Act.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT RATH: Senator Marchi.

SENATOR MARCHI: Was there a request for an explanation?

ACTING PRESIDENT RATH: Is there an explanation requested?

SENATOR PATERSON: Yes.

ACTING PRESIDENT RATH: Senator Paterson has requested an explanation.

SENATOR MARCHI: Well, there is -- this is not an enormous change, but it psychologically and perhaps more appropriately

describes what should be the view and the aim of the present Urban Development Corporation in the future.

It merely, instead of saying "urban", we say Empire State Development Corporation which is a more encompassing expression describing the entire state of New York and linking it to the concept of economic development. Whether -- whether that will have an electric effect on the people of this state, of the United States and the planet earth, I'm not sure, but I think it has to help some.

When we say Empire State Economic Development, it's a very affirmative statement that the entire state is engaged in a very serious and objective way in the subject of economic development and, when we link that to all of the substantive steps that have been taken either by way of inducements, facili tation, relief from the onerous regulations, the whole gamut of objectives that we have struggled so hard during the course of this session to better state the aims and objectives of our

efforts to bring about serious economic revitalization, this is part of it, and I would hope that, taken in that spirit, that there will be an enthusiastic rush to say yes.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: Would the Senator yield for a brief question?

SENATOR MARCHI: Yes, Senator.

ACTING PRESIDENT RATH: Senator Marchi, yes.

SENATOR PATERSON: Senator, it's just that the UDC, founded in 1968, was really -- the spirit of the legislation was to develop underprivileged areas, urban areas and that kind of thing. In many respects, I would have to vote for this bill because I think changing the name to the Empire State Development Corporation is really more apt, because I feel we're just getting away from the original concept and so in a sense this is actually legislation that I would see as honest, but I don't know if you would, Senator, because you might not feel that

we're getting away from that concept, but I just think with all the projects we're developing, many of them tainted with sort of patronage and many of the types of endeavors that I think that UDC has involved itself in, I wonder if changing the name only sanctions the fact that we're moving away from the original intent of the development corporation.

SENATOR MARCHI: Well, the narrower definition, Senator, I think, was certainly appropriate and -- and was a fitting start in singling out and identifying a worthwhile objective. That is not lost. The urban experience that the Urban Development Corporation has undergone will serve it in good stead, but I think when you take it up in the larger context, it is at no sacrifice, that narrower objective, indeed it envelops it and sweeps it along with an expanded view of those elements that should go in a feasible dynamic economic development plan.

So that far from introducing words that -- words of stricture, words that are

defining, it broadens the sweep and it rests on the very acceptable basis, of course, that there has been serious efforts made through the years to further the concept and the objective that was singularly outlined when this -- when the Urban Development Corporation was founded.

I -- I couldn't sympathize and relate, join with you and -- in wanting to see that spirit also be strong in the Empire State Development Corporation, to engage in a broadened view of economic development at the same time that the sacrifice or diminution of that one aspect, I think, would be a tragic loss.

We don't want that, but I think that since we -- this engine will have all of those elements, the objectives will all be there, none will be sacrificed except that we take an expanded view which can even enrich the very purpose to which the Urban Development Corporation is more narrowly defined in its address to economic development.

ACTING PRESIDENT RATH: Senator

Paterson.

SENATOR PATERSON: Thank you, Senator.

ACTING PRESIDENT RATH: Read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT RATH: The bill's passed.

Senator Kuhl. Senator Kuhl.

SENATOR KUHL: Yes. Can you call up Calendar Number 1489, please.

ACTING PRESIDENT RATH: 1489.

THE SECRETARY: Calendar Number 1489, by Senator Marchi, Senate Print 5430, an act to amend the Public Authorities Law, in relation to the indemnification of the members of the boards of directors.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT RATH:

Explanation has been requested. Senator Marchi.

SENATOR MARCHI: Madam President, under the existing law, the state does not indemnify the members of the board of directors and officers or the employees of the Environmental Facilities Corporation and the SNMA or these acronyms which are fascinating, Madam President, of the state of New York Mortgage Agency.

Why this was not done is obscure even in examining the genesis of both entities. The fact is, Madam President, that under section 17 of the Public Officers Law, there are numerous agencies, Local Governmental Assistance Corporation, a GreenWay Heritage Conservancy, the Hudson River Valley and Greenway Council, the Energy Research and Development Authority, the Science and Technology Foundation, the Economic Accommodation Control Corporation, Facilities Development Corporation, and on and on and on and on, and I would like to submit,

Madam President, that certainly the important work that they do, it's certainly no great compensation other than the satisfaction of seeing valuable work take place, they should also have that same kind of protection which does not present any diminution of the responsibilities that they carry, no more than it does for every other of all these other agencies which share in the -- in the protection that is exempted to them, but it does -- it does suggest that we are being unfair in this situation and, when you have unfairness, I'm not sure that -- I'm not sure that you always foster the most constructive activity and initiatives in an agency that is -- that is burdened in that fashion.

So they shouldn't be treated like chopped liver to use -- to use a -- a phrase that's in common usage, and it would seem to me that their indemnification against financial loss as they conduct their activities taking care of naming people who have survived our scrutiny and confirmation and does -- plays an

important role, I think, in enabling them to do their job without -- without undue apprehension, but without sacrificing the care that should attend those efforts that they do make.

I see no reason for separating this particular group, these two agencies, from virtually all other agencies where -- that are involved in situations where they may be exposed to circumstances, and in those circumstances in the other agencies enjoy the benefit of indemnification by the state.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: Madam President, if Senator Marchi would yield for a question.

ACTING PRESIDENT RATH: Senator Marchi, would you yield?

SENATOR MARCHI: Yes, Senator.

ACTING PRESIDENT RATH: Senator yields.

SENATOR PATERSON: Senator, your answer was not only constructive, but it answers

the concern that I was going to raise with you relating to what other entities would be affected by this legislation. What I think I'm going to ask you now is -- now I'm not sure which of the public entities are providing indemnification of the board of directors and which aren't.

You think it might be better just to have a standard rule for the public authorities and also utilities and any other public entities that we would just establish once, rather than doing it in a sense piece by piece?

SENATOR MARCHI: I agree with you. I agree with you. This is the bill I had before me. It's a program bill, and I'd be very happy to share with you -- to join with you in joint sponsorship of such a measure because it does have a certain coherence in our logic, I think, which should characterize our approach to the entire question.

However, we do have this, and I would suggest that we move on it and perhaps we

can join in joint sponsorship of legislation that perhaps does it so that we don't have to get up from time to time on these matters if, in fact, they have a common thread inviting this action, and there's no reason.

I don't understand how -- why it should take this long to have it come up.

ACTING PRESIDENT RATH: Senator Paterson.

SENATOR PATERSON: Thank you, Senator, and rest assured we are going to move on this legislation. It's very good. It's just that I think we're arriving at a joint concept as to how we might be able to do it better.

Just one final question. Is there any current case that's being affected by this passage of legislation or does this just relate to future indemnifications of boards of directors and officers?

ACTING PRESIDENT RATH: Senator Marchi.

SENATOR MARCHI: You're asking me for my view of the effect of this legislation,

whether it acts prospectively on future actions or whether it -

SENATOR PATERSON: In other words -

SENATOR MARCHI: No, I know what you're saying, and I think you're entitled to an answer. I am unable to answer that question to either your or my satisfaction, but I will get that information to you, Senator.

SENATOR PATERSON: Thank you, Madam President, for Senator Marchi's response and we look forward to possibly co-sponsoring some legislation that would -- that would address this issue in toto. It's a good piece of legislation, and perhaps we can expand it.

Thank you.

ACTING PRESIDENT RATH: Thank you, Senator Paterson.

SENATOR MARCHI: Good bill, Mr. President, and now that Senator Paterson has pointed the way, we may even make it better.

ACTING PRESIDENT RATH: Thank you, Senator Marchi.

The clerk will read the last section.

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

ACTING PRESIDENT RATH: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT RATH: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President. Calendar Number 1481 was laid aside. Can we lay that bill aside for the day.

ACTING PRESIDENT RATH: 1481, lay it aside for the day.

SENATOR KUHL: Yes. Now, may we return to motions and resolutions, and I believe that there is a resolution, privileged resolution by Senator Bruno, Resolution Number 1738, at the desk.

ACTING PRESIDENT RATH: Yes, there is.

SENATOR KUHL: I'd like to have that resolution read in its entirety, and then I'd move for its adoption.

ACTING PRESIDENT RATH: To be read in its entirety. Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution commending CAPTAIN of Saratoga County, memorializing in turn Governor George E. Pataki to declare Friday, November 3rd, 1995 as a day specifically recognizing the issue of youth homelessness.

