ALBANY, NEW YORK

June 29, 1995

10:05 a.m.

REGULAR SESSION

SENATOR WILLIAM J. LARKIN, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT LARKIN: The Senate will come to order. All in attendance, please rise, in the gallery too, and join me in the Pledge of Allegiance.

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

In the absence of the clergy, may we bow our heads in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Wednesday, June 28th. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. The Journal of Tuesday, June 27th, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

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

Senate Print 257, by Senator Maltese, an act to amend the Real Property Tax Law, in relation to exemption of the real property of seriously disabled veterans;

4057-A, by Senator Trunzo, an act to amend the Civil Service Law, in relation to providing for binding arbitration;

842, by Senator Padavan, 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;

2599-A, by Senator Saland, an act to amend the Family Court Act, in relation to evaluating compliance;

3873-B, by Senator Marchi, an act to amend the Real Property Law, in relation to establishing a New York State Real Estate Board;

5172, by Senator Hoblock, an act to amend the Tax Law, in relation to the imposition of sales and use taxes by the county of Albany;

5436, by Senator Farley, an act to amend the Banking Law, in relation to interstate branching;

4322-A, by Senator Skelos, an act to amend the Executive Law, in relation to transactions involving services;

2998-A, by Senator Holland, an act to amend the Executive Law, the Multiple Dwelling Law and the Multiple Residence Law, in relation to requiring standards for anti-scald devices;

3578, by Senator Velella, an act to amend the Administrative Code of the city of New York, in relation to the participation of part-time employees;

3616-B, by Senator Velella, an act to amend the Agriculture and Markets Law, in relation to labeling with kosher poultry;

4259, by Senator Maltese, an act

to amend the General Municipal Law, in relation to providing special accidental death benefits;

4263, by Senator Larkin, an act to amend the Retirement and Social Security Law, in relation to the establishment of 20-year age 50 retirement programs;

4355, by Senator Tully, an act to amend the Public Health Law, in relation to authorizing approved organizations;

4405, by Senator Holland, an act to amend Chapter 653 of the Laws of 1984, amending the Social Services Law;

4742-A, by Senator Leibell, an act to authorize Tier 1 status for certain members of the New York City Employees Retirement System;

4854-A, by Senator Leibell, an act to amend the General Municipal Law, in relation to payment of certain special accidental death benefits;

5196-C, by Senator Spano, an act to amend the Workers' Compensation Law, in relation to permitting the establishment of an

alternative dispute resolution system;

5244-B, by Senator Sears, an act to amend the Personal Property Law and others, in relation to technical changes to the Motor Vehicle Leasing Act;

5388, by Senator Tully, an act to amend the Environmental Conservation Law and the Town Law, in relation to the taking of shellfish;

5397-A, by Senator Hannon, an act to amend the Public Health Law, in relation to the definition of general hospital and hospital;

5428-A, by Senator LaValle, an act to amend the Education Law, in relation to establishing a statewide voting day;

5435-A, by Senator Cook, an act to amend the Education Law and the Local Finance Law, in relation to annual meetings;

5443, by Senator Velella, an act to amend the General Municipal Law, in relation to creating the Bronx County Industrial Development Agency;

5450, by Senator Galiber, 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 Bronx;

5456, by Senator Spano, an act to amend the Labor Law, the Tax Law, the Public Health Law and Chapter 545 of the Laws of 1978;

5465, by Senator Trunzo, an act authorizing the Brentwood Union Free School District.

ACTING PRESIDENT LARKIN: If you have conversations, take it outside. The Clerk is trying to read the bills that are coming out of Rules. Continue.

THE SECRETARY: 5469-A, by Senator Velella, an act to amend the Insurance Law and the Public Health Law, in relation to creation of a competitive market;

5486, by Senator Paterson, an act to authorize Richard J. Mason, the deputy executive director of the Renaissance Health Care Network;

5509-A, by Senator DeFrancisco, an act in relation to authorizing the county of

Onondaga;

5514, by Senator Skelos, an act to amend the Education Law, in relation to the registration of voters;

5518, by Senator DiCarlo, an act to amend the Real Property Tax Law, in relation to making technical corrections;

5524, by Senator Skelos, an act to repeal Section 31.04 of the Arts and Cultural Affairs Law;

5526, by Senator Levy, an act to declare an emergency in the Roosevelt Union Free School District;

5528, by Senator DeFrancisco, an act to amend the Highway Law, in relation to designating a portion of the state highway system;

5530, by Senator Cook, an act to amend the Tax Law, in relation to the imposition of additional taxes in the county of Ulster;

5521-A, by Senator Trunzo, an act to amend Chapter 12 of the Laws of 1995, relating to providing a retirement incentive;

5542, by the Senate Committee on Rules, an act to amend the Insurance Law and the Vehicle and Traffic Law, in relation to increasing the minimum limits;

5548-A, by Senator Sears, an act to amend the Personal Property Law, the Insurance Law and others;

And 3797-B, by Senator Smith, an act in relation to authorizing the city of New York to sell waterfront property.

All bills ordered directly for third reading.

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

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

(Response of "Aye".)

Those opposed, no.

(There was no response.)

The Rules report is adopted.

Report of select committees.

Communications from state

officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

On behalf of Senator Lack, on page 8, I offer the following amendments to Calendar 1522, Senate Print 5378, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT LARKIN: The amendments are received.

SENATOR FARLEY: Mr. President, on behalf of Senator Goodman, I wish to call up his bill 3418, which was recalled from the Assembly which is now at the desk.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number 738, by Senator Goodman, Senate Print 3418, an act to amend the Administrative Code of the city of New York.

SENATOR FARLEY: I now move to

reconsider the vote by which this bill was passed.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 41.

SENATOR FARLEY: I now offer the following amendments.

ACTING PRESIDENT LARKIN: The amendments are received.

SENATOR FARLEY: On behalf of Senator Libous, on page 8, I offer the following amendments to Calendar 1491, Senate Print 5441, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT LARKIN: The amendments are received.

SENATOR FARLEY: On behalf of Senator Spano, on page -- on Supplemental Calendar Number 1, page 5, Calendar 1562, Senate Print 5456, I offer the following amendments and ask that that bill retain its place on the Third

Reading Calendar.

ACTING PRESIDENT LARKIN: The amendments are received.

SENATOR FARLEY: On behalf of Senator Goodman, I wish to call up his bill, Senate Print 3455-A, which was recalled from the Assembly which is now at the desk.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number 885, by Senator Goodman, Senate Print 3455-A, an act to amend the Tax Law, in relation to extending Section 1142-A.

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

ACTING PRESIDENT LARKIN: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 42.

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

ACTING PRESIDENT LARKIN: The amendments are received.

Senator Bruno, we have a substitution.

SENATOR BRUNO: Substitution ordered.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: On page 5, Senator Goodman moves to discharge from the Committee on Rules, Assembly Bill Number 6639-B and substitute it for the identical Calendar Number 755.

ACTING PRESIDENT LARKIN: The substitution is ordered.

Senator Bruno, that brings us to the calendar.

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

ACTING PRESIDENT LARKIN: There are many bills on the calendar that are still high. We have not received messages, so on the

non-controversial, we'll only read those bills that are live.

The Secretary will read.

THE SECRETARY: On page 4 -

ACTING PRESIDENT LARKIN: Once again, if you have a conversation, please take it outside. We have a lot of business to do today. I also would like to remind members who have bills on the calendar, please be in your seat. We're not going to go search you out. Continue.

THE SECRETARY: On page 4, Calendar Number 583, by the Assembly Committee on Rules, Assembly Print Number 7896-A, an act to amend the Transportation Law, in relation to requiring the Commissioner of Transportation to take an annual inventory.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: On page number 8, Calendar Number 1501, by Senator Seward, Senate Print 3377-A -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT LARKIN: Lay it aside.

THE SECRETARY: Calendar Number 1538, by the Assembly Committee on Rules, Assembly Print Number 8286, an act authorizing the Dormitory Authority of the state of New York to plan, design and acquire a facility.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

SENATOR TULLY: Mr. President.

ACTING PRESIDENT LARKIN: Senator Tully.

SENATOR TULLY: Point of information. Are we going to do this calendar from the beginning with Calendar 42 or are we starting at the bottom?

ACTING PRESIDENT LARKIN: Senator, we're only reading those bills that have aged. There's a number of bills on the calendar that haven't aged nor do we have messages. So we're only reading those that are actually live.

SENATOR SALAND: Point of information. Can you please advise me what calendar number we're on right now?

ACTING PRESIDENT LARKIN: We're on the regular calendar. We're on Calendar Number 1538 on page 9.

SENATOR SALAND: Thank you.

ACTING PRESIDENT LARKIN: Read the last section.

THE SECRETARY: Those recorded in the negative on Calendar Number 1538 are Senator

DiCarlo. Ayes 41, nays 1.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1539, by the Assembly Committee on Rules, Assembly Print Number 8285, an act to amend Chapter 54 of the Laws of 1995.

ACTING PRESIDENT LARKIN: Call the roll -- read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LARKIN: Announce the results.

THE SECRETARY: Ayes 41, nays 1, Senator DiCarlo recorded in the negative.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1541, by Senator Bruno, Senate Print 5541, an act to amend the Public Authorities Law, in

relation to the Saratoga County Water Authority.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

ACTING PRESIDENT LARKIN: The bill is passed.

SENATOR SKELOS: Mr. President, would you -

ACTING PRESIDENT LARKIN: Senator Skelos.

SENATOR SKELOS: Would you please call up Senator Seward's bill, Calendar Number 1501.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: On page 8, Calendar Number 1501, by Senator Seward, Senate Print 3377-A, an act to amend the General

Municipal Law, in relation to conflict of interest.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT LARKIN: Explanation asked for.

Senator Seward.

SENATOR SEWARD: Yes. Mr. President, this bill deals with the issue of updating some of the conflict of interest provisions in the General Municipal Law.

Just as a matter of background, Section 801 of the General Municipal Law is the blanket prohibition against the conflict of interest for municipal officers and employees and this bill does not address that particular section, but it does move to Section 802 which sets forth numerous exceptions to the prohibition, including an exemption of up to $100 per year for contracts in which the officer involved may have an interest.

Now, the legislation before us does two things: Number 1, it does raise the exemption amount from $100 to $750 per year and

that has been at the hundred dollar level since 1964, and the second item in the bill is that for non-salaried municipal board members in the rural counties only, it allows purchases of aggregate up to $5,000 per year where the board member abstains and the resolution for purchases is unanimous, and it -- it also requires under those conditions that the standard procurement procedures must be followed; in other words, the lowest price suitable for the item or service involved and the rationale is that in rural areas, local providers at the lowest costs should not be barred from contracting with that municipal entity, and given the small amount at issue and the provision for unanimous vote, there should be no ethical issues involved with the change in the law.

And I have had in my own district, which is in our rural areas, situations where this has caused a problem in the past and we're looking to address it in some reasonable, responsible, ethical way.

ACTING PRESIDENT LARKIN: Read

the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -- those recorded in the negative on Calendar 1501 are Senators Connor, Dollinger, Gold, Jones and Paterson. Ayes 40, nays 5.

ACTING PRESIDENT LARKIN: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we recognize Senator Saland for the purposes of voting on Calendar Number 1574.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number 1574, by the Senate Committee on Rules, Senate Print 5542, an act to amend the Insurance Law and the Vehicle and Traffic Law, in relation to increasing the minimum limits.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

SENATOR SALAND: Mr. President, I vote in the negative.

ACTING PRESIDENT LARKIN: Senator Saland will be recorded in the negative. Withdraw the roll call. Lay the bill aside.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT LARKIN: Senator Bruno.

SENATOR BRUNO: Can we return to reports of standing committees to receive a report from the Judiciary Committee?

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination: Jonathan Lippman of Rye

Brook, New York State Court of Claims.

ACTING PRESIDENT LARKIN: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to move the nomination of Jonathan Lippman of Rye Brook, New York to be a member of the New York State Court of Claims.

This is an exceedingly good appointment by the Governor. As I think everybody in this chamber knows, Jonathan Lippman is currently the deputy chief administrator for management support for the Office of Court Administration and has for a number of years been intimately involved in everything doing -- that has to do with court administration and the judiciary in this state.

Jonathan Lippman is a graduate of New York University School of Law of New York University. Before serving as the deputy chief administrator, he was the chief clerk and executive officer of the Supreme Court in New York County. The committee staff, as we do with

all judicial nominees, has gone over the recommendations, has consulted with those who have been involved with Jonathan Lippman, and I should tell you that the recommendations in his case have been from the chief judge of the state, chief administrative judge and the presiding justices of the four Appellate departments of New York State. Jonathan Lippman will make an excellent, excellent appointment to the New York State Court of Claims, and I'm very proud at this point to yield to my colleague, Senator Spano, for purposes of a second.

Senator Spano.

ACTING PRESIDENT LARKIN: Senator Spano.

SENATOR SPANO: Thank you, Mr. President. Thank you, Senator Lack.

As Senator Lack has mentioned, Jonathan Lippman has an outstanding record in the courts dating back to 1972 where he served in many different capacities, currently serves as the deputy chief administrator, has been recognized for his outstanding commitments by

many different organizations, has served as a lecturer to judges, is a great appointment for the Governor, another Westchester resident, a Democrat and it's my pleasure to -- to join with Senator Lack and to second the nomination of Jonathan Lippman. I know he's here with his family today, and I would like to congratulate him and his family and wish him well as the deputy chief administrative judge in the state of New York.

Thank you.

ACTING PRESIDENT LARKIN: The question is on the nomination of Jonathan Lippman.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT LARKIN: Excuse me. Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I rise both to commend Governor Pataki for his appointment of Jonathan Lippman, who is a superb candidate for this position, as well as the other appointments that we're going

to do this morning. I made these comments in the Judiciary Committee. Contrary to the popular belief in the Judiciary Committee, I'm not going to change my voter registration and as long as this Governor keeps on his toes as he has been with all of these nominees -- this has been, in my judgment, a top-notch brand of nominees in the last couple of weeks.

I commend Senator Lack for continuing the process and getting them efficiently through the committee, but as long as the Governor is on his toes, I certainly won't criticize him. These are good nominees. These are good people for important positions and I wish them all well.

Thank you, Mr. President.

ACTING PRESIDENT LARKIN: The question is on the nomination of Jonathan Lippman to the Court of Claims. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Jonathan Lippman -- good to see you again, Judge -- is hereby confirmed, Court of Claims.

(Applause.)

The Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination: Dan Lamont of Cobleskill, New York State Court of Claims.

ACTING PRESIDENT LARKIN: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to move the nomination of Dan Lamont of Cobleskill as a judge of the New York State Court of Claims. Mr. Lamont -- Judge Lamont who is currently a three-hat judge has been examined as -- by members of the committee. The staff of the committee has reviewed his credentials, certainly found him qualified. The full committee considered his nomination this morning and unanimously moved it here to the floor for our consideration.

Mr. President, at this time I would yield to Senator Seward.

ACTING PRESIDENT LARKIN: Senator Seward.

SENATOR SEWARD: Yes. Thank you, Senator Lack and Mr. President.

I'm very pleased and honored to rise in support of the nomination of Judge Dan Lamont to the state Court of Claims. I want to commend the Governor for another outstanding choice to go on the bench.

Judge Lamont, of course, graduated from Hamilton College and he received his law degree from Albany Law School and was admitted to practice in December of 1967, and it's an understatement -- since that time that he has been a member of the bar, it's an understatement to say that he has built a type of background that makes him most qualified to sit on the Court of Claims.

He has the experience as an Assistant Attorney General, a municipal attorney, a lawyer in private practice and since

1978, he has served as the judge of the County, Family and Surrogate Court in Schoharie County. Out our way, we call that a three-hatted judge, and it is a position which deals with a widely varying case load and one in which the judge involved gets a great deal of experience in many, many ways. In addition to serving us right in Schoharie County, at many times he has served as an acting Supreme Court judge throughout his judicial district.

Judge Lamont is a seasoned jurist and it is precisely his breadth and depth and understanding of the law, coupled with the experience that I've already mentioned, that makes him an ideal choice to serve on the Court of Claims. Not only in Schoharie County but, in fact, across his judicial district, Judge Lamont is widely respected for his rulings and he has developed the sensitivity needed in Family Court, the strength needed in County Court and the wisdom of Solomon needed in Surrogate Court, and that's the unique mix of insight and firmness that he brings to the Court of Claims.

I just rise to support this nomination, congratulate once again the Governor for making this choice, to congratulate Judge Lamont and his family. We're joined today by Judge Lamont's wife, Beth, as well as their son, Seth. This is, indeed, a proud day for them. It's a proud day for Schoharie County and a good day for the people of the New York State.

I'm very pleased to rise in support of Judge Lamont's nomination.

ACTING PRESIDENT LARKIN: Senator Cook.

SENATOR COOK: Mr. President, it's a great couple of days for me because after having been here something over a decade and voted for a lot of nominees who undoubtedly were well qualified, most of them were kind of faceless individuals as far as I was concerned and now we have two days in which we're going to be confirming three people whom I consider to be very, very close personal friends and Dan Lamont is right up there on the top of that list.

He is a distinguished jurist. He

has served not only, as Senator Seward indicated, in the three-hatted position in Schoharie County and that, indeed, does take a great deal of wisdom, but has served in the criminal courts by appointment throughout much of downstate New York and that qualifies him for the job that he is going to be assuming which is to preside over criminal cases, even though he will be a Court of Claims judge, so he is qualified by his background and his experience for that position, and he's also qualified by his own personal attributes, a citizen of the community, someone who is looked up to and respected universally and as Senator Seward indicated, he's known and respected widely.

Most of the judicial district in which he -- in which he serves actually is within my district, even though Senator Seward stole Schoharie County from me at the last reapportionment, but he is known -- and I have to tell you, whenever I mention to anyone throughout the judicial district that you were being considered for this position, Judge,

people are just ecstatic because they know what a great person you are and they are so delighted that finally you're getting the recognition that you so richly deserve.

So, Mr. President, I am so pleased and honored to be able to second the nomination of Judge Dan Lamont.

Thank you.

ACTING PRESIDENT LARKIN: The question is on the confirmation of Dan Lamont as judge of the New York State Court of Claims. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Dan Lamont, you are hereby confirmed as a judge of the New York State Court of Claims.

(Applause.)

You know, Judge, one thing a lot of people haven't forgot was that this wasn't an easy road. There were some of us, including Senator Cook, who remember a little travesty on

the way up and I want you to know that a lot of us who remember that really, really take pride in you for your self-determination and the integrity you showed all the way. You are something to be proud of.

Congratulations.

Senator Lack -- the Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination: John P. Dunne of Manhasset, New York State Supreme Court.

SENATOR LACK: Mr. President.

ACTING PRESIDENT LARKIN: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to move the nomination of John P. -- underline the initial for those in the chamber -- P. Dunne of Manhasset as a justice of the New York State Supreme Court.

The committee has examined the credentials of the candidate, has found him much

more than satisfactory, an excellent sitting judge who is now moving to the Supreme Court. The committee met this morning and unanimously recommended the nomination to the floor and, Mr. President, it is my privilege at this point to yield to Senator Tully.

ACTING PRESIDENT LARKIN: Senator Tully.

SENATOR TULLY: Thank you, Mr. President, my colleagues.

We have been asked to be brief and I'm sure the nominees will appreciate that. While each one of them, I'm sure, could be spoken about for a very, very lengthy period of time because of the wonderful things they've done in their past, I'll limit my remarks by saying Jack Dunne has been joined by his wife, Sally, and I'm privileged to welcome them to the chamber.

Jack is someone whom I've known for many years. He served with me when I was town supervisor in the early '70s as one of our town councilman. He's a very, very well known

civic activist, he's a combat veteran. He has been a practicing attorney for almost 40 years. He is now currently sitting as a County Court judge in Nassau County. He is recognized by my colleagues in the legal profession as someone who possesses legal temperament, judicial temperament and he has patience, the patience of Job, one might say, and many times I speak to my colleagues who are going on the bench and I say why -- why in God's name would you want to go sit on the bench, and the ones that are wise, the one that have that Solomonlike nature, the ones like Jack Dunne are the people who are fit and qualified by their temperament, by their background, and I'm certain that the people of Nassau County will be well served in his elevation as a justice of the Supreme Court as will every resident of this state.

I'm pleased to nominate Jack Dunne, the Honorable John Dunne, to the position of justice of the state Supreme Court.

ACTING PRESIDENT LARKIN: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I rise because I've know John P. Dunne for many years, and in spite of that, I'm going to vote for him.

He has been able to accomplish something while sitting on the bench that I, in 25-plus years of marriage, have never been able to accomplish. He actually scared my wife one day. She was called for jury duty. She felt she had an excuse to get out of it on a partic ular situation. She went before John. She heard the way he handled the questioning of other potential people who wanted to get off jury duty. She withdrew her call and went back and served. Anyone who can change my wife's mind deserves to be a judge.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT LARKIN: Senator Skelos.

SENATOR SKELOS: I, too, want to join Senator Tully and Senator Marcellino in congratulating our good friend, John Dunne, in his appointment to the Supreme Court.

Congratulations, Jack.

ACTING PRESIDENT LARKIN: The question is on the confirmation of John P. Dunne as justice of the New York State Supreme Court. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

John Dunne is hereby confirmed as judge of the New York State Supreme Court.

Judge.

(Applause.)

Coming from your colleagues in Nassau County, that's a wonderful recommendation. I thought our own Senator John Dunne was coming back and they said we have lots of Dunnes in Long Island.

Congratulations, your Honor.

The Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination: Frank A. Gulotta, Jr. of Woodbury, Nassau County Court.

SENATOR LACK: Mr. President.

ACTING PRESIDENT LARKIN: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to move the nomination of Frank A. Gulotta, Jr., of Woodbury, to the recently vacated position in Nassau County Court caused by the elevation of Justice Dunne.

Frank Gulotta, Jr. has been examined by the committee, has been found to have excellent credentials, unanimously voted by the committee this morning to come to the floor. I served on boards of -- of public service, a company called EAC which Frank Gulotta, Jr. has also served on. It's Long Island's largest human service agency. He has devoted a good deal of time to it and is more than a worthy candidate to serve on the County Court.

Mr. President, it's my privilege to yield at this time to Mr. Gulotta's Senator, Senator Marcellino.

ACTING PRESIDENT LARKIN: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I rise with pride to nominate Frank -

ACTING PRESIDENT LARKIN: Sh-h.

SENATOR MARCELLINO: -- Gulotta for the County Court in Nassau County. Frank's a well respected attorney in our county. He comes from a family that is well known in Nassau County politics and Nassau County government. His father was a true ground breaker and a true historic figure in our county and in our state.

Frank is one of those people who has the qualities to be a judge. He's intelligent but he has compassion for people. He will treat the lawyers and he -- that come before him and he will treat the defendants that come before him with respect and with dignity and that's what we can ask for and that's the best that we can ask for.

Not being an attorney, I can say

to you very clearly and very frankly that people like Frank Gulotta who have excelled in their professions, who are well respected in their professional community, have been very active in every professional organization related to the law and the practice of law that one could think of deserves this high appointment.

Frank has also gone one step beyond just being active in his professional career. He is an active member of his community, serving on Little Leagues and civic associations and fraternal associations, you name it. Frank is always there to help and serve the people of his community. He has earned this position. Like Senator Tully, I don't know why he wants to leave the real world and sit up there on the bench and wear those black robes, but we're sorry to see him move a little bit away from what he's doing now. We hope we don't lose him in his fraternal behavior. We hope we don't lose him in his community service, but we know that when he gets on the bench, he will serve us well there and he

will serve the county and the people of Nassau County very well, so I rise with pride to nominate Frank Gulotta for the Nassau County Court.

ACTING PRESIDENT LARKIN: Senator Tully.

SENATOR TULLY: Thank you, Mr. President, my colleagues.

I am pleased to second the nomination of Frank A. Gulotta, Jr. He comes from a fine heritage. His dad was the first Italo-American elected to public office in Long Island. He was the district attorney, ultimately sat as the presiding justice of the Appellate Division.

Frank many years ago served with me in the district attorney's office and later we became law partners. He was smart. He stayed in the legal profession. I was dumb enough to go into public service and he is a much richer man in many ways than I am today, but I think the county is very fortunate that someone of Frank's background, caliber,

integrity has deigned to serve the public in that way.

He is the past president of the former district attorney's association and director -- former director of the Nassau County Bar Association. He was chairman of the grievance committee of that Bar Association and he was so well recognized in that position that he became chairman of the 10th Judicial District for Nassau and Suffolk County, chairman of that grievance committee as well. You don't get those positions, Mr. President, my colleagues, unless you are recognized by your peers as someone who is beyond reproach but also someone who has great legal ability.

It is a distinct honor and privilege for me to second the nomination of Frank A. Gulotta to the County Court.

ACTING PRESIDENT LARKIN: Senator Skelos.

SENATOR SKELOS: Senator Larkin, Mr. President, I join with my colleagues in supporting the nomination of our good friend,

Frank Gulotta, to be made a judge of the County Court. I want to congratulate the Governor on this great appointment.

You know, there's nothing that we want as parents more than to see our children succeed in the profession of their choice, and I know what a perfectionist Judge Gulotta to be. His father was the first Italian-American D.A. in Nassau County, distinguished jurist and, Frank, I know that your dad and your mom are looking down and they're saying that you have met their expectations and have gone even beyond that.

Congratulations to you.

ACTING PRESIDENT LARKIN: The question is on the confirmation of Frank A. Gulotta, Jr. as judge of Nassau County Court. All those in favor satisfying by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Frank A. Gulotta is hereby confirmed as judge of the Nassau County Court.

(Applause.)

ACTING PRESIDENT LARKIN: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up the non controversial Supplemental Calendar Number 1.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number 170, by Senator Maltese, Senate Print 257, an act to amend the Real Property Tax Law, in relation to exemption of the real property of seriously disabled veterans from taxation.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 692, by Senator Trunzo, Senate Print 4057-A, an act to amend the Civil Service Law, in relation to providing for binding arbitration.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 735, by Senator Padavan, Senate Print 842, 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 LARKIN: There's a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

ACTING PRESIDENT LARKIN: Announce -

THE SECRETARY: -- 48.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number -- Senator Saland moves to discharge from the Committee on Rules, Assembly Bill Number 7694-A and substitute it for the identical Calendar Number 945.

ACTING PRESIDENT LARKIN: Substitution ordered.

THE SECRETARY: Calendar Number 945, by the Assembly Committee on Rules, Assembly Print 7694-A, an act to amend the Family Court Act, in relation to evaluating compliance.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1267, by Senator Marchi, Senate Print 3873-B.

ACTING PRESIDENT LARKIN: The bill is high. Lay it aside.

THE SECRETARY: Senator Hoblock moves to discharge from the Committee on Rules, Assembly Bill Number 7468 and substitute it for the identical Calendar Number 1313.

ACTING PRESIDENT LARKIN: Substitution ordered.

THE SECRETARY: Calendar Number 1313, by the Assembly Committee on Rules, Assembly Print 7468, an act to amend the Tax

Law, in relation to the imposition of sales and use taxes by the county of Albany.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1383, by Senator Farley, Senate Print 5436.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT LARKIN: Lay it aside.

THE SECRETARY: Senator Skelos moves to discharge from the Committee on Rules, Assembly Bill Number 7444-A and substitute it for the identical Calendar Number 1413.

ACTING PRESIDENT LARKIN: Substitution is ordered. Lay it aside.

SENATOR SKELOS: Temporarily.

THE SECRETARY: Calendar - excuse me. Senator Holland moves to discharge from the Committee on Rules, Assembly Bill Number 5061-A and substitute it for the identical Calendar Number 1544.

ACTING PRESIDENT LARKIN: Substitution ordered.

THE SECRETARY: Calendar Number 1544, by Member of the Assembly Grannis, Assembly Print Number 5061-A, an act to amend the Executive Law, the Multiple Dwelling Law and the Multiple Residence Law, in relation to requiring standards.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The

bill is passed.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules, Assembly Bill Number 6279 and substitute it for the identical Calendar Number 1545.

ACTING PRESIDENT LARKIN: Substitution ordered.

THE SECRETARY: Calendar Number 1545, by Member of the Assembly Vitaliano, Assembly Print Number 6279, an act to amend the Administrative Code of the city of New York in relation to the participation of part-time employees.

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

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The

bill is passed.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules, Assembly Bill Number 5860-B and substitute it for the identical Calendar Number 1546.

ACTING PRESIDENT LARKIN: Sub...

SENATOR GOLD: Mr. President.

ACTING PRESIDENT LARKIN: Senator Gold.

SENATOR GOLD: May I ask who the sponsor is of that Assembly Bill?

SENATOR VELELLA: Senator Volker, the sponsor is Assemblyman Klein and it has passed the Assembly. He's a new Assemblyman.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number 1546, by Member of the Assembly Klein, Assembly Print Number 5860-B, an act to amend the Agriculture and Markets Law, in relation to labeling of kosher poultry.

ACTING PRESIDENT LARKIN: Substitution ordered. Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1548, by Senator Maltese, Senate Print 4259, an act to amend the General Municipal Law, in relation to providing special accidental death benefits.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1549, by Senator Larkin, Senate Print 4263, an act to amend the Retirement and Social Security Law, in relation to the establishment of 20-year age 50 retirement programs.

ACTING PRESIDENT LARKIN: Read - read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Senator Tully moves to discharge from the Committee on Rules, Assembly Bill Number 1968-A and substitute it for the identical Calendar Number 1550.

ACTING PRESIDENT LARKIN: Substitution ordered.

SENATOR GOLD: Mr. President, may I ask who the Assembly sponsor is?

ACTING PRESIDENT LARKIN: We're going to read it right now, Senator Gold.

SENATOR GOLD: No. I would like to know before we accept the motion.

ACTING PRESIDENT LARKIN: Assemblywoman Jacobs, Senator Gold.

SENATOR GOLD: Thank you.

ACTING PRESIDENT LARKIN: Read the last section -- the Secretary will read.

THE SECRETARY: Calendar Number 1550, by Member of the Assembly Jacobs, Assembly Print Number 1968-A, an act to amend the Public Health Law, in relation to authorizing approved organizations.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The

bill is passed.

THE SECRETARY: Senator Holland moves to discharge from the Committee on Rules, Assembly Bill Number 8295 and substitute it for the identical Calendar Number 1551.

ACTING PRESIDENT LARKIN: Substitution ordered.

THE SECRETARY: Calendar Number 1551, by the Assembly Committee on Rules, Assembly Print Number 8295, an act to amend Chapter 653 of the Laws of 1984.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1552, by Senator Leibell, Senate Print 4742-A,

an act to authorize Tier 1 status to certain members of the New York City Employees Retirement System.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1553, by Senator Leibell, Senate Print 4854-A, an act to amend the General Municipal Law, in relation to payment of certain special accidental death payments.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1554, by Senator Spano, Senate Print 5196-C, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT LARKIN: The bill is high. Lay it aside.