WHEREAS, it is the sense of this legislative body that those who give positive definition to the profile and disposition of the communities of the state of New York do so profoundly strengthen our shared commitment to the exercise of freedom; and

WHEREAS, attendant to such concern and fully in accord with its long standing traditions, it is the intent of this legislative body to commend CAPTAIN of Saratoga County, memorializing in turn Governor George E. Pataki to declare Friday, November 3, 1995 as a

day specifically recognizing the issue of youth homelessness; and

WHEREAS CAPTAIN, Community Action for Parents, Teens and Interested Neighbors, is a non-profit grass roots community action agency that serves as an advocate for the changing needs of youth and families in Saratoga County;

Since 1977 CAPTAIN has taken the leadership role in addressing serious social issues such as drug and alcohol abuse and youth homelessness; and

WHEREAS, in 1986, a group of concerned citizens formed the Citizens Committee for a Youth Shelter; the Citizens Committee comprised of various community leaders and youth advocates, accomplished a number of goals over the years, establishing an annual fund raiser, drawing preliminary building plans, receiving an offer for a donated site as well as offers from several local contractors, volunteering their services to build the shelter. During the committee's reign, CAPTAIN was a strong sup porter of a shelter and assisted in fund-raising

efforts; and

WHEREAS, in August 1994, CAPTAIN officially assumed responsibility for the youth shelter. CAPTAIN's reputation in addressing critical social issues, as well as our good standing in the community and full-time professional staff allowed us to take this project to the next level. Presently CAPTAIN is working with the Saratoga County Youth Bureau to develop a needs assessment. Once the needs assessment is complete, CAPTAIN can pursue obtaining a license for the facility, and

WHEREAS, CAPTAIN is in the process of developing an awareness campaign on the issue of youth homelessness in Saratoga County, the date that is set aside is November 3rd, 1995 and

WHEREAS, through its long and sustained commitment to the preservation and enhancement of human dignity, CAPTAIN has so demonstrably advanced that spirit of united purpose and shared concern which is the unalter able manifestation of our American experience,.

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations and commend CAPTAIN of Saratoga County, memorializing in turn Governor George E. Pataki to declare Friday, November 3rd, 1995, as a day specifically recognizing the issue of youth homelessness fully confident that such procedure mirrors our shared commitment to the efflorescence of human dignity; and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, be transmitted to Eileen Reardon, Director of Development, Community Action for Parents, Teens and Interested Neighbors.

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

(Response of "Aye.")

Opposed?

(There was no response.)

The resolution is adopted.

Senator Kuhl.

SENATOR KUHL: Yes, Madam

President. Would you recognize Senator Maziarz, please.

ACTING PRESIDENT RATH: Senator Maziarz.

SENATOR MAZIARZ: Madam President, I'd ask unanimous consent to be recorded in the negative on Calendar Number 765, please.

ACTING PRESIDENT RATH: Without objection.

Senator Kuhl.

SENATOR KUHL: Again, Madam President, may we stay on motions and resolutions. I understand that there's a privileged resolution by Senator Bruno, it's Resolution Number 1755, at the desk. I'd ask the Secretary to read the resolution in its entirety and then, after that, I would move its adoption.

ACTING PRESIDENT RATH: Secretary will please read 1755 in its entirety.

THE SECRETARY: By Senator Bruno, Legislative Resolution honoring Juanita "Terry"

Lochner, New York State Department President, American Legion Auxiliary, upon the occasion of her selection for special recognition at a Welcome Home Week End to be held on June 17, 1995.

WHEREAS, it is the sense of this assembled body to commend those singular individuals of the state of New York who have distinguished themselves through outstanding personal endeavor, meritorious duty and dedicated service to their country and community; and

WHEREAS, Terry Lochner, a member of Gerald O'Neil Post 1683 of Rensselaer, New York, and one of the first Vietnam era American Legion Auxiliary Department Presidents, will be justly honored in recognition of her diligent efforts and faithful service at a Welcome Home Week End to be held on June 17, 1995 at the Ramada Inn, Albany, New York; and

WHEREAS, instrumental in implementing the Department's special touches project, Terry Lochner has traveled throughout

the state and nation visiting 13 Veterans Administration hospitals to ensure the availability of items such as TVs, VCRs, pianos, semi-recumbent bikes for therapy and exercise, and other necessary items of comfort and convenience normally in short supply under federal budget restrictions; and

WHEREAS, a resident of Rensselaer, New York and the second oldest of a family of ten, Terry Lochner has devoted her time, energies and purposeful life to serving others. In addition to her devotion to helping hospitalized veterans, she has served the American Legion and the auxiliary through her dedicated work on the Americanism and Flag Amendment Committees and has acted as House Mother for youth participating in Girls' State; and

WHEREAS the quality and character of life in this nation and the great state of New York is reflective of the purposeful lives and good works of those patriotic and civil minded community members who would dedicate

their lives and careers to the service of others; and.

WHEREAS, those individuals who have given so selflessly of their skills and dedication are worthy and due full recognition for their valued contributions on behalf of their country, its ideals and the community of fellow men;

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations to honor Juanita "Terry" Lochner, New York State Department President, American Legion Auxiliary and member of the Gerald O'Neil Post 1683 of Rensselaer, New York, upon the occasion of her selection for special recognition at a Welcome Home Week End to be celebrated at the Ramada Inn, Albany, New York, on June 17, 1995 recognizing the significance of her contributions and the importance of her commitment to the American Legion, her fellow veterans and the citizens of this great state and nation; and

BE IT FURTHER RESOLVED that a

copy of this resolution, suitably engrossed, be transmitted to Juanita "Terry" Lochner, Rensselaer, New York.

ACTING PRESIDENT RATH: The question is on the resolution. Senator Kuhl.

SENATOR KUHL: Yeah, Madam President, I didn't hear that. Could we have the Secretary read that again, please?

ACTING PRESIDENT RATH: Which part didn't you hear?

SENATOR KUHL: I'm just kidding. I would move the resolution.

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

(Response of "Aye.")

Opposed?

(There was no response.)

The resolution is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Madam President, could we just stand at ease for a moment awaiting the report of the Senate Finance

Committee.

ACTING PRESIDENT RATH: Senate shall stand at ease.

(Whereupon at 11:25 a.m., the Senate stood at ease until 11:33 a.m.)

SENATOR SKELOS: Madam President.

ACTING PRESIDENT RATH: Senator Skelos.

SENATOR SKELOS: If we could return to reports of standing committees, I believe there's a report from the Finance Committee.

ACTING PRESIDENT RATH: Report from the Finance Committee.

THE SECRETARY: Yes.

ACTING PRESIDENT RATH: Secretary shall read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following confirmation: Edward F. Cox, of New York City, member of the Board of Trustees of the State University of New York.

SENATOR SKELOS: Madam President.

ACTING PRESIDENT RATH: Senator Skelos.

SENATOR SKELOS: As we do the confirmations, can we please have a little order in the chamber, please.

ACTING PRESIDENT RATH: Some order has been requested.

SENATOR SKELOS: Would you please recognize Senator LaValle.

ACTING PRESIDENT RATH: Senator LaValle.

SENATOR LAVALLE: Thank you, Mr. President.

If I might be allowed the liberty just to make just a general statement before talking about the nominee, Edward F. Cox, the Governor has appointed five trustees as his first nominees to the SUNY Board of Trustees at a very, very important and challenging juncture in the history of the State University.

I, as chairman and members of the

committee, both Majority and Minority members, had an opportunity to spend time with the trustees to really get to know them, to exchange views as people who are involved in public service and who care about our great State University. I am very, very confident that all of the five trustees will bring, as the committee members have seen, a great sense of exitement, a great sense of duty, and their talents -- their talents are immense, and those talents and the energy and their own individual and collective visions will, at this very important time, get the State University of New York moving in the right direction.

Today it is a great privilege for me to move the nomination of Ed Cox, who is from the 1st Senatorial District, who, if you look at his vita, would -- is very, very impressive. He's not only an attorney but a person who has committed himself to both national and international organizations. His commitment for public service is preeminent. He brings the energy that I talked about, a very, very sharp

and keen intellect with wonderful analytical skills which I think is something that will be very, very valued in the process that the trustees will be going through in looking at budgets and trying to make important policy decisions at this -- at this juncture.

It is wonderful to know that a person like Ed Cox is willing to give of himself in this very, very important endeavor. He was raised in Eastern Long Island, and so I am very proud, as I have said, and privileged to move the nomination.

Ed Cox is joined here today with his wife, Patricia Nixon Cox, and his son Christopher.

Madam President, I move the nomination.

ACTING PRESIDENT RATH: The question is on the confirmation of Edward F. Cox as a member of the SUNY Board of Trustees. All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed?

(There was no response.)

Edward F. Cox is hereby confirmed as a member of the SUNY Board of Trustees. Congratulations, Mr. Cox. Welcome. We're very happy to have you serve.

(Applause)

Secretary shall read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Candace deRussy, of Bronxville, member of the Board of Trustees of the State University of New York.

ACTING PRESIDENT RATH: Senator Spano.

SENATOR SPANO: Mr. President, thank you. It's my pleasure to move the nomination of Candace deRussy, who is a West chester resident and someone who has had an outstanding career as an academic, as someone who has served as a trustee of the Westchester Community College, is very well educated, holds a doctorate, has been a member of many different organizations in Westchester County, has served

us well, and will serve the Governor well, and all of us, as a member of the Board of Trustees of the State University.

So it's my pleasure, Mr. President -- Madam President, to -- to move the nomination of Candace deRussy.