THE SECRETARY: Senator Sears moves to discharge from the Committee on Rules, Assembly Bill Number 6340-B and substitute it for the identical Calendar Number 1555.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT LARKIN: Senator Gold.

SENATOR GOLD: May I ask who the Assembly sponsor is?

ACTING PRESIDENT LARKIN: Aurelia Greene. Substitution ordered.

THE SECRETARY: Calendar Number 1555, by Member of the Assembly Greene, Assembly

Print Number 6340-B, an act to amend the Personal Property Law, the Insurance Law and others, in relation to making technical changes to the Motor Vehicle Leasing Act.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: Call the roll -- the bill is passed.

THE SECRETARY: Senator Tully moves to discharge from the Committee on Rules, Assembly Bill Number 7565 and substitute it for the identical Calendar Number 1556.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT LARKIN: Sponsor -- would you tell Senator Gold. Rules, Senator.

SENATOR GOLD: At the request

of?

ACTING PRESIDENT LARKIN: Yes, sir.

SENATOR GOLD: May I ask at the request of?

ACTING PRESIDENT LARKIN: At the request of Assemblyman DiNapoli. Substitution ordered.

THE SECRETARY: Calendar Number 1556, by the Assembly Committee on Rules, Assembly Print Number 7565, an act to amend the Environmental Conservation Law and the Town Law, in relation to taking of shellfish.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Read the last -- call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The

bill is passed.

THE SECRETARY: Senator Hannon moves to discharge from the Committee on Rules, Assembly Bill Number 8124-A and substitute it for the identical Calendar Number 1557.

ACTING PRESIDENT LARKIN: Substitution ordered.

SENATOR GOLD: Mr. President, let me know who the sponsor is. Make it easier if we just did it originally.

ACTING PRESIDENT LARKIN: Assemblyman Gottfried.

SENATOR GOLD: Thank you.

ACTING PRESIDENT LARKIN: Read the last section. The Secretary will read.

THE SECRETARY: Calendar Number 1557, by the Assembly Committee on Rules, Assembly Print Number 8124-A, an act to amend the Public Health Law, in relation to the definition of "general hospital" and "hospital".

ACTING PRESIDENT LARKIN: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1558, by Senator LaValle, Senate Print 5428-A, an act to amend the Education Law.

ACTING PRESIDENT LARKIN: The bill is high. Lay it aside.

THE SECRETARY: Calendar Number 1559, by Senator Cook, Senate Print 5435-A, an act to amend the Education Law and the Local Finance Law.

ACTING PRESIDENT LARKIN: Lay it aside, it's high.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules, Assembly Print Number 8154, by Member of the Assembly Ramirez -

ACTING PRESIDENT LARKIN:

Substitution ordered.

THE SECRETARY: -- and substitute it for the identical Calendar Number 1560. Calendar Number 1560, by the Assembly Committee on Rules, Assembly Print Number 8154, an act to amend the General Municipal Law, in relation to creating the Bronx County Industrial Development Agency.

ACTING PRESIDENT LARKIN: The bill is laid aside.

THE SECRETARY: Calendar Number 1561, by Senator Galiber, Senate Print 5450, 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 Bronx.

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

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1563, by Senator Trunzo, Senate Print 5465, an act authorizing the Brentwood Union Free School District to recalculate its instructional credit for the year 1992-93 school year.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

SENATOR STACHOWSKI: Mr. President.

ACTING PRESIDENT LARKIN: Senator Stachowski.

SENATOR STACHOWSKI: Can you tell me why we skipped 1562?

ACTING PRESIDENT LARKIN: That bill was amended earlier, Senator.

SENATOR STACHOWSKI: Just wanted to know.

Thank you.

ACTING PRESIDENT LARKIN: Continue.

THE SECRETARY: Calendar Number 1564, by Senator Velella, Senate Print 5469-A, an act to amend the Insurance Law and the Public Health Law.

ACTING PRESIDENT LARKIN: The bill is high. Lay it aside.

THE SECRETARY: Calendar Number 1565, by Senator Paterson, Senate Print 5486, an act to authorize Richard J. Mason, the deputy executive director of the Renaissance Health Care Network.

ACTING PRESIDENT LARKIN: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1566, by Senator DeFrancisco -

ACTING PRESIDENT LARKIN: There's a home rule message at the desk.

THE SECRETARY: -- Senate Print 5509-A, an act in relation to authorizing the County of Onondaga to transfer ownership of the Marcellus Park to the town of Marcellus.

ACTING PRESIDENT LARKIN: Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

Would you please announce a meeting of the Environmental Conservation Committee at 11:15 sharp in Room 124 of the Capitol.

ACTING PRESIDENT LARKIN: There will be a meeting of the Senate Environmental Conservation Committee in Room 124 at 11:15 today.

The Secretary will read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Senator Skelos moves to discharge from the Committee on Rules, Assembly Bill Number 6650-A, by Member of the Assembly Weisenberg, and substitute it for the identical Calendar Number 1567.

ACTING PRESIDENT LARKIN: Substitution ordered.

THE SECRETARY: Calendar Number 1567, by Member of the Assembly Weisenberg,

Assembly Print 6650-A, an act to amend the Education Law, in relation to registration of voters.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1568, by Senator DiCarlo, Senate Print 5518, an act to amend the Real Property Tax Law, in relation to making technical corrections.

ACTING PRESIDENT LARKIN: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as a Chapter of the Laws of 1995.

ACTING PRESIDENT LARKIN: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1569, by Senator Skelos, Senate -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT LARKIN: Lay it aside.

THE SECRETARY: Calendar Number 1570, by Senator Levy, Senate Print 5526, an act to declare an emergency in the Roosevelt Union Free School District.

ACTING PRESIDENT LARKIN: Lay it aside. The bill is laid aside.

THE SECRETARY: Senator DeFrancisco moves to discharge from the Committee on Rules Assembly Bill Number 7527, by Member of the Assembly Bragman, and substitute it for the identical Calendar Number 1571.

ACTING PRESIDENT LARKIN:

Substitution ordered.

THE SECRETARY: Calendar Number 1571, by the Assembly Committee on Rules, an act to amend the Highway Law, in relation to designating a portion of the state highway system as "The Korean War Veterans Memorial Highway."

ACTING PRESIDENT LARKIN: Read the last section.

SENATOR KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1572, by Senator Cook, Senate Print 5530, an act to amend the Tax Law, in relation to the imposition of additional taxes in the county of Ulster.

ACTING PRESIDENT LARKIN: Last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 49.

ACTING PRESIDENT LARKIN: The bill is passed.

THE SECRETARY: Calendar Number 1573, by Senator Trunzo -

SENATOR KUHL: Lay it aside.

ACTING PRESIDENT LARKIN: Lay it aside.

THE SECRETARY: Calendar Number 1574, by the Senate Committee on Rules, Senate Print Number 5542 -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT LARKIN: Lay it aside.

THE SECRETARY: Calendar Number 1575, by Senator Sears, Senate Print 5548-A, an act to amend the Personal Property Law.

ACTING PRESIDENT LARKIN: Last section. The bill is high. Lay it aside.

THE SECRETARY: Calendar Number 1576, by Senator Smith, Senate Print 3797-B, an act in relation to authorizing the city of New

York to sell waterfront property.

ACTING PRESIDENT LARKIN: The bill is high. Lay it aside.

Senator Rath, why do you rise?

SENATOR RATH: I would like to be recorded -- request unanimous consent to be recorded in the negative -

ACTING PRESIDENT LARKIN: Hold it, Senator Rath. We have been trying to move along nice and easy, but some of you insist on gabbing and talking. If you have to gather and talk, get out of the chamber or we'll remove all those on the side.

Thank you, Senator Rath.

SENATOR RATH: Yes. Mr. President, I would like to request unanimous consent to be recorded in the negative on Calendar Number 692.

ACTING PRESIDENT LARKIN: Without objection, Senator Rath is recorded in the negative on Calendar 692.

Senator Kuhl.

SENATOR KUHL: Yes, Mr.

President. Would you now proceed to the controversial calendar and call up the first bill, 1383, by Senator Farley.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number 1383, by Senator Farley, Senate Print 5436, an act to amend the Banking Law, in relation to interstate branching.

SENATOR LEICHTER: Okay. Mr. -

ACTING PRESIDENT LARKIN: Senator Leichter.

SENATOR LEICHTER: If Senator Farley wants to explain the bill, I have an amendment at the desk on that which I will address.

I just, however, want to point out, Mr. President, I realize it's the last day -- hopefully the last day and a lot of things going on at once, but there's either a meeting of the Environmental Conservation Committee of which I'm the ranking member which, frankly, I would like to participate in that Senator Tully

called for 11:15. Could we possibly put this bill off until the Environmental Conservation Committee is over? I think -- aren't you a member?

SENATOR FARLEY: I am, and I have an appointment there, so lay the bill aside for now.

ACTING PRESIDENT LARKIN: The bill is laid aside temporarily.

SENATOR LEICHTER: Thank you.

ACTING PRESIDENT LARKIN: The Secretary will continue.

THE SECRETARY: Calendar Number 1560, by the Assembly Committee on Rules, substituted earlier today, Assembly Print Number 8154, an act to amend the General Municipal Law, in relation to creating the Bronx County Industrial Development Agency.

ACTING PRESIDENT LARKIN: Read the last section.

THE SECRETARY: Section 2 -

SENATOR VELELLA: Lay that bill aside, please.

ACTING PRESIDENT LARKIN: The bill is laid aside. Continue.

THE SECRETARY: Calendar Number 1569, by Senator Skelos, Senate Print 5524, an act to repeal Section 31.04 of the Arts and Cultural Affairs Law.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT LARKIN: Explanation has been asked for.

SENATOR KUHL: Mr. President.

ACTING PRESIDENT LARKIN: Senator Kuhl.

SENATOR KUHL: Yes. Would you lay that bill aside temporarily and then call up the next bill, 1570.

ACTING PRESIDENT LARKIN: The bill is laid aside.

Senator Nozzolio, why do you rise?

SENATOR NOZZOLIO: Mr. President, there will be an immediate meeting of the Committee on Crime Victims, Crime and

Corrections in the Majority Leader's Conference Room.

ACTING PRESIDENT LARKIN: There will be an immediate meeting of the Crime Victims, Crime and Corrections in Room 332, the Majority Leader's Conference Room, immediately. Those members of that committee, please proceed to Room 332.

The Secretary will read.

THE SECRETARY: Calendar Number 1570, by Senator Levy, Senate Print 5526, an act to declare an emergency in the Roosevelt Union Free School District.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT LARKIN: Senator -

SENATOR KUHL: Mr. President, would you lay that bill aside temporarily at the request -- with the indulgence of the sponsor. Senator Leichter had a couple of questions on that bill and he's at a committee meeting, so would you lay that aside temporarily.

ACTING PRESIDENT LARKIN: Yes,

Senator. Calendar 1570 will be laid aside temporarily.

The Secretary will continue.

THE SECRETARY: Calendar Number 1571, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 7527, an act to amend the Highway Law, in relation to designating a portion of the state highway system as the "Korean War Veterans Memorial Highway."

SENATOR KUHL: Lay the bill aside temporarily.

ACTING PRESIDENT LARKIN: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1573, by Senator Trunzo, Senate Print 5521-A, an act to amend Chapter 12 of the Laws of 1995, relating to providing a retirement incentive.

SENATOR ONORATO: Lay that aside for Senator Leichter temporarily.

ACTING PRESIDENT LARKIN: Lay that bill aside temporarily. The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1574, by the Senate Committee on Rules, Senate Print Number 5570 -- excuse me, 5542, an act to amend the Insurance Law and the Vehicle and Traffic Law, in relation to increasing the minimum limits of liability.

SENATOR PATERSON: Mr. President.

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

SENATOR PATERSON: Mr. President, may we hold that bill temporarily? Senator Stachowski has some questions on the bill and he's in Environmental Conservation.

SENATOR KUHL: I will lay it aside temporarily.

ACTING PRESIDENT LARKIN: The bill is laid aside temporarily.

Senator Kuhl, that's -- Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Could you have the Secretary -

ACTING PRESIDENT LARKIN: Excuse me, Senator Kuhl. If you have to talk, get

outside. I'm not going to say move outside. I'm telling you to get out. We're trying to do something.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Would you call up Calendar Number 1569, Senator Skelos' bill, 5524, please.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: On Supplemental Calendar Number 1, page 6, Calendar Number 1569, by Senator Skelos, Senate Print 5524, an act to repeal Section 31.04 of the Arts and Cultural Affairs Law.

SENATOR PATERSON: Explanation.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT LARKIN: Senator Skelos.

SENATOR SKELOS: This chapter amendment is an amendment to Senate 4960 which passed the Senate on June 14th and establishes clearer protections for businesses that are often harassed by alleged copyright infringe

ments and to assure that ASCAP, BMI and CSAC are able to receive compensation from businesses which play music for the artists they represent.

ACTING PRESIDENT LARKIN: Senator Dollinger.

SENATOR DOLLINGER: Can I ask one question, Mr. President?

SENATOR SKELOS: Yes.

SENATOR DOLLINGER: Could you describe the differences between this bill and the bill that we passed a few weeks ago, if possible?

SENATOR SKELOS: Pardon me?

SENATOR DOLLINGER: What are the differences between that bill and the one we passed a few weeks ago?

SENATOR SKELOS: Basically, the chapter required that performing arts societies or their bona fide trade organizations, upon their request and at the expense of the proprietors of trade organizations, that they have to within 72 hours notify that they have been in their premises and that they have

basically made an investigation, the date that they conducted the investigation and the copyright works in question.

SENATOR DOLLINGER: It just gives more information to the retailers?

ACTING PRESIDENT LARKIN: Senator Dollinger, please go through the Chair.

Senator Skelos, do you yield?

SENATOR SKELOS: Requiring performing rights societies to provide a toll-free telephone number to answer proprietors' queries on specific musical works. So, basically, it's a bit of a compromise between both sides.

SENATOR DOLLINGER: Okay. So it gives more information to the retailers that could be subject to these things. That's the only major change?

SENATOR SKELOS: Yes.

SENATOR DOLLINGER: Okay.

ACTING PRESIDENT LARKIN: Read the last section.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT LARKIN: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Skelos would yield for a brief question.

ACTING PRESIDENT LARKIN: Senator Skelos, do you yield?

SENATOR PATERSON: Senator, a similar bill, at least to the one -- Senate 4960, because I really haven't had a chance to look at your current bill, but the bill we passed a few weeks ago is very similar to a bill that was passed in New Jersey that was vetoed by Governor Whitman and Governor Whitman's message in her veto stated that she thought this was a real infringement of the federal copyright rights that individuals have. She thought there would be problems with the SCC and even with the Federal Copyright Law. In fact, I think it's Section 106. I'm wondering if you're aware of that.

SENATOR SKELOS: Well, I'm not aware of that, not overly concerned about it.

Governors have the right to differ between states, and I'm fairly hopeful that Governor Pataki will sign this bill.

SENATOR PATERSON: Thank you, Senator.

On the bill, Mr. President.

ACTING PRESIDENT LARKIN: Senator Paterson.

SENATOR PATERSON: The -- Senator Skelos is right, governors do have different interpretations, but we are interpreting the federal law which does provide for these protections to individuals who author work and is -- have an exclusivity of copyright and I'm going to vote for the bill, but I just wanted to register that objection.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT LARKIN: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Mr. President, would you call up Calendar Number 1571, by Senator DeFrancisco, please.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number 1571, by the Assembly Committee on Rules, substituted earlier today, Assembly -

ACTING PRESIDENT LARKIN: Substitution ordered.

THE SECRETARY: -- Assembly Print Number 7527, an act to amend the Highway Law, in relation to designating a portion of the state highway.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT LARKIN: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. May we return to the order of motions and resolutions? I understand there's a privileged resolution at the desk. I would ask that you have it read in its entirety.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution commemorating the 100th Anniversary of the village of South Glens Falls.

WHEREAS, it is the sense of this assembled body to honor and commemorate the proud and distinguished histories of the villages which comprise the noble body of this great Empire State; and

WHEREAS, this assembled body is justly proud to commemorate the 100th

Anniversary of the village of South Glens Falls to be celebrated with many events scheduled for the summer of 1995, including an essay contest, a memorial dedication, an interfaith service with an ice cream social, field day programs for the youth, a band concert and a centennial parade, just to name a few; and

WHEREAS, the countryside around the village of South Glens Falls as late as the early 1700s has been described as the land of wilderness, howling wolves and wandering war parties, hostile tribes of Mohawk and Algonquin Indians hunted and battled near the horseshoe bend in the Hudson River where the community now sits; and

WHEREAS, early land grants show that the town, similar to the township of Moreau in which South Glens Falls lies, was first obtained in 1702 from a Mohawk Indian chief; and

WHEREAS, until the late 1700s, few settlers ventured into the area because of unstable conditions caused by a power struggle between France and England. This struggle

centered around the control of the waterways which provided a great natural highway and held the key to the opening and development of the North American Continent; and

WHEREAS, a treaty signed in 1763 signifying the end of the war between England and France and its Indian allies opened new hope establishing settlements in the South Glens Falls and upper Hudson area; and

WHEREAS, the first settlers to South Glens Falls were the Parks family who came in 1766, settlement continued and by 1775, 20 families had located along the banks of the Hudson River; and

WHEREAS, the American Revolution and the devastation that it brought swept all the settlements out of the area; and

WHEREAS, after the Revolutionary War, South Glens Falls began to re-establish itself as a permanent settlement.

In 1788, the waterfall's title and name were transferred from Abraham Wing to Colonel Johannes Glen, "Wing's Falls" and the

community on the north side of the Hudson River thus became known as Glens Falls; and

WHEREAS, around 1824, James Fenimore Cooper stopped on the old toll bridge; there he observed the cave located in the island under the bridge, "Cooper's Cave". The South Glens Falls area and the tragic story of Fort William Henry would soon be immortalized in his American classic, The last of the Mohicans; and

WHEREAS, by 1870, South Glens Falls had become a thriving industrial center with nearly 600 inhabitants; the village boasted three churches, one hotel, several stores, two sash and blind factories, a paper mill, a plaster mill, grist mill, marble factory and several saw mills; and

WHEREAS, in 1895, it was incorporated as a village. By 1902 its population had grown to 2,158; and

WHEREAS, today, although the lumbering operations have shifted north and the black marble deposits have long been depleted, the community of South Glens Falls flourishes as

both a residential center and home to many businesses and industries; and

WHEREAS, a town of quiescent, yet noble history of region and vast agriculture sources and a land of scenic natural beauty, the village of South Glens Falls, Saratoga County, New York, stands as impressive and promising as it undoubtedly appeared in the eyes of its native Americans, the sturdy settlers; now, therefore, be it

RESOLVED; that this legislative body pause in its deliberations to commemorate the 100th anniversary of the village of South Glens Falls; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to the village of South Glens Falls.

ACTING PRESIDENT LARKIN: On the resolution, all those in favor signify by saying aye.

(Response of "Aye".)

Opposed, no.

(There was no response.)

The resolution is adopted.

The Secretary will read.

Senator Kuhl.

SENATOR KUHL: Yes. As long as we're at the order of motions and resolutions, Mr. President, I understand that there's a privileged resolution by Senator Paterson -

ACTING PRESIDENT LARKIN: Yes, there is.

SENATOR KUHL: -- at the desk. I would ask that you call up that resolution and have it read in its entirety and then I would move the adoption.

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: By Senator Paterson, Legislative Resolution honoring Marie Laumar upon the occasion of her participation in the First Annual Grand Salute to Senior Citizens, Wednesday, June 28, 1995.

WHEREAS, it is the sense of this legislative body to honor and pay tribute to those senior citizens who have made outstanding

contributions on behalf of their communities and the needs of their fellow citizens; and

WHEREAS, senior citizens over 80 years of age bring a wealth of experience and knowledge to the increasingly active roles that they play in today's society. Their past contributions and future participation is a vital part of and valuable asset to the fabric of community life and activity; and

WHEREAS, this legislative body is justly proud to honor Marie Laumar upon the occasion of her participation in the First Annual Grand Salute to Senior Citizens over 80 years of age sponsored by the city of New York Department of Parks and Recreation held on Wednesday, June 28, 1995 at Marcus Garvey Park; and

WHEREAS, the city of New York Department of Parks and Recreation honors all senior citizens over 80 years of age during its First Annual Grand Salute; and

WHEREAS, among the distinguished senior citizens present at this commemorative

event, one stands out among them and special acknowledgment is bestowed upon Marie Laumar; and

WHEREAS, born November 26, 1882, Marie Laumar is 112 years young. She has acquired over a century of knowledge and experience; and

WHEREAS, New York State's senior citizens continue to lead active and productive lives, contributing to the health of our economy while assuming an increasing proportion of the voluntary work force serving community-based programs and service agencies; and

WHEREAS, the wisdom and experience of senior citizens have enriched the lives of people of all ages of our Empire State; and

WHEREAS, the state of New York recognizes and appreciates the loyalty and experience of senior citizens; and

WHEREAS, the legislative and executive branches of the New York State government have as their ultimate goal the

improvement of the quality of life for older persons, insuring their continued dignity and self-worth; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to honor Marie Laumar upon the occasion of her participation in the First Annual Grand Salute to Senior Citizens, Wednesday, June 28, 1995; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Marie Laumar.

ACTING PRESIDENT LARKIN: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I was going to put in a resolution for Senator Mendez, but she's not a super senior. She's just a super Senator, but the New York City Department of Parks and Recreation did hold a salute to seniors over 80 years old yesterday and we wanted to honor them, but really as a way, through them, of honoring

seniors all around our state, this is a salute that they decided to have for seniors over 80.

Unfortunately, in our society, we often turn a deaf ear and don't appreciate the value of age and the value of people who have lived long and healthy and prosperous lives and the wisdom they add to all situations. In some of the eastern countries, they have a much greater recognition of seniors. In fact, it's a custom in China to come and address the oldest person in the room, being the person considered to have greatest maturity, and so in America we are finally catching up to what the other citizens of the world understand, and so as part of the salute, we celebrate the life and times of Marie Laumar who lives in Harlem and is 112 years young. That means that she was born in 1882, Mr. President.

Speaking of presidents, do you know who the president was when she was born, Mr. President? It was President Arthur.

ACTING PRESIDENT LARKIN: Garfield.

SENATOR PATERSON: Mr. President, Chester Arthur who succeeded President Garfield.

At the turn of the century, Ms. Laumar was already at the age of majority. At the turn of the century the President was Grover Cleveland, and William McKinley was elected in the year 1900 and which, incidentally, Mr. President, and everyone should know was not a leap year, just in case we have another Sunday Blue Law bill about distribution of liquor. The year 1900 was not a leap year.

Now, Senator Kuhl, have I killed enough time off the clock?

SENATOR KUHL: Fine.

SENATOR PATERSON: Thank you, Mr. President.

I just wanted to tell you about that and those other issues and I'll open the resolution. It's open for anyone else who would like to offer co-sponsorship and also I would yield if anyone wants to know why the year 1900 was not a leap year.

Thank you, Mr. President.

ACTING PRESIDENT LARKIN: On the resolution, all in favor signify by aye.

(Response of "Aye".)

Opposed.

(There was no response.)

The resolution is adopted.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. May we return to messages from the Assembly?

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: The Assembly returned Senate Bill Number 5478, Assembly Reprint 30005, an act to amend the Public Authorities Law, in relation to the board of trustees of the Long Island Power Authority and the New York State Power Authority with the message that it has concurred in the passage of the same with amendments.

SENATOR KUHL: Mr. President, I move -

ACTING PRESIDENT LARKIN: Senator Kuhl.

SENATOR KUHL: I move we concur in the amendments from the Assembly and can the bill have its third reading at this time?

ACTING PRESIDENT LARKIN: The Secretary will read.

THE SECRETARY: Calendar Number -- Calendar Number 1472, by the Senate Committee on Rules, Assembly Reprint 30005, an act to amend the Public Authorities Law, in relation to the board of trustees of the Long Island Power Authority and the New York State Power Authority.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT LARKIN: The

bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Would you return to the calendar, Supplemental Calendar 1, I believe it is, and call up Calendar Number 1554.

ACTING PRESIDENT LARKIN: The Secretary will read Calendar 1554.

THE SECRETARY: Calendar Number 1554, by Senator Spano, Senate Print 5196-C, an act to amend the Workers' Compensation Law, in relation to permitting the establishment of an alternative dispute resolution system.

SENATOR KUHL: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT LARKIN: Yes, there is, Senator Kuhl.

SENATOR KUHL: I move we adopt the message of necessity.

ACTING PRESIDENT LARKIN: All in favor of adopting the message.

(Response of "Aye".)

Opposed, no.

(There was no response.)

The message is accepted.

The Secretary will read.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT LARKIN: Explanation asked for. Senator -

SENATOR KUHL: Mr. President, would you lay aside temporarily Calendar Number 1554.

ACTING PRESIDENT LARKIN: The bill is laid aside.

SENATOR KUHL: Mr. President.

ACTING PRESIDENT LARKIN: Senator Kuhl.

SENATOR KUHL: Could you have the Secretary call up Calendar Number 1574, Senate

Print 5542.

ACTING PRESIDENT LARKIN: The Secretary will read 1574.

THE SECRETARY: Calendar Number 1574, by the Senate Committee on Rules, Senate Print 5542, an act to amend the Insurance Law and the Vehicle and Traffic Law, in relation to increasing the minimum limits of liability.

SENATOR STACHOWSKI: Explanation.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT LARKIN: Explanation asked for.

SENATOR VELELLA: Yes, Mr. President. This bill is a bill which would raise the minimum limits for automotive liability coverage which now is 10,000 for one individual who's injured in an accident, 20,000 collectively for any group and 5,000 for property damage.

This bill will double the minimum limits -- more than double to 25,000 for an individual, 50,000 for a total and 10,000 for property damage.

We have not amended this law since 1957 when these limits were set by the Legislature. I might point out that inflation has really eaten into the value of these limits. In the event that anyone is injured, a $10,000 payment is almost ridiculous at this point.

At the time in 1957, this Legislature was being paid $7,500 a year for their services and additionally, our expenses were 1,000 a year to cover our lodging and our meals in Albany, so certainly we can see how inflation has resulted on our own salaries, our own expenses, and I believe that the time has come when we must provide the protection to the people of this state that most of the other states do of limits above 10- and 20-, and I believe the bill should be passed because its time has come.

Certainly, some of you are going to question what the impact will be on the rate payers. There will be a broad base of differ ences based on a driver's record, but what this

bill says is that those who are the worst drivers, who have the worst records, who have the most accidents, the most tickets, will have to pay more for their insurance because they are a higher risk. I think that's fair. I think it's equitable. I think the people of this state deserve the adequate protection that this bill will provide them.

SENATOR STACHOWSKI: Senator Velella -- Mr. President, would Senator Velella yield for a question, please?

ACTING PRESIDENT LARKIN: Senator Velella, will you yield to Senator Stachowski?

SENATOR VELELLA: Yes, I yield.

SENATOR STACHOWSKI: Senator, won't this -- most young drivers will end up in a pool and are in the pool and won't this have a serious increase to the cost of insuring young drivers, the most of which will end up in the pool, just by the fact, especially males, that they're under new drivers and young?

SENATOR VELELLA: Yes, Senator, that will be the group that will be most

adversely affected. They will be the group that have the least experience in driving and statistics show that have the worst record in terms of accidents, injuries to other people and damage to other peoples' property. They also are, unfortunately, the same group that have the most violations for traffic infractions. They will be the group that will be hit the hardest in terms of an increase.

I would point out that they represent a very small part of the market. Almost 90 percent of the people in this state that drive are in -- are carrying limits that are higher than 10- and 20-. This would just be the minimum limits that would be required by law.

SENATOR STACHOWSKI: If the Senator would yield for another question.

SENATOR VELELLA: Yes.

ACTING PRESIDENT LARKIN: Senator Velella, do you yield?

SENATOR STACHOWSKI: And I'm not sure about this, but I'm going to ask you any

way. I'll try to make this the best way I can, this question. If a young driver, for example, is on the family policy, won't that have an increase in that too or won't it, depending on -- I don't understand how that works.

SENATOR VELELLA: It would depend on -- it would depend on a lot of circumstances. That's why there are a lot of numbers floating around that range from a very minimal increase to a rather large increase. It would depend on the record of that family, the location of that family, their driving history, their accident history, the tickets that they may or may not have on their license and, again, whether or not they carry minimum limits only. If the family carries 25- and 50-, this bill would have no effect on them at all.

SENATOR STACHOWSKI: Thank you.

ACTING PRESIDENT LARKIN: Read the last section.

SENATOR DOLLINGER: Mr. President, on the bill.

ACTING PRESIDENT LARKIN: Senator

Dollinger.

SENATOR DOLLINGER: Just briefly, Mr. President.

I think this is a good step in the right direction. Too often in my experience representing -- Senator Velella, yes, you can relax -- too often in my experience of being a trial lawyer, I have had to tell people who have been badly injured in automobile accidents that, unfortunately, the driver of the other vehicle had a 10/20 policy. I represented a little boy who was killed in an accident, run over by a car, tragically. He was a newcomer to the United States and he did not have -- his family was told that we only have a 10/20 policy at our disposal. In other instances in which I've had severely disfigured women, young women in accidents, I have had to tell them that they only had $10,000 worth of coverage.

In addition, I would point out that one of the other effects of raising the minimum limits is that -- and maybe Senator Velella could just comment on this. One of the

things that we do is in our PIP portion of a policy, in our no-fault part of the policy, we have a lost wage component that says no-fault will pay you up to $1,000 a month in no-fault lost wage component. Many times we have people who are injured who make significantly more than $1,000 a month and that component comes out of the $10,000 pool and liability funds to cover lost wages. So what oftentimes happens is you get someone who gets hurt who makes a reasonable salary, they lose the availability of the pool to compensate them for their personal injuries and instead you're really using the pool to pay back their lost wage component, so the $10,000 disappears pretty quickly. If someone has a reasonable salary and is seriously injured, disabled, unable to work as a consequence of the motor vehicle accident, by raising these limits, we would create a greater pool to compensate them both for the lost wages and for the personal injury component.

So at least from my personal experience as a trial lawyer, I think that one

of the results of this will be that perhaps in the future, I won't have to tell people who are very seriously hurt that the pool that's available, the fund that's available is nowhere near full compensation for them, and I think Senator Velella also properly points out that the people this will be most often used against, most often have to suffer the consequence, and I agree there may be a consequence to some drivers who will find their rates increased, but that's because these are the drivers who are at highest risk. These are the people who are not paying attention on the road. These are the people who take their responsibilities as drivers not as seriously as we would like them, and in my judgment we can charge them more for the privilege of driving by increasing their rates as a consequence of increasing the limits here to make this thing work.