ACTING PRESIDENT RATH: The question is on the confirmation of Candace deRussy as a member of the SUNY Board of Trustees. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed?

(There was no response.)

Candace deRussy is hereby confirmed as a member of the SUNY Board of Trustees. Congratulations, and welcome.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Thomas F. Egan, of Rye, member of the Board of Trustees of the State University of New York.

ACTING PRESIDENT RATH: Senator Spano.

SENATOR SPANO: Thank you, Madam President. It's also my pleasure to stand in support of the nominee, Tom Egan, to serve as a member of the Board of Trustees of the State University.

I've known Tom Egan for a number of years. He has served as a board member of the MTA, where he chaired several committees and subcommittees, has served as a former trustee of Marymount College in Westchester County, is another outstanding Westchester County resident, has a distinguished career in business and will serve us all well, and it's my pleasure to move the nomination of Tom Egan as a member of the Board of Trustees of the State University.

ACTING PRESIDENT MARCELLINO: Senator Lavalle.

SENATOR LAVALLE: Mr. President, I also rise and move to second the nomination of Thomas Egan, who is the vice-chairman designee, a very, very important position in the govern

ance structure of the board and we have had - Mr. Egan and I have had several opportunities to talk about his feelings, about the State University, his vision for the State University, but once again and I hate to sound repetitive, but you have had the opportunity to look at the backgrounds of the individuals who we are confirming today. They are very, very substantial.

Mr. Egan's background is as an attorney, as a person who is involved in many boards and has been involved in higher education and, as Senator Spano said, on the MTA. I am very, very confident that he will provide the kind of leadership, and he has already because the almost instant bonding and coming together of these five trustees whom we are confirming today is due because of his leadership in bringing people together, getting them focused and I'm sure that it's just the beginning. So it's a pleasure to rise with Senator Spano in moving the nomination, Mr. President.

SENATOR MARCELLINO: Thank you,

Senator LaValle.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I, too, would like to second the nomination of Thomas Egan. His background, obviously, is very impressive. The fact that he is from Westchester notwithstanding couldn't hold him back from his college education which happened to be at Holy Cross. He entered Holy Cross in 1967, with many other illustrious people who graduated from there, and I think that his experience there will be nothing but an asset in helping him to make decisions in helping SUNY university get to the point that we want to get it to; and so it's my pleasure also to join in the seconding of his nomination.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Thomas F. Egan as a member of the SUNY Board of Trustees.

All in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Thomas F. Egan is hereby confirmed as a member of the SUNY Board of Trustees.

Congratulations.

(Applause.)

Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Pamela R. Jacobs of Buffalo, member of the Board of Trustees of the State University of New York.

ACTING PRESIDENT MARCELLINO: Senator Rath, why do you rise?

SENATOR RATH: Mr. President, I rise to support the nomination of Pam Jacobs as a trustee of the SUNY Board of Trustees.

I rise with a great deal of pride in a friend from back home, the other end of the state, and to not only congratulate the other trustees, as I have come to know them the last couple of days, but to say a word about Pam, who

is eminently qualified by virtue of her educational background, her community service that appears on her vitae as a Who's Who of Western New York all by herself, as director, vice-president, chairman, of all the influential, hard-working boards throughout our community.

But beyond that, Pam brings to this position an enthusiasm and a dedication that will help bond and weld together the various interests that all of the new trustees have with the one interest that they all have in common, and that is, that SUNY moves forward as we know it can with the business community, with the young people of the State of New York in concert with the state government under the leadership of Senator Ken LaValle.

We look forward to a wonderful number of years with you all.

Congratulations, and Pam in particular.

Thank you.

ACTING PRESIDENT MARCELLINO:

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I would rise to second the nomination of Pam Jacobs. I think that her background is quite impressive. I think that her dedication to various public institutions and the energy she brings to them has been very widely known in the Buffalo area. I think that she will do nothing but add to the SUNY Board in working together with Senator LaValle and the rest of the people interested in shaping SUNY. I think she'll be a positive asset and one that we'll all be proud of, and with that, I was happy to have this opportunity to second.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Volker.

SENATOR VOLKER: Mr. President, I, too, want to compliment the Governor, and I have over the last few days. In fact, I think three of the five nominees I have previously known before yesterday's meeting with them, and I must say that I think they probably represent,

as I think has already been said, the strongest group of nominees that certainly I have ever seen since I have been in this Capitol.

Of course, I would especially like to give my seconding to Pamela Jacobs. I have known Pam for many years. She's a personal friend. I think she's probably not only one of the most qualified people to be nominated to the SUNY position, but also one of the prime movers in the Buffalo area, as Mary Lou has mentioned and as Bill Stachowski has mentioned.

I really got to know Pam Jacobs through the Roswell Park Memorial Institute of which she was a founding member of a group of people, the Roswell Park Alliance, that is most responsible for redirecting the Roswell Hospital of Buffalo and, as a result of actions taken here in this Capitol, the Legislature and the Governor have agreed to a massive expansion of the Roswell Park Memorial Institute, which I think will catapult that institution into the 21st century as maybe the outstanding cancer hospital in the country.

Pam, as I say, was not only a founding member of the Roswell Alliance but, in my opinion, the driving force behind that alliance's work which led to the improvements of the hospital.

In addition to that, of course, she has wide experience in teaching and so many other areas. I must say, that aside from being a personal friend, that the people of the Buffalo area, I think, look at Pam Jacobs as one of the most respected people in the Western New York. Her husband, Dr. Larry Jacobs, is one of the most renowned researchers in multiple sclerosis and, in fact, has just recently embarked on a new project that involves hospitals all across the state.

I can only say, again, my congratulations to the Governor for having presented not only Pam, who is an excellent nominee, but all the nominees, I think, who represent the best and the brightest as far as the state is concerned and as far as the SUNY Board of Trustees; but I, of course, especially

want to say my thanks to the Governor for giving us Pam, and I know that she'll make one of the best SUNY trustees that we've ever had.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Pamela R. Jacobs as a member of the SUNY Board of Trustees.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Pamela R. Jacobs is hereby confirmed as a member of the SUNY Board of Trustees.

Congratulations.

(Applause.)

Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Edward S. Nelson, Esq., of Norwich, Member of the Board of Trustees of the

State University of New York.

SENATOR SEWARD: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Seward.

SENATOR SEWARD: Yes.

Mr. President, I'm very pleased and honored today to rise to move the confirmation of Edward S. Nelson to be a member of the SUNY Board of Trustees.

Ed Nelson is from Norwich in Chenango County, is born in Norwich, has stayed in Norwich and has become a real pillar of that community as well as the entire Central New York Region.

Ed Nelson graduated from Norwich High School, Colgate University, as well Cornell Law School, and he has been in private practice in the Norwich area since 1957 and, in that capacity, he truly has had a distinguished career.

He is a former city judge of Norwich. He is a member of the Committee on Professional Standards for the Third Department,

and he is active in numerous community activities in that area. Not much good happens in our region of New York State without Ed Nelson's involvement in some way.

I would also like to point out that among his other titles and accomplishments, he is also the father-in-law of Assemblyman John Ravitz.

As has been noted, the SUNY system as a whole is facing some very challenging times, and there are many challenges ahead for the SUNY system as we restructure, dealing with the fiscal constraints that we all must deal with at this time, but I'm fully confident that Ed Nelson has the solid background as well as a vision for the future to make a tremendous contribution to this state as a member of the Board of Trustees of SUNY.

As we went through the meetings this morning at the Higher Education Committee, Ed Nelson mentioned as his top priority, as having the SUNY system be a system -

SENATOR MARCELLINO: Senator

Seward, excuse me.

Ladies and gentlemen, can we have a little order in the house. It's very difficult to hear.

Thank you very much.

SENATOR SEWARD: Mr. President, as we went through the Higher Education Committee meeting this morning, Ed Nelson mentioned as his top priority as having the SUNY system to be one with emphasis on excellence.

With that thought in mind, Mr. President, I would like to congratulate the Governor for this outstanding nomination of Edward S. Nelson, as well as the other four nominees to be trustees of the SUNY system. I think that the SUNY system under their stewardship will emerge stronger than ever and in making an even more meaningful contribution to the future of this state.

Mr. President, I'm pleased to move the nomination of Edward S. Nelson.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Seward.

Senator Cook.

SENATOR COOK: Mr. President, I also wish to endorse the nomination of Ed Nelson and the confirmation of Ed Nelson. Even though we aren't personal friends, he certainly is somebody I know from reputation. By Upstate standards, he is a neighbor even though that is several miles away.

But certainly, as Senator Seward has indicated, his leadership in the community is exemplary. Certainly, he brings that same quality to the trustees.

I am particularly pleased because I know that he knows the importance of the agricultural and technical colleges within the SUNY system, and I'm sure -- I certainly hope that the other trustees recognize this, as well.

We are entering, in fact, an era when the role of the various institutions may well be reevaluated, and I hope that all these trustees will understand that the ag' and tech' colleges have provided a unique role within the

SUNY system and that, indeed, they need to be strengthened and supported through the years.