We're trying to promote greater responsibility, fewer accidents, fewer injuries.

If this puts an incentive into

the system to get everybody to pay more attention when they're on the road because their insurance is more expensive, they got to be more careful, my hope is that will drive down the number of accidents and create fewer possibilities that I will have to say to someone who's seriously, hurt, "I'm sorry, but there wasn't enough insurance protection to cover you", so while I think this has been a long time coming, I appreciate Senator Velella has taken up the cudgel here to make this happen. I think this is an important bill, an important bill for consumers and those who are victims of accidents throughout this state.

ACTING PRESIDENT LARKIN: Senator DiCarlo.

SENATOR DiCARLO: Thank you, Mr. President.

I agree with the sponsor of the bill that it's necessary to raise the minimums on insurance, but I'm going to vote no on this bill and I'm going to vote no on this bill, because I'll tell you who this is going to

impact more than anybody in the state of New York. This bill is going to impact negatively my constituents.

In Brooklyn we pay the highest rate of insurance of any county in the state of New York. The problem that I have with that is that my constituents in Bay Ridge, Dyker Heights and Bensonhurst have some of the best driving records in the state of New York, but yet we are lumped in to pay the highest insurance fees for auto in the state.

Until the insurance companies look at the driver's record and rate them based on their own record instead of punishing my constituents for bad drivers and high incidence of accidents in other parts of my county, I cannot support any legislation that is going to increase their insurance payments not by a little bit but by a lot, and when my constituents start getting those bills from their insurance companies, they're going to come back to the people who are responsible and that's the state Legislature.

Until the insurance companies start treating people fairly, until the insurance companies start basing their rates based on individuals' own driving records, this is -- this is something that's going to impact terribly on my constituents.

I would hope that this bill doesn't pass, but it's going to, but for my constituents who have been paying unfair, unreasonable insurance rates for many, many years, I'm going to vote no on this bill.

ACTING PRESIDENT LARKIN: Senator Solomon.

SENATOR SOLOMON: Thank you, Mr. President.

I also represent part of Brooklyn and parts of Brooklyn are rated by ZIP Code now, Senator DiCarlo, just for your information.

Some of the things on this bill I would like to comment. I plan on voting for this bill, because I think that its time has come really since 1957. In 1957, you could purchase a new car for $5,000. I dare say a

$10,000 property limit -- I think you can purchase a new Ford Escort for less than $10,000 today.

There are several things that I would like to point out to some of my colleagues here. You talk about people in the districts in the urban areas. Well, many of the people in the urban areas that don't drive are going to benefit from this bill, because if those people are hit by a motorist with minimum liability limits, that individual can barely cover his medical expenses -- generally can cover his medical expenses under the current law.

So it will help many of the people that don't own cars in the urban areas and we have the highest percentage of people in the urban areas that do not own automobiles in terms of the overall costs.

One of the things that we have to be careful of -- and Senator Velella had a bill in many, many years ago -- what we have to be careful about as a result of this, we have to look at legislation that reduces the number of

drivers that drive without insurance.

There's a possibility now, there's been an experiment by one insurance company that specializes in taxicabs where decals are given out several times a year, decals that can't be forged because they have the hologram implement -- imprinted upon the decal showing that insurance currently exists, so you can't have a driver that goes out, purchases that automobile insurance, doesn't pay the next installment on premium and is driving around for a year.

So those are the things that we have to look at because the things that concern me are -- is that the drivers that cause the horrible accidents, the drivers that have the suspended licenses, almost invariably are the same people who are driving without automobile insurance, and those are the people that we've changed the laws, we have tightened the laws over the next few years. I think Senator Levy has increased penalties for some of those drivers in the last few years but we have to

catch them, and the one way to catch them is to implement the system which might cost the insured $10 a year more for the price of decals where we implement a system where a police officer can go, spot the missing decal, say, "Wait a minute. That car does not have proper insurance coverage. Boom! Get that driver and get that car immediately", and that's something we really have to move on because that's the direction which we're moving which will, in fact, tie everything together with the increase in liability rates and get those drivers that are increasing the costs off the road.

So I think it's a bill whose time has come. It's a bill which, in fact, really helps the general population of the state and most people in the voluntary pool already have more than minimum liability coverage. I can think of one person I know of that only carries minimum liability coverage in the voluntary pool, and the cost -- the increased cost in this area will be minimal -- minimal, and I think it's something we have to look at and it's a

bill that we have to deal with to pass this bill now, but we really have to again look at the future of taking those insured drivers off the streets because they are the worst drivers, there's no question about that. They are the worst drivers because they can't buy insurance because of their driving record.

Thank you, Mr. President.

ACTING PRESIDENT LARKIN: Read the last section.

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

ACTING PRESIDENT LARKIN: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LARKIN: The negatives, please raise your hands.

THE SECRETARY: Those recorded in the negative on Calendar 1574 are Senators Cook, DiCarlo, Johnson, Kuhl, LaValle, Libous, Marcellino, Maziarz, Onorato, Present, Saland, Seward, Stachowski, Trunzo and Volker. Ayes 37, nays 15.

ACTING PRESIDENT LARKIN: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, I would like to call an immediate conference in Room 332 for the Republican Majority and to reconvene in this chamber at 12:45. That is p.m. Senator Mendez wishes to be recognized by the Chair.

Thank you, Mr. President.

ACTING PRESIDENT LARKIN: Senator Mendez.

SENATOR MENDEZ: Thank you, Mr. President.

There will be -- excuse me. There will be -- there will be -

ACTING PRESIDENT LARKIN: Take your conversations outside. There's somebody who wishes to speak on this floor.

SENATOR MENDEZ: Thank you, Mr. President.

There will be a Minority Conference in the Minority Conference Room 314,

immediately.

ACTING PRESIDENT LARKIN: There will be an immediate conference of the Republican Majority in Room 332. There will be a Minority Conference immediately in the Minority Conference Room. Session will reconvene at 12:45 p.m.

Senator Abate.

SENATOR ABATE: Yes. I would ask for unanimous consent to be recorded in the negative on Calendar Number 1501.

ACTING PRESIDENT LARKIN: Without objection, Senator Abate is recorded in the negative on Calendar 1501.

Senator Jones, why do you rise?

SENATOR JONES: I would like to be recorded -- unanimous consent to be recorded in the negative on 1574.

ACTING PRESIDENT LARKIN: Without objection, Senator Jones recorded in the negative on 1574.

Senator Smith, why do you rise?

SENATOR SMITH: I would also like

unanimous consent to join my colleague in my law firm of Smith & Jones in voting in the negative on 1574.

ACTING PRESIDENT LARKIN: Without objection, so ordered.

SENATOR MENDEZ: Mr. President.

ACTING PRESIDENT LARKIN: Senator Mendez, why do you rise?

SENATOR MENDEZ: I wish unanimous consent to be recorded in the negative on Bill Number 1501.

ACTING PRESIDENT LARKIN: On Calendar 1501?

SENATOR MENDEZ: Yes, Calendar 1501.

ACTING PRESIDENT LARKIN: Without objection, so ordered.

Senator Wright, why do you rise?

SENATOR WRIGHT: Thank you, Mr. President.

I request unanimous consent to be recorded in the negative on 1574.

ACTING PRESIDENT LARKIN: Without

objection, Senator Wright recorded in the negative on 1574.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Yesterday, I was excused and I was not in the chamber but, Mr. President, had I been in the chamber when Calendar Number 1500 came up, I would have been asked to be recorded in the affirmative.

ACTING PRESIDENT LARKIN: The record will so reflect had you been here you would have voted in the affirmative.

The Senate will now stand at ease until 12:45.

(Whereupon, at 12:05 p.m., the Senate stood at ease.)

(The Senate reconvened at 1:14 p.m.)

SENATOR SKELOS: Madam President, may we return to motions and resolutions?

At this time, I move we adopt the Resolution Calendar in its entirety.

THE PRESIDENT: All those in favor of adopting the Resolution Calendar, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The Resolution Calendar is adopted.

SENATOR SKELOS: Thank you very much.

If we could now return to the Senate Supplemental Calendar Number 1 and take up Calendar Number 1570, by Senator Levy.

THE PRESIDENT: Excuse me.

(Whereupon, there was a pause in the proceedings.)

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Madam President, I wish to call up my bill, Print Number 5305, recalled from the Assembly, which is now at the desk, on behalf of Senator Velella.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1466, by Senator Velella, Senate Print 5305, an act in relation to authorizing the public sale.

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

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 54.

THE PRESIDENT: The bill is before the house.

Senator Wright.

SENATOR WRIGHT: Madam President, I now offer the following amendments.

THE PRESIDENT: Amendments received.

Senator Skelos.

SENATOR SKELOS: Is there any other housekeeping at the desk?

All right. If we could take up Senator Levy's bill, Calendar Number -

THE PRESIDENT: Read the last section, please.

Secretary will read.

THE SECRETARY: Calendar Number 1570, by Senator Levy, Senate Print 5526, an act to declare an emergency in the Roosevelt Union Free School District.

SENATOR LEICHTER: Explanation.

SENATOR LEVY: Yes, Senator Leichter.

This bill was drafted by the Commissioner of Education and the Commissioner's staff, and it was introduced on Sunday at the request of Deputy Commissioner Richard Sauer and Deputy Commissioner Richard Kadamus of the State Department -- I'm sorry, Deputy Commissioner James Kadamus of the State Department of Education.

It is very strongly supported by the member of the Board of Regents for Long Island, Robert Johnson, and my staff received a telephone call from the Chancellor, Carl Hayden, who indicated his preference that this bill pass

both houses and be enacted into law.

What the bill does is to essen tially empower the Commissioner of Education to take over the Roosevelt School District -- and that district is spending almost $10,000 per pupil -- and it would authorize the Commissioner of Education to put into place a special deputy that he will appoint -- and this is very, very important, Senator -- to work with the board of education of the school district, its superin tendent, to work with the community, because the bill provides for the appointment of a broad based board of community representatives. It would require that the special deputy and his or her team work with the district's teachers and administrators.

The bill is strongly supported by New York State United Teachers in addition to the members of the Board of Regents that I have identified, as well as the fact that it is the Commissioner's bill.

And, Senator, what this bill does -- because there was in the last couple of

weeks an election to put on to the board and/or continue a board member for the school board in Roosevelt, more than 600 people turned out at that election, elected a new board member, and defeated the president of the board, and at the same time reelected another member of the board of education.

What this bill will do will be to authorize the Commissioner of Education and the special deputy that is put in there by the Commissioner of Education, after a corrective action plan is formulated by the Commissioner's deputy working with the community board -- and I have identified some of the interests that will be on that board. It would not supercede the board or any member of the board. It would authorize the Commissioner to do so if the board or a member declined to go along with the Commissioner's plan to restore quality education in the district.

Senator, the purpose of this legislation is to permit the Commissioner of Education to achieve a plan which will provide

the Roosevelt School District students with the education -- quality education -- they deserve and which must be provided to them which is not being provided to them now.

THE PRESIDENT: Senator Smith.

SENATOR SMITH: Thank you. Many of us had the opportunity to meet with members of the Board of Regents, including Adelaide Sanford, because we had an interest in the Roosevelt School System. They laid out the problems of the school district and spoke to us and gave us information that we did not have as to the conditions of the school system, and this bill is a culmination of working with the community, with all of the interested parties, and I would definitely ask all of my colleagues to support this bill.

SENATOR LEICHTER: Madam President.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Yes, would Senator Levy yield, please?

SENATOR LEVY: Yes, certainly.

SENATOR LEICHTER: Senator, I appreciate what you are trying to do here, and apparently there is a very serious failure of education in the Roosevelt school system.

I am somewhat concerned that we have a legislative finding which states that the Roosevelt Union Free School District is not functioning in a manner to protect the health, safety, education and welfare of school children.

But, Senator, have we been given any material? Now, I have read the papers, the newspapers, that is, but do we have any material that's been given us? I know the Regents, here and there, talked to individual members. That is really not the same thing as giving us supporting material to enable us to vote in support of this legislative finding.

THE PRESIDENT: Senator Levy.

SENATOR LEVY: Yes. Senator Leichter, an inquiry was conducted by Regent Sanford, and following her inquiry -- and that was in March, towards the end of March. I think

it was March 21st. My staff people were with the Regent when she was at the school district because we were here and we were in session.

She then gave a report to the Commissioner of Education. That report was followed by the Commissioner appointing Daniel Domenech, who is the head of BOCES and works for the Commissioner in that position in Western Suffolk County, and he was charged by the Commissioner with conducting an investigation; and he conducted an investigation on-site, filed a comprehensive report with the Commissioner. It was given to the board. It was given to the superintendent. It was given to the elected representatives.

And then, after that, the Commissioner sent you and sent me and sent every member of the Legislature a copy of Regent Sanford's inquiry, her report, and a copy of Superintendent Domenech's report, and that was delivered to your office.

SENATOR LEICHTER: Okay. Good.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: If you would continue to yield, Senator Levy?

SENATOR LEVY: Yes.

SENATOR LEICHTER: And you are satisfied that the conclusions of that report justify this takeover by the State Department of Education of the Roosevelt Union Free School District?

THE PRESIDENT: Senator Levy.

SENATOR LEVY: I am personally satisfied based upon the report that I received from my staff person who was with Regent Sanford, based upon my own conversations with Regent Sanford, with Superintendent Domenech, with Commissioner Kadamus and Commissioner Sauer, talking to people in the community, my own visits to the school district, and what I know is not taking place in that school district.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: If you would continue to yield, please, Senator Levy.

SENATOR LEVY: Yes, certainly.

SENATOR LEICHTER: Senator, I accept your conclusion and, as I said, I have read newspaper reports. I haven't read the report, but I'm pleased to know that the report exists. I have heard Regents talk about the problem in that school system.

But, Senator, shouldn't we set up a uniform system that would apply throughout the state so that where the Commissioner of Education or the Regents determine that a school system has so badly failed the students and the people of that community that the Department of Education can take over that school system? I'm sort of concerned about our doing it on an ad hoc basis, and I just wondered what your views are on that.

THE PRESIDENT: Senator Levy.

SENATOR LEVY: Senator, I have given a lot of thought to that same question myself, and after having thought about it - because what we are doing here is taking an extraordinary step that has never ever been taken before in the State of New York and this

bill, as I indicated, essentially puts the Commissioner of Education in charge of running a school district and places the Commissioner in a position, if he or she chooses to exercise that power, to override the duly elected officials who have been elected by the people to run the district.

To answer your question, Senator, I do not believe, speaking for me, that we should give a blanket blank check to anyone to override elected officials, and I think that the way that the Commissioner and the Department of Education have decided to go here is the way that we should go. Each time that the Commissioner wants to do this, we ought to do it by an act of legislation that passes both houses, is signed into law by the Governor, gives the people in the Legislature who represent the district the opportunity to participate through legislative action in conferring such an extraordinary power.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: If you will

continue to yield? I must say I disagree with you on this, because I think -

SENATOR DOLLINGER: Madam President, can we have a little order in the chamber? I'm having some difficulty hearing both speakers on this issue.

THE PRESIDENT: Order, please.

SENATOR LEICHTER: I think, unfortunately, there are a number of school districts throughout the state that are failing our children.

Now, in this particular instance whether it's because so much publicity was given to the Roosevelt Union Free School District or probably because of your good work in seeing that this matter is addressed that we're now going to have the Department of Education take steps that are probably warranted, but I'm concerned that in other school districts that same step, which probably should be taken, is not being taken.

I would suggest not giving anybody blank power, but I would set up some

very specific criteria, and I would hope very much that maybe our Committee on Education would look at that so we wouldn't have to proceed on an ad hoc basis.

But if you would be kind enough and just yield for maybe one or two other questions?

THE PRESIDENT: Senator Levy.

SENATOR LEVY: Senator, let me respond to the point that you just made. This situation is not before us because of the publicity. The reports called for this action, and the publicity was generated after the report was leaked to the press and the media.

So the reason that we are here today is because of the investigations by Regent Sanford and Superintendent Domenech and their reports, and their reports called for this action, so it wasn't the publicity.

SENATOR LEICHTER: Right.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Senator Levy, if you'd continue to yield?

SENATOR LEVY: Yes.

SENATOR LEICHTER: As I said, I'm sure that this would not have happened without the work that you did and your efforts in seeing that the matter's addressed.

Let me just ask. Under this bill, if the person who is put in charge there by the Department of Education comes up with a plan, presents the plan to the elected board and the elected board rejects the plan, does that person or the Commissioner of Education have the power to impose that plan on the school system?

THE PRESIDENT: Senator Levy.

SENATOR LEVY: Yes. The Commissioner will have the power and will have the power because he or she, depending upon who is selected, will have the power to remove the entire board or to remove a member or members of the board, and I think that the existence of this power will be sufficient to bring about - to bring about -- because, again, Commissioner Leichter, there is a broad-based community advisory committee that involves teachers who

are part of the bargaining unit, administrators, people that live in the community, a broad-based group that will be involved with the special deputy and the board and the superintendent in generating the corrective action plan.

I don't think that that power will ever be utilized. Its existence will bring about a consensus on the corrective action plan.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Yes. Finally, Senator Levy, I am told that there is no agree ment yet with the Assembly on this bill. I think that's unfortunate and, unlike my colleagues here, I don't think the most important issue or a litmus test for a bill is if it's a one-house bill or whether it's an agreed-on bill; however, when the session is in its dying moments -- and that is devoutly to be hoped that that indeed is the case -- it does raise the question of, where are we in the negotiations on a bill that is so important?

SENATOR LEVY: I'm happy you raised that issue, because the bill that the

Assembly wants -- and I have indicated to you the support of this bill. This bill was drafted by the Commissioner of Education, and the Regents have called in support of this bill. The Assembly's bill would require the superceding of the board ab initio without giving the board even the opportunity to work with the special deputy that's going to be appointed to put together a plan of action, and in talking to people a lot more expert than I am, if that bill were to pass, the board will be in court the day after it is signed into law seeking a stay of a power of throwing out elected officials without giving them an opportunity to cooperate, and the end result is when that case gets through working its way through the courts, we're going to have three or four more years pass without the Commissioner being able to help this school district.

That is the issue, and, unfortunately, it is a generic fundamental issue and at this point -- at this point, the Assembly has shown no indication to us of a willingness

-- of a willingness to do anything other than throw the board out under their legislation.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: Yes. Senator Levy, thank you.

Madam President, on the bill.

I think Senator Levy, for me, has certainly made a compelling case to support this bill. I just want to say that I do think that we ought to have a statewide provision for the Department of Education to take over, under very clearly established criteria, school districts that are failing the students and the communi ties as badly as the Roosevelt Union Free School District appears to be doing.

But let me also say, when I hear the disagreement with the Assembly -- and I may very well be inclined to support Senator Levy's view of how that should be resolved, but it doesn't seem to me such a major issue that we should leave the situation at Roosevelt to fester and to continue and for the children to be continued to be denied a decent education. I

would hope it would be resolved.

But it also points out the difficulty that we have in this Legislature in dealing with school governance, and I raise it because it's a particularly serious issue in the city of New York, and nobody knows it better than Senator Marchi, who has spent God knows how many hours and how much effort and blood and toil in trying to deal with that problem, and I made a recommendation last year which I hope to pursue, particularly for the city of New York, that we might resort to the use of a mechanism similar to the base closing commission which Congress did, because there's some issues that it is just politically too complex, too difficult, too fraught with disagreement, for the Legislature to resolve.

We know that we have a terrible problem in governance in the City school system. Everybody says it's got to change, but nobody agrees exactly how it should be done; and, here, I see where there is a desperate need for action by the state. Everybody says it

needs to be done. Yet, once again, this disagreement -- in this case between the Assembly and the Senate -- on school governance may keep this from happening.

I think we've got to find a way to deal with how we're going to resolve these issues of school governance that take politics out of it and, finally, to see that our school systems can be structured in such a way, whether it's in New York City or in the Roosevelt Union Free School District, so that the children can get an education. That should be our main purpose.

THE PRESIDENT: Thank you.

SENATOR DOLLINGER: Madam President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Madam President, will the sponsor yield?

SENATOR VOLKER: Madam President, could I interrupt for one second?

SENATOR DOLLINGER: Yes.

THE PRESIDENT: Certainly.

SENATOR VOLKER: Madam President, I apologize for the interruption, but on behalf of Senator Seward, there is an immediate meeting of the Senate Energy Committee in the Senate Conference Room, Room 332. Immediate meeting of the Senate Energy Committee, Room 332.

Thank you.

THE PRESIDENT: There is an immediate meeting of the Senate Energy Committee.

Now, Senator Dollinger.

SENATOR DOLLINGER: Madam President, I'll try to be brief in my comments -- my question to Senator Levy. It's really pretty simple, if you'll yield to a couple of questions.

First of all, a technical one. This bill allows the Commissioner to exercise powers over the entire school district. They will have the ability to suspend board members, as I understand it.

SENATOR LEVY: Yes.

SENATOR DOLLINGER: Because I'm not familiar with this problem firsthand, is the education problem that has been cited in the Regents report, is it a systemwide problem or is it a high school, middle school, elementary school problem?

SENATOR LEVY: The inquiry was directed to the high school and the junior high school but -- that's where the thrust of the investigation was, but I have heard that -- I have heard from people in the district, including people who were involved in teaching within the elementary school district, that, unfortunately, this is a consistent problem throughout the district.

But the Domenech and Sanford inquiries were directed towards -- exclusively towards the high school and junior high school.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: A follow-up question for Senator Levy. Could you just explain to me why the political process in this

school district failed to elect people who were trying to achieve the same, obviously, public benefit that this legislation is designed to do, which is designed to elevate the standards of direct accountability and achieve improvement in education?

What I'm having difficulty understanding, Senator, is what you properly point out. This is a very, very drastic remedy. We're going to take away several centuries of power from elected local school boards.

SENATOR LEVY: Possibly.

SENATOR DOLLINGER: Possibly. That's correct, possibly. But we're going to put them under a constriction that no other school board in this state has ever been under, and that is that there will be an immediate sort of appellate review of what they do by the Commissioner, who will then have the power to redirect them, at least as I understand it.

My question is, as a strong believer that local school boards, local

governments, governments of all levels, when we give them constitutional power, we give them the ability to make those changes, what is there about the political process that failed to elect a school board that would have done exactly what you want to do, which is the right thing.

THE PRESIDENT: Senator Levy.

SENATOR LEVY: There are a number of factors, and let me say to you that, based upon my experience, the new superintendent, who is the superintendent of the Roosevelt School District, is a quality, able person, but I would have to tell you that for the immediate period prior to the appointment of the incumbent superintendent, there was a comprehensive failure of leadership, in my judgment, in representing the district -- looking back, a comprehensive failure of leadership for the immediate preceding period of time on the executive level within the school district; and it has been exacerbated by the fact that as the quality of the school district deteriorated, what we have experienced -- notwithstanding the

spending of $10,000 a pupil in the school district, we have had an explosion of parents taking their children out of the public school system and, no matter how difficult it was financially, no matter how painful it was, putting their children into the private school system and, consequently, there was a failure on the educational level, there is a failure in the physical plant, there is a failure of discipline within the school district among the student body, and the people in the community, for whatever reason until this last election, did not turn out in significant numbers to elect strong people to the board, but you can say that -- you can say that in elections for whatever offices anywhere in this country.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Again, through you, Madam President. If Senator Levy -- I'm trying to put my thoughts together on this point.

In essence, the political process

has begun that change. There is a new superin tendent who will bring, I think, to use your words, that sense of discipline and account ability that you and I think this state wants to achieve in local public school.

SENATOR LEVY: I have to tell you that, based upon the two inquiries, that though the superintendent is a quality leader, an experienced leader, he does not have the personnel nor has he been able to put together the instructional coordination and oversight to be able to provide any form -- to be able to provide a form of quality education to the students, and he needs the help.

He needs the help and the expertise of the state Department of Education, which is going to put a top-flight person in there and back up quality staff people in there with the special deputy to help the superintendent and the board and the community board to turn that district around.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Again, if Senator Levy will yield to one follow-up question?

SENATOR LEVY: Yes.

SENATOR DOLLINGER: What I want to understand is, why couldn't the people in this school district -- I assume this is a school district that has annual budget approval by the voters. Why couldn't the people of this district decide that they wanted to give the funds to the superintendent to allow him to achieve the same thing without our intervention? They clearly have the power to do that, do they not?

THE PRESIDENT: Senator Levy.

SENATOR LEVY: Senator, I think, based upon those two inquiries, my conversations with Regent Sanford, my conversations with the Department of Education, that the ability to straighten out this school district is beyond the people who are in place there now. It cannot be done without the intervention of the state, and I really was very reluctant to go

this route, but it is an emergency that has to be dealt with.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: I understand Senator Levy's reluctance. I share that reluctance. That's why I'm trying to get this clear in my own mind.

I guess my final question is, is it your opinion, the Commissioner's opinion and the Regents' opinion, that the parents in the community that have the voting authority over the budget and the voting authority over members of the school board, that that parent and community can not fix this system by themselves?

THE PRESIDENT: Senator Levy.

SENATOR LEVY: Senator Dollinger, I told you about the school board election and 600 people came out. This is a very, very large community. Even though 600- plus people in a school board election in the Roosevelt community is a significant turnout, it's a drop in the

bucket as it relates to the number of people that resides in the district and, whether they have children in public school or private school, they are real property taxpayers, and they didn't come out in large enough numbers.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Madam President, on the bill. I will be very brief.

I appreciate what Senator Levy is trying to do with this bill. I appreciate what the Commissioner of Education is trying to do.

I think the issue is when, be cause of poor performance and poor account ability, this state should intervene and assist, as this plan does, is a critical issue for the future of our state as well as for the children in this school district.

But I personally believe that the failure here is a failure on the part of the voters and parents in this school district, and the problem is -- we have it every year in every school district I represent -- only 600 people

vote and, unfortunately, like every elected official, a school board member sits down and says, "I was elected by 300 people."

In my school district, in the town of Brighton, for example, we have about 30,000 people in the district, and the actual number of people that vote is usually less than 1500.

But from the point of view of our system of accountability, they have as much right and power to vote on issues that affect the school district as I do, having been elected by only 75,000 people out of the 300,000 that I represent.

My concern is, Senator -- I appreciate your efforts. You are doing the right thing. But my fear is that we're doing it the wrong way, and that the power -- the failure in this school district has to be, at least in my judgment, a failure on the part of the community to demand that their own system be accountable, and my fear is that this solution does not solve the underlying problem, which is,

it doesn't empower and strengthen the ability of the local community to stand up and demand change.

What we're doing is, we're saying, "We've got the way to change it and the change is going to come from the top down." The long-term change for this school district, as I believe it is for every school district in this state to improve the quality of education, is to have the parents in the community stand up and say, "We don't need the Commissioner of Education to tell us this. We don't need anyone at the top to assist us in doing this. We can empower ourselves to do it. We can demand the change. We can demand that our children get educated."

Until that happens, we won't have the fundamental growth of education; and it is unfortunate but, at least in my judgment, based on what I have heard in this room today, unless the people in this school district stand up and say, "We want more accountability; we want a better school district; we want better

education," no matter what we do, we won't really change it.

Senator, this is an issue which, for me, is a very close one and a very difficult one. But, at least based on what I have heard, I believe we send the wrong message throughout this state if we try to impose that solution from the top rather than let it percolate up from the bottom through empowered parents who want to make the necessary changes.

SENATOR LEVY: Senator Dollinger, let me just respond by saying, though this may be the first instance in the field of public school education, we had financial problems in the city of New York in the '70s, and we created, with a different name, an Emergency Financial Control Board which has been utilized in other parts of the state when there have been other similar problems that threaten the survival of the particular local governmental body.

In New York City, it was the threat of bankruptcy that drove us to do it, and

we're doing it here because of the threat of educational bankruptcy in the Roosevelt school district and, as it was right and worked in the city of New York with the control board, hopefully and expectantly, it will work here with the Roosevelt School District.

SENATOR DOLLINGER: Madam President, if I can just respond.

THE PRESIDENT: Senator Dollinger.

SENATOR LEVY: Yes.

SENATOR DOLLINGER: I greatly appreciate that, because I think that's an example of where government intervened because the problem was inherently a financial problem; that is, the amount of debt and the amount of cost in their government exceeded the local community's ability to pay for it.

What I, at least, hear today is that our problem in the Roosevelt School District is of a slightly different nature. It's not that we don't have enough money to pay the bills. It's not that they have refused to

approve budgets to pay the cost. The problem is one of the quality of educational services.

My concern is that that is a much more difficult issue for anyone to try to rectify because the issue is more complicated. The role of the parents in education, the role of the instructor, the role of administration, are more complicated than the simple -- and I say "simple" with quotation marks around it because I don't mean to make light of the fact that both in the city of New York, city of Yonkers, we may do the city of Troy -- those are not simple financial problems.

But the complexity of education should drive us to the conclusion that the only way to get the resolution here is to empower the parents, to give them the ability to have the control over the system.

My fear is that based on my experience in watching education -- I remember those instances in which federal courts tried to take over school districts to achieve beneficial social purposes, with the best possible inten

tion in my judgment, the strongest compelling need in the history of our country -- racial segregation -- in an attempt to achieve the laudable goal of integration and equal opportunity for everyone, and I think about the terrible, difficult problems that were attendant upon that, when someone outside the community was making the critical decisions that impacted that community, and the local control through voting power was somehow taken away.

Senator, as I said, this is a very difficult issue for me, and I understand that as you possibly rise to say you are going to let the school board continue to make those decisions, but the fear is that that presence of a Commissioner who will review them all on appeal or have the ability to suspend them, it may not come to pass. I agree with you, and I may anticipate what you're going to say, which is, "The board could make all the changes and the Commissioner may never exercise the power we give him."

SENATOR LEVY: No, what I'm going

to say to you is there is a broad-based community advisory committee that is a part of this legislation, and it's going to involve the teachers that work in the school district, the administrator, people that live in the community, community leaders, and they are going to be a part of this process with the Commissioner's representative and the board and the superintendent.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: But, Senator, my point is, if that's a good idea, which it may well be, the local officials empowered by the people can create that commission and can give it every power that we are giving it today by this legislation.

I will conclude, Madam President. This is a difficult bill for me. I don't want to shortchange the children in this school district. I applaud Senator Levy for having the heart and the conviction to take their plight to what he believes is the best

possible solution for them.

I understand his frustration not having children educated and a local board of education that may seem indifferent to the lack of quality education. It shouldn't go on in Long Island, and it shouldn't go on in the city of Rochester, and it does go on in the city of Rochester.

We have failing schools. We have substandard schools. But the solution lies in the parents and in the community. Our system now permits that to happen. It's through the ballot box. It's through the power of voting. I don't think we should take that power away or infringe on it. If we're going to change the schools in this system it's going to be through the parents in the community, and, unfortunately, it won't happen through the actions in this chamber.