I know that Ed Nelson, for one, and probably the others as well, recognizes that as well and, therefore, I am very enthusiastic about endorsing his nomination and moving that the Senate confirm him.

ACTING PRESIDENT MARCELLINO: Senator Maltese.

SENATOR MALTESE: Mr. President, I would be remiss if I did not rise to endorse and second the nomination not only of Ed Nelson but of all five nominees.

This is the eve of a new era. Senator Cook, the distinguished chairman of the Education Committee, and Senator LaValle, the distinguished chairman of the Higher Education Committee, have both been heard from today with reference to these nominees; but, most certainly, Governor Pataki has been heard from in the nomination of these distinguished personages who are going to take a leading role in the higher education of our youth.

Certainly our education system, while it is among the best in the country, is in need of assistance and, in this case, these nominees will provide a very able assistance and, more importantly, leadership.

They will have a difficult task ahead of them, and in the brief conversations that we had and the more extensive conversations and discussions that they have had among themselves and with experts here in the state and representatives of the Governor and the Legislature, they've indicated very definitely that they plan to give of themselves, their time, their efforts and experience to improve and refine our education system here in New York.

This will redound to the benefit of not only our youth but all the people of our state and our country. New York can again be the paramount state; New York can again be the Empire State in higher education, and we are here to witness that, and this, of course, is a very significant step with the appointment of

these fine people.

I am very proud to second the nomination of Mr. Nelson and all the five distinguished trustees.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Stavisky.

SENATOR STAVISKY: Mr. President, I believe Senator Wright wished to speak on this nomination. Am I correct?

Then I would like to defer until all who wish to speak on this nomination have completed, and then I will ask for the floor.

ACTING PRESIDENT MARCELLINO: As you wish, sir.

Senator Wright.

SENATOR WRIGHT: Thank you, Senator Stavisky.

Mr. President, I rise to second the nomination not only of Ed Nelson but all five of the nominations to the SUNY Board of Trustees.

I rise in support of these

nominations, first, to congratulate the Governor on the caliber of individual that he has sent us to serve on the Board of Trustees, but also to reiterate the importance of the challenges that all five of these individuals and their colleagues are going to be facing.

The SUNY system is at a critical crossroads in terms of the future of the State University in this state. I happen to represent a district that is home to four of those SUNY units, and we're very proud of what they provide not only to the residents and students of this state but also the importance that they serve to our local economies and, as my colleague, Senator Cook, has pointed out, it's extremely important that there is a recognition of the role of the ag' and technical schools within the SUNY system.

As we have been through this budget discussion over the past five months, SUNY has been a critical aspect of that debate and, fortunately, through the good leadership of Senator LaValle and the members of the Higher

Education Committee, we have come through that budget process with, I believe, reasonable compromises and consensus that will help move the SUNY system along.

At the same time, we found out a number of very real concerns in dealing with the administration of the State University system, very real concerns that I have with regards to what I believe are an institutional bias against the ag' and tech' institutions, a heavily emphasized placement on the university centers in disproportionate emphasis to the balance of that State University system throughout the entire system, a recognition that we have to support the various components of the State University system as they relate to the local economy and the educational opportunities for many of our rural students in rural areas of this state.

All of those challenges, in addition to the broader systemwide and fiscal resource challenges, are part of what these new trustees are going to face.

I, for one, as a member of this Senate look forward to working with those individuals, look forward to establishing a new and enriched dialogue between the Legislature and the SUNY Board of Trustees so that we can achieve our mutual objectives of providing an excellent educational opportunity to the residents of this state.

So it's with a great deal of pleasure that I stand this morning to support and endorse the five nominees and congratulate each of them, as well as the Governor, on their selection.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Stavisky. I'm sorry. Senator Leibell.

SENATOR LEIBELL: Thank you.

Mr. President, if I can, briefly, also lend my support to these very excellent appointments that have been made today, and if I can briefly comment in particular on the

designation of Ed Cox. I was out of the chamber previously -- or earlier, when his name first came up.

I have had the opportunity to know Ed Cox for some time now and, as I look at his resume which has been put before us, I have to tell you that I'm particularly impressed that we have a man with such a background, such intelligence, such fine character, who has come forward and offered his services to the people of the state of New York.

I think it's a great omen for the future that we are able to attract individuals of such caliber to public service. With that in mind, I would like to support these designations and, in particular, to note my comments on Edward Cox.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Mendez.

SENATOR MENDEZ: Thank you, Mr. President.

Mr. President, I just rise in support of the five nominees. I am excited about their qualifications for that position.

I really must congratulate Governor Pataki as well as our colleague, Senator LaValle, for an excellent job that he does as the chairperson of the Higher Education Committee and his total involvement with anything that has to do with higher education.

I just felt -- I feel it's very important to let these wonderful, bright, dedicated educators think about one important public policy which is very necessary to be looked upon. The State University of New York has been increasingly becoming the State University for people who are -- for more affluent people. In a sense, the children of the working poor are being driven out of the university because of the continuous increase in tuition that is demanded.

Yes, the university is still a cheap place for the kind of education that it provides; however, for people who do not have

the money, then it's unavailable. So that I hope that these five nominees will deal with the policy question of instituting -- instituting a scale in terms of tuition so that it will provide more opportunities for those who do not have and that are highly qualified to benefit from the kind of institutions that we have in all the colleges in the State University of New York.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Mendez.

Senator Stavisky, the cleanup hitter.

SENATOR STAVISKY: I waited until the very end so that the statements in support of the nominees for Trustee to the State University of New York could all be made, and I rise not in opposition. I rise to express a caveat that we must be aware of as we vote on this list of recommendations from the Governor.

They are all exceptionally well qualified in their respective fields. They all

bring great professional and business credentials. Some have exceptional educational credentials, and I think that that is fine.

But as I reviewed the list, the list of five names from the Governor, I was impressed by the fact that virtually none -- I think, with one exception -- virtually none of the nominees has had an association with public higher education, institutions such as SUNY or CUNY which are part of the heritage of New York State and which provide educational opportunities for those who are not necessarily affluent and, therefore, might not have another chance for an education.

There are members of the Legislature in this house and in the Assembly who would not be here were it not for the availability of SUNY and CUNY, including this legislator, and I have had the benefit of receiving an education at part of the City University of New York before it was known by that name. It was called City College of New York, which regularly produced more candidates

for a Ph.D. at Harvard than from any other college in the country. I have also been the beneficiary of an education at Columbia University, where I received my Master's degree and Doctor of Philosophy degree.

I walked both sides of the street with regard to academic affiliations, both in the public sector at SUNY as well as CUNY, and in the private sector including Colgate University, which is the alma mater of one of the candidates.

These are exceptional candidates, but it would have been even more exceptional and more valuable if some if not all of the candidates had some qualifications that related to public higher education, and that I think is a flaw in the selection process.

The Governor may not have been aware when he chose these exceptional individuals that he was overlooking the public sector for public sector trusteeships.

We are in a period where there's not all of the money in the world, when the

public sector and the private sector in higher education and in other fields may, in fact, be competing against one another, and I wonder, does the list of nominees of SUNY trusteeships have the sympathy and the compassion and the understanding to recognize that when there is pressure to increase the tuition at SUNY or CUNY in order to bring the tuition at the public colleges closer to the private colleges and universities, that they are advocates for the public institutions?

Do they also realize that when a governor or, in fact, the legislature may not provide enough funding for public higher education -- and public funding over recent years has declined from 80 percent state support at the senior colleges to something perilously close to 40 percent, and the only other source if the state does not meet its obligation is to impose this on the backs of the students through tuition. There will be families throughout the state of New York who will not be able to send two or three youngsters to college if the

tuition keeps climbing as it has done in recent years.

It is no longer free tuition at CUNY or SUNY. That was abolished in 1975-76. But these people have an obligation to tell those who are pressing for higher tuition that they do not wish to make it unavailable for students who can not afford the private university tuition, and I think that is a failing in the system. That is a factor that flaws what is otherwise an exceptionally good set of recommendations submitted by the Governor.

My advice to them, stand up for the public higher educational institutions. You are stewards and trustees in those institu tions. Be mindful of your allegiance to the private universities. Go to your alumni reunions. Continue supporting the private universities through your resources. But remember, public tax money has to be spent to improve public higher education in New York State.

With that misgiving, with that caveat, I ask them to stand up also even to their recommender, the Governor of the state of New York, if he fails to provide enough support in terms of financial resources for SUNY, and be prepared to stand up for the private university and the public university both, and not to succumb to pressures from one at the expense of the other.

With these misgivings, I have hope and I have confidence that these people who are before us will carry out their responsi bilities in an exemplary manner and, for that reason, I will vote for all five of these nominations and ask that it be a unanimous vote.

Thank you.

ACTING PRESIDENT MARCELLINO: The Chair recognizes Senator Marchi.

SENATOR MARCHI: Mr. President, it is certainly very appropriate to have the references that were made by Senator Stavisky on the structural and academic aspects of the institution itself and its importance. It is

worthwhile, I think, to reflect, very briefly at least, on the genesis of the State University.

I was here at the time of its formation. I know that on the year prior to launching a very serious construction effort and thoughtful effort on this great educational institution, when the governor, then Governor Rockefeller, submitted the plan to provide six gyms for six teacher colleges in the state of New York, that was all he asked, and in an attempt to balance some of the excessive expenses that were there present without invading or generating other taxes, these were scratched.

It was at that point that the Governor convened us, singularly and in small groups, to go over the whole problem of the burgeoning baby boom presence that was now becoming available to the educational system in circumstances where we were not in a position to take care of them in the State of New York.

The expansion that had taken place after World War II in all of the private

institutions -- and, of course, New York State is premier -- its professional auspices that they provided was ample and provided the very finest education in the State of New York. But we had this huge mass of young men and women coming to the fore requiring, for the greatness of this state and the fulfillment of their own aspirations, a far greater expansion in public education -- on the same terms that Senator Stavisky pointed out -- and it was at that time that this grand design was formulated and during that period -- this is only a little over three decades ago, the State University of New York - not the University of the State of New York but the State University of New York -- was put together throughout the length and breadth of this state, and it was only a matter of maybe seven or eight years ago that we graduated the millionth -- millionth -- graduate.

At the same time that we were doing this, the state of New Jersey was not able to take on with their own resources more than 40 percent of the students that were graduating

from their high schools; and we quickly moved to provide educational opportunity to all of our young men and women. Not only that, there were students that came from other states to take advantage of what we were doing in this state.

So it took individuals who had a fine appreciation of academic excellence, who knew the burdens that it would take, and the deployment and the siting of facilities throughout the state of New York, if this crying problem was to be met fairly and squarely; and this was done, Mr. President, because of a faithful commitment that governors -- and I have to give Nelson Rockefeller primary credit for giving this a very fast and substantial start and sustenance and also successive legislatures supporting this very worthy objective.

So that today, taking into consideration that work has to be done, institutions have to be refurbished and new problems arise and new technology and ways of harnessing the knowledge and the maturing of thought, in the humanities, in technical

subjects, in so many different areas, in an enlightened way so that it embellishes the claim of this Empire State, and in all future endeavors, this is -- this lies as a great institution.

And what was done in the City University, Lester Granger, who was former Director of the Urban League and a member of the Board of Trustees of the State University, cooperated in developing also, programs that amplified opportunities in our urban setting in the City University, and I remember very clearly working closely with him to effect this purpose.

So, Mr. President, we are indeed fortunate that the Governor has nominated five individuals who have that clarity of vision, who in their own lives and in other pursuits have demonstrated the kind of leadership, the kind of understanding, that sensitivity to intellectual pursuit and culture and all of the disciplines that make for a great civilization. These are all present.

So we take confidence and we take

comfort from the fact that you five are there and that we helped you get there and, as Senator Stavisky said, he wishes you all well. We join in that, in that augury. We wish you well in those efforts because this is the most important work that we can possibly do, investment in our human resources at their highest and best levels, and to the extent that you are successful and that it will take wings under your tutelage, it will certainly inure to the benefit of this state in every conceivable way.

Mr. President, this is indeed a fortunate day. We have five very fine exemplars who are going to be assuming that position, and I believe, if the past is prologue, we ain't seen nothing yet.

Good luck.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

The Chair recognizes Senator LaValle to close.

SENATOR LAVALLE: Thank you, Mr. President. Today is really a unique experience

in this chamber because I can't remember a time where we have confirmed nominees and the members, both sides of the aisle, have talked about more than just the nominees.

The trustees have seen today that the members of this chamber feel very deeply about the State University of New York and they have expressed that in a whole variety of ways and statements that they have made on this floor today. I can not remember when that has been done before, because tradition is the members get up, as we have, and talk about the individual nominees. This is their day. It is very important. Their families are proud of them and they should be proud of themselves in what they have accomplished in the past and being recognized by the Governor and by the members of this body.

Across the board, everyone has said that our Governor should be congratulated in making these nominees, and he should. They are bright and they are energetic, and they will in a very, very important juncture get things

moving in the right direction.

I know more than many of the members here had the opportunity to speak to the trustees personally, one on one. I will tell you that the trustees are by temperament and discipline individual and independent thinkers, and I would say, Senator Stavisky, that the trustees will bring all of their rich experiences into the decision-making process.

But as they expressed, one by one, at today's committee meeting, they will make that judgment based on the fact that they are trustees of the State University of New York, that they value access, and they value excellence, and they will be approaching their duties and responsibilities afresh, on a clean slate, making decisions that the Governor and that we in this chamber and in the Assembly will be proud of.

Today, I am, as chairman, very, very proud of all of you for participating in the way you did, because one of the things that has been lacking is a dialogue, a rich dialogue,

one on one between the Legislature and the trustees. We look at each other as being participants in institutions, but we forget that we are human beings in public service, and we want to do a good job for the people who have given their trust to us and today, we have, I think, built a bridge all the way to the State University that says, "Let's talk. Let's create a dialogue. Let's attack the problems that are ahead of us. Let's be part of the solution, not part of the problem."

And so, today -- and, actually, it began weeks ago, with the trustees visiting the members, the dinner we had last night, today's committee meeting, and the remarks that have been made on the floor. It provides the ambiance and the ethos that is necessary for us to succeed.

I talked about Vice-Chairman Tom Egan who, from the time that the Governor mentioned that he was a nominee, brought people together. They themselves, these five trustees, have begun to focus on what needs to be done,

and that first was communication, and, you know, we have really succeeded.

Lastly, in just closing, our State University is, as Senator Marchi talked about, an investment that we make in human intellectual resources. I have said over and over again on this floor that our State University and, indeed, all of higher education can and should be part of our economic development strategy in this state. I think that the trustees that we have confirmed here today understand that, and they will, I am sure, do us all proud in moving forward with their duties and their responsibilities.

Again, we have confirmed these nominees, yet we are making statements to enrich the dialogue and begin a dialogue on the right foot; and so, as chairman, I thank all of you for participating and making the process a very rich and important one.

ACTING PRESIDENT MARCELLINO: Thank you, Senator LaValle.

The question is on the

confirmation -- in case anyone forgot -- of Edward S. Nelson as a member of the SUNY Board of Trustees.

All those in favor, signify by saying aye.

(Response of "Aye.")

All opposed, say nay.

(There was no response.)

Edward S. Nelson is hereby confirmed as a member of the SUNY Board of Trustees.

Congratulations, ladies and gentlemen.

(Applause.)

Clerk will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Floyd Patterson, of New Paltz, member of the State Athletic Commission.

SENATOR COOK: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President.

Mr. President, I'm very pleased to speak on behalf of the former Heavyweight Champion of the World, who has really represented boxing, sports, as an athlete for a lot of years in this state.

He is in the Hall of Fame of Boxing. Started his career early, won a Gold Medal in the Olympics in Helsinki, I believe in '52. Has served as a commissioner here in New York State previously; served the City of New York as a commissioner, their sports commission.

But one of the things that has impressed me the most about this champion is that he has related to young people since 1972. He has had a very formal program, working with young people, teaching them about life, about boxing, about living. He has really been an inspiration to young people.

He will be a role model to all people, and I don't think that there is anyone more qualified, by his background, by his

disposition, by his experience, to serve as Chair of the New York State Athletic Commission than Floyd Patterson.

I'm honored to speak on his behalf, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Cook. Chair recognizes Senator Cook.

SENATOR COOK: Mr. President, Floyd Patterson's name wouldn't be before us today if he were simply a former champion or a former celebrity because, indeed, he is very much a champion yet today.

He is a champion because he is a champion for human beings. He cares about the kids of this state. He cares about their futures. He cares enough that he continues day by day to give of himself to ensure that other kids have an opportunity to grow up in a healthy kind of atmosphere, and I think those are the attributes -- aside from all of his professional qualifications, it's those attributes of human caring that are very, very important in an athletics commissioner, of someone who realizes

that athletics are a tool for human growth, and I am very, very proud to have him as a resident of my district, and very pleased that he is receiving this confirmation today.

ACTING PRESIDENT MARCELLINO: Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise to second the nomination of Floyd Patterson.

I just met him today, but it's pretty obvious by meeting Floyd Patterson the type of individual he is. He exudes class. He's a class individual. It's obvious the character that he has, and the way he expresses himself is from the heart.

He really wants to take on this job, and he really wants to take it on for the good of the sport of boxing, a sport that has assisted a lot of people in this state, assisted people in building character as well as building their talents in a very, very difficult sport.

I was also impressed by his desire to help the youth in his community. For 23 years he's been doing that. He's been

teaching them not only how to box but, much more importantly, the importance of caring for yourself, your physical well-being means you don't get involved in drugs. It means you don't do things that place yourself and your family at risk. It means that you are building your character based upon the physical conditioning that you are putting yourself through.

The discipline brings on the responsibility; and just listening to him talk, you know he means it and you know his whole life has exemplified that.

I wish everyone here could have met him and just spoken to him for a few minutes. This is a great appointment. This is going to be great for the State of New York.

Those of you who -- you probably could not believe that this man is 60 years old. He's in better shape than anybody in this chamber. I can guarantee you that, and if you shake his hand, it's like shaking a vise. It's strong, it's got character.