THE PRESIDENT: Senator Gold, why do you rise?

SENATOR GOLD: Madam President, I ordinarily would not do this, but I just ask

some indulgence. I'm being called out of the chamber, and I may not be here or at the Finance Committee. I understand the Energy Committee is handling the nomination of a soon-to-be former Assemblyman by the name of Rappleyea, and I really could not let the opportunity go to congratulate the Governor.

"Rap" Rappleyea is one of the really fine people who I have had the pleasure to meet in government, and I'm glad that the Governor has been looking at the Assembly and finding some of the talent over there even though he seems to be looking at one side of the aisle.

But there is talent there, and I know that "Rap" has taken the benefit of a Cornell education to its nth degree, and he has been a marvelous legislator, and I have great faith that he is going to do a wonderful job in the power field, and I'm just sorry I won't be here at that point, but I appreciate the courtesy of letting me make a short remark at this point.

THE PRESIDENT: Thank you, Senator Gold.

Senator Jones.

SENATOR JONES: Yes, Madam President. On the bill.

I wish to thank Senator Levy -

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, excuse me. I'm sorry. Could we just open up the roll, just for one of the Senators that has to go to an Energy meeting, Senator Dollinger.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

SENATOR DOLLINGER: For the reasons stated, Madam President, I vote no.

THE PRESIDENT: Senator Dollinger in the negative.

Withdraw the roll call, please.

SENATOR JONES: I want to thank

Senator Levy, first of all, for allowing me personally to speak with the Regents and to speak with people from the state Ed' Department about this situation.

As most of you know, where I come from, I spent my life with children, and I guess I'm really not interested in many of the intricacies that were talked about today. I'm interested in the children.

I'm thoroughly convinced from listening to these people that we would be doing a terrible disservice to allow this to continue. I really thank Senator Levy for bringing it to our attention.

If there's any other schools, as Senator Leichter said, as bad as this one, then we need to be doing something about it.

I agree with Senator Dollinger, parents should be acting, communities should be acting but, if they are not, we have a group of innocent people here who we are condemning to this life of poverty and welfare that we rail so much about here on this floor.

These children are sitting in a classroom where there is no hope for the future, and there is no reason for them to do anything but continue in the same situation that they're in, and it is financial. I disagree with Senator Dollinger. It is financial in that it's clearly a misuse of funds that are going into this school system.

When I was a teacher, and I used to agonize daily over a child every year in my class that I knew I was sending home to some horrible situation, I remember my colleagues used to say to me, "Look, sometimes you have to accept that the most you can do for these children is to provide them with six hours a day where they are happy, comfortable and are succeeding."

Well, ladies and gentlemen, these children aren't even getting that, so if we're not even giving them some hope of a better future or some message that we care about what becomes of them, then I think we're doing a terrible disservice and I would be interested in

looking at any other school that is clearly in the situation that this one is.

So thank you, Senator Levy, and I think the children in this school district should thank you as well. I certainly will support your bill.

THE PRESIDENT: Thank you, Senator Jones.

Senator Marcellino.

SENATOR MARCELLINO: Thanks, Madam President.

I rise on this occasion. It's a sad one. As a former educator, I guess you got to call yourself an educator for the rest of your life. You are maybe out of the classroom, but you never take the classroom out of your thinking.

This district is committing one of the most heinous crimes it can commit. It's allowing its youth to go down the toilet. It's allowing its educational system -- pardon my analogy, but it's allowing its educational system to be destroyed. It's getting involved

in internecine warfare, which it shouldn't be involved in.

Forces other than educators or people interested in education truly are running the district and running it amuck, when you have superintendents replaced at will almost, when you have principals who don't last two or three months and can not establish, when you have failure to provide people with the proper wherewithal to do a job they are hired to do, when you have board members interfering with the day-to-day operation of a school, which is not what a board is elected to do.

I was a member of a school board. You do not and are not supposed to be involved in the day-to-day operations. The school board has one major function in the hiring and it hires the superintendent, and its function then is to give that superintendent a charge and let that person do the job and review it periodically to make sure the job is being done. Periodically doesn't mean day to day because you can not do a job like that.

Senator Levy has taken on a task that is a very, very difficult one, and I think -- I know he has done a superb job on this. This is not an easy issue, as we all agree. When you are dealing with the education of our children, you are dealing with the most important product that this state can deal with. These are not just words. These are true. This is reality.

If the State of New York, if the State Education Department, doesn't become more proactive in moving into districts that are clearly failing, we will be doing -- we in this chamber, we in the Legislature, because we have the responsibility for monitoring education in this state and, if we allow this to happen, we will be derelict in our duty, and we could not go back to our districts and say we have done our job appropriately.

Senator Levy has worked out what I think is a proper compromise bill, one that will allow the state Education Department to come in there, work with the community and do

what Senator Dollinger wanted to be done - laudable. Bring the community into the system, involve them, work with them, get their input, and try to keep out those forces which are working not to educate but to create political fiefdoms, and this we don't need in education, there's all too much of it.

The state Ed' Department has to become more proactive throughout the state to prevent that sort of thing from happening. To my knowledge, it doesn't do enough to really protect our children.

This bill should be passed and should be supported. I support it.

THE PRESIDENT: Senator LaValle.

SENATOR LAVALLE: Thank you, Madam President.

Senator Levy, you should be congratulated on bringing this bill before us for a vote today and, as you have on so many occasions been proactive on problems in your district, in your area and, indeed, fashioned a solution that I think balances the needs between

the various stakeholders that are involved.

I'm sorry Senator Dollinger had to go to a committee meeting, because I think for some of the very reasons that he talked about, he should actually be supporting this bill. But before I mention that, I think it's important why this bill is before us and I think, Senator Levy, you have fashioned out, in the findings and the declaration, that "The Legislature hereby finds that an emergency exists in the Roosevelt Union Free School District that threatens the health and safety and educational welfare of school children attending the schools of the district..." and you go on, and I have not seen such strong language. "In particular, the junior and senior high school are dysfunctional and are not providing a sound basic education to students."

And so, while there may be many such districts, I think that this bill today that allows for the district to create a correctional action plan, that provides for a citizens advisory committee, that provides for

temporary closure of school buildings and involves the board, through all of these elements, I think you are bringing together in this bill a very important model for us in addressing other problems to begin -- to begin to try to deal with some of the problems in other districts in this state.

And so, I think you should be complimented for bringing about a very careful balance that so many other people would have said -- thrown up their hands and said, "I can't deal with all the different stakeholders that are saying, "No, move in the right direction"; "Move in the left direction"; "Move up"; "Move down"; but you got involved and you crafted something that is very worthy and, I'm sure, will be very beneficial to the children that you are trying to address.

So I hope this bill gets a yes vote.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 7. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 55, nays 1, Senator Dollinger recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President. Calendar 1573, Senator Trunzo, if there are no Minority questions, we can call up that bill, please.

ACTING PRESIDENT KUHL: There is a substitution first, Senator Volker, but we will call up Calendar Number 1573, by Senator Trunzo, Senate Print Number 5321.

The Secretary will read the title.

THE SECRETARY: Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 8282A and substitute it for the identical Calendar Number 1573.

ACTING PRESIDENT KUHL:

Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 1573, by the Assembly Committee on Rules, Assembly Print Number 8282A, an act to amend Chapter 12 of the Laws of 1995, relating to providing a retirement incentive.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, on behalf of Senator Norman Levy, there will be an immediate meeting of the Senate Transporta tion Committee in Room 123, an immediate meeting

of the Senate Transportation Committee in Room 123.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Senate Transportation Committee in Room 123.

Senator Volker.

SENATOR VOLKER: Will you call up -- Mr. President. Call up Senator Goodman's print -- Calendar Number 755.

ACTING PRESIDENT KUHL: Secretary will read the title. Calendar Number 755, that's on the first calendar of the day, Calendar Number 69.

Secretary will read the title.

THE SECRETARY: Calendar Number 755, substituted earlier today, by member of the Assembly Sanders, Assembly Print 6639B, an act to amend Chapter 687 of the Laws of 1991, amending the General Business Law.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT KUHL: Senator Goodman, an explanation of Calendar Number 755 has been asked for by Senator Stachowski.

SENATOR GOODMAN: Mr. President, this bill passed in this house earlier, within the last several weeks, and went to the Assembly where some amendments were made and is now back to us for final passage.

The background of the bill is as follows: Approximately four years ago, the state Legislature passed a much needed law that confirmed New York City's right to regulate sidewalk vending in severely congested business districts even if the vending is conducted by disabled veterans. Now, that very sensible law is expiring, and its continuation is up for consideration here before us today.

The City needs the power it holds under the expiring law to enforce the reasonable restrictions on peddling. I would like to point out that the City was literally inundated with an influx of peddlers after a 1990 state court ruling upheld an 1894 -- that's 1894 -- statute granting disabled veterans the right to peddle goods on any city street.

Shopping areas that had

previously been off limits to vendors, like the elegant stretch of Manhattan's Fifth Avenue south of Central Park, became densely packed flea market areas in a state of virtually total confusion when coupled with the numerous out-of-state and out-of-city visitors who congregate on that avenue for shopping purposes.

Disabled veterans, many recruited by merchandisers of cheap ties, scarves and counterfeit designer watches, rushed to take advantage of their special peddling status, hawked their wares from large folding tables and cardboard boxes set up on sidewalks already jammed with pedestrians.

This scene is likely to be repeated again to the detriment of the City in the event that we fail to take action today. The City would be powerless to affect it if the present law is allowed to expire on July 1. We've already voted to make the law permanent, but, unfortunately, in the Assembly they have decided to make it only a two-and-a-half year extender.

Now, let me be very candid. I speak to you as a member of the American Legion and as a veteran with 38 months of service in the United States Navy. I'm also a member of other veterans groups, and I care very deeply about the welfare of veterans. There's been an altogether bogus series of objections raised by veterans groups. For what purpose, I can not imagine except perhaps a misguided and sincere effort to protect veterans' interests, but that is certainly not what is occurring here because all people, including veterans, would be hurt if our best shopping streets all around New York City were to be once again restored to flea market status, which would severely hurt the economy and hurt employment in the City.

The American Legion unfairly asserts that the Fifth Avenue Merchants Association did not fulfill promises that it made four years ago of job offers for displaced veterans and money for disabled veterans. The association has contributed $400,000 to a City fund for disabled vets. It has offered them

jobs but there were no takers.

I have in my possession Xeroxes of the actual canceled checks totalling $400,000, which were given to the veterans groups. The Fifth Avenue Association lived up fully to every letter of the agreement which was entered into with the veterans and it's been, in my opinion, grossly unfair to suggest that they failed to live up to that. We have proof positive that they did so to the substantial benefit of veterans.

The controversy misses the point. Denying the City the power it needs to regulate peddling and to protect taxpaying merchants is clearly to the detriment of the City.

Now, I would like to have you be clear about exactly what the bill does.

It creates a zone within which peddling may not occur but it also protects peddling rights outside that zone. The zone is from 30th to 65th Street. The zone runs from Second Avenue to Ninth Avenue.

The veterans, in order to have

their interests protected, have negotiated for and won the right to add one veteran to a four-member board, which will oversee the implementation of this law. That board consists of three City commissioners who will have a veteran on there to protect any further regulations issued by the City.

What we're doing today is to give the City the right to set its rules for the regulation of veterans. It has painstakingly, along with the Fifth Avenue Association, negotiated every possible consideration for veterans groups, and I submit to you that this combines two interests, that of the veterans themselves and, clearly, that of the city of New York and the viability of its economy.

SENATOR STACHOWSKI: Mr. President.

ACTING PRESIDENT KUHL: Senator Stachowski.

SENATOR STACHOWSKI: Thank you very much for your explanation, Senator Goodman, and I appreciate that you're a veteran, but I -

SENATOR VOLKER: I'm sorry. I'm sorry.

SENATOR STACHOWSKI: Oops! Go ahead.

SENATOR VOLKER: I apologize. I have to announce an immediate meeting of the Finance Committee in the Senate Conference Room, an immediate meeting of the Senate Finance Committee in the conference room, Republican Conference Room.

SENATOR STACHOWSKI: I will try to be brief, Mr. President, because I have to go to that meeting also.

I appreciate Senator Goodman's pointing out the parts of the bill that are effective, that we had voted for permanent and that this one is only a two-and-a-half-year extender, I believe, for the contents of the bill, as explained by Senator Goodman.

My problem is that I have a series of memos, three of them, to be exact, the first of which came out right after we passed that bill here, when we were told that was only

opposed by a disgruntled group of disabled veterans.

However, since that occasion - and we did try to work with Senator Goodman and the backers of the bill -- we have been sent three separate memos by the American Legion of the state of New York, opposing this bill, and I will read the last memo which comes on this "B" print. The memo reads as follows:

"A.6639-B which extends the ban on disabled veteran vendors in certain parts of the city of New York is opposed in its current form as it does not address the concerns brought forth or the suggestions made on behalf of disabled veteran vendors.

"A vote in favor of this legislation is a vote against the veterans of our entire state. As you contemplate your vote, ask yourself if the city of New York has lived up to its original agreement. Ask yourself if this is in the best interests of the veteran, but, most of all, ask yourself if you want to devalue the service disabled American veterans

have rendered in the name of God and country."

I have no quarrel with what Senator Goodman said, but I am not going to vote against the American Legion and am not going to vote against disabled veterans as addressed in this memo and, because of the opposition by the American Legion of the State of New York, I suggest that whoever is interested in their position vote no on this bill.

SENATOR GOODMAN: Will Senator Stachowski yield briefly?

ACTING PRESIDENT KUHL: Senator Stachowski, do you yield?

SENATOR STACHOWSKI: I'll take one question, but then I'm going to Finance.

ACTING PRESIDENT KUHL: He yields for one question, Senator Goodman.

SENATOR GOODMAN: Senator Stachowski, I respectfully contend to you that the memorandum from the American Legion is, at best, disingenuous. I am holding up, and you may inspect at your pleasure, the Xeroxes of four checks totaling $400,000 which was part of

the negotiation, the principal part, which was to satisfy the desire of the disabled veterans' groups for assistance with programs to aid them.

It is inconceivable to me that any responsible person in possession of the facts could possibly charge that the veterans did not get every consideration and that we did not consummate an agreement into which they entered fully and freely and which closed the matter and which suddenly managed to get re opened, and I contend to you that this outbreak of veterans' memorandums is all triggered like a case of the measles from one ill-informed individual who has sought to completely distort what actually happened here.

Not only did we issue $400,000 in checks to a fund for the benefit of disabled veterans, but the Fifth Avenue Association undertook a conscientious program of employment offering jobs at twice the minimum wage to any veterans who had sought that type of assistance, and there were practically no takers for that.

I'm saying to you the deal was made. The Fifth Avenue Association in the City of New York more than lived up to the deal and, therefore, the American Legion memorandum is absolutely without merit and, to me, very disheartening because it completely overlooks the real interest of the veterans, of whom I am one. I suspect you may be one, and I reiterate, I'm a member of the American Legion, and, in this instance, I'm very much ashamed of the way in which this has been handled because, as a member of the Legion, I regard it as a major veterans' group of high integrity, and this memo is obviously based on a very serious misunderstanding of the facts.

SENATOR STACHOWSKI: Mr. President, was that a question? He asked me to yield. I just -

SENATOR GOODMAN: Yes. The question is, do you understand what I have told you?

(Laughter.)

SENATOR STACHOWSKI: Mr.

President, to answer his question.

I understand what he said. I - unfortunately, regardless of the circumstances that the sponsor of the bill made, I don't take the American Legion memos so lightly. They must have a reason. They've had ample opportunity to look at the situation. They've had ample opportunity to be contacted by all sides, and they still choose to put out this memo that I had just previously read to you. The fact is that the vote in the Assembly was very, very close. It took a long time.

I don't know that it's necessary to take a long time here. I think it's just in the interest of the parties to decide that if they want to vote with this -- in the best interest of the veterans as described in this memo or as described by the sponsor of the bill, and I choose to side with the American Legion.

If I could -- if I can ask the Majority Leader if I can vote and then go to Finance, I would appreciate it.

ACTING PRESIDENT KUHL: Senator

Volker? Senator Volker?

Are there any other speakers on the bill?

(There was consultation off the record.)

SENATOR VOLKER: Yes. Would you open up the roll call, please.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Stachowski, how do you vote?

SENATOR STACHOWSKI: I vote no.

ACTING PRESIDENT KUHL: Senator Stachowski will be recorded in the negative.

Senator LaValle, how do you vote?

SENATOR LAVALLE: No.

ACTING PRESIDENT KUHL: Senator

LaValle will be recorded in the negative.

Roll call is withdrawn. Debate continues. Chair recognizes Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President. I will be very brief, and I'm sorry Senator Stachowski had to leave. I understand there's a Finance Committee that I've got to go to, also.

I just want to say Senator Goodman, I think, has made a real effort and attempt to meet legitimate concerns of veterans. I have some familiarity with this situation, and Senator Goodman is absolutely correct when he says that the promises that were made to the veterans were kept. I think he is also correct, and those of you who know New York City, that we had a really intolerable situation and there was a great deal of abuse.

Now, I think there isn't a person here who is not supportive of veterans and particularly of disabled veterans, but you had a situation here where some veterans were actually lending out, selling their license, where you

had this street totally impassable. That affected not only the city of New York and the economic activity that goes on on Fifth Avenue, it affected revenue of the state of New York.

A good resolution was worked out. We passed this bill once and, since then, further concessions have been made. I can understand that the American Legion -- and I think they're acting on misinformation -- came out against it. But I just want to say to Senator Stachowski, the American Legion like anybody else can be wrong, and in this instance, they really are.

This is a bill that we passed before. We certainly deserve to pass it again, and it's important to the city of New York, and it is not harmful to veterans.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated. Negatives, please raise their hands.

THE SECRETARY: Those recorded in the negative on Calendar 755 are Senators Hoblock, LaValle, Leibell, Marcellino, Mendez, Onorato, Paterson, Sears, Skelos, Smith, and Stachowski, also Senator Velella. Ayes 44, nays 12.

ACTING PRESIDENT KUHL: The bill is passed.

Chair recognizes Senator Volker.

SENATOR VOLKER: Mr. President, will you call up Senator Velella's Calendar Number 1564.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1564. It's on Supplemental Calendar Number 1.

THE SECRETARY: Calendar Number 1564, by Senator Velella, Senate Print 5469A, an act to amend the Insurance Law and the Public Health Law, in relation to creation of a

competitive market.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR VOLKER: Move to accept the message, please.

ACTING PRESIDENT KUHL: 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.

SENATOR SOLOMON: Explanation.

ACTING PRESIDENT KUHL: Senator Velella, an explanation of Calendar Number 1564 has been asked for by several members of the Minority.

SENATOR VELELLA: Thank you, Mr. President.

This legislation will help to address a problem which many individuals in New York State are having in securing health insurance. Some writers have called next year the Super Bowl of health care in New York State. This is probably the first step to the playoffs in the voyage to that Super Bowl.

The bill will require HMOs to offer a generous and comprehensive benefit package that includes prescription medication, and it will further require HMOs to offer a point of service product to ensure that those who wish to and are in a managed care plan may have the opportunity to seek out their own physicians and have coverage for them.

This bill will also phase out the demographic pools and shift money to a specified medical conditions pool.

There will also be required a consumer shopping guide to be published which will advise the public about the costs of each of the programs that are being adopted under this program and will give them the opportunity

to comparatively shop for the best health plan that they can get.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, I know that Senator Solomon would like to ask some questions. I just have a brief question, if Senator Velella will yield.

ACTING PRESIDENT KUHL: Senator Velella, do you yield to Senator Paterson for a question?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator Velella, my question relates to the specified medical condition pool, on page 3, Section 5, of the bill where you're phasing out the demo graphic pools. We are setting up a technical advisory committee, nine members on the committee, three appointed by the Superin tendent, including the chair; three by the Majority Leader, three by the Speaker. I just

wondered, with three appointments of the majorities in both houses, why the Minority Leaders were not afforded at least one of the three appointments?

SENATOR VELELLA: Senator, you have a well-taken point, and I have just been advised that there is a chapter amendment that is being considered which will include those ideas, so that the Minority Leader will have an appointment.

SENATOR PATERSON: Oh, that's great. As a matter of fact, put an appointment in for the Deputy Minority Leader.

Thank you.

ACTING PRESIDENT KUHL: Senator Solomon.

SENATOR SOLOMON: Thank you, Mr. President. Will Senator Velella yield?

ACTING PRESIDENT KUHL: Senator Velella, do you yield to Senator Solomon for a question?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: The

Senator yields.

SENATOR SOLOMON: Senator, I'm going to ask you two or three questions, but I'll preface the questions, so that the people in this house understand your answers. So that the people in this house understand the answers to the subsequent questions, could you just explain what a point of service plan is?

SENATOR VELELLA: Senator, as you know, we have been moving towards the managed care concept, providing services from a panel for people who are in plans. The idea is that that will ultimately help bring down the cost.

The point of service plan that will be adopted under this legislation is sort of a hybrid. You have a panel that you go to and is covered but, if you choose instead to use a physician or service that is not within the plan, as a member of the plan or a designated party in the plan, you will then get 80 percent of the fair and reasonable costs of that service. So you will be covered for out-of-plan services, but you would have to have the 20

percent pickup.

SENATOR SOLOMON: Mr. President, if Senator Velella will continue to yield?

ACTING PRESIDENT KUHL: Do you continue to yield, Senator?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR SOLOMON: Senator, as I understand it, the point of service, which can be a very expensive part of health insurance because it's direct reimbursement, is an option to the basic HMO policy. Is that correct?

SENATOR VELELLA: Yes. There are two plans here, the HMO plan and then the stepped-up plan or the plan with a few more bells and whistles, and that is the point of service plan, where you have the option of going out of the system.

The straight HMO plans, you have to go to the physicians and the services listed. It is a step up and, therefore, it is a little bit more expensive.

SENATOR SOLOMON: Senator, you just answered the next question. The HMO -- the POS option, as we refer to it -- the point of service option -- would be an added expense for which the subscriber to the plan could choose that option. My question is would that added expense -

ACTING PRESIDENT KUHL: Senator Velella, do you continue to yield?

SENATOR SOLOMON: Do you yield?

SENATOR VELELLA: Yes.

SENATOR SOLOMON: Thank you.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR SOLOMON: Senator, will that added expense be placed into the overall cost of the HMO plan, or will it be kept separate so, in terms of point of service option, it could end up, depending upon the pool of people that subscribe to it, being an extremely expensive option, but it would be an option that would be paid for by subscribers to the point of service part?

SENATOR VELELLA: Yes. There will be three options that the people will have and that will be -- the first option is to remain as is in the plan that they are in, which is their indemnity plan if they are in that; secondly, would be the HMO; and third would be the point of service. The cost differential would be attributed only to that extra bell or whistle that's on there, that point of service piece that allows them to go outside the plan.

SENATOR SOLOMON: Thank you, Mr. President.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: One question for Senator Velella, if he will yield.

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

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: If I get the right answer, I may surprise you by agreeing with you on a second bill today, Senator.

SENATOR VELELLA: Senator, I would seriously consider recommitting the bill if that happened.

SENATOR DOLLINGER: Senator, what is the impact of this bill on community rating which, as you know, is a big issue for me? I come from Rochester where community rated, established community -- we're moving down the road with all kinds of experimentation with that system; but, nonetheless, what's the impact of this on community rating?

SENATOR VELELLA: Well, Senator, we're changing the pool from a demographic pool, as we said, to a pool which is dealing with the illnesses or the people who are afflicted. So the pool will be based now on medical condition rather than on particular location. It's our belief that that will spread around the risk a lot more evenly and will not regionalize the problems that we have in community rating, so

that it will be a broader base. It should average out a lot better for the consumer.

SENATOR DOLLINGER: So -- again, through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Velella, do you continue to yield?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR DOLLINGER: So the effect of this should be, actually, to enhance commun ity -- the benefits of the community rating model and not in any way impede a community rated established area such as Rochester?

SENATOR VELELLA: Right. You are correct, Senator.

SENATOR DOLLINGER: Mr. President, I guess you have to recommit the bill.

ACTING PRESIDENT KUHL: Senator Abate.

SENATOR ABATE: Would the Senator yield to a question?

ACTING PRESIDENT KUHL: Senator Velella, do you yield to Senator Abate?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR ABATE: Are there opponents to the point of service plan, and who are they, and why are they opposed?

SENATOR VELELLA: Senator, let me tell you, in my years in Albany, I have never advanced anything that I couldn't find someone who opposed it, and I'm sure that if you -

SENATOR ABATE: To your knowledge. To your knowledge.

SENATOR VELELLA: -- I'm sure that if you look far enough, you will find somebody who opposes this. I would say that the basis of that opposition is on a misunderstanding of the bill, because I know of no -- no memorandums that have been filed in opposition and no organized group that has opposed it. But I'm sure somebody out there may not like it.

SENATOR ABATE: Senator, would

you yield to a second question?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR ABATE: There are some concerns that the bill doesn't go far enough, and that is further expanding the health care network to additional providers, and the other concern is the utilization review procedures. Are you considering in the future additional legislation to encompass these areas?

SENATOR VELELLA: I just wanted to verify -

Some of those issues, as we speak now, are being negotiated between the Assembly, the Senate and the Governor's Office on Utilization Review.

But Senator Hannon has already passed several bills dealing with utilization review, which I think will go a long way to helping improve the problems that you see.

SENATOR ABATE: Those provisions for -

ACTING PRESIDENT KUHL: Senator Velella, do you continue to yield?

SENATOR VELELLA: Yes, I do.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR ABATE: So those provisions for utilization review will not be inconsistent with this legislation?

SENATOR VELELLA: No.

SENATOR ABATE: All right. Thank you.

SENATOR VELELLA: You're welcome.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Take up Calendar Number 894.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 894, which is on the initial calendar, Calendar 69 for the day.

THE SECRETARY: Calendar Number 894, by Senator Sears, Senate Print 1355C, an act to amend the Environmental Conservation Law, in relation to prohibiting the feeding of deer.

SENATOR VOLKER: Is there a message at the desk?

ACTING PRESIDENT KUHL: Senator Volker, there is a message at the desk.

SENATOR VOLKER: Move to accept the message, please.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 894.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The message is accepted.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, would you call up Calendar Number 1491, please, by Senator Libous.

ACTING PRESIDENT KUHL: On the same calendar, Calendar Number 69, first calendar of the day, the Secretary will read the title of Calendar Number 1491.

THE SECRETARY: Calendar Number 1491, by Senator Libous, Senate Print 5441A, an act to amend the Criminal Procedure Law and the

Mental Hygiene Law, in relation to providing criminal history records.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Is there a message at the desk, please?

ACTING PRESIDENT KUHL: There is.

SENATOR VOLKER: I move we accept the message, please.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1491.

All those in favor, signify by saying aye.

(Response of "Aye.")

Those opposed, nay.

(There was no response.)

The message is adopted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

SENATOR SMITH: Explanation.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Withdraw the roll call.

Senator Libous, an explanation of Calendar Number 1491, on the initial Calendar Number 69, has been asked for by the Deputy Minority Leader, Senator Paterson.

SENATOR LIBOUS: Mr. President, basically what this bill does is it clarifies the statutory authority to assure that relevant information about the criminal history of persons admitted to state psychiatric hospitals is available to treatment teams at these facilities.

If you recall, sometime ago, the New York Post reported and we had a situation where an escapee had pushed an individual in front of a subway train, and then the individual died.

Basically, what this would do is allow OMH to receive information from the

Department of Criminal Justice to understand the criminal history of the person that they are working on.

ACTING PRESIDENT KUHL: Any member wishing to speak on the bill?

Senator Paterson.

SENATOR PATERSON: All right. Thank you very much, Mr. President.

Mr. President, if the Senator will yield for a question?

ACTING PRESIDENT KUHL: Senator Libous, do you yield?

SENATOR LIBOUS: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator, I understand the bill has been amended, so I think some of my concerns have been alleviated.

Just this quick question.

Does the Office of Mental Health still have the power to issue warrants?

SENATOR LIBOUS: No, they don't, Mr. President.

SENATOR PATERSON: All right. Thank you very much, Senator.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, would you call up Calendar Number 1528, please.

ACTING PRESIDENT KUHL: On the same calendar, Calendar Number 69, Secretary will read the title to Calendar Number 1528.

THE SECRETARY: Calendar Number 1528, by Senator Tully, Senate Print 5480A, an act to amend the Environmental Conservation Law, in relation to sanctions.

SENATOR VOLKER: Is there a

message at the desk, please?

ACTING PRESIDENT KUHL: Senator Volker, there is a message of necessity at the desk.

SENATOR VOLKER: Move to accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1528.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The message is accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Can we stand at ease for a of couple minutes. We're awaiting some people from Finance, so we'll just stand at ease for a couple of minutes.

ACTING PRESIDENT KUHL: Senate will stand at ease for a couple of moments.

Senator Volker, we do have a little housekeeping here we can take care of.

SENATOR VOLKER: Go right ahead with the housekeeping.

ACTING PRESIDENT KUHL: There are several substitutions. I will ask the Secretary to read.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules Assembly Bill Number 4978A and substitute it for the identical Calendar Number 176.

On page 4, Senator Volker moves to discharge from the Committee on Rules

Assembly Bill Number 6325B and substitute it for the identical Calendar Number 527.

On page 6, Senator Saland moves to discharge from the Committee on Rules Assembly Bill Number 6827A and substitute it for the identical Calendar Number 954.

And, on page 6, Senator Kuhl moves to discharge from the Committee on Rules Assembly Bill Number 7781B and substitute it for the identical Calendar Number 1340.

ACTING PRESIDENT KUHL: The substitutions are ordered.

The chair recognizes Senator Volker.

SENATOR VOLKER: Do you want to hold just one second, please? We have a member coming here.

ACTING PRESIDENT KUHL: Chair recognizes Senator Wright.

SENATOR WRIGHT: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 755.

ACTING PRESIDENT KUHL: Without

objection, hearing no objection, Senator Wright will be recorded in the negative on Calendar Number 755.

Senator Volker.

SENATOR VOLKER: Mr. President, will you call up 1383, Senator Farley's bill, please.

ACTING PRESIDENT KUHL: On the Supplemental Calendar Number 1, page 2, the Secretary will call up or read the title to Calendar Number 1383, by Senator Farley, Senate Print 5436.

THE SECRETARY: Calendar Number 1383, by Senator Farley, Senate Print 5436, an act to amend the Banking Law, in relation to interstate branching.

ACTING PRESIDENT KUHL: Senator Leichter, did you wish to be recognized?

SENATOR LEICHTER: I have an amendment. I thought that Senator Farley wanted to explain the bill.

ACTING PRESIDENT KUHL: Senator Farley, an explanation of the bill has been

asked for by Senator Leichter.

SENATOR FARLEY: Thank you, Mr. President.