He's a great individual. It's

truly exciting for me to rise to second his nomination, a great American and someone who is going to do wonderful things in the state of New York not only for boxing but for the youth of our state.

Thank you for being willing to take this responsibility on, Mr. Patterson. It's my pleasure to rise to second your nomination.

ACTING PRESIDENT MARCELLINO: Senator Skelos, who is also in shape?

SENATOR SKELOS: Mr. President, I just want to point out to Senator DeFrancisco that we are deeply honored to have Floyd Patterson, the Champ, with us. But committee assignments are made by the Majority Leader, and when you say that there is nobody in this chamber in better shape than the Champ, Senator Bruno was taken aback, because he still does the nine flights of stairs when he goes to his office.

But I would like to rise because I go back to 1956 when -- and I'm dating myself

now -- when I was 8 years old, lived in Rockville Centre, my home community, where I've lived all my life, and how proud I was going to my elementary school, Hewett School, and it being announced -- well, we all knew at that point that our Rockville Centre resident Floyd Patterson had become the Heavyweight Champ of the World.

Talking to the Champ before, he knew my grandfather's bakery in Rockville Centre, and I know that's where he got his strength, as did "Duke" Snider when he would come in and buy the peach pies when he was playing with the Dodgers and then with the Mets, later on.

But, Champ, you were a model for all of us as youngsters growing up in the Rockville Centre community, and certainly I am absolutely delighted and honored to get up at this time to join with so many of the members seconding your nomination.

Congratulations to you.

ACTING PRESIDENT MARCELLINO:

Chair recognizes Senator Larkin.

SENATOR LARKIN: Mr. President, I rise to second the nomination of Floyd Patterson.

You know, everybody talks about the Champ. He really is a champ because in the district that he lives in -- I know he lives in Senator Cook's district in New Paltz, but I get to see him a lot because that's where my oldest daughter lives now.

But, you know, the theory that young people in our area that know him, it isn't just in New Paltz. It isn't just a selected area. I don't think that there's ever been a function that involved young people, no matter where it is in this state, that he hasn't been called upon to go because he wants to give young people an image of what life is all about, that you don't have to be the rough and tumble, that you can be somebody who is a friend to somebody else, and he's taught the people.

The people that go to the gym, they know that there are certain standards that

they must meet. It isn't just, "I'll walk in and put on a pair of gloves." You walk in and put on a pair of gloves, the guy that you might be facing might be some 60-year-old guy, it's like John DeFrancisco says, who looks like when we were all 28.

But he's been a model. He's been there. He's been out there to let our young people know and, you know, I think the Governor, when he said the other day in his announcement about Floyd Patterson will bring back to New York the pride it had in the profession of boxing, we have lost it all. As you know, they go to the casinos in Las Vegas, and they go to Atlantic City. Well, with the help of my good friend, Nick Spano, and the Majority Leader, when we have casinos, I can imagine, as I said to Floyd earlier this morning, when he introduces the Governor and says, "Governor, this is the first professional fight in our casinos."

This is a great champ for all of New York.

Thank you very much.

ACTING PRESIDENT MARCELLINO: Chair recognizes Senator Mendez.

SENATOR MENDEZ: Mr. President, I also want to rise to congratulate Governor Pataki as well as Senator Bruno for presenting this man for being nominated for the position in the Athletic Commission.

I know a lot about Floyd Patterson. I had never ever met the gentleman until a few minutes ago, and I had the delightful opportunity of talking to him.

My first question to him, Mr. President, was, "Tell me. Do you still have that mean punch?" And he told me that yes, he does, that what is lost in boxers is the reflexes but, other than that, the mean punch remains. But I was taken -- and I read a lot about the gentleman. I was taken by the fact that in his interpersonal relationships, he is such a gentle, gentle person.

I know that he has been in the forefront of helping young people grow with more

self-fulfillment and actualization by serving as their model. I have never seen a champion of the world who has carried that crown with such elegance and dignity as Mr. Patterson has.

And, finally, Mr. President, he really is competent, and he has brought great glory to our country when he was, in 1952, in the Olympics, when he won the Gold Medal. So this is a happy day, and we're very fortunate and honored to have him serve on the boxing commission.

Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I grew up being asked all the time if I was related to Floyd Patterson, who I have never met. It was not because of my boxing prowess but the similarity of names, but I spell my name with one "t".

There is a great deal of

conversation now about role models and athletes and their relationship with younger people. There is no person that we can be naming to any commission that would have been more of a role model than Floyd Patterson.

His service to our country, his visiting the Presidents, his responsibility to youth really stand as a very unique gesture, and this is an appointment that I think has come now and probably should have come a long time ago.

I agree with Senator Larkin that it would be great if we can bring boxing back to New York State. I hope that this appointment will be a catalyst to achieving that.

All I want Floyd Patterson to know is what kind of a role model he was to me. There were two fights that he was in I'll never forget. One was in May of 1968, when he was beaten by Jerry Quary in Los Angeles, California, in the elimination to replace the title vacated when it was stripped from Muhammad Ali. I have no idea who judged that fight. Even I could see that this was a clear-cut

decision for Floyd Patterson. Then, in October 1969, in my opinion, he destroyed Jimmy Ellis, for the WBA championship and the Refs gave the decision to Jimmy Ellis, and I couldn't believe it.

But what I will never forget was the humility and the understanding and just the maturity that he displayed in his post-fight interviews, and he had to be very upset on the inside based on the results of those decisions.

So, Floyd, I have tried to follow in your footsteps because I lose in this chamber every day!

(Laughter.)

And the one thing I thought I did right, I came here -- has anyone not seen me in this chamber for one second? And I read this newspaper article, I didn't even make the top five in attendance.

(Laughter.)

But I'm not mad. I'm not upset.

ACTING PRESIDENT MARCELLINO: The house will not laugh at the Senator's comments,

please.

(Laughter.)

SENATOR PATERSON: And I really think that this is a marvelous appointment. I congratulate Governor Pataki and all of you who came together who lent your support to this nomination, to this very distinguished member of all communities, who I think will serve the state very well.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator, as one who made the list, I choose to recognize Senator Hoffmann at this time.

SENATOR HOFFMANN: Thank you, Mr. President.

I'm delighted to rise to second the nomination of Floyd Patterson for the Athletic Commission, and I've had the distinct pleasure of having met him on previous occasions when he has been kind enough to come into the 48th Senate District to visit the International Boxing Hall of Fame and, as a member of this State Legislature over a number of years, I have

had the opportunity -- indeed, the privilege - of being able to assist the Boxing Hall of Fame in its growth.

During that time, we have had a considerable amount of scrutiny by the media, by the public, by the taxpayers, about boxing, about what it means to regard boxing heroes as role models, and it's given me an opportunity to come to know Floyd Patterson and some of the other individuals who are now permanently revered as legitimate American heroes in the heart of upstate New York in Canastota.

During this whole process, this scrutiny of what boxing means, the one indisputable fact that comes true every single time people ask the question, the answer is discipline, self-discipline, determination, a willingness to prevail over time against unbelievable hurdles, against unbelievable odds, a willingness to be one's personal best.

We have so few opportunities to see that in practice in other areas of our existence that we must seize the opportunity

where we have it, whenever we have it, to instill in young people those values, and to have an individual like Floyd Patterson who has so unalterably demonstrated those criteria, being willing to serve, being willing to travel the state.

He has already demonstrated that he will travel the state. I have seen people in this chamber before who are here for confirmation for the very first time, and this was about as far from New York City as they ever came before, and they never got as far as my district, much less the Niagara Frontier, the North Country, the Southern Tier, or little places like Jamestown.

But I know that beyond any question of a doubt, Floyd Patterson will make those journeys, that he will serve as the role model that we're looking to see reach the young people of this state and to bring an important element of nobility and determination to the Athletic Commission of New York State.

ACTING PRESIDENT MARCELLINO:

Thank you, Senator.

Senator Goodman.

SENATOR GOODMAN: Mr. President, I would like to reflect for a moment on a bit of history unknown to any member of this chamber, I think, which involves the humanitarian instincts of the great champion, Floyd Patterson.

A number of you know Richard Rosenbaum who, at one time among other things, was a judge of this state, a very delightful, bubbly personality who fancied himself to be rather an astute boxer as a result of his captaining of his boxing team at, I believe it was Hobart College; and one day in a charity event Mr. Rosenbaum found himself pitted against the Champ in a real boxing ring for what was featured as a two-round bout of great consequence.

It turned out that Mr. Rosenbaum, feeling his oats in the first round and bouncing around like a jumping bean, landed a light punch to the shoulder of the champion and, in return, what was generally described as a love pat was

administered by the champion and Mr. Rosenbaum found himself lying on the canvas face up staring at the lights.

He indicated that this was, of course, a slip of his foot, but those who observed it thought that perhaps he was a little bit overmatched, and we all felt that it was an act of great charity on the part of the champion to allow Mr. Rosenbaum to leave that ring alive.