In reality, this might be one of the more important bills that we'll do this year in behalf of jobs and the economy of New York State, particularly to the financial capital of the world, New York City.

What this is is interstate branching. New York State led the nation in going for interstate branching, and we do have an interstate branching law on the books and this, in essence, is some amendments to it to conform it to the current federal law.

In 1992, New York enacted a law to authorize reciprocal interstate branching. In '94, Congress passed a federal law to authorize nationwide interstate branching. The federal law provides the states with some options, including the ability to opt in early and allow branching prior to the federal law which will take place in June of 1997, which is the trigger date.

In order to opt in, New York needs to amend its current interstate branching law to be consistent with the federal law. These amendments mainly are technical in nature. For example, they have to remove our reciprocity requirements because the federal law will not allow reciprocity for either interstate banking or interstate branching.

In addition, our general authorization for interstate branching has to apply to both federal and state banks. Currently, it only applies to state banks.

It is important to update our branching laws to opt into the federal law for the following reasons: To maintain New York's position as the world's financial capital, to keep the state charter as a viable option for banks, and to enable New York State-chartered banks to be competitive with other banks and nonbank financial institutions.

Why do we need this? As a result of the 1994 federal law, interstate branching will soon be a national reality but, in order to

preserve the viability of our state charter, the states need to respond and amend their laws accordingly. Pennsylvania has already done it.

In New York, we've already addressed the issue of interstate branching. New York enacted interstate branching in '92 and amended the law in '93; therefore, New York already has the basic laws, structure and authority in place; however, we need to make several technical amendments to conform us with the feds.

It is important to act now. This is important. I want to repeat this. It is important to act now because banks are making their decisions and their plans now. Banks are considering where to locate their headquarters and whether to be a state- or federally chartered banks.

While this bill is significant in the banking industry, the bill is of greater significance to New York State because it will assist New York in our efforts to remain the financial capital of the world. It would enable

New York to be competitive as a business location in comparison with other states, and it will help preserve the attractiveness of the state charter. Let me just say this, that Key Bank, a New York State-chartered bank, just located their regional headquarters to Albany, New York, in anticipation of this bill. That's for several states, their whole headquarters for several states.

Some provisions of the federal law take effect in December of '95. We should amend our own law this session to address these issues. Other states are already responding. New York was a leader in interstate branching. Now we're behind.

I will go into the early opt-in, the reciprocity and the method of branching and the affiliates. I know that Senator Leichter has some amendments, and I will be happy to address them as soon as you tell us about your amendments.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Leichter, on the bill.

SENATOR LEICHTER: I don't want to minimize the important and significant work that Senator Farley does, but I think hardly anybody will characterize this as one of the major bills of this session, Senator.

SENATOR FARLEY: I feel it is.

SENATOR LEICHTER: Also, to characterize this as only technical conforming amendments is erroneous and misleading. This bill is being passed to enable New York State to opt in early for interstate branching. We have the right to do that now under the federal legislation. Next year, the federal legislation permits interstate branching.

So it's not a technical amendment. We can do it or we can't do it. It's up to us, and we've got to take a look at the reasons.

Let me say that to be against

interstate banking is like being King Canute and telling the tide not to come in. We have interstate banking, and all things considered, whether it's good or bad is almost irrelevant because it's here. I think the question is, really, to take a look at it and to see that the banking consumer is protected.

Senator Farley, I know you take very seriously your work as chairman of the Banking Committee. Sometimes, I wish we would call it the "committee of banking and banking consumers." The function of the committee is not only to see that the banks get what they want, I think it's also to see that the consumers are protected, and banks are not sanctified holy institutions. They have not yet, at least in my mind -- I think in the mind of many members -- reached the status equal to religious institutions. They are not yet at the point of being deified, which sometimes, when one sees your presentation of legislation, Senator Farley, one seems to think that you are giving banks that status.

We fought last year to try, when we passed our banking bill extender, to get some benefits for banking consumers. That's also important. Banks exist, Senator Farley, if I may say, to serve the people of the state, and sometimes that's not the case. Banks do play important roles. They sometimes do good things. Sometimes they do very foolish things, sometimes they do very selfish things, sometimes they gouge the consumers, and that's why, for centuries, banks have been very closely regulated in our society.

For many reasons, we don't regulate them as closely as we used to. In some instances, that's led to horrendous, horrendous losses for the public treasury. For instance, the thrift scandal, which cost the taxpayers of this country $500 billion is a good example. We've had difficulties in this state.

So it is important to see not only that banks are given more and more powers but also that they exercise the powers they are given in a way to benefit the public. Now, we

know that the State of New York has been hurt at various times because banks have redlined communities. Banks have made improvident loans in South American countries and over the world. They have made improvident real estate loans.

So there is a need, Senator Farley, at times, to make sure that banks are properly regulated and that they direct their focus and their service to benefit your consumers, your constituents, my consumers, my constituents.

So I have amendments that would make this a better bill, Senator Farley, and maybe you could then get up and say this is one of the more significant bills of the session.

Mr. President, I believe I have an amendment up at the desk.

ACTING PRESIDENT KUHL: Senator Leichter, there is an amendment at the desk.

SENATOR LEICHTER: And I know that amendment has been served, and I have discussed it with my good friend, Senator Farley and, at this time, I move the amendment. I

waive its reading and ask an opportunity to explain it.

ACTING PRESIDENT KUHL: The reading of the amendment is waived, and you are afforded an opportunity to explain it.

SENATOR LEICHTER: Thank you.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: The amendments -- the amendment -- it's an amendment that has two parts. What it does is, first of all, to require that banks report on the small business loans that they make within their communities. Now, why is this important in the context of this bill? The effect of this bill is going to be that national banks are going to come into this state, and they are going to buy branches of banks in this state, or they are going to buy entire banks, probably in upstate communities. They are not going to buy Citibank, but they may very well buy Schenectady Trust, or whatever the local bank there is called, or in other communities.

What we're doing with this bill is by giving the banks the interstate branching powers -- we could have done it either by saying to banks, "Well, you've got to start de novo; set up your own bank within the state," or by giving them permission to come in and to acquire New York State-based banks.

So we're going to find that New York State-based banks are going to be acquired, and they will be acquired by big national banks, let's say, Bank of America, other large banking institutions, whose interests are basically regional or probably national and international, who do not have the same commitment and concern to local communities, and we are concerned that the effect of the interstate branching bank bill is that our local communities and our local businesses are not going to find it as easy to get loans.

So all we want to do -- we are not even telling by this amendment to the banks, "Oh, you got to make loans in the communities," although I think we certainly want to get that

message to them. We are just saying, "Let us know what you're doing," and it's very easy for them to report because -- through computeriza tion, and so on, and this amendment provides that they do it by, I think, census tracts, and then we would know, are these banks that draw the money of the community returning the money to the community?

I'm sure you are in favor of that, Senator Farley. I know you are. But let's make sure that it happens.

Now, this is not a burden on the bank. They can't say, "Oh, my God, you're imposing this terrific paperwork on us." It's very simple. They have the records. It's on the computers. All they do is quarterly or semi-annually -- I forget which -- they print out from the computer, and they say, "We made so and so many small business loans in Senator Farley's district, if the bank is located in that district.

It's reasonable. It's helpful. It makes the banks more conscious, those

national banks that have now acquired a New York state-based bank, a local bank, a small bank. It makes them more conscious that they've got to make loans in their community. So that is one part of the amendment.

The second part sets up a state financial consumers board, FICOB, very similar to what we've set up for the utilities, where we try to establish an advisory board of consumers and allow the consumers to band together to be heard, to interact with the bank, again, to make that bank do what it should be doing, and which sometimes banks don't do.

In notices that the bank sends out, they would say, at whatever the small fee is, and so on, you can become a member of FICOB, the same way that we now require utilities of this state to include with the utility bill a little notice on how you can become part of this utility board.

That's what these amendments do -- or the amendment does, of two parts. Again, the purpose is solely to try to mitigate what

could be adverse effects on our local communities as a consequence of opting in early to the interstate branch banking.

I'm going to support interstate branch banking because I have to, because you really have no choice, but I think that we have the obligation to try to do something for the consumers. That's why a lot of groups, NYPIRG and other groups, have said, "Yes, go for interstate banking, but protect us," and that's what this amendment does, and I hope, Senator Farley, that you'll support it.

ACTING PRESIDENT KUHL: Senator Farley on the amendment.

SENATOR FARLEY: Just briefly on the amendment.

Senator Leichter, you are an eloquent spokesman for what you're trying to say and, you know, all of these proposals have merit. They should be considered on their own. I'm not saying it doesn't have merit, but you shouldn't tie it to the passage of this important bill, at least it's important to me

and, I think, to the people of the state of New York.

It seems that everybody wants to tie something to banking legislation. When we were doing banking deregulation, they tied car rentals to it. All kinds of things come in. It's like flypaper. Everything sticks to these banking bills.

This is a clean piece of legislation that says that we want to have interstate branching in this state so that we can be competitive, our banks can be competitive.

You know, Denny Farrell, who I have worked with for a number of years and who I admire very much, he has a line that says, "You know what? You need to be employed to be a consumer." This is an employment bill. It truly is, and it's an employment bill pretty much for the city that you live in, Senator Leichter. It's very, very important to the money center banks in New York City.

The upstate banks -- and you

mentioned some Schenectady bank. That's called Trustco. It used to be Schenectady Trust; incidentally, gave up its state charter, just went to a federal charter. They are out of here, you know, which is sad to me, but I don't want to lose any more.

I understand what you are trying to do with these amendments. I will be happy to consider them. There's many other things. The Assembly has other issues that they want to tie to this, but there is a clean bill over there. This is clean. I am interested in doing the ATM bill, incidentally, but they are tieing ATM to this.

All I want to do is pass interstate branching. It's very, very important to a lot of members on your side of the aisle. This is an important bill.

I would urge defeat of the amendment, with all due respect, Senator Leichter. I'll be happy to work with you on these things, and I urge the passage of the bill.

ACTING PRESIDENT KUHL: The question is on the amendment.

All those in favor of the amendment, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

The amendment is lost.

Senator Paterson, do you wish to be recognized?

SENATOR PATERSON: No. I just thought the ayes had it.

ACTING PRESIDENT KUHL: Senator Paterson, I recommended to several of the members earlier of the service that's provided by the nurse. They have an audiology testing service down there. I'm sure that they would still have time today to accommodate you if you'd like to partake.

Anyway, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: I'm sorry, Mr. President, what did you say?

ACTING PRESIDENT KUHL: To explain your vote?

SENATOR PATERSON: I'm sorry.

(Laughter.)

ACTING PRESIDENT KUHL: Senator Paterson, did you hear about the deaf Minority Leader?

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Chair recognizes Senator DiCarlo.

SENATOR DiCARLO: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Number 755.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator DiCarlo

will be recorded in the negative on Calendar Number 755.

Senator Volker.

SENATOR VOLKER: Mr. President, in keeping with my new found power here, would you call up my bill, Calendar Number 527, please.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 527. That's on the first calendar of the day, Calendar Number 69.

THE SECRETARY: Calendar Number 527, substituted earlier today, by Member of the Assembly Lentol, Assembly Print 6325B, an act to amend the Penal Law, in relation to trademark counterfeiting.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, would you call up Calendar Number 176, by Senator Velella, please.

ACTING PRESIDENT KUHL: Senator Leichter, why do you rise?

SENATOR LEICHTER: Yes. Just before you do that, can I have unanimous consent to be recorded in the negative on Calendar 1501, please?

ACTING PRESIDENT KUHL: Without objection, and hearing no objection, Senator Leichter will be recorded in the negative on Calendar Number 1501.

The Secretary will read the title to Calendar Number 176.

THE SECRETARY: Calendar Number 176, substituted earlier today, by Member of the Assembly Kaufman, Assembly Print 4978A, an act

to amend Chapter 696 of the Laws of 1887, relating to providing hospitals, orphan asylums, and other charitable institutions.

ACTING PRESIDENT KUHL: Read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, would you call up Senator Saland's Calendar Number 954.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 954.

THE SECRETARY: Calendar Number 954, substituted earlier today, by Member of the Assembly Weinstein, Assembly Print 6827A, an act to amend the Family Court Act and the Domestic

Relations Law, in relation to issuance of mutual order of protection.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 3. This act shall take effect 90 days after it shall have become a law.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, would you call up the distinguished presiding officer Senator Kuhl's bill, Senate Print 1340.

ACTING PRESIDENT KUHL: Secretary will read the title of Calendar Number 1340.

THE SECRETARY: Calendar Number 1340, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 7781B, an act in relation to authorizing the village of Penn

Yan, Yates County, to issue serial bonds.

ACTING PRESIDENT KUHL: There is a home rule message at the desk.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, would you call up Calendar Number 375, by Senator Hoblock.

ACTING PRESIDENT KUHL: On the regular calendar, first calendar of the day, Number 69, Secretary will read the title of Calendar Number 375.

THE SECRETARY: Calendar Number 375, by Senator Hoblock, Senate Print 3230A, an

act to amend the Education Law, in relation to the board of education in the city of Albany.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Motion to accept the message at the desk, please.

ACTING PRESIDENT KUHL: The motion is to accept the message at the desk on Calendar Number 375.

All those 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 4. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill

is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, would you call up Calendar Number 125, by Senator Goodman, please.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 125, by Senator Goodman, Senate Print 1409A, an act to amend the Vehicle and Traffic Law, in relation to traffic infraction penalties.

Senator Volker.

SENATOR VOLKER: Motion to accept the message, please.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 125.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Message is accepted.

Secretary will read the last section.

SENATOR SOLOMON: Explanation.

ACTING PRESIDENT KUHL: Senator Goodman, an explanation has been asked for by Senator Solomon, I believe.

SENATOR SOLOMON: Mr. President, maybe we can save some time if Senator Goodman will yield to a question.

SENATOR GOODMAN: Yes, I'll be glad to.

ACTING PRESIDENT KUHL: Senator Goodman, do you yield to one question on Calendar Number 125 by Senator Solomon?

SENATOR GOODMAN: Can you just wait one moment, Senator? I don't have it. I didn't realize it was coming to the floor at this time. Can you walk the question by me, because I'll press forward without the bill?

SENATOR SOLOMON: I will run the question by you because that's more appropriate with the bill. Senator, this bill -

Mr. President.

ACTING PRESIDENT KUHL: Senator Solomon, excuse me just a minute. Excuse me just a minute. Let's have a little quiet in here. I realize there's a lot going on. It's the last day, only a few hours left, but we can make it a lot shorter if we just quiet down.

SENATOR SOLOMON: Thank you, Mr. President.

SENATOR GOODMAN: Can you just hold on one second, Senator? We're still trying to locate the bill.

All right, Senator, go ahead.

SENATOR SOLOMON: Thank you, Senator. This bill raises the fines on the third conviction for a red light, or going through a red light, as I understand it, and, my question is this: Have you done any study on the procedure in traffic court and the convictions there, because it's administered by the State Department of Transportation, and I'm just curious if you have done any study on that court?

SENATOR GOODMAN: No, Senator, I

have not.

SENATOR SOLOMON: Mr. President. Senator Goodman continue to yield, please?

ACTING PRESIDENT KUHL: Senator Goodman, do you yield to Senator Solomon?

Senator yields.

SENATOR SOLOMON: Senator, are you aware of the fact that there is an unusually high rate of convictions in traffic court?

SENATOR GOODMAN: A high rate of convictions?

SENATOR SOLOMON: Yes.

SENATOR GOODMAN: Not high enough to suit my taste, Senator.

SENATOR SOLOMON: Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Solomon, on the bill.

SENATOR SOLOMON: One of the problems I have with this legislation is that we're raising fines on the third conviction; however, if you have ever sat in traffic court in some of the boroughs in the city of New York

and spoken to some of the people about being involved, in many instances it's a kangaroo court and, in fact there, was one instance which was related to me which was very interesting. There was a statement provided by the Department of Transportation in New York City that the red light was out and didn't function properly, and the judge still decided to convict the motorist; and what concerns me is that we're raising the fines, and I believe that we may have a court system down there -- an administrative hearing system, really, is the process -- which, in fact, has been flawed, and I believe a number years ago, there were studies on it which showed that we had a flawed process.

And I don't have a problem with raising the fines. I have a problem with raising the fines where we have a process that goes on in traffic court where, in fact, there's not true hearings and true trials given in terms of the way the process goes, and I think that's some of the things that some of our members should be aware of before we go on and continue

to raise fines and relying on the traffic court, which is, in fact, an administrative hearing process where there have been many, many instances of the hearing officers just providing the convictions and going through the process.

As that continues, I believe it continues to lead to drivers that drive and get their licenses suspended, because in many instances they can't get a fair hearing.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 125 are Senators Kruger, LaValle, Solomon, and Tully. Ayes 52, nays 4.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT KUHL: We will return to the order of reports of standing committees. There is a report from the Senate Finance Committee at the desk. I'll ask the Secretary to read.

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

Gregory P. Campbell, member of the Adirondack Park Agency.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: Mr. Chairman, it is, indeed, a pleasure for me to rise and support Greg Campbell for membership on the Adirondack Park Agency and to be designated as

its chairman.

These days get a bit long for everybody, including the nominees, but I do want to emphasize that in Greg Campbell, as he stated in two committees here this morning, first, we have a person that the Governor has appointed who really believes in and will do the right thing.

I might add also the type of person the Governor is, believing in the right thing and doing it. He understands the Adirondacks. He lives in the Adirondacks. It is his permanent home.

He will in a very fair, open, and direct way administer the legislation which created -- which, of course, administrators the Adirondack Park land and, yes, at times -- maybe not administering -- affects the individuals who live there and those who don't live there.

Mr. President, Greg will bring a balance to the agency, concern for the environment and concern for the people who live in the Adirondacks and have to make a living. I

would emphasize -- I would emphasize, Mr. President, Greg Campbell is a true environment alist. He has done a great deal of work concerning the Lake Champlain basin; and as a volunteer, he would spend one, two, three days some weeks in working with those who are concerned about the Lake Champlain basin.

Finally, Mr. President, I have often said, and I say it practically every time, I have never seen a better nomination come onto this floor, and I'm saying it again, and I mean it. He is -- and I emphasize this -- a person who is concerned about all aspects of our region and again, he will be fair, he will be open; and I can say this firsthand, he has a mind of his own and he will speak his mind.

We're very fortunate to have Greg Campbell before us.

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

SENATOR LEICHTER: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter on the nomination.

SENATOR LEICHTER: Mr. President, I'm going to vote for this nomination, and I'm going to give Mr. Campbell the benefit of the doubt, but I want to be perfectly candid in saying that I do have a doubt, and I think I expressed that to him both at the hearing of the Environmental Conservation Committee and in the Finance Committee.

Mr. Campbell is taking over an extremely important job, important to the residents of the Adirondack Park and very important to all the people of the State of New York.

We know there's been a great dispute over the role and the function of the Adirondack Park Agency, but I think there is a general consensus both within the park and certainly within the state that that agency is important and has a role to play.

My doubt about Mr. Campbell is that he belonged to an organization, the

Adirondack Conservation Council, I believe, was its name, which I, frankly, think was an extremist organization which came out with a number of resolutions to dismantle the very agency that Mr. Campbell is taking over.

Now, he said at the committee that he disagrees with those positions. I accept that. He also resigned from that Council in January of this year, and in answer to my question whether he would take actions to dismantle the agency, he said that he would not. I wanted to put these doubts out because I want it to be shown that they are indeed not serious and that the actions that Mr. Campbell will take will further the work of the Adirondack Park Agency.

Let me say that with all the dispute about the role of the agency, I think that its continuation is terribly important for the people who live within the park. It's important for the people of this state. There shouldn't be a conflict because I think we all agree that the most important thing is to

maintain the beauty, the very special character and nature of this most wonderful six million acres, really among the most beautiful parts of this entire country.

I've told the story of how I went trekking in the Himalayas, and I thought I'd come back to the Adirondacks and I wouldn't really find it so beautiful after having seen the Himalayas. I found it even more beautiful. It is such a special area.

At the same time, I think we recognize that there are people living there that need to make a livelihood. It's an area that's economically hard-pressed and, obviously, there is a need to see that the people there realize the benefit of the communities in which they live and the land which they own.

I don't see that there is any conflict because I think the answer really lies in growth of tourism, in bringing more people into the park to enjoy the beauty of the park, and that will benefit the people who live in the park, and it will benefit the people of the

state of New York, and the agency plays a very important role in doing this.

So I trust that Mr. Campbell will carry on the important work of the agency, not take actions that will diminish its role, will realize also how important it is to acquire additional environmentally sensitive and scenically beautiful land or protect it for all of the people who live in the park and for people throughout this state.

And I wish him Godspeed and good luck in taking over this agency.

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

(There was no response.)

Hearing none, the question is on the nomination of Gregory B. Campbell, of Keeseville, New York, to become a member and chairman of the Adirondack Park Agency.

All those in favor, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The nominee is unanimously confirmed.

Mr. Campbell, congratulations. Good luck.

(Applause.)

Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Clarence Rappleyea of Norwich, Trustee of the Power Authority of the State of New York.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: Mr. President, it is a pleasure for me to stand and, as I believe we all are, to have one of our own take over this position, probably one of the most popular and decent individuals who ever served here in the Legislature, and with that I better sit down. I'm not "Rap's" Senator, and I certainly yield to a great friend of "Rap's",

Senator Seward.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Seward.

SENATOR SEWARD: Thank you, Mr. President and Senator Stafford.

It's certainly a distinct honor and privilege for me to rise to support the nomination and confirmation of our friend "Rap" Rappleyea to be a trustee of the State Power Authority.

I want to note, as chairman of the Energy Committee here in the Senate and as "Rap's" local Senator, I can affirm that we certainly need good, stable, solid people in leadership positions at the Power Authority, and we also can say without reservation that "Rap" is well versed in the issues that confront the Power Authority, as well as possessing the necessary leadership and personal skills to do the job at that agency.

But what can we really say about a gentleman who's been such a fixture here in the Legislature for two decades, a fixture here

and a fixture in Central New York, and indeed statewide?

He has been there to, year after year, warn us about the dangers of rising taxes, out-of-control spending and a government disconnected from its people. He was there to remind us of the lessons of the past and the need for real significant changes in state government.

When it was time to mount a spirited battle here in the Legislature, "Rap" was there and acted urgently to win the moment. But, win or lose, "Rap" always looked to the future with a great deal of optimism and looked to the future to live to fight another day.

The bottom line is, we are a better people, a better Legislature, a better state for his presence among us these last two decades, and I can say from sharing a lot of territory with "Rap" in our districts and knowing him for so many years, that "Rap's" personal style is one that he never, ever has lost sight of his roots. Even after rising to

the height of leader here in this Legislature, he was known as "Rap" to all, and he can be seen at picnics and barbecues in his Levi's and boots moving equally at ease with farmers and engineers, the rod and gun club members or the country club members, with his characteristic ease with people. He's truly a man of the people, and at ease with people.

And rarely do we perceive greatness until we have to bid goodbye but, ladies and gentlemen and colleagues and friends, New York has been blessed with truly a great leader in "Rap" Rappleyea here in this Legislature, and he leaves us with new challenges in front of him, involving the utilities and energy and the Power Authority which has such an important role in economic development in our state, and he assumes that new role with the confidence and enthusiastic support of not only the Energy Committee which interviewed him earlier today, but I know I can speak for every member of this body when I say that "Rap" goes to that new position with our

enthusiastic support.

And, "Rap", you've been such a good friend over the years and a mentor in so many -- to so many of us these last number of years, we're going to miss your presence here, but we -- we can say without qualification that your new role at the Power Authority will be one that the people of this state will continue to benefit greatly from not only your personal characteristics, but also your tremendous leadership ability.

And I just want to congratulate the Governor and congratulate you, "Rap", for taking on this new responsibility which is so important to our state.

THE PRESIDENT: Thank you. Senator Bruno.

SENATOR BRUNO: Madam President, it's my honor to stand in support of Clarence "Rap" Rappleyea, and I do it with mixed emotions, but truly I do it with mixed emotions because we lost a great leader here in the Legislature, but we do gain a great public

servant to serve in a very important capacity in this state; and it is important.

But "Rap", in my relationship like with so many in this chamber, time and energy won't permit everyone to get up and spend as much time and say the things that they'd like to say. Just hard sometimes to put things into words, but in my career, "Rap" has been a close friend and a personal mentor. There aren't many things that have happened in my life politically or the Legislature where "Rap" hasn't had some influence with me or over me as a counselor and as a mentor, and I just want to say thank you personally for all of that, and I really am proud that this Governor would see fit to put a person of his experience, his temperament, his stature, in such an important position to work for all of the people of this state.

THE PRESIDENT: Thank you.

Senator Cook.

SENATOR COOK: Madam President, I'm proud to stand and endorse the confirmation of my good close personal friend, who is my

Assemblyman even though I'm not his Senator, and to tell you how proud I am of this moment.

I don't think there would have been a person in the state that the Governor could have chosen who is better qualified for the position that "Rap" is being appointed to. He has an understanding of the relationship between the private sector, the importance of a strong private sector, and yet also understands that there are certain places such as the Power Authority where the public sector can, in fact, enhance the ability of the private sector to advance the economy of this state, which is a very important thing that they do. "Rap" has a strong understanding of -- and business sense, a person who understands, as well, the human dimension of what government does and what government should be doing.

We began together in the Assembly, came here, each representing half of Delaware County at that time, and we have been close personal friends and associates through the years, and the thing about "Rap" is that

he's always the same. It's never, Gee, you know, I'm your rabid close friend today, and then tomorrow, well, it's more convenient to be somebody else's buddy. He's always been "Rap" and he's always been there whenever I have needed him, and that's been often through the years, and I am so grateful for that.

So I think it's just a great thing when the right thing happens to the right people and, in this case, what happens for the right people is also the right thing for the state of New York.

Very delighted; and the only bit of advice that I would give you, "Rap", is that if you ever go on another fishing trip in the ocean, make sure somebody stays awake.

Very pleased to endorse "Rap's" confirmation.

THE PRESIDENT: Thank you, Senator Cook.

Senator Nozzolio.

SENATOR NOZZOLIO: Thanks, Madam President. My colleagues, I rise with

tremendous pride and great honor to support the nomination of a giant of a man, in terms of stature, a wonderful person, a terrific friend.

I was honored to meet "Rap" when I was still in law school working on the Assembly staff. I knew then he was considerably respected, extremely honorable, a friend to all, admired by many if not revered by most. It was such a privilege for me to cast my very first vote as a New York State Assemblyman for "Rap" Rappleyea to serve as Minority Leader of the New York State Assembly, and I was very proud to serve in the Assembly Republican Conference for ten years, a conference that, with "Rap's" leadership, was the most active, and the most important aspect of "Rap's" leadership was that he put together a conference that presented alternatives. It was a conference of ideas, a conference of ideals.

It produced, through "Rap's" recruitment, a number of leaders across this state. I can't mention all but want to mention a few: As county executives, people that "Rap"

recruited to the Assembly that went on to serve in the capacity of county executive, Bob Gaffney in Suffolk and Bob King in Monroe.

In the United States Congress, Dan Frisa, one that was brought into state government by "Rap" Rappleyea, and, of course, Bill Paxon, recruited by "Rap" to run for the Assembly, and one who has become a genuine leader in his own right in the United States Congress in this last year, and because of "Rap" Rappleyea, these people have been serving in extremely important capacities.

In his own body, I count at least nine that served, recruited, worked with "Rap" as his -- during his tenure as Minority Leader: Senators Kuhl, Spano, Holland, Sears, Larkin, Saland, Hoblock, Leibell and myself, who are are serving here because of what we learned from "Rap" Rappleyea.

Ladies and gentlemen of this Conference, I could think of no greater honor than to serve as "Rap" Rappleyea's deputy during a very trying time for our Conference, and I can

tell you whatever position I hold that certainly is one that, in my memory, will be one that I will hold with great, great distinction because not of what I did but because who I served under:

A leader, a mentor, a tremendous advocate, the most formidable of adversaries, and the best friend anyone could have: "Rap" Rappleyea. My honor to stand here before our leader and my honor to second his nomination.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Nozzolio.

Senator Libous.

SENATOR LIBOUS: Thank you, Madam President.

I, too, rise to second this nomination and I'm not going to stand before you and have to talk about "Rap's" qualifications because I don't think there's a person in this chamber who would question his leadership abilities to take on his new post; but rather I'd like to kind of pick up where my colleague,

Jim Seward, left off and talk a little bit about what I will say with some mixed emotions and how I think the people of Central New York are not supposed to hear, working with "Rap" every day, but his constituents are really going to miss him.

You know, "Rap" is not only a warm-hearted person but, when you're with him in the district and you watch him interact with his constituents, they call him family. He's not the Assemblyman, and he's not just "Rap". He's family, and that style is something, "Rap", that I don't think anyone is going to be able to replace, and that's genuine. That comes from within, and, ladies and gentlemen of this chamber, I would be remiss if I didn't tell one or two "Rap" stories.

I can remember my first try at winning the Senate seat back in 1988, and I'd be going through Chenango County and introducing myself, I'd say, "Hi, I'm Tom Libous. I want to be your next Senator," and people would say, "That's nice. What's 'Rap' say about it?" I'd

say, "'Rap's' supporting me," and they'd say, "Well, that's good enough for me," and that's a true story, and that's certainly the kind of warmth and respect you got from those people.

But I can remember the time when I was elected and was here in this chamber and in 1989 in March we had a fight about low level radioactive waste, and "Rap", Jim Seward and myself, he said, "Come on, we've got to go back to the district; we've got some problems. We got to let the people know we're on top of this issue." He said, "The meeting is in about an hour." I said, " 'Rap', how are we going to get there?" He said, "We're going to take the chopper."

So we're up in the state helicopter, and we're up in the air and it's making a lot of noise and after about 15 minutes, I said, "Is this thing going to stay in the air?" and he said, "Don't worry about it. If it doesn't, we'll only get to the meeting a little bit earlier."

So he's always there and to do

what's right for his constituents. "Rap", I'm certainly going to miss you as one who also serves as your Senator, and I have mixed feelings not only because of your personal warmth, and I keep repeating that because I don't think anybody can imitate or duplicate it, but I'm also concerned. Does this mean the end of the lobster fest?

"Rap", I'm proud to stand before this body and second your nomination.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Madam President, I also do want to stand up to second the nomination -- the nomination of Mr. Rappleyea. It might sound strange, but let me tell you I just heard the news and that is that the 55 Republican Assemblymen are preparing a picket line with big signs saying "We hate to see you go." That information was given to me.

But anyway what I want to say is the following: I have not been a very close, close friend of "Rap" like my other colleagues from the other side have been, but I have gotten

to know the man, and I have been very impressed not only -- not only because of his demonstrated leadership within his party, but have been most impressed because of the nature of the man.

He is a delightful person. I think that he is -- he's a -- he's been able to achieve so highly because he does have true genuine respect for human beings, and stature of the person is what we call little people or whether it be the person who is very high influential people, he deals with every single human being, I've witnessed, exactly in the same fashion, respecting the dignity, reaching out sincerely, and those are qualities that all of us treasure.

But for me, as far as I'm concerned, I say New York State is gaining an excellent public servant, and we're losing a great guy in the -- in the Assembly. But it's been a privilege knowing the man.

Thank you, Mr. President.

THE PRESIDENT: Thank you, Senator.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

I rise to second the nomination of "Rap".

"Rap", you know, we're really losing a great leader. Actually, he has a disproportionate number on this side of the aisle which he's already led as Senator Nozzolio ticked them off, but what a leader you have been to the state, speaking out on issues that were so very, very important not only to our party but to our state, and a person that is generally loved by all his members.

When you have to lead, you don't always make a lot of friends, but "Rap" has not only gained the respect and admiration, but affection of all of the people that he's worked with and served. I consider him a good friend. You know, it was just yesterday, we confirmed Tony Casale, and I guess Tony and "Rap" and myself have something in common. We all went to Albany State, and "Rap" and I were of the same

vintage, Tony a little bit later, but you can see a lot of great people came from there, "Rap", and we're very, very proud of you, and I know the University is proud of you, and this Legislature is never going to be quite the same without you.

I wish you well. You're a great guy, and it's nice to see good guys win, and all the best to you.

THE PRESIDENT: Thank you. Senator Hannon.

SENATOR HANNON: Yes, Madam President.

This appointment for confirmation this afternoon is certainly illustrative of some of the things that "Rap" did for this state, with new members of the Correction Commission, the Adirondack Park Agency, the MTA, the Public Health Council.

As Minority Leader, he really thought that the best thing to do was to fight on the field of ideas and has kept at those ideas through the governmental field and the

political field, encouraging so many of us to become active, to become knowledgeable, to become vocal, giving us much of our lead at a time when it didn't seem there was any chance of making those changes.

Through this Majority in the Senate and through this new administration, he can actually be said to be the progenitor of all of these ideas and all of this change. So his great stories that we could go on forever, the great personal traits, the patience, the perseverance, the totally unique language that somehow between here and Norwich came to mark much of our political doings, never again will we have a "lame duck pay raise because of that shallow water" quote.

It's -- but it's pretty unique, I think, that the position he's going to is a challenging area, one where he's uniquely qualified, one that will affect every resident in the entire state, one that's going through a process of change. It's not only a real, but a symbolic metaphor for what's taken place before;

so not only thank you for all that you've done for all of us, all the people of the state, my good wishes to continue to do that for all the people of this state.

Thank you.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

It's my honor to rise this afternoon in support of "Rap" Rappleyea. I had the occasion to first meet "Rap" when I made my -- one of my first travels to the Capitol as a county official with "Rap's" friend Ken Chesebro, who served ten years with "Rap".

I've also had the privilege of spending several nights at a hunting camp with our good friend, Bob Nortz, in the North Country and walking through the woods with "Rap". I think, when you're describing "Rap", you best describe him as the common man who's brought common sense to his leadership in the Assembly and brought a lot of common sense to what's occurred to this state during that tenure.

He's certainly not a common man in terms of his abilities and what he brings to this appointment to chair the Power Authority. My colleague, Senator Nozzolio, earlier indicated the many individuals who started out in that Conference who have gone on to further responsible public office and leadership positions.

He failed to recognize one individual that we're willing to recognize now who was "Rap's" leader, and that was our Governor, Governor Pataki, and if you look at many of the policies that are being implemented this year as the new administration takes hold as we move ahead through the budget and the policies that are now going into place in this state, many of those policy changes had their very origin within the Minority program under the leadership of "Rap" Rappleyea.

That's part of the legacy he leaves all of us and, if you take time to look around this chamber in the gallery and on the floor, you will find not only colleagues, but

individuals in office in the administration, individuals serving in staff positions, be it in the Senate or the Assembly, all of whom began their careers working for "Rap" Rappleyea.

That's all part of the legacy that "Rap" will leave this Legislature and leave this state, and that's a very big legacy that we can all be very proud of.

I have the opportunity to represent two of the Power Authority facilities within my district, and I truly look forward to the leadership and the guidance and the direction "Rap" is going to bring to that agency. I think just as he has to date served the people of this state extremely well, he will continue to do that in his new leadership with the Power Authority.

I, too, am very pleased with the Governor's nomination of "Rap". I don't think he could find a better individual to serve in this capacity or a better individual to serve the people of this state. It's, again, for two days in a row a pleasure to have a friend in the

gallery taking on additional responsibilities and to be able to vote "yes" on their confirmation.

"Rap", good luck and best wishes.

THE PRESIDENT: Thank you, Senator Wright.

Senator Goodman.

SENATOR GOODMAN: Madam President, the departure of "Rap" Rappleyea from the legislative process is really like thinking about Schweppe's without the Schweppervescence. "Rap" is such a unique personality, such a treasure, if I may "Rap"sodize for a moment, that it really is almost impossible to imagine this place functioning as it has with its collegiality and good spirit without the master racing car driver, the wonderfully astute budget analyzer, the great companion and friend and confidante from time to time, in matters ranging across the spectrum of human concerns.

In short, Madam President, he is one in a trillion. I can not imagine ever

finding anyone who would come this way again who has either his dimensions literally or figuratively, or his weightiness of stature, and I'd just like to say, "Rap", that I could go on and on, but many other speakers wish to be heard and they do have some deadlines, so I'll simply subside by saying we will not miss you because, if you don't come around frequently, well, we shall move to impeach you. Very good luck.

THE PRESIDENT: Thank you.

Senator Leibell.

SENATOR LEIBELL: Madam President. I think, "Rap", this is a little bit like saying grace after meals. There's probably not a great deal left to say, but I didn't want to pass up the opportunity to stand and comment and join my colleagues, especially those who served with you as leader, because as Mike Nozzolio noted, I came in with Mike and you were chairman of our political arm back in '82 when we first came in, and you cared for us, nurtured us and groomed us from that day in 1982 all the way up to the present.

At the Energy Committee meeting, the chairman asked if I had any questions of you and, as I noted then, you've been answering my questions for over 13 years now.

Now, we have been truly blessed in this state to have someone like Clarence Rappleyea who could lead not only our Conference in the Assembly but offer his knowledge and spirit to all of the people of the state of New York. It's not too grand to say that, as we look at the people who's busts and pictures adorn the walls of this Capitol, that Clarence Rappleyea's will almost certainly -- will definitely be there some day.

Clarence Rappleyea has been a brilliant legislator. He has defined for so many of us what a public servant is supposed to be. He is someone who has clearly, by his own strength, altered the course of political history in the state of New York.

I'm pleased to have served under Clarence Rappleyea, to have called him "leader", to have called him "friend" and to be here today

to second his nomination.

Thank you, Madam President.

THE PRESIDENT: Thank you.

Senator Saland.

SENATOR SALAND: Madam President, I rise with probably virtually every member of this house to commend the Governor on his wisdom in selecting "Rap".

When I first came into the Legislature as a member of the Assembly, "Rap" sat right alongside of me. For me it was a rather trying time, not because I was sitting alongside "Rap" but because I had just come up in a special election and he was certainly an extraordinary comfort to me. The wisdom, his sage advice, was greatly appreciated, but all of us will pass through these legislative offices and few of us will have the opportunity to do the kinds of things that "Rap" has done.

Through his leadership, and I served under him as leader longer than anybody who I've served under, he has been a presence, a force to be reckoned with, and he talked on

literally Lord knows how many occasions when I served with him when he was my leader, about the "band of gorillas", his rugged "band of gorillas" that, pound for pound, gave perhaps the most extraordinary account of themselves than any -- of any Conference in any house in any of these 50 states.

He was a man who -- he is a man who is known by not merely his own character, his own presence, but -- and I never mentioned this too often -- on the many occasions I had to be in his office, I had a sense of this renaissance man. I saw the pictures of you, I think it was Roy referred to your racing cars. I knew you were an athlete, I knew you were obviously a Cornell graduate, all these things just a cut above, and all these things that spoke so well of you.

It was my honor to have called you "leader". It was my honor to have served under you, for you to have been my boss, and I'm sure the people of the state of New York will have the good fortune of your wisdom and your

ability. God bless you, "Rap".

THE PRESIDENT: Thank you.

Senator Volker.

SENATOR VOLKER: Yes, Madam President.

I rise, and just thinking as I was sitting here, it's really hard to believe how time has flown by. "Rap", Guy Velella, Charlie Cook, just trying to figure who was part of our class. I came along with you and those members that are here to the Assembly some 23 years ago. We represented the largest freshman class in the history of the Legislature up until that time. We were under a Republican Governor then, although as some people said, you wouldn't have known it. We had a few little problems in those days and, in fact, at times we were considered, at that time -- and Steve mentioned about being obstreperous -- we were pretty obstreperous at that time ourselves even though we -- we were of the same party of the then governor.

"Rap", and for those who are not

used to this Capitol would see all the people around here, what I think they probably don't realize is that an awful lot of the people around here are just people who are staff and their legislators, but they're friends of "Rap" and they're here because he is, without question, one of the most respected and liked men that I think I have ever met in this Capitol, and I've seen many in the 23 years that I've been here myself and the 22 years that my father was here before me.

As my good friend, John Daly, now Transportation Commissioner, and another member of our class who asked me to say to you, "Rap", that he feels like I do and that is that I breathe much better knowing that you are going to be the head of the Power Authority. Those of us who have labored in energy, in my prior life as I say as chairman of energy, and John Daly and myself who have worked so long as far as power issues, we feel much better knowing that you're going to be there with your experience and knowledge to make sure that the Power

Authority acts in a way, I think, that will benefit the people, all the people of this state.

But more personally, you have been a good friend of mine, I think a good friend of everyone who ever served with you, Republican or Democrat, and we will certainly miss you, but we know that your passing means that one of the truly great leaders of the New York State Legislature has been with us and you'll continue to be with us as chairman of the Power Authority.

Godspeed and my best to you in the future.

THE PRESIDENT: Thank you, Senator Volker.

Senator Smith.

SENATOR SMITH: Thank you, Madam President.

I am honored to join with my colleagues in supporting the nomination of a man whom I've often heard referred to as a giant of a man, a man who is both strong and yet gentle,

a man who has brought dignity and distinction to the role of Assembly Republican Minority Leader, a man who has worked with all sectors of this wonderful state.

I will never forget that "Rap" has always taken the time to participate in the activities of the Black and Puerto Rican Legislative Caucus, even when it wasn't popular. "Rap", I thank you for all that you've done as a legislator, and I am confident that, as a trustee of the Power Authority, you'll make an even greater contribution to the people of the state of New York.

I wish you all the best and Godspeed.

THE PRESIDENT: Thank you.

Senator Sears.

SENATOR SEARS: Thank you very much, Madam President.

Colleagues, friends, "Rap", you could be proud if you look down and see how many of us over here since you left and taught us so much are all here as former members of the

Assembly, and I want to say personally how much I respect you and all of the good, all of the gains that I have made under your leadership over there.

You know, you always said that you had been the farm team over there for the Senate for a good many years and, I guess, if you look around here today, with all of your colleagues you can certainly see that you're right, and you're probably one of the all time one liners that I have ever seen and, up until you came, I thought Neil Kelleher had that distinction, and always love to hear you talk and tell jokes.

I'll just close on this note. You said to me when I was fortunate to come over to the Senate after serving you for over nine years as the leader, and you said, "Billy, don't ever forget where you came from," and I've tried to show you that I didn't and wouldn't and never have.

Good luck, and I'm happy for you but we're not losing you, because I've got a

facility up in Marcy, one up in Massena. So we're going to be seeing a lot of each other. So good luck.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Madam President, I'd like to begin by reading just one paragraph of the very extensive biography of our good friend "Rap".

(Reading) Throughout his Assembly service, Mr. Rappleyea has been a strong advocate of fiscal reform including reduction of state borrowing, lower taxes and restraint of state spending, his long advocated reforms such as revenue forecasting and extensions to eliminate waste in government.

"Rap", I don't know whether we plagiarized that from you for the Conservative Party state platform, but it certainly was a forerunner for the programs of Governor George Pataki.

In my former life as state director of the Conservative Party and then state chairman, there was nobody that took more

care and patience to work with me than "Rap" Rappleyea, taking care of his Assembly members' checks and making sure that there was a close cooperative effort between the two parties, the programs, the reforms that he has so long advocated which led to the close relationship that ultimately culminated in, I believe, the change of government for New York State, and it's not ironic but appropriate that that same change in government should now lead to "Rap" Rappleyea leaving the house that I believe he loved so much and going to another phase of leadership in government.

"Rap" was always a good friend, always very patient, always smiling and in the face of adversity, and we all know that in that other house he faced a great deal of that at times, and yet he always overcame it in one way or another.

So again, "Rap", it was a pleasure knowing you. I thank you for all your advice and counsel over the years. Good luck to you and your family. Our state will be

enrichened by you.

Thank you.

THE PRESIDENT: Thank you, Senator Maltese.

Senator Velella.

SENATOR VELELLA: Thank you, Madam President.

It's a little bit with a sad heart, I think, "Rap", you're the last member of our class to be leaving the Assembly, the class that came in there in 1972, 16 Republican fresh men and 80 Republican -- Republican Assemblymen. That's when the house was really running good, and we controlled it the last time.

But certainly let me say that "Rap" has been a good leader. I served under him or with him for ten years in that house, and not only a strong and effective leader but a good solid friend. Probably the worst nightmare that any one of us ever, anyone that serves in public office, happened to me when I lost in 1983, and I lost my Assembly seat.

The first call was from "Rap"

Rappleyea, and he said, "Guy, you won't be with us as a member, but you need anything you're on our team. I don't know what's going to be happening because I'll be the Minority Leader, but you need anything, whatever you want, you're here, we want you on our team."

There aren't many people out there in politics that did that for you when you've lost an election. Everybody's our friend when we're winning, but when we're over with elections and out of office, you don't find many people like "Rap" who will stand up, remember their friends, and he's always been there for all of us who have served in the Assembly.

"Rap", it's a new career. I know you're going to be -- you probably have a little bit of mixed emotions leaving the Legislature, but certainly you're going to make us all proud as you have in the past. Good luck.

THE PRESIDENT: Thank you. Senator Stachowski.

SENATOR STACHOWSKI: Madam President, I'm glad I get a chance to rise and

talk about "Rap" Rappleyea. He's been a good friend since I've been here, always has time to say Hello, small talk. When I first got here, as a Democratic Senator, I had the opportunity to be on the fringe of a couple of his fund raisers, so to speak. I would go to the Holy Cross/Army game, and they would welcome me into their party because it turned out to be the Assembly's fund raiser three years in a row, and I was always welcome, and I can never thank him enough for that. Made me feel welcome, comfortable.

It's a pleasure to not only stand up and support him, but also to get the opportunity to vote for him. I noticed that Wayne Jackson is taking the roll call of all the Minority members that are here, and I think he's going to provide you a list that didn't bother to show up, so you can pass it on to your successor. But I think that most of your people are here, and I'm sure that they are here not to make sure that you're leaving but to show that they're one-eyeing you too, and if we let them

speak, they would all speak much longer than we would, and I wish you well in your new endeavor.

THE PRESIDENT: Thank you.

Senator Larkin.

SENATOR LARKIN: Madam President, it's a real honor to second the nomination of "Rap" Rappleyea. I first met "Rap" in 1988 when he came down for my first time in the Assembly. There was a good crowd there, and he brought me over in the corner, and he said, "I see you've had two cups of coffee and two doughnuts. Don't ever let me see you again, at this time in the morning, in this caucus again. I want to see you out looking for votes."

Senator, we have that example. I don't see too many -- the only one left from that group is -- where is he, poor George Winner? Where is he hiding? Tony Casale too. But "Rap" set a good example. I don't care if it was morning, noon, or night, Monday to Friday he'd come to your district. He was available to every member, not just the senior members, the freshman members. He didn't care what it was

but he set an example because he started things called Program Committees, Steering Committees. And what did he do? He wanted to get the pulse of the people and make sure that Minority members weren't just Minority members. They were members that reached out to the public to make sure that what we were alluding to was what the people were saying in our respective districts.

He was conscious of what went on. You know, people have talked here, oh, a couple of hours, "Rap", about the adjectives, more than I ever remember. I'm going to tell you, a leader is identified by the examples he shows. You truly are a giant of a leader. The Governor really picked someone to take on a job that needs leadership.

Wherever you've been, there's 16 members in this house that served with you, clearly an indication that you helped them in moving them along, and I look forward to the days that we'll be working with you in the future, because the Power Authority now has a

new power in control.

Congratulations, "Rap". You truly deserve it.

THE PRESIDENT: Thank you.

Senator Marchi.

SENATOR MARCHI: Madam President, I couldn't help but observe as this drama was unfolding, and Senator Goodman made reference to "Rap"sodic oratory and hyperbolic oratory, and what prompts this? And I just wonder if people who perhaps are not here on a consistent basis or occasional visitors, just what they make of all this.

Well, it reflects -- it reflects the feelings of so many people who, in close concert, have to undergo a very severe discipline, if positive results are going to follow from this collegial effort, and this has been the hallmark of "Rap". Parochial pride, I mentioned this at the meeting of the Finance Committee, that he studied on Staten Island at Wagner College and he continues to serve on the board of directors. That point of service.

But beyond that, what distinguishes the leader from the membership generally? I've been here almost 40 years and you see this pattern. What their -- what distinguishes "Rap" and Senator Bruno and people who have carried heavy burdens and, "Rap", you have done it so well, what distinguishes is the structural contribution that -- that you have to respond to.

We respond to our best instincts, our most informed point of view, a willingness to accept the give and take of earnest debate and dialogue, but the leader has to go a bit further and has to lift the horizon and give - reflect the mosaic. All the comments that have been made here today compose a mosaic that's you, Clarence Rappleyea, and it's a glor... it's a wonderful picture that we see, one that augurs well, and certainly tells us that the best is yet to come, because there is great service and you're a young and vigorous man, and that leadership will be felt.

But you have made an indelible

contribution to the structural aspects of the Legislature, and we take great pride. New York is still the Empire State and you're one of the figures in these two centuries of existence that have given so much and so generously of yourself and responded to the responsibilities that go with leadership.

God bless you and all the best.

THE PRESIDENT: Senator Hoblock.

SENATOR HOBLOCK: Thank you, Madam President.

I also rise with a great deal of pride to join with my colleagues in seconding the nomination and voting confirmation of a good friend, "Rap", in his new position, and I think the assemblage here today of so many of "Rap's" colleagues and friends and all those that feel they are drawn to their feet to say something about "Rap" is a tribute to the man himself, and you know, I guess, "Rap", it's pretty nice that we say these things while you're still here. Usually have some of these comments are reserved for eulogies.

But "Rap" is shifting to another career, and I think his strength of integrity and his affable personality has brought the leadership to our party in the other house that it so sorely needed during those very important times, and I think that it cannot be stressed enough, as has been mentioned by several members here, of the impact that "Rap's" leadership and his direction of public policy has had on this state.

You know, he instilled that work ethic in his staff that produced so many important documents, so many important position papers that were of benefit to everyone across this state. I can speak from experience of ten years in local government, calling upon "Rap" and members of his staff for assistance and direction and advice on so many public policy matters, and they had this matter in the detail and the answers at their fingertips because they were dedicated to being that advocate, to being what was necessary to put this state in the right direction.

"Rap", you've contributed greatly to the government of this state in your leadership position. I think, again, all of us that are here recognize that. We know that you're going to contribute greatly in your new position. I'm happy for you because you've made that shift. I'm happy for you because you've changed direction. I'm sad because you are leaving here, because I would no longer have one of the many mentors I've really come to respect and admire; but we all wish you the very best and Godspeed.

THE PRESIDENT: Senator DiCarlo? Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

"Rap", I'm delighted to rise in support of your nomination. You know, someone asked me the other day, "Well, what's "Rap" know about power?" And I said, "Well, I've learned something in the last five months. When you're Minority Leader, you learn something about power," not necessarily pleasant ones, but you

learn something just about every five minutes every day here in Albany, and I admit there's some conflict.

I mean if this is such a great job as counsel would have it be, I think it's perfectly appropriate for a Minority Leader who decides to move on, it sounds quite appropriate.

But, in all seriousness, as I told someone in the press last week, I can't think of anyone that I know of who is better qualified for a position of trust and responsibility such as this. "Rap" has been - always been a cordial and collegial colleague since I've become Minority Leader. He, of course, being the senior leader on our team here in Albany, was of great help to us, to me personally.

Back when we were invited to the meetings, "Rap" and I were conspiring actually, you know, as we listened to the two, the leaders in the two majorities, and the Governor negotiate, we were going to co-author a book, and then they changed the process. I guess

they were worried about the book we were going to write.

But the fact of the matter is that "Rap" has, Madam President, one of the most impressive resume's, one of the most diverse resume's. He's in many respects a renaissance man, and he's a fine driver. He's slow but sure, and I never realized -- I really never realized that Norwich was 20 minutes from Albany, but (Laughter) -- the fact is that "Rap" assures me that's about all it is.

The -- I think the Governor is to be congratulated for this fine appointment. I know all of us in both parties in both houses are just absolutely delighted when we wish "Rap" the best of everything. We know he'll be a great success in this new role.

Thank you.

THE PRESIDENT: Thank you. Senator Rath.

SENATOR RATH: Thank you, Madam President.

I rise with my colleagues to

second "Rap's" nomination. I have always felt like my education was somehow under-privileged never having served in the Assembly with you, "Rap". However, my good colleague and friend, Tom Reynolds, surely brought a lot of informa tion back to Erie County, sent it back because he knew we needed the kind of message that you were delivering here through the Assembly.

But what I want to say here today is that there are few people in my acquaintance through the years who have had a quintessential moment surround them, and I think the day that the Governor was inaugurated, that kind of a moment happens when you, "Rap", really hear America singing because we knew that you had that song in your heart, and the whole audience and indeed all of New York State heard your sincerity, your dedication and your wisdom.

Today your colleagues and your friends have told you that they have heard your song and your message through the years that you have led them. What a compliment to be taking as you conclude your years here in the state

Assembly.

As you leave, you take up a very large challenge and you leave us with a large challenge, particularly on the Assembly side, but -- all of us who have looked to you for your wisdom, but if you look very carefully you may hear in the very near future that New York State will be singing the song that you know it should be singing.

Thanks for all your good work.

THE PRESIDENT: Thank you, Senator.

Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

We are here today confirming an individual who has a rare combination of skills. He was articulate and perceptive. He was dynamic and certainly outspoken and may have been somewhat under-utilized in the Legislature, and certainly his full commitment and his full contributions to the state may inure to our greatest benefit in his new position on the

Power Authority.

He is as at home in the Legislature as he is among all types of people and persuasions, and the geographic location does not seem to change his commitment. I've had only very few associations with him, but always ones that I remembered. He is the kind of person that goes out of his way to say hello to everyone, regardless what value he would assess to the individual's worth here in the Legislature.

And so at a time like this, I would only hope that this would be a good lesson for all of us and a real role model for those of us who still work in the Legislature to aspire to, and that he will take all of the experience here and give it his best, which is a level that very few can achieve, in his new position, heading the Power Authority.

Thank you.

THE PRESIDENT: Thank you, Senator Paterson.

Is there any other Senator who

wishes to speak?

(There was no response.)

The question is on the confirmation of Clarence Rappleyea as Trustee of the Power Authority of the state of New York.

All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Clarence Rappleyea is hereby confirmed as Trustee of the Power Authority of the state of New York.

(Standing ovation)

THE PRESIDENT: Senator Bruno, we have some motions here at the desk.

SENATOR BRUNO: Is there some housekeeping needs to be done at the desk?

THE PRESIDENT: Yes, there is.

SENATOR BRUNO: Can we do those now, Madam President.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Madam President,

on behalf of Senator LaValle, on Supplemental Calendar page number 4, I offer the following amendments to Calendar 1558, Senate Print 5428A, and I ask that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Amendments received.

SENATOR FARLEY: On behalf of Senator Cook, on supplemental page number 4, Calendar Number 1559, Senate Print 5435A, I offer the following amendments and I ask that that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: Amendments received.

Senator Bruno, do you have a Conference for now?

SENATOR DOLLINGER: Madam President, may we be recognized?

SENATOR BRUNO: Can we just continue with the confirmations, Madam President.

SENATOR DOLLINGER: Madam

President, could we be recognized?

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Could Senator Jones and I be recognized ever so briefly, and I'd ask unanimous consent to be recorded in the negative on Calendar 755.

THE PRESIDENT: Without objection. Without objection.

SENATOR JONES: The same.

THE PRESIDENT: Without objection.

Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Timothy H. Cowin, of Syracuse, member of the state Commission of Correction.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I'm proud to rise to move the nomination of Timothy Cowin. Tim is from a place called Syracuse, New

York, that is near and dear to my heart, and he has an extremely good background in corrections. Actually he was the chief of police in the city of Syracuse under a mayor who happened to be a Democrat, which shows that he has had bipartisan support.

His abilities have been well known by all who have dealt with him. In addition, after he was appointed police chief, he ended up going to law school later in life and has a degree in law from Syracuse University. An incredible breadth of background, he's also been a member of the City Council of the city of Syracuse, so he's got legal background, he's got criminal justice background, and he also has political background which will help him in going through the morass of the legislative process as he goes through this process from time to time.

I'm very proud to rise in support of his nomination and to move the nomination for this particular position, and I would urge unanimous adoption of this particular

nomination. I just wanted to tell Tim that everyone wasn't leaving because of him, that they just happened to be here for some other individual who spent a little more time in these chambers.

THE PRESIDENT: Would any other Senator care to speak on the nomination?

SENATOR JONES: Yes, Madam President.

THE PRESIDENT: Senator Jones.

SENATOR JONES: You have a hard act to follow, Tim, so I feel as though I should stand and say something. I'm a native of Syracuse and have known -- just discovered today that Tim's family is a long-time friend of my family, and all I can say is I remember years ago my mom was a very good friend of his mother-in-law and his wife, and I remember my mother saying, Sue got a wonderful husband, so I can tell that obviously my mother was right in her judgment then, and I would guess the Governor is right in his judgment now.

Congratulations, Tim.

THE PRESIDENT: Thank you. On nomin... the question occurs on the nomination of Timothy Cowin as a member of the state Commission of Corrections. All those in favor signify by saying aye.

(Response of "Aye.")

All those opposed nay.

(There was no response.)

Timothy Cowin is hereby confirmed as a member of the state Commission of Correction.

(Applause)

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: Kathryn Osborn Roberts of Garrison, Eleanor F. Brown of Schenectady, member of the Adirondack Park Agency.

THE PRESIDENT: Senator - Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

It's with a great deal of

pleasure that I move the nomination of Eleanor Brown of Niskayuna actually, Schenectady suburb, 25-year friend and a Phi Beta Kappa graduate of Smith College, a community activist, and an environmentalist par excellence.

Eleanor is an outdoor person. She knows and loves the Adirondacks and she will bring a balanced view there that is measured and is intelligent, and she's a consensus builder. The Adirondack Park Agency, as so many of you know, has had quite a troubled past with acceptance up there, and I know it's going to be better in the years ahead, and Eleanor is going to be a terrific member of that agency and one that will really represent the people of the state of New York, and I must add that her husband is also a very dear friend of mine and one of the premier scientists in the United States, John Brown, and it is with a great deal of enthusiasm that I move the nomination of Eleanor Brown as a member of the Adirondack Park Agency.

THE PRESIDENT: Thank you,

Senator.

The question is on the confirmation of Eleanor F. Brown and Kathryn Osborn Roberts as members of the Adirondack Park Agency. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Eleanor F. Brown and Kathryn Osborn Roberts are hereby confirmed as members of the Adirondack Park Agency.

(Applause)

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: James S. Simpson, of Staten Island, Kenneth A. Caruso, Esq., of New York City, members of the Metropolitan Transportation Authority.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Madam President, I'm very pleased to urge the favorable consider

ation of this nomination of James S. Simpson. James Simpson came -- came to responsibility in the Victory Van Lines, a very successful energetic corporation and business on Staten Island, of movers, and on that basis, he built it to national and international dimensions. They have representatives and agents in 70 different countries -- 50 different countries, and has been recognized by innumerable organizations for his leadership and his excellence, entrepreneurial excellence, which should serve him well as a member of the MTA.

He serves on charitable boards, cultural activities, has published a number of seminal articles on various subjects and -- that have been given prominence. I have every reason to believe that he will give a good account of himself and will enrich the deliberations of the -- of the board when he is confirmed here today.

THE PRESIDENT: Thank you, Senator Marchi.

Senator DiCarlo.

SENATOR DiCARLO: Thank you very much, Madam President.

It is a pleasure to rise and second the nomination of James Simpson to the MTA Board. I've known Jim for a number of years and he is an excellent choice by the Governor. He is a successful businessman, a proud resident of Staten Island, and it is with great pleasure that I say to you that he will make, again, an excellent, and he is an excellent choice and the Governor should be proud and Staten Islanders are also proud.

Congratulations.

THE PRESIDENT: Thank you. The question is on the confirmation of James Simpson and Kenneth Caruso as members of the Metropolitan Transportation Authority. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed no.

(There was no response.)

James S. Simpson and Kenneth A.

Caruso are hereby confirmed as members of the Metropolitan Transportation Authority.

(Applause)

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations: Carlos Roberto Jaen, M.D., of Snyder, Francis J. Serbaroli, of East Hampton, members of the Public Health Board.

THE PRESIDENT: Senator Hannon.

SENATOR HANNON: Yes, Madam President. I would like to move these -- move these nominations of Francis J. Serbaroli, who is a partner in a New York City firm. Has many experience -- has many years of experience in the field of health care, initially served after graduation from a very great law school, Fordham Law School which happens to be my alma mater, as an Assistant Attorney General for the New York State Department of Law, and then he was a gen eral counsel for two large teaching hospitals, entered private practice in '86.

In addition to being a

practitioner in the field, he writes a regular health law column for the New York State Law Journal and has a wide range of experience and active participation in different parts of the health care field and would make an excellent and qualified addition to the Public Health Council.

Dr. Jaen is a physician in Erie County. He was the director of the Center for Urban Research in primary care, which is part of the Department of Family Medicine at the University of Buffalo, and he was a practicing physician at the Niagara Family Health Center.

The other night, when we were not able to get him here for interviews with the committee earlier, it was because he was at the clinic in practice that evening.

He has a number of professor ships at the University of Buffalo in regard to the Department of Social and Preventive Medicine, Family Medicine, Family Development and Research Working Group, and of many -- a long list of professional activities. He

currently, for the last few years, has been the coordinator of the Disease and Prevention Module of the Family Clerkship in Family Medicine. Another fine addition to the Public Health Council, outstanding and qualified.