May I say on a more serious note that the Senate Investigations Committee several years ago had occasion to investigate the death in the ring of a boxer named Willie Classen that led, in turn, to a very careful examination of the ground rules and the safety precautions that need to be taken for boxing, and I can recall a conversation with the Champ at that time about this problem and recall his great sensitivity about the need for increased safety precautions at the ring.

Among other things, one of the things that was done was to make available for

all major fights a certified neurologist who could determine whether a fighter, in effect, was out on his feet as a result of a blow to the head and to try to avoid in the future the development of injuries and hematomas of the sort that resulted in the ultimate death of Willie Classen.

As he assumes his new duties, I'm confident that the Champ will be mindful of the fact that boxing can be a dangerous sport when not properly supervised, but when properly supervised, it's an extraordinarily wonderful sport with great spectator interest and, indeed, gives opportunities to youngsters who might otherwise never have a chance to make the big time and to find the keys to the gates which imprison them in very bad living conditions.

And so, Champ Patterson, I can only say it's a particular privilege and a pleasure to second your nomination, and to express to you our general wish for your good luck in your highly important and sensitive new position.

ACTING PRESIDENT MARCELLINO: The Chair recognizes Senator Stachowski.

SENATOR STACHOWSKI: Mr. President. I, too, rise to second the nomination of Floyd Patterson.

It was quite interesting to hear him speak at two committee meetings. Having been familiar with him as one of the boxing champions as I was growing up, I thought this is just such a thrill to meet him, and then to hear him focus, though, on work he's done in his gym, helping young people, it's just -- it was a very good example of why I think he'll be a positive example on this floor and do a great job on the commission.

I'd like to point out for Senator Skelos' information that Senator DeFrancisco is absolutely correct in saying he's the best conditioned 60-year-old, notwithstanding Senator Bruno's walking up and down the stairs. I mean Senator Bruno starts out with a disadvantage in this comparison and for two reasons. One is Joe dabbled in boxing, and I don't think he was

nearly as successful; and, two, I believe Floyd Patterson has both of his own hips which would be a distinct advantage in any long distance running he might take up.

But it's a pleasure to second the nomination, and I believe that Floyd Patterson will not only do a great job but will be a tremendous example to the people of the state of New York.

ACTING PRESIDENT MARCELLINO: Chair recognizes Senator Marchi.

SENATOR MARCHI: Mr. President, perhaps Mr. Patterson was not surprised when he saw our Majority Leader get up and lead off on seconding the nomination. The truth is, Mr. Patterson, Floyd, that he laced the gloves on himself when he was in the service. He did lace the gloves on himself, and I believe he must have been a light heavyweight, if I'm right. I'm right.

I mentioned the fact to Floyd that I had done the same thing some years earlier than the Majority Leader and that I did

have my short span of a boxing career, which included working out with Gus Lesnevich, who at that time was Light Heavyweight Champion of the World. He said, "Well, a funny thing is your nose isn't punched in." You'll remember, Floyd, that his favorite punch was a right onto the heart, and if you reflect on that and you see me limping along sometimes and favoring my left side, you'll know why.

Floyd Patterson not only deserves all of the good things that have been said about him professionally as a human being, we also know that this is a deeply religious and spiritual individual. He has that dimension, and I think it graces and adds luster to everything that he does.

Certainly, with so many of the facts that are already part of our general knowledge, I think it augurs well for the responsibilities which he resumes because he's been doing it continuously anyway but, under these auspices, it augurs well and certainly he leaves this chamber with our best wishes.

ACTING PRESIDENT MARCELLINO: Senator Espada.

SENATOR ESPADA: Thank you, Mr. President.

Certainly, I would like to join the chorus of applause and celebration of this appointment and thank the Governor for that.

The Champion has always transcended boxing. Cus D'Amato would be very, very proud today. Joey Torres called me last night and told me about this appointment. Joey Torres is one of the D'Amato kids along with Mr. Patterson, and character was always really the basic tenet of that school of living that Cus D'Amato led.

We watched the champion nurture and undertake a guardianship and then actually, adopting Tracy Patterson, made him a champion, and we look forward to that kind of magnificence being shared throughout all the 61 state Senatorial Districts.

I welcome you to the South Bronx, where we need you desperately, and I

congratulate you, sir.

Thank you.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Floyd Patterson as a member of the State Athletic Commission.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Floyd Patterson is hereby confirmed as a member of the State Athletic Commission.

Congratulations.

(There was a standing ovation.)

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Christina Hernandez, of Albany, member of the Crime Victims Board.

ACTING PRESIDENT MARCELLINO:

Chair recognizes Senator Hoblock.

SENATOR HOBLOCK: Thank you, Mr. President.

Mr. President, it gives me great pleasure to move the nomination of Christina Hernandez as a member of the Crime Victims Board.

Ms. Hernandez is a resident of the city of Albany and has worked as a residential service provider at Catholic Charities. She has a Master's Degree in Social Work from the University at Albany, has an advanced certificate in Women and Public Policy from Rockefeller School of Public Affairs and Policy, and she's a former fellow at the Center for Women in Government, Incorporated.

She currently works as a research assistant to the counsel at the Department of Environmental Conservation.

Ms. Hernandez is a strong advocate for victim rights and has studied and worked in the area of human services and social welfare.

Mr. President, the victims of crime in our society have indeed cried out to this state to show them compassion, to listen to their needs and to demonstrate a commitment that the rights of the victims are more important than those of the criminal.

I believe, Mr. President, that Ms. Hernandez is one of those compassionate individuals, and she will be an articulate and strong voice who will protect victim rights and also lend a sympathetic ear to the individuals and families who need that type of help.

It is with a great deal of pleasure, again, that I move this nomination, Mr. President. Ms. Hernandez, as an experienced counselor, will be a wonderful addition to the Crime Victims Board.

Thank you.

ACTING PRESIDENT MARCELLINO: Thank you, Senator.

The Chair recognizes Senator Mendez.

SENATOR MENDEZ: Mr. President, I

rise to second the nomination of Christina Hernandez, and I really want to congratulate Governor Pataki for nominating this young, bright and committed Puerto Rican young woman to a position where her skills will be devoted - as Senator Hoblock mentioned, will be devoted to ease the pain that the victims' families do feel after a loved one has been victimized.

As a Puerto Rican woman myself, when I saw the name Christina Hernandez, I said, "Wonderful!" This lovely Puerto Rican, bright, competent young woman is being recognized for her skills and she will be making a great contribution to the victims of crime.

Thank you.

ACTING PRESIDENT MARCELLINO: Excuse me, Senator Mendez. Excuse me for one second.

A little order in the house, please.

Senator, I'm sorry.

SENATOR MENDEZ: Thank you, Mr. President.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Christina Hernandez as a member of the Crime Victims Board.

I'm sorry. Senator Montgomery.

SENATOR MONTGOMERY: Yes.

Mr. President, I rise to second the nomination also and to congratulate the Governor on this appointment.

I just want to say, even though I don't know personally Christina Hernandez, I am very familiar with the work of the Center for Women in Government, and I think this is one more instance where the work of that center has really produced for the state of New York the kind of leadership, especially among young women, that we all hope for and we all wish for. There, the Center is doing it.

I have had several fellows from the Center for Women in Government, including this year I have a young woman, Esther Jackson, who is a fellow, and I'm very proud to have been part of the development and the exposure and the

ability to gain a new insight into this aspect of government for young women. I learn from them, and I hope they learn from me.

So it is with a great deal of pride that I rise to say congratulations to Christina. I know that you will do a good job, and I would like to think, at least, that part of your success and your vision and your understanding and your leadership comes because you had experiences like the fellowship with the Center for Women in Government.

Congratulations.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Christina Hernandez as a member of Crime Victims Board.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

Christina Hernandez is hereby confirmed as a member of the Crime Victims Board.

Congratulations.

(Applause.)

Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Charles F. Marotta, Esq., of the Bronx, member of the Crime Victims Board.

SENATOR VELELLA: Mr. President.

ACTING PRESIDENT MARCELLINO: The Chair recognizes Senator Velella.

SENATOR VELELLA: Mr. President, it's with a great deal of pleasure and pride that I support the nomination of Charles Marotta, a lifelong friend and resident of the Bronx. Mr. Marotta has served as a prosecutor in the Attorney General's office and has served for the last 20 years as an administrative law judge at the Workers' Compensation Bureau.

He has shown himself to be an outstanding leader in this field. As a member of the Workers' Compensation Board, he's been elected to office by his colleagues within that

board and certainly has led a very exemplary life and career in the law and in administration.

He will add to the Crime Victims Compensation Board the expertise that he has had as a Workers' Compensation judge and his expertise as a prosecutor.

It is with a great deal of pride that I move the nomination of Charles A. Marotta as a member of the Crime Victims Compensation Board.

ACTING PRESIDENT MARCELLINO: Senator Gold.

SENATOR GOLD: Yes, Mr. President. I rise to support the nominee; and Senator Dollinger, I think it was, made a comment last week about the variance in quality of appointments that we seem to be getting from the Governor when it comes to the judicial and to some other branches, and I thought the comment was pretty well taken, and I thought the nominations to the judiciary were very, very extraordinary, and I thought some of the others

were not.

This is one which I must say I think the Governor did very, very well. The background of Mr. Marotta is excellent. He is a person of experience and someone who we know, when he gets the job, he is going to have a background that is going to lead him through day by day without that worrying about him being blindfolded.

It's a good nomination. Senator Velella, you did good on this one, and I support the nominee.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of Charles F. Marotta as a member of the Crime Victims Board.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Charles F. Marotta is hereby confirmed as a member of the Crime Victims Board.

Congratulations, Mr. Marotta.

(Applause.)

Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

David H. Feinberg, of New York City, Director of the New York State Urban Development Corporation.

ACTING PRESIDENT MARCELLINO: Chair recognizes Senator Goodman on the nomination.

SENATOR GOODMAN: Mr. President, I'm pleased to be able to place in nomination Mr. David H. Feinberg of 993 Fifth Avenue, New York City.

ACTING PRESIDENT MARCELLINO: Senator, would you excuse me for one second.

Ladies and gentlemen, we can't hear. Please.

Thank you.

SENATOR GOODMAN: Mr. Feinberg has a very distinguished record. The education

background on him is most impressive. He is a graduate, in 1963, of Princeton University in the Woodrow Wilson School of Public and International Affairs. He graduated from Harvard Law School in 1967.

He was previously an investment banker with the distinguished firm of S.G. Wahrburg & Company in London, worked for the Chemical Bank and for the United States Agency for International Development in Washington, D.C.

He is presently a leader in the firm of Feinberg Realty and Construction, which is active in all phases of real estate, including home building, apartment building ownership and land development.

Although I do not know Mr. Feinberg personally, I can say that he has come highly recommended, and I feel certain will do outstanding work as a member of the board of the Urban Development Corporation.

ACTING PRESIDENT MARCELLINO: The question is on the confirmation of David H.

Feinberg, as a director of the New York State Urban Development Corporation.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

David H. Feinberg is hereby confirmed as a director of the New York State Urban Development Corporation.

Senator Velella.

SENATOR VELELLA: Mr. President, can we return to the regular calendar and take up Calendar 1494.

ACTING PRESIDENT MARCELLINO: The Secretary will read.

THE SECRETARY: Calendar Number 1494, by Senator Hoblock, Senate Print 5539, an act to amend the Military Law, in relation to application for Civil Service examinations.

SENATOR VELELLA: Is there a message at the desk?

ACTING PRESIDENT MARCELLINO:

There is a message at the desk, Senator.

SENATOR VELELLA: Move we accept the message.

ACTING PRESIDENT MARCELLINO: The motion is to accept the message of necessity.

All in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as the chapter of the laws of 1995.

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MARCELLINO: The bill is passed.

Senator Velella.

SENATOR VELELLA: Mr. President,

would you now recognize Senator Rath for the purpose of a resolution.

ACTING PRESIDENT MARCELLINO: Chair recognizes Senator Rath.

SENATOR RATH: Mr. President, earlier we thought we needed a privileged resolution read in toto. We do not need it read. It needs to be passed today, however, so it can be distributed to the person who it's honoring.

ACTING PRESIDENT MARCELLINO: Secretary will read the title.

THE SECRETARY: By Senator Rath, Legislative Resolution paying tribute to Elizabeth Ryan Mahoney upon the occasion of her 80th birthday.

ACTING PRESIDENT MARCELLINO: Question is on the resolution.

All in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The resolution is passed.

Senator Velella, we have some housekeeping at the desk. May we do that?

SENATOR VELELLA: Yes. Can we go to housekeeping now. Do we have any housekeeping?

ACTING PRESIDENT MARCELLINO: Senator Kuhl.

SENATOR KUHL: Mr. President, on behalf of Senator Lack, I wish to call up his bill, Senate Print 3353, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number 482, by Senator Lack, Senate Print 3353, an act to amend the Civil Service Law and the Education Law, in relation to the compensation of teaching and research centers.

SENATOR KUHL: Mr. President, I move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MARCELLINO: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MARCELLINO: The bill is before the house.

Senator Kuhl.

SENATOR KUHL: I offer up the following amendments.

ACTING PRESIDENT MARCELLINO: The amendments are accepted, sir.

Senator Kuhl.

SENATOR KUHL: Mr. President, on behalf of Senator Saland, I wish to call up his bill, Senate Print 4013, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number 953, by Senator Saland, Senate Print 4013, an act to amend the Family Court Act, in relation to law guardian representation.

SENATOR KUHL: Mr. President, I

now move to reconsider the vote by which the bill passed.

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MARCELLINO: The bill is before the house.

Senator Kuhl.

SENATOR KUHL: Mr. President, I offer up the following amendments.

ACTING PRESIDENT MARCELLINO: Amendments are accepted.

Senator Kuhl.

SENATOR KUHL: Also, Mr. President, on behalf of Senator Saland, I wish to call up his bill, Senate Print 4025A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number

954, by Senator Saland, Senate Print 4025A, an act to amend the Family Court Act and the Domestic Relations Law, in relation to issuance of mutual orders of protection.

SENATOR KUHL: Mr. President, I now move to reconsider the vote by which the bill passed.

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MARCELLINO: The bill is before the house.

Senator Kuhl.

SENATOR KUHL: Offer up the following amendments.

ACTING PRESIDENT MARCELLINO: Amendments are accepted.

Senator Kuhl.

SENATOR KUHL: Also, Mr. President, on behalf of Senator Marchi, I wish to call up his bill, Senate Print 2496, recalled

from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number 165, by Senator Marchi, Senate Print 2496, an act to amend the Public Authorities Law, in relation to and for the purpose of enabling the Dormitory Authority.

ACTING PRESIDENT MARCELLINO: Senator Kuhl.

SENATOR KUHL: I move to reconsider the vote by which the bill passed the house.

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MARCELLINO: The bill is before the house.

Senator Kuhl.

SENATOR KUHL: Offer up the following amendments.

ACTING PRESIDENT MARCELLINO: Amendments are accepted.

Senator Kuhl.

SENATOR KUHL: Also, Mr. President, on behalf of Senator Sears, I wish to call up his bill, Senate Print 1177, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number 1019, by Senator Sears, Senate Print 1177, an act to amend the Criminal Procedure Law and the Education Law.

SENATOR KUHL: Move to reconsider the vote by which the bill passed.

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MARCELLINO: The bill is before the house.

Senator Kuhl.

SENATOR KUHL: Offer up the following amendments.

ACTING PRESIDENT MARCELLINO: Amendments are accepted.

Can we have some order so we can get through the housekeeping, please.

Thank you.

Senator Kuhl.

SENATOR KUHL: Also, Mr. President, on behalf of Senator Volker, I wish to call up his bill, Senate Print 3620A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number 527, by Senator Volker, Senate Print 3620A, an act to amend the Penal Law, in relation to trademark counterfeiting.

SENATOR KUHL: Mr. President, I move to reconsider the vote by which the bill passed the house.

ACTING PRESIDENT MARCELLINO: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 53.

ACTING PRESIDENT MARCELLINO: The bill is before the house.

Senator Kuhl.

SENATOR KUHL: Mr. President, I offer the following amendments.

ACTING PRESIDENT MARCELLINO: Amendments are accepted.

Thank you, Senator.

Senator Velella.

SENATOR VELELLA: Mr. President, there will be an immediate Republican conference in the Republican Conference Room, and the Senate will stand at ease during that conference.

ACTING PRESIDENT MARCELLINO: There will be an immediate conference of the Majority in the Majority Conference Room, Room 332.

The Senate will stand at ease.

(Whereupon, at 1:08 p.m., the Senate was at ease until 2:37 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Will you recognize Senator Seward.

ACTING PRESIDENT MARCELLINO: Senator Seward.

SENATOR SEWARD: Yes, Mr. President. On page 6, I offer the following amendments to Calendar Number 1480, Senate Print Number 5182, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MARCELLINO: Without objection.

SENATOR SEWARD: On behalf of Senator Kuhl, Mr. President, I wish to call up his bill, Print Number 5087A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MARCELLINO: Secretary will read.

THE SECRETARY: Calendar Number

1262, by Senator Kuhl, Senate Print 5087A, an act to amend the Retirement and Social Security Law, in relation to authorizing the Keuka Lake Watershed Improvement Cooperative.

ACTING PRESIDENT MARCELLINO: Senator Seward.

SENATOR SEWARD: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MARCELLINO: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT MARCELLINO: The bill is before the house.

Senator Seward.

SENATOR SEWARD: Mr. President, I now offer the following amendments to that bill.

ACTING PRESIDENT MARCELLINO: Amendments are received and adopted.

Any other housekeeping?

Senator Skelos.

SENATOR SKELOS: Mr. President. There will be a Rules Committee meeting tomorrow morning at 9:30 a.m. in Room 332 in the Capitol; and there being no further business, the Senate stands adjourned until tomorrow, June 28th, at 10:00 a.m. sharp.

ACTING PRESIDENT MARCELLINO: Rules Committee meeting, 9:30 a.m.

On motion of Senator Skelos, the Senate stands adjourned until 10:00 a.m. tomorrow morning.

(Whereupon, at 2:43 p.m., the Senate adjourned.)