THE PRESIDENT: Thank you, Senator Hannon.

The question is on the confirmations.

SENATOR DOLLINGER: Madam President.

THE PRESIDENT: Oh, I'm sorry, Senator Dollinger, I didn't see you.

SENATOR DOLLINGER: I just rise to second the nominations that are put forward by the chairman of the Health Committee. These nominees are exceptional candidates for these positions. I think they will make significant contributions to New York State and to the health of this state, and I want to again, although it's getting somewhat repetitious although a bit unlikely coming from me, commend the Governor for adding these people to the

Public Health Council.

I think they'll make a very significant continuing contribution, and I'd also like to thank the chairman of the Health Committee and his staff for the courtesies extended us on this side of the aisle respect to these nominees.

THE PRESIDENT: Thank you, Senator Dollinger.

The question is on the confirmations of Roberto -- or Carlos Roberto Jaen, M.D., and Francis J. Serbaroli as members of the Public Health Council. All those in favor, please signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Dr. Carlos Roberto Jaen and Francis J. Serbaroli are hereby confirmed as members of the Public Health Council.

(Applause)

The Secretary will read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following nomination: Thomas J. Sinatra, M.D., of Neponsit, as a member of the New York State Hospital Review and Planning Council.

THE PRESIDENT: Senator Hannon.

SENATOR HANNON: Madam President, I'd like to move the reappointment of Dr. Sinatra to the State Hospital Review and Planning Council. Dr. Sinatra has served on this Council since 1990. He is practicing in the city of New York, although he's retired from an active practice in May of 1993, but he continues as a medical director of a New York shipping association.

He has his medical education from New York University at Bellevue, interned at Kings County Hospital, and has been quite active in the Medical Society in the borough of Kings. He has served on the -- this very important body planning for health care in this state with distinction, and I feel that he should be renominated.

THE PRESIDENT: Thank you,

Senator Hannon.

The question is on the confirmation of Dr. Thomas J. Sinatra as a member of the New York State Hospital Review and Planning Council.

All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Dr. Thomas J. Sinatra is hereby confirmed as a member of the New York State Hospital Review and Planning Council.

(Applause)

The Secretary will read.

SENATOR BRUNO: Madam President.

THE PRESIDENT: Yes, Senator Bruno.

SENATOR BRUNO: We ask an immediate meeting of the Rules Committee in Room 332.

THE PRESIDENT: There will be an immediate meeting of the Rules Committee in Room

332.

ACTING PRESIDENT MALTESE: Senator Oppenheimer, why do you rise?

SENATOR OPPENHEIMER: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Number 755.

ACTING PRESIDENT MALTESE: Without objection.

SENATOR NANULA: Mr. President.

ACTING PRESIDENT MALTESE: Senator Nanula, why do you rise?

SENATOR NANULA: I'd like to ask unanimous consent to be recorded in the negative on Calendar Number 755.

ACTING PRESIDENT MALTESE: Without objection.

SENATOR NANULA: Thank you.

ACTING PRESIDENT MALTESE: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Calendar Number 953.

ACTING PRESIDENT MALTESE: The Secretary will read.

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

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MALTESE: Yes, there is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT MALTESE: All those in favor of accepting the message, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. Read the last section.

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

ACTING PRESIDENT MALTESE: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT MALTESE: The bill is passed.

SENATOR BRUNO: Mr. President, can we call up Calendar Number 1262.

ACTING PRESIDENT MALTESE: The Secretary will read.

THE SECRETARY: Calendar Number 1262, by Senator Kuhl, Senate Print 5087B, an act to amend the Retirement and Social Security Law, in relation to authorizing the Keuka Lake Watershed Improvement Cooperative.

ACTING PRESIDENT MALTESE: Senator Bruno.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MALTESE: There is.

SENATOR BRUNO: I move we accept the message.

ACTING PRESIDENT MALTESE: All

those in favor of accepting the message signify by saying aye.

((Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

ACTING PRESIDENT MALTESE: Read the last section.

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

ACTING PRESIDENT MALTESE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT MALTESE: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Call up Number 1411, Mr. President.

ACTING PRESIDENT MALTESE: The Secretary will read.

THE SECRETARY: Calendar Number 1411, by Senator Nozzolio, Senate Print 3982A,

an act to amend the Vehicle and Traffic Law, in relation to authorizing a residential parking system.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MALTESE: Yes, there is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT MALTESE: All those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. Read the last section.

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

ACTING PRESIDENT MALTESE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT MALTESE: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Can we call up Calendar Number 1460, Mr. President.

ACTING PRESIDENT MALTESE: Secretary will read.

THE SECRETARY: Calendar Number 1460, by the Senate Committee on Rules, Senate Print 5416A, an act to amend the Tax Law and Chapter 272 of the Laws of 1991.

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MALTESE: Yes, there is.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT MALTESE: All those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. Read the last section.

THE SECRETARY: Section 31. This act shall take effect immediately.

ACTING PRESIDENT MALTESE: Call the roll.

THE SECRETARY: Ayes 57.

ACTING PRESIDENT MALTESE: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we now call up Calendar Number 1480.

ACTING PRESIDENT MALTESE: The Secretary will read.

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

SENATOR BRUNO: Is there a message at the desk?

ACTING PRESIDENT MALTESE: Yes, there is.

SENATOR BRUNO: Move we accept

the message.

ACTING PRESIDENT MALTESE: All those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. Read the last section.

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

ACTING PRESIDENT MALTESE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT MALTESE: The bill is passed.

SENATOR BRUNO: Mr. President, can we now call up Calendar Number 1554.

ACTING PRESIDENT MALTESE: The Secretary will read.

THE SECRETARY: Calendar Number 1554, by Senator Spano, Senate Print 5196C, an

act to amend the Workers' Compensation Law, in relation to permitting the establishment of an alternative dispute resolution system.

SENATOR BRUNO: I believe a message is at the desk.

ACTING PRESIDENT MALTESE: There is a message at the desk.

SENATOR BRUNO: Move we accept it.

ACTING PRESIDENT MALTESE: All those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. Read the last section.

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

ACTING PRESIDENT MALTESE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT MALTESE: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Can we now call up Calendar Number 1562.

ACTING PRESIDENT MALTESE: The Secretary will read.

THE SECRETARY: Calendar Number 1562, by Senator Spano, Senate Print 5456A, an act to amend the Labor Law and others, in relation to benefit amounts.

ACTING PRESIDENT MALTESE: There is a message at the desk.

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

ACTING PRESIDENT MALTESE: Yes.

SENATOR BRUNO: Move we accept the message.

ACTING PRESIDENT MALTESE: All those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

Opposed nay.

There was no response.

The message is accepted. Read the last section.

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

ACTING PRESIDENT MALTESE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT MALTESE: The bill is passed.

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

Mr. President, I believe there are three resolutions at the desk from Senator Kuhl. Can we have the titles read and move their adoption.

ACTING PRESIDENT MALTESE: Secretary will read.

THE SECRETARY: By Senator Kuhl, Legislative Resolution congratulating Jake Rogers of the Corning East LaCrosse Team upon the occasion of his selection as an All-American

by the coaches of the Section 4 LaCrosse League.

ACTING PRESIDENT MALTESE: All those in favor of adopting the resolution signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Secretary will read.

THE SECRETARY: By Senator Kuhl, Legislative Resolution congratulating the Arkport Girls' Softball Team and Coach Chris Cooper on their outstanding team and overall season records.

ACTING PRESIDENT MALTESE: All those in favor of adopting the resolution signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

The Secretary will read.

THE SECRETARY: Senator Kuhl offers the following resolution: Legislative Resolution commemorating the 75th Anniversary of Schuyler Hospital.

ACTING PRESIDENT MALTESE: All those in favor of adopting the resolution signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Bruno, we have a substitution.

SENATOR BRUNO: Substitution ordered.

ACTING PRESIDENT MALTESE: The Secretary will read.

THE SECRETARY: On page 6, Senator Goodman moves to discharge from the Committee on Rules Assembly Bill Number 7957A, and substitute it for the identical Calendar Number 936.

ACTING PRESIDENT MALTESE:

Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 936, by the Assembly Committee on Rules, Assembly Print 7957A, an act to amend Chapter 674 of the Laws of 1993.

ACTING PRESIDENT MALTESE: Read the last section.

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

ACTING PRESIDENT MALTESE: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT MALTESE: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we return to motions and resolutions, I believe there's a resolution at the desk by Senator Galiber.

ACTING PRESIDENT MALTESE: Secretary will read.

SENATOR SKELOS: Read the title and adopt the resolution.

THE SECRETARY: By Senator Galiber, Legislative Resolution commending Miss Sarah "Sadie" L. and A. Elizabeth "Bessie" Delaney for a lifetime of achievement and service to their community.

ACTING PRESIDENT MALTESE: All those in favor of adopting the resolution signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

SENATOR SKELOS: Mr. President, would you recognize Senator Santiago, please.

ACTING PRESIDENT MALTESE: Senator.

SENATOR SANTIAGO: Mr. President, I would like the record to show that if I had been in the chamber when Calendar 1088 and Calendar 1144 was voted on, I would have voted

in the negative.

ACTING PRESIDENT MALTESE: So recognized.

SENATOR SANTIAGO: Thank you.

SENATOR SKELOS: Mr. President.

Mr. President, I believe, if we could return to the reports of standing committees, there's a report of the Rules Committee at the desk and ask it be read.

ACTING PRESIDENT MALTESE: Secretary will read.

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

Senate Print 4816A, by Senator Lack, an act to amend the State Finance Law;

Senate Print 4217B, by Senator Stafford, an act authorizing the town of Dannemora, Clinton County, to discontinue use;

2748, by Senator Padavan, an act to amend the Navigation Law, in relation to wearing life preservers;

4444, by Senator Maltese, an act

to amend the Executive Law, in relation to eligibility;

4599A, by Senator DiCarlo, an act to amend the General Business Law, in relation to franchises;

4915, by Senator Galiber, an act authorizing the city of New York to reconvey its interest;

5407, by Senator Saland, an act to amend the Public Authorities Law, in relation to dormitories for students;

5422, by Senator Holland, an act to authorize the issuance of bonds by the town of Orangetown;

5459A, by Senator DeFrancisco, an act to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to increasing the number of licenses;

5460, by Senator Marchi, an act to amend the Limited Liability Company Law, the Partnership Law and the Arts and Cultural Affairs Law;

5495, by Senator Volker, an act

to authorize the Office of General Services to sell, transfer and convey;

5511, by Senator Hoblock, an act to authorize Charles C. Mackey, Jr. to transfer membership;

5512, by Senator Hoblock, an act to authorize health insurance coverage for retiree John Watkins;

5535, by Senator Waldon, an act to amend Section 1 of a chapter of the laws of 1995 as proposed in legislative bill numbers S. 4651 and Assembly 7494;

5552, by Senator Nozzolio, an act to amend the Tax Law, in relation to including additional sales tax;

Assembly 8002, by the Assembly Committee on Rules, an act to amend the Education Law, and the Public Health Law, in relation to the establishment and maintenance of current medical records; and

5557, by the Senate Committee on Rules, concurrent resolution of the Senate and Assembly proposing an amendment to Section 9.

All bills ordered directly for third reading.

ACTING PRESIDENT MALTESE: Senator Skelos.

SENATOR SKELOS: Move we accept the report.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The report is accepted.

Senator Bruno.

SENATOR BRUNO: Mr. President, I'd like to ask an immediate Republican conference in Room 332. We expect that will be about 20 minutes or so.

Thank you, Mr. President.

ACTING PRESIDENT MALTESE: An immediate meeting of the Republican Conference in Room 332. Immediate, that is.

(Whereupon at 4:50 p.m., the Senate recessed (Conference) until 5:45 p.m.)

THE PRESIDENT: The Senate will come to order, please.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time call up Calendar Number 1589?

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1589, by the Senate Committee on Rules, Senate Print 5557, concurrent resolution of the Senate and Assembly.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we recognize Senator Stafford for the purposes of voting on this bill.

THE PRESIDENT: Senator Stafford.

Read the last section, please.

Call the roll, please, on the resolution.

(The Secretary called the roll.)

THE PRESIDENT: Results.

SENATOR STAFFORD: Aye.

THE PRESIDENT: Withdraw the roll call, please.

SENATOR BRUNO: Can we withdraw the roll call, Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Can we continue with Calendar Number 1589 at this time.

THE PRESIDENT: Yes.

The Secretary will read.

THE SECRETARY: Calendar Number 1589, by the Senate Committee on Rules, Senate Print 5557A, concurrent resolution of the Senate and Assembly proposing an amendment to Section 9 of Article I of the Constitution.

SENATOR PATERSON: Explanation.

THE PRESIDENT: Senator Paterson?

(There was no response.)

Did you ask for an explanation?

SENATOR SPANO: Madam President.

THE PRESIDENT: Senator Spano, an explanation has been requested.

SENATOR SPANO: This is the

legislative resolution to allow for a constitutional amendment to legalize gambling in New York State.

It is a restricted resolution, my colleagues. It is one that would allow for games of chance in the Catskill Region, in the counties of Greene, Sullivan, and Ulster; in Niagara Falls and Buffalo, and either Saratoga or Warren Counties. It would allow for slot machines at the racetracks across New York State with the exception of the city of New York, Nassau County, and Tioga County.

There are provisions written into this legislative constitutional amendment that would require that a portion of the money raised from casino gambling would go to support, number one, the regions of the state in which the casino is located and also go towards treating people who have a problem with compulsive gambling.

As we all realize, this represents an attempt for first passage of this constitutional amendment. Second passage would

have to be the next consecutively elected legislature, which is 1997, and then it would go to all the voters across New York State for their approval, no earlier than November of 1997. So the voters all across New York State would have the first bite of the apple at that point for their decision and, if they approve of the constitutional amendment to legalize gambling in the state, there are provisions in this that would also require local referendums before a casino or before slot machines are allowed at racetracks within those municipalities across New York State.

There have been -- there has been a long debate about the whole issue of casino gambling, a debate that has really been brought to the forefront over these last couple of years by the emergence of the Indian Nation casinos. So there has been a lot of debate.

People say this is a resolution that would allow casino gambling in the state. This is not a resolution that would allow that. We have casino gambling in New York State right

now, up in Oneida, the Indian Nation. The question is, is it only the Indian Nation who would benefit from casinos or will all of the taxpayers across New York State benefit from casinos, as well?

We have seen -- and people have mentioned to us, as we present this to the voters for their approval, that our voters have already voted on casino gambling. They vote on casino gambling every time they get in their car and they go to Atlantic City or they go to Connecticut or they go to the Indian casino right in our own backyard, at Turning Stone. They've voted when they get in an airplane and go to Las Vegas. Their companies vote when they choose not to go to the Catskills for a convention but to go down to the Mississippi River or go to Atlantic City or Vegas.

The people of New York State are the third largest feeder state in our nation for casinos. So it's our people who are taking their money and their families, and we have seen total entertainment centers created around

casinos, and that's what we envision in New York State.

You will hear a debate about the ills of Atlantic City, the promises of Atlantic City, and you will not hear me stand here and make those same promises, but I will also tell you that we don't envision seeing Atlantic City style casinos in the State of New York. What we envision is to see the Catskills region of New York State, areas where we have seen hotel after hotel closing their doors and going into Chapter 11 bankruptcy, where they will have that first signal that, yes, there is a possibility that we in New York State have opened the doors and have the possibility of the casino gambling question being presented to the voters all across New York State.

This is a signal. It is a signal that needs to go out that the members of this Majority recognize that this is an issue -- that while some people may have some very legitimate concerns, and many people do, about the issue of casinos, this is a question of first passage.

We need to have second passage, and then this is only passage to give this proposal to the voters for their approval or disapproval.

A lot of people like to talk about initiative and referendum. This is, in fact, initiative and referendum. This is, in fact, us saying to the taxpayers in New York State, "We recognize that you are the people that should have the final approval of whether or not we should establish casinos."

There will be a lot of talk about the emergence of organized crime, and that's a serious question. We shouldn't ignore it. We should not ignore the question of organized crime at all, but I will submit this to you. The only people benefiting right now in New York State is organized crime. Look at how many casinos are even operating in the city of New York. Look at how many bingo parlors that we hear about in the city of New York, that if you go to a certain door and you go in the back room, and there's slot machines there. Who do you think is making a profit from those? It's

organized crime.

With a legalized casino gambling resolution with strong, strong messages in there to keep out the bad actors, we will take the profit out of illegal gambling and take it and reinvest it into the economically distressed areas across New York State.

When we talk about Atlantic City, people will talk about how the surrounding areas of Atlantic City -- of how Atlantic City saw a real decline in their tax base. They won't talk about the fact about the people who lived in Atlantic City who were then employed by Atlantic City casinos who then moved to the surrounding areas in the suburbs of that city.

We can talk about the mayors of Atlantic City who were indicted as a result of illegal activity, and they deserve to be if they are involved in illegal activity, but when you hear of the local representatives who speak, they will talk about the jobs and the benefits for the employees that they represent, the hotel industry in and around those casinos. They talk

about the thirteen casinos in New Jersey that supplies about $2 billion of goods and services. That's a lot of jobs.

We can debate the number of jobs, and it's a tough question for anyone to stand here and people will -- at some of our hearings -- and remember that the Senate Subcommittee on Racing and Wagering had a number of hearings across New York State, hearings that members of the Minority participated in, our previous Minority Leader participated in, in the city of New York and in other areas, where we heard from many individuals, with the exception of maybe one or two, who were all in favor of taking this constitutional question and presenting it to the voters.

So this is an idea that, whether we like it or not, is one that I think we need to deal with. Whether we like the issue of casinos or not, it is one we can't afford to ignore. We're seeing the emergence of the Indian Nation casinos. We're seeing the seven Indian Nations that exist in New York with

already three casinos ready to open.

And the question is, what do we say if we don't pass this? What do we say to the people in the Catskill region? What do we say to the people in Niagara Falls and Buffalo, to the racing industry in this state that has been hurt because of the emergence of the Indian Nation casino?

We have heard from representatives of the racing industry at our hearings who said, if we do not move forward with the constitutional amendment, it will be the death knell of racing in New York State, and that was the person representing the Saratoga track.

Those are the issues that we need to be concerned about. Those are the issues that we have presented in a number of hearings where we have examined the whole impact on gambling across the nation, and we stand here today to say that we recognize that this is a resolution that does not have everything in it that everyone would like, but it's a resolution

that represents first passage of a constitutional question, and I think the people across the state have the right to answer.

THE PRESIDENT: Senator Solomon.

SENATOR SOLOMON: Thank you, Madam President.

This is an interesting bill, and I have to tell you that I had an area that was interested in casino gambling, but even if the area in my Senate District was included in this bill, I wouldn't vote for this bill.

This bill lacks control. This is an open bill that is saying "Come in here." Every state that's tried to pass casino gambling at least had a mechanism of control. The language is vague. The language is open-ended.

Where is the casino gaming commission? Where do we remove it and remove it from the legislative bodies, whether we allow the county legislature to decide where the casino is going to be or who's going to get the casino, whether it comes back to the State Legislature on numerous occasions? There is no

oversight in this bill.

How can this thing even be thought of being sold to the public? This is a bad government piece of legislation. This is a piece of legislation -- if you look at where other states have tried to do this that have been involved in casino gambling, this goes down exactly the wrong road.

Forget about the fact that an entire portion of the state has been left out of this, will have no local referendum. But I look at things where we allow one casino in one area, and we leave it up to the County Legislature to decide where it's going to be or decide all these other issues. We are passing a bill here which is a bare bones bill. It is almost just a concept.

I can't believe how anyone who believes in good government or government control in terms of trying to make sure that we have an industry that's not rife with corruption, an industry which Senator Spano just said involves billions and billions of dollars,

and there is no effort to control it here.

You are going to put something like this before the voters of this state? "Well, we're going to put casinos here, we're going to put casinos there, we're going to put casinos there," but we're not going to do anything to control it. We're not going to do anything to make it an honest operation.

You've worked so hard and so long on this. I'm sure, during those hearings, those were some of the major concerns that came up.

We've been next to New Jersey and we've seen it grapple with those problems of the casino gambling control. We've seen certain people brought up where they had to have their licenses examined, where they couldn't have more than X number of casinos under licenses, because there's big dollars involved, a lot of money.

You are talking about billions of dollars here, and you are going to ask the people to vote on something as shallow as this piece of legislation. No attempt to keep it honest? No attempt to keep out corruption?

I don't see how anyone in good conscience, even if you support casino gambling, can vote for this piece of legislation, get up on the floor and support this piece of legislation.

This is a process in one of the most important things in this state. We haven't even had a process. Those issues have not been raised on this legislation and/or the debate. I dare say, I wonder if we've spent more time on some confirmations here in this house in the last few days than we're going to do on this piece of legislation.

I'm just thinking of these racetracks where there is no limit on the number of slot machines; so we're going to have Yonkers Raceway with 4,000 slot machines, or racetracks in the middle of the state with 5,000 slot machines? There is no control. There are no limits put anywhere in this bill. It's as open-ended as can be done. It's as if you said, "How can we write a bill that's so open-ended that we'll have the Wild, Wild West?"

We don't talk about the infrastructure requirements that are required.

I have seen people gamble, and it's a disease. We have all read about the corruption. We know about it. We know states that have tried to control it; yet we feel the people in New York State are so good and the gambling interests are so clean that they are going to come in here and we don't even have to worry about oversight, because I didn't see any oversight mentioned in this bill.

And I'm not so sure it's going to create great jobs, and I'm not so sure it's going to bring the conventions to the Catskills. The fact of the matter is, people go to other areas for conventions. They don't go to Atlantic City and Las Vegas because there's gambling. Conventions go to Florida. They go to California. They go to all different parts of the country for various reasons.

And if you have been on site planning committees for conventions, in many instances gambling hasn't even come up. It's

where it's located and what time of year. Most people don't want to go to conventions in the Catskills in February. I can tell you that now. I serve on a national group, and the fact of the matter is not too many people want to go to Bismarck, North Dakota, at any time of the year, even though some people were pushing it as a convention site.

So the argument about conventions is not a solid argument. I don't know of too many groups that go to conventions -- Las Vegas has huge convention facilities, a lot of hotel rooms, and so does New York City, and that's why we do draw a lot of conventions in New York City.

The thing that really worries me is that you are actually putting a piece of legislation on the floor of this house that has no oversight provisions at all. Well, you say, "We're going to do enabling legislation"? I'm not going to vote for a piece of legislation that says, "Don't worry. We're going to take care of it later."

I think this is a poorly drawn bill. I think it speaks very poorly of the legislative process and the way it got here, and I have to tell you, if you think that this could pass in this state, telling the people, "Don't worry; we're going to have gambling; don't worry about oversight; it will be taken care of in the future," I think you are really underestimating the intelligence of the electorate out there which is concerned about how these items are going to be controlled, and I think it's - anyone who votes for this bill is making a grave mistake, even if you are going to get a, quote, "casino" in your area if this ever passes.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Madam President, I rise today to speak against this proposal. Let me give you ten reasons why I think this is a bad idea.

SENATOR LIBOUS: One is sufficient.

SENATOR DOLLINGER: What?

No, let me give you ten. I will do it like David Letterman, "the top ten list."

First of all, this bill favors some regions over other regions in the state. Rochester in Monroe County that I represent gets nothing out of this bill. What I think will happen is that the argument that is now used to justify casinos in some areas of New York State, that is, "Oh, gee, we've got to compete with Pennsylvania, we've got to compete with Connecticut, we've got to compete with the province of Ontario," ten years from now, those same arguments will be used to justify casinos -- why, my gosh, you will have one on every storefront. You will have slot machines, as they do in Las Vegas, in every men's room as you walk through Las Vegas.

Two, I agree with my colleague, Senator Solomon. There is no oversight. There is no casino control board. There's no evidence that we're going to exercise any authority over the casino industry. I think that's a huge problem.

Three, there are no rules to prevent the casino industry from pouring millions of dollars into the political process. They can use gambling profits to buy their way into legislative favor, buy their way into control of this industry, and you can run a serious risk that you reach the kinds of problems that Senator Solomon talked about with respect to corruption in this high cash industry.

Four, the plan makes only token efforts, really a token reference to the problem of compulsive gambling. We need to do more before we even get to the merits.

Fifth, this proposal, I believe, will adversely impact on the poor in this state. It will have a disproportionate impact on people of modest means. Some people call casino gambling a form of poor people's tax. I happen to agree with that. I don't know why we would -- as we try to raise people up out of poverty, we would use casino gambling as the anchor to drag them back into it.

Sixth, I'm unconvinced that casino gambling will generate significant new - worthy new revenues for this state. I know, and all of our evidence points to it, that it brings with it attendant problems -- crime, prostitu tion, and it may bring other criminal activities into this state, ones that worry me a great deal.

Seven -- if you aren't counting -- we're going to create tremendous wealth for someone in casino gambling. We don't know who, but probably someone who can afford to sell the bonds, raise the cash, major corporations. There's no reference in here to any kind of excess profits tax that we can, in turn, use for the poor. We seem to be willing to create a tremendous profit for some, while enchaining others in poverty. It doesn't make any sense.

There is no restriction on the casino gambling industry's ability to influence referendums. What about pouring 10- to $15 million into a referendum in Warren County so that they can establish the prelude to casino

gambling there? It doesn't seem to me to make any sense. There are no restrictions on how much they can contribute.

What about our investment in other forms of recreation? Will people walk the Seaway Trail that we've invested hundreds of thousands of dollars in? Will they walk the Genesee Trail, which we've invested hundreds of thousands of dollars in? Or, will they simply spend their vacations pulling the "one-armed bandit"?

Finally -- I think Senator Spano summed it up best -- there are no promises in this. Senator Spano said he couldn't promise you anything, and gambling can't promise you anything because, when all is said and done, this is the biggest gamble we will ever take in New York State. This is the big gamble. Today, we're willing to roll those dice in our fingers, and we're about to spin them out in front of our public and say, "You know something? It's going to be a winner."

Anybody who believes that line

has fallen for the gambler's trick, and I would submit to everyone that this is a gamble, a huge gamble, and one that the people of this state not only don't want us to take but when they look at the reasons, from increased crime to the whole gamut that I have discussed, they will say that this is a bet they don't want to take.

THE PRESIDENT: Senator Abate.

SENATOR ABATE: Madam President, would Senator Spano yield to a number of questions?

THE PRESIDENT: Senator Spano.

SENATOR SPANO: Yes.

SENATOR ABATE: Senator, you mentioned that what will happen in New York City -- or New York State won't repeat what occurred in Atlantic City. What is in this bill that will give all of us confidence that what occurred in Atlantic City won't be repeated here?

THE PRESIDENT: Senator Spano.

SENATOR SPANO: What we have to look at, Senator, is that we don't have a bill

before us, we have a constitutional question. It's a constitutional amendment, an amendment that allows us to present before the voters a resolution on casino gambling. Three or four other times we have done that in New York State where we presented the question, whether it be racing, we didn't prescribe how many race tracks. That was all done in the enabling legislation.

We envisioned presenting this question. We have time next year, in our next session, to put together a very tightly drawn statute that would prescribe the number of casinos, the number of slot machines that would be at the racetracks, the type of casino control commission that would be established, take a look at the contributions, in addition to whatever is currently on the books in the state of New York.

All of those questions, Senator, would be handled in the enabling legislation, and it would be impractical for us to try to put that into a resolution in the Senate and the

Assembly that we're going to put to the voters for their approval.

SENATOR ABATE: Maybe I don't understand, Senator. Would you yield to another question?

SENATOR SPANO: Sure.

SENATOR ABATE: This enabling legislation also, in some detail, outlines what areas of the state could be authorized to have gambling. So it goes beyond enabling legislation to actually detail perhaps what seven or eight counties would have the possibility of having gambling; and isn't that a decision that merits some planning, some comparative study, between what's happened in Las Vegas, Atlantic City, and other areas, to see if it makes sense to have that many areas in the state authorized to have casino gambling?

THE PRESIDENT: Senator Spano.

SENATOR SPANO: It is pretty clear to us. This is information that we received at our hearings, that especially in economically distressed areas, the tourism

areas, when we hear from the owners of the hotels in the Catskills who tell us that the conventions are not going there.

Senator Solomon said, "Oh, they are going to Las Vegas; they are going to other areas of the state." That's my point. There are some very beautiful areas of New York State that are not benefiting from that extra attraction of a casino in addition to the very beautiful regions that we have right now.

This constitutional amendment is pretty tightly drawn. We could take it and go -- and just do a couple-of-line resolution that says, "Allow casino gambling in New York State," period, and then handle everything afterwards in terms of the enabling legislation.

What we decided to do, after negotiations with the Assembly, was to put a very narrow bill in place that handled just a few regions of the state and paid attention to the concerns of the tracks as well.

So it is very narrow, Senator.

SENATOR ABATE: Would you yield

to another question?

SENATOR SPANO: Sure.

SENATOR ABATE: My concern is that we are putting the cart before the horse and that we have not done enough planning, comparative study, to see what's gone wrong in other areas to ensure that we don't repeat those very same mistakes here.

Somewhat randomly, you suggested, you picked out certain areas of the state that would be authorized to have casino gambling. Senator Spano, could you detail how these areas were selected? Why these and not others?

SENATOR SPANO: I have to disagree with you, Senator. We have taken a real close look at the areas across New York State that would benefit from this. We have heard from the tourism industry. We have heard from the chambers of commerce across New York State. We have heard from local officials at each of the hearings where we've had dozens of people testify who have said to us, "We need some help in the Catskills." "We need help with

a dying racing industry." "We need help in Saratoga or Warren County," City of Niagara Falls, City of Buffalo. We've had people on your side of the aisle say that it's important that Buffalo be involved in the constitutional question, as well.

So that from the hearings -- and the Assembly had a number of hearings as well - we have, in fact, heard from people across the state. They have showed us the statistics of people who are leaving regions of the state when we talked to hotel owners who have had lists of cancellations of conventions of people who have chosen to go down the Mississippi or to go to New Orleans to have those conventions there. Why? Because they have that extra attraction of casinos. That's all part of our study that we did take part in. Granted, you weren't here, but your predecessor did take an active role in the hearing process.

SENATOR ABATE: Did this study look at the social and economic impact that these casinos in other areas had on the

surrounding communities?

SENATOR SPANO: I'm sorry. I didn't get the first part of your question.

SENATOR ABATE: Did this study that was conducted by the Legislature look at the social and economic impact casino gambling had on the surrounding communities?

SENATOR SPANO: When we analyzed the testimony that was presented in the discussions that we've had with people from across the state, with very little exception, people have agreed that it would help not only the specific area but the region of that state. So if we help a specific area in Sullivan County, it's going to help that entire region. Why? Because we're going to take not only the people involved in that casino working there but the surrounding region as well.

Let me give you an example, Atlantic City. It's estimated there are 50,000 people who are permanently employed full time in Atlantic City, but it's also -- the estimate is there are another three to four times that

number of people who are employed within a 20 or 30-mile radius of that city who are involved in a business whose livelihoods depend upon that casino. So those are the type of statistics that we did look at.

SENATOR ABATE: Just one last question, Senator Spano. This study that was conducted, is there a written document that shows the conclusions reached and has that document been shared with the members of this Legislature?

SENATOR SPANO: We have a report and during the debate, I'll try and get a copy of it to you.

SENATOR ABATE: Because I, for one, have not received a copy of this study, and it seems to me that we should have had perhaps more hearings, more information sharing. This is such a critical issue.

SENATOR SPANO: Senator Abate, we will get a copy of that report to you in a few moments. It's the report of the Senate Subcommittee on Racing, Wagering and Gaming,

that was presented -- a staff report that was presented to the members last year. We will get it over to you.

SENATOR ABATE: Madam President, on the bill. I speak not as an expert, clearly, on casino gambling but someone who grew up about half an hour from Atlantic City in a town called Margate. I remember hearing the arguments, although I was in high school -- returning from college at the time, how all the residents of Atlantic City felt this would be the new beginning for the city.

The argument used, as Senator Spano said, this would be an opportunity to take a potentially economically distressed area to revitalize it, produce new opportunities for the region and help the rest of the state. There were great hopes among all the local business community, the residential community. There was almost overwhelming support.

If you go back today and you look for those same small businesses -- and I'm talking about the movie theaters and the

restaurants, the small manufacturing industries, jobs upon jobs. If you go back to Atlantic City, it is a ghost town. There's casinos along the Boardwalk, and there's very little else. There used to be a time people would go into Atlantic City, the local residents, and have dinner and go to a show, go shopping, go there to work other than the casino. Nothing exists any more.

My memories of Atlantic City are only memories, because I have no interest - unless I want to gamble. I have no interest or desire to return to that city. That's how decimated that city has become, and for every job that was created by casino gambling, there was one that was lost when these businesses closed and when residents were forced to go away. Now, people say there is no reason to go to Atlantic City and, moreover, it's so unsafe, they are afraid to go to Atlantic City.

Now, this is not that I want to get on the floor to damn Atlantic City, because it was my home and I hope there will be economic

revitalization. While there are good intentions here and there may be other areas like Atlantic City within New York State that think gambling will bring economic revitalization and jobs and revival to their communities, we should go very slowly before we pass this legislation.

We need a closer look on the economic and social impact that gambling will have. I'm very concerned that we're now deciding that several areas of this state will have gambling. I think we should go slowly. If we have to have gambling, it should be in one area. We need to study the impact, and we need regulation. We are putting it forward without the experts, without putting a commission together to tell us how best to proceed. We're proceeding without the experts, without the study, without the comparative look. I'm afraid we're going to repeat the same mistakes that have been made in Atlantic City and elsewhere.

So I urge all of you -- maybe this is a better idea or a good idea in years to come. We're premature right now, and just to

say, "We need the new revenue; we need money in New York State, and we need it now," is not a good enough reason to pass this legislation.

Look at what happened to Atlantic City. Nothing in this bill proves to me it won't happen in New York State.

THE PRESIDENT: Thank you, Senator Abate.

Senator Marchi.

SENATOR MARCHI: Madam President, the issue -- we're not legislating on a bill or on a proposed statute. We are legislating on a concurrent resolution of the Senate and the Assembly to amend the Constitution of the State of New York.

I have been through that process. In 1967, the people of this state authorized a Constitutional Convention. I attended that convention. The only other member in either house that was there at that time was Senator Galiber with me.

At that time, the issue of greater specificity on matters -- invidious

comparisons were drawn between what we had in the state of New York and what they had in the federal Constitution, which was a broad grant of powers, and then the rest was left to the legislative body or the Congress, and the moral of the lesson was that we should emulate that procedure. In fact, we had the Chief Justice of the Supreme Court of the United States initiate that Constitutional Convention that we had.

What resulted was a Constitution that was many times the length of the previous one, because we were very specific. We were very specific about the provisions that were going to go into it. So some of the exhorta tions we've had about more specifics, about control, all of these matters don't belong in a Constitution for the simple reason that any time you want to change, then you have to amend the entire Constitution. It doesn't make sense.

I understand the spirit that motivated some of the speakers in criticizing this measure, but they are criticizing it on the basis of statutory amendment which we do

routinely. If this were a statutory presenta tion, some of these remarks would fall into line, but we're not doing that.

We are considering the circumstances that are forced upon us -- because it would be much easier for me to debate against casino gambling, frankly, on my own druthers, but we're talking about a framework that exists in the entire region. We have states on both sides of us that play to the 18 million people of this state. We have Native Americans operating out of privileged sanctuaries with perfect freedom within the state of New York.

So let's not talk about casino gambling coming to New York. It's here, and it's here in a big way. What we have to do - what we have to do, I think, Madam President, is to put this issue squarely before the people and squarely before the Legislature. We have another year to go.

We may be very comfortable that this prevails or we may want to make some changes or we may want to reject it altogether,

but it's very clear that we have to serve notice on the surrounding states, on our Native American friends, that we are here and we have this subject on the table and we will not dismiss it summarily. It is important, Madam President, that we act and put this in place.

We didn't follow the federal example here, nor should we because some specifics, some general provisions have to be laid out to indicate the nature of it, but to go beyond that would be to invite problems. Well, it just wouldn't be operable. It doesn't make any sense to do that, but what we will do if we approve this legislation, we will have it on our plate. Very definitely. We will have first passage on our plate, and that's where it should be so that we can give it the attention that it deserves, make the modifications, if necessary, or reject it altogether.

But we must serve notice that we mean business. We're not going to stand by passively while surrounding states conduct themselves the way they are conducting

themselves and also, to our Native American friends, that we are serious about this, and we can do -- we can convey the intensity of our seriousness and the firmness of our purpose by making this first passage. It is essential.

It is absolutely necessary that we do this and, if we do this, I believe that we will have set the forum in a much more rational manner so that it may be addressed intelligently in the days and months ahead.

THE PRESIDENT: Thank you, Senator Marchi.

Senator Padavan.

SENATOR PADAVAN: Thank you, Madam President.

Over the last several years, I have attempted to share with the members of this house and, indeed, the entire Legislature as much information as I could garner from sources throughout the country on the issue of casino gambling. We published two reports last year detailing that data with very ample reference to the sources of the information.

During this year, we have also communicated and shared with you information. Most recently, a week ago, June 23, I sent to you some information relevant to the Indian Gaming Act issue, something that was just addressed by Senator Marchi and the sponsor of the legislation. I would like to talk about that just a little bit.

Having sent all this to you, it's unnecessary for me to rehash it all, and I don't intend to do that. But I do think it's important to highlight certain specific things.

It's the Indian Gaming Act issue that I think we have to talk about, if not briefly, certainly talk about it. Currently, there are a number of court cases pending at various levels of the federal court, including the Florida case which will be heard by the Supreme Court in the fall. The essence of these actions are the states rejecting the concept that their rights as states can be subverted or overruled vis-a-vis the Indian Gaming Act.

If any one or all of those cases

are successful -- and there's certainly a body of thought that says they will be -- then the issue and the statement that we hear all the time, that casinos are here and there will be more of them as a result of the Indian Nations, will not be relevant.

In addition to the legal actions in the courts, individual Congresspersons, Solomon and Torricelli, as an example, have introduced legislation to totally revamp the Indian Gaming Act.

I suggest to you that this nail on the wall on which we are hanging a hat which says, "The Indians have it untaxed and unregulated; therefore, we should do it as a state," that nail is weakening and there is a crack in the wall.

I think we owe it to ourselves and certainly the people of this state to have the benefit of the result of either Congress or the courts or both on this very critical issue of Indian gaming.

Keep this in mind, however. The

adoption of this constitutional amendment will then allow the Indians in New York State -- the Indian casinos to install slot machines which currently they are prohibited from doing it, although they are attempting do it with some type of electronic machine that the Attorney General is in court about.

But, nevertheless, there is a catch-22 to this issue. Pass the constitutional amendment, and the Indian casinos get slot machines. They reap greater rewards, and that pool of money which people seem to think is unlimited in terms of what people can wager in casinos, lotteries, OTB parlors, and now Quick Draw, which will be with us very shortly, it is not unlimited.

The issue of economic development is, of course, the one that fuels a lot of the arguments relevant to casinos. The sponsor of the legislation has articulated some of those reasons or feelings or arguments, but I would like to suggest to you that they are very, very shallow arguments because, in reality, as a

number of individual economists throughout this nation -- from the University of Massachusetts, Professor Goodman, under a grant from the Ford Foundation, Professor Grinols from the University of Illinois, even economists working for the casino interests in Nevada -- will tell you that, unless you import great numbers of people into the state, then the economic benefits turn out to be what is termed by many of them "a zero sum gain," and I think that would be the case in the state of New York.

The Comptroller last year put out a report, and he updated it this year, in which he points out that there is a limit to the amount of money that can be wagered, and that the economic gains to the state of New York would not be what the proponents say it would be, and he uses a tax rate of 20 percent. Consider Nevada is about 4 or 5 percent; New Jersey is at 8 percent; and the notion that we're going to be able to tax casinos at 20 percent is, I think, very, very optimistic.

But even using 12 percent,

splitting the difference, it's clear that New York State would not make money as a state. Individual operators of casinos, the owners of these facilities, whoever they may be, will reap great rewards, but the surrounding communities will not because these casinos exist like giant vacuum cleaners. They suck up around them, whether it's Atlantic City or any other place, the entertainment, the restaurants, the smaller facilities who can not compete, and when those jobs are lost, yes, some of them are picked up by the casinos, but the net result is a minus one.

And those who think that in the Catskills there will be a massive revitalization will, in the long run, be embarrassed. People will go up Route 17, or however they get there. They will go to the casino, wherever it may be, the Concord, the Nevele, however. I have spent much of my youth in the Catskills and own property in Delaware County. I know the region very well. They will go there. They will gamble. They will be entertained. They will

eat. They will sleep, and they'll get back in their car and they'll go home. Maybe they will stop for gas, but all of the surrounding entities, the small businesses, the smaller establishments whether they be motels or whatever, they will suffer.

The other issue that I think we should talk about, because it's certainly relevant, is the issue of crime. The Assembly Committee on this issue held a hearing last year, and one of the people who appeared before it was the chief of organized crime, Jim Moody, a man with 23 years of experience with the FBI and still with the FBI, particularly in the area of organized crime, and I'm just going to share with you very quickly his statements before that committee at that hearing.

"Vast sums of cash are handled, even more than banks handle on a daily basis. These factors coupled with organized crime's historical involvement in illegal gaming make any gaming activity attractive to organized crime. They will attempt to infiltrate the

operational industry, not just gaming but all aspects that go along with gaming that they believe is vulnerable.

"When New Jersey passed their casino gaming legislation, I can tell you that several years before, here in New York, organized crime was developing their plan to infiltrate, and this is a quote, 'They bribed the mayor of Atlantic City whom we convicted along with a bunch of Costa Nostra members, and we convicted a subsequent mayor of Atlantic City for the same thing'".

And he went on and on to talk about the increase in the crime rate. The first year, it went up 25 percent and it's gone up every year since, and I'm not talking about petty crime. I'm talking about felonies. Four of the seven mayors of Atlantic City have gone to jail. Crime, political corruption, will be a fact of life with casinos. Our District Attorney in Manhattan, Robert Morgenthau, said this extremely well in his communication last year to members of this house which we also

shared with everyone.

In Louisiana -- and I think someone mentioned earlier some of the things going on down there. By the way, two of those riverboats closed down because they couldn't make it. They were not profitable. But in Louisiana, the gaming activity wasn't even off the ground when the FBI indicted 17 people and, among them were representatives of crime families from New York City who had infiltrated one of the supply aspects of their gaming, gambling operations.

So we see it's not just in Atlantic City. It's everywhere casinos are, and I believe the FBI, and I believe the district attorney that it would happen in New York State.

One area relevant to the question of political corruption, I think, should be one where we understand that when you have this type of activity widespread throughout the state, with such enormous amounts of cash flowing, that the ability to influence decision-makers at all levels of government becomes not only one that

can happen easily but cannot be avoided, and I don't want to see that happen in New York State. I really don't think we need that to happen.

Economic development, political corruption. The impact on individuals with regard to compulsive gambling, a very serious issue. Gamblers Anonymous reports that last year over 7,000 phone calls were received by them through their hotline from residents of New York State, and they tell us wherever there are more gambling opportunities, whether it's Quick Draw or casinos, the number of individuals who seek their help, whose lives and lives of families, businesses, and so on, become put in jeopardy, significantly increase and anyone who suggests that's not going to happen in New York as we move forward with more gaming opportunities, more gambling activities, is certainly misjudging the issue.

Economic development will suffer because not only for the reasons I articulated before but because we will be taking money out

of the economy. The economists tell us that for every dollar that's gambled away, you lose $1.50 because there is no value added. No value added. There is no product. There is no service. There is a loss of money that becomes revenue for people operating casinos. They are the ones who are pocketing it, not the people in the state in terms of tax revenues and not legitimate businesses who genuinely provide economic development and opportunity.

So there is a great deal more that certainly I could present. But I say again, as I said at the outset, I have transmitted all of that to you. If you read it, thank you. If you didn't, I hope you will. But it's there to be read and to be reviewed and to be discussed. I think when we start down this slippery road, even though it's only first passage, we open ourselves up to a tremendous amount of lobbying pressure that will be placed upon us next year or the year after and then, if it gets on the ballot, the huge sums of money that will be spent.

Look at Florida. Hundreds of millions of dollars were spent down there to lobby for casinos. Fortunately, Disney was able to contribute a significant amount of money to counteract that, and 60 percent of the people in that state rejected casinos.

We don't have a Disney in New York. I don't know of any group or organization or individual that's going to be able to come up with the money to counter that campaign, and that's why I want to keep it off the ballot and why I'd like to see it end here and now. Let's not sell our soul to the casino interests. Let's not put ourselves on the plate to be devoured in terms of those who would seek to subvert the institutions, the economy, the people, and the political process in New York State.

THE PRESIDENT: Thank you, Senator Padavan.

Senator Jones.

SENATOR JONES: On the bill. I have heard many things said here today, and I

understand that we're saying put it on the ballot and let's give the people of the state what they want. Well, I think that's fine as long as the people have the facts before, so they know what they are voting on. Senator Spano alluded to his report.

Clearly, we're not giving the people what they are clamoring for, because I have the copy of it right here, and let me just share with you what it says. "Support for gambling in State of New York is far from unanimous. In fact, uncertainties of increased crime, compulsive gambling and other social effects have not been quieted by any hope of new jobs, economic development and a new source of state and local revenue."

That's from Senator Spano's report that he referred to before. Senator Solomon spoke about money and the possibility of corruption, and I want to thank you, Senator Padavan, because I did read both of your reports and found them extremely helpful.

Let me just mention what Senator

Solomon brought up about the money issue and the possibility of corruption. In Connecticut alone, in the first six months of '93, casino lobbyists spent $2.36 million lobbying state legislators to legalize gambling. I think that says "Danger" right there that you don't have to spell out.

Then we talk about the new revenue. Well, where is it going to come from? We're worrying about all the states around us that have gambling. Clearly, then, these people from Connecticut and Jersey who already have it are not going to run over to New York to gamble. It's going to be our own money and, I suspect, money already spent on such things as racing, lottery, et cetera.

Then I heard you talk about saving the Catskills. I've spent time in the Catskills. I have attempted to actually book a convention there. The problem is there is no convention center big enough to hold any such convention, which says to me we're not going to save the Catskills and the existing hotels,

because your bill does not say anything about it will be an existing one. What we're going to do is open it up to Donald Trump or someone else who has unlimited money to come in and build a new hotel, which in no way is going to save the ones that are already there.

I just feel that if we're building the economic house of this state on gambling, then we ought to hang out the bankrupt sign today because the profit won't be there. The educators in this state have waited for many years for the big lottery windfall that never came.

We do not have a right to delude our citizens that another chance to strike it rich is just around the corner. I can't support this bill in any form.

THE PRESIDENT: Thank you, Senator Jones.

On the resolution. Oh, so sorry. Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I'm one of those people who has evolved her thinking a little bit over the last few years on the whole issue of wagering and gaming and, obviously, the fact that I have a large casino that was formerly in my district - now in Senator Sears' district -- has some bearing on my thoughts on this matter, and I've been reflecting a little bit on this entire history over the last few days, and I recognize that many of my constituents have changed their thinking as well, and they would like to believe that those of us who are working for them in Albany are taking their interest into consideration as we develop legislation.

But, regrettably, nothing really could be further from the truth for the people of Central New York, where this particular bill is concerned. The most distressing aspect of this legislation is, of course, the way it was crafted in secrecy and literally thrown at us in the final hours of session, not available until noon today for members of the Senate to review, at least members on this side of the aisle. I

understand that lobbyists and prominent staff may have had something akin to a final copy yesterday or a few days ago, and I have been reading, with some interest, the newspaper accounts with great detail over the last week or so.

But I'm elected by 300,000 people in the 48th Senate District, and before I vote on a resolution to go on the ballot that requires a constitutional amendment, I believe I'm entitled to the courtesy of seeing a bill, seeing a resolution well in advance of this type of debate. Four or five hours for a constitutional amendment that is two years ahead of us is not an appropriate way for us to be addressing this issue.

Let me just go through the details as I understand them and how they would affect my constituents and why I can't possibly support it either on the merits or on the process. The people of Central New York have watched Indian casino gambling flourish through the Oneidas, and the Oneidas are uniformly

complimented for running an efficient and fair business operation that employs many non-Indians. I have no complaints about the way they conduct their business, nor do most of my constituents.

But if the issue is fairness, "If the Indians can do it, then why can't lots of other people?" then let's take a look at what happens under this measure. I have looked at the locations, Greene, Ulster and Sullivan Counties, the city of Niagara Falls, the city of Buffalo, Saratoga or Warren County. Okay. What that means, then, for my constituents is, instead of going right over to the Oneida nation, they now can go to other parts of the state further away and enrich the economy in those parts of the state.

It also means, logically enough, that some of the people who come now to the casino in Verona, New York, will go to other parts of the state. Is that fair? Is that going to be an economic incentive for the people in the 48th Senate District or the surrounding

districts like Senator Sears'?

We have been devastated by the loss of Griffiss Air Force Base. We have lost numerous manufacturing jobs. Just in the last few days Utica suffered an enormous blow, losing some of the Lockheed positions, and we're still clinging tenaciously to the hope that Rome Lab will continue to stay and flourish and we can build a high tech future with military relationships and the scientific and academic communities in years ahead, but we don't know if we will be going through the same battle again in another couple of years that we just went through with the Base Realignment and Closure Commission and if we'll come out as well.

So we don't want to lose any more jobs in our region, and these other four regions specified to get a casino would be in direct competition with the Indian casino that's presently there. I don't think my constituents want that competition.

I understand that there would be slot machines at the tracks. All right. Vernon

Downs would benefit from the slot machines, so would every other racetrack in the state, and I'm glad to know that there is a consideration about how that would stimulate the breeding industry. I'm glad, because I represent Morrisville College, where we have one of the finest equine training programs in the nation.

But these things have to be studied. They have to be analyzed. I want to run some numbers on this, and I don't want to have to do it at 5:00 or 6:00 or 7:00 o'clock tonight when it's a constitutional amendment that goes before my constituents two years from now at the earliest.

I thought things were going to be done a little differently here. This isn't about partisan politics. This is about fairness and courtesy and basic democratic -- with a small "d" -- principles.

I'm not going to vote for this and I will urge my constituents to vote against it, but I am embarrassed that we're closing our session in what began as such an exciting new

year in this fashion.

THE PRESIDENT: On the resolution. Call the roll, please.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

I will be brief. Just let me say that I guess because I'm a leader I got this resolution earlier. I got it at 10:40 this morning and had my staff prepare a memo and get copies for all the members here for our noon conference.

The fact of the matter is, my first impression about this entire issue here today is: What's the hurry? First passage can be any time next year during the session. The fact that the bill does or doesn't pass this week as opposed to this time next year wouldn't result, if everything went swimmingly -- for those who are proponents would, in fact, not see a casino open one second sooner.

Why not take this draft -- and I recognize people have negotiated. Some people

have. I think I know who they are -- and let the public see it. Go forth to the public with it. Vote on it next year.

Why? Because thanks to the foresight of our constitutional drafters and the people who adopted our Constitution, ultimately the people of the entire state will judge whether or not to pass this amendment. So if you are for casino gambling, as many of my colleagues are, don't you want to have a proposal that's assured of passage? Don't you want to give it the test of time?

People say to me, "Well, the public can discuss it. Heck, they have three years to discuss it. They can discuss it before second passage, and they can discuss it before the referendum." Yes, they can discuss it, and they can vote it down if it's not carefully crafted. Look at what happened in Florida. Look at what happened in some other states.

You know, people say, "Well, this issue has been kicking around." You know, the concept of casino gambling has been kicking

around for some time, but this is hot off the press, and I say slow down. It's good that we have a draft now. Let us take it home. Let us show the folks back home. Have some hearings, and I recognize that Senator Spano had hearings on the concept of casino gaming, and that was good.

Now there's a concrete proposal. It's not an emergency measure. It doesn't have to pass this session. It doesn't have to pass in the closing hours today. Take it home. Let us all hold hearings in our district. Let's hold hearings and invite interested people. Let's talk to the people who wanted to get in and didn't get in and talk to the people who didn't want to be in and didn't get in the way they wanted and, any way you slice it, let's hear from all these people.

People say to me, "Well, like who would you hear from?" Most of what I know about this I have been reading in the newspapers the last two weeks, as have many of us. I read, and I think in the paper today, "Oh, the Mayor of

the city of New York isn't happy; he wanted New York City in here." I think I read somewhere else the Governor thought New York City might be a good idea.

Now, if somebody wants to say to me two or three men in a room decided, well, no, to abandon that, it's the way things have always worked and we have addressed that issue many, many times around here. But the fact of the matter is, on this issue, we have time. We have the proposal.

When I said this earlier, someone said, "Oh, you want it in New York City." No! I didn't say that. But what I do say is, if the mayor of the city of New York, whom I haven't talked to about this, is reported in reliable media to be disappointed because New York City isn't included in here, why don't we have a hearing? Why don't we let the mayor of the largest city in our state put on the public record what the position of his administration is? What's wrong with that?

You say, "Oh, well, he can do

that after we do first passage. He can do it before second passage."

Some person said, "Well, you know, if we get to second passage and we find out the public's not very happy and people who have an interest in this aren't very happy, and you change it, we're back to first passage again. You have delayed it by a number of years."

I think this is something that, for those who support casino gaming, you ought to get right the first time. You ought to hear from everybody the first time. You ought to have a dialogue with interested people, and I think if we, the legislators, the legislators who are elected by the people to deal with issues like this, have had to rely on media reports, including myself, this past week or two, about what's in, what's out, who wants it and who doesn't want it and who wants what, what about the public? What chance do they have to really know what the game is, to really know what's going on?

The fact of the matter is, there is no hurry on this. There ought not be any hurry. Regrettably, there seems to be a hurry and a big push on this. I say let the public have a chance to comment on it. Let there be hearings. Let the mayor of the City of New York tell us what he wants or doesn't want. I'm not suggesting we have to give him what he wants, but the fact of the matter is, certainly he's entitled to a hearing. Other people are entitled to an airing. That is the way many members on this side of the aisle feel. I would hope many of my other colleagues would feel that and then, if there's sufficient support for a specific proposal, we can do first passage next year in a timely fashion and move along the process.

So given that situation, given what I've just described, the lack of a public airing of this specific proposal, I intend to vote no, Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam

President. You've heard a lot of conversation about the merits of this resolution. I'm not going to prolong the discussion or the debate, but I would just like to just close with a few observations and comments.

One, this is first passage of a resolution. Senator Connor is right. We do have next year when we could be doing what we're doing. The main reason why this resolution is on the floor today is that most of the surrounding states to New York have casinos or are voting on casinos and are threatening the economy of New York state. The Indians have a casino functioning presently. They have several under construction or in the planning stages.

This is not a debate in any way on whether we in this chamber support casino gambling or not. That is not the debate that is before us. The debate before us is whether or not the people of this state will have an opportunity to vote on whether or not they want to participate in the proceeds from casino gambling. That's the discussion.

That's the vote that will go to the people year after next if this gets second passage, not whether or not we will have casinos. We have a casino. We will have several casinos. Within an hour and a half driving is the biggest casino in the world. This is not a debate on whether we support casinos or not. It is a debate on where the revenue will go.

Will it make the Indians in this state multi-millionaires, individually, or will it make the people of this state better off by having money for education, welfare, Medicaid, roads, bridges? That's the debate.

I'm against casinos. I would vote against making a casino legal in New York State. I have always opposed casino gambling, but that is not the debate that's taking place here.

Should this be studied? Should we have hearings? We've had hearings all over the state. We've had hearings all over the state. Both sides of the aisle participated.

Between now and a year from now, we will have an opportunity to give this second passage. We can change it next year after all of the public input and debate, or we can give it second passage a year from now.

The main reason this is on the floor tonight is to let the surrounding states and the Indian nations know that the people of New York are seriously considering participating in the revenues that come from casinos. That is the debate that we're engaged in.

A vote against this resolution is a vote for the status quo that the Indians will continue to operate their casinos, and they will grow, and they will have several, and that the people then will participate with no revenue coming to the people of this state.

Springfield, New Jersey, other states, will run their casinos with the bus loads of people and the cars driving out of New York. So you vote as you see fit. I will vote as I see fit.

I, Madam President, will vote in

favor of giving the people of this state an opportunity to vote on whether or not they want to participate in the revenues that come from casinos.

We have an agreed on resolution with Speaker Silver, and he represents his conference, and the Speaker is very cognizant of New York City since he represents part of New York City, and he supports the resolution that is on this floor, and I admire the concern of my colleagues for the city of New York. I am concerned with the city of New York.

We have next year, you're right. We have the year after to make judgments on whether what we do tonight is right or wrong. But the fact of the matter is there are plans being made all over the country and, if we don't deliver a message that we are looking at participating, we will be left way behind.

So, that's why, Madam President, this is before us, so I urge my colleagues to vote in favor of giving the people of this state an opportunity to make their own judgments on

whether or not they want to participate in the profits that come from casinos that will operate in New York State.

THE PRESIDENT: Thank you, Senator Bruno.

On the resolution, please call the roll.

SENATOR PATERSON: Slow roll call.

THE PRESIDENT: Slow roll call, please. Ring the bells, please.

THE SECRETARY: Senator Abate.

SENATOR ABATE: No.

THE SECRETARY: Senator Babbush.

(There was no response.)

Senator Bruno.

SENATOR BRUNO: Yes.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator DiCarlo.

SENATOR DiCARLO: Aye.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Madam President, to explain my vote.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: One of the first things I ever did in learning how to play a card game, I watched my son play a card game. He held one of those, he held an ace, held a king, held a jack and he held a nine. He looked at the deck of cards and says, "Gee, Dad, I'm going to cut myself a queen and I'll have a straight and I'll win", and sure enough, he cut a queen. I then said to him, "Gee, Son, the only problem is that's not a straight. You don't have anything in your hand; it was a bad bet, you lose." That's what will happen with casino gambling.

I vote no.

THE PRESIDENT: Continue the roll call, please.

THE SECRETARY: Senator Espada.

(There was no response.)

Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Galiber, excused.

Senator Gold.

(There was no response.)

Senator Gonzalez.

(There was no response.)

Senator Goodman.

(There was no response.)

Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hoblock.

SENATOR HOBLOCK: Yes.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: No.

THE SECRETARY: Senator Holland.

SENATOR HOLLAND: No.

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Aye.
THE SECRETARY: Senator Jones.
SENATOR JONES: No.
THE SECRETARY: Senator Kruger.
SENATOR KRUGER: No.
THE SECRETARY: Senator Kuhl.
SENATOR KUHL: Aye.
THE SECRETARY: Senator Lack.
SENATOR LACK: Aye.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: Aye.
THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: Aye.
THE SECRETARY: Senator Leibell.
SENATOR LEIBELL: Aye.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: Madam President -
THE PRESIDENT: Senator Leichter.
SENATOR LEICHTER: -- to explain my vote. I must say I was a little puzzled by the logic of the Majority Leader's speech. He says we're not voting on casino gambling. I

take a look and I see it does say concurrent resolution in relation to casino gambling. I understand his argument that you have gambling all around us and he would like to see whether we ought to raise revenue through casino gambling, but that's the issue.

First of all, you've got to decide, is that a moral way for government to go and to raise money? So you are voting on casino gambling.

Secondly, even if you take the position, "Well, I don't like casino gambling", as I heard Senator Bruno say, but since it's all around us, New York State may as well do it, then it's still a question, is this the best way of distributing casinos in New York State? And also, do we have the controls in place that are going to avoid the social problems and dislocations that can occur and often have occurred where you have casino gambling, and there, I think the logic of Senator Connor was irrefutable.

Why do it at this -- thank you,

Madam President. Why do it at this moment in this way without giving it the consideration that it deserves? This is a very serious step to take for the state of New York. We've gone, I think our whole history and we have never had legalized casino gambling. Are we now going to give up that policy and proceed in this fashion and in this way, and if that's what you're going to do, then don't do it in this rush, hasty manner, pasting together a bill in the usual Albany fashion. That's a disservice to this Legislature, but it's particularly a disservice to the people of the state of New York, and while it may give you a headline tomorrow, "New York State moves to casino gambling", if you proceed in this fashion, in this way, it will inevitably be defeated by the voters of the state of New York.

Madam President, I vote in the negative.

THE PRESIDENT: Continue the roll call.

THE SECRETARY: Senator Levy.

SENATOR LEVY: Aye.

THE SECRETARY: Senator Libous.

(There was no response.)

Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Madam President.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: I just want to reinforce the point that I tried to make earlier. The best way -- I can't think of a better way of sensitizing 18 million people in this state than by passage -- effecting first passage of this bill. If we do that, they will know that it is on the table and they can flay it or they can say "Hooray", but they'll know it's there and it's the only way we're going to get this thing out in the sunshine and full public comment and joinder.

I vote aye.

THE PRESIDENT: Continue the roll call, please.

THE SECRETARY: Senator Markowitz.

SENATOR MARKOWITZ: No.

THE SECRETARY: Senator Maziarz.

(There was no response.)

Senator Mendez.

SENATOR MENDEZ: No.

THE SECRETARY: Senator Montgomery.

(There was no response.)

Senator Nanula.

(There was no response.)

Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: No.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: No.

THE SECRETARY: Senator Paterson.
SENATOR PATERSON: No.
THE SECRETARY: Senator Present.
SENATOR PRESENT: Aye.
THE SECRETARY: Senator Rath.
SENATOR RATH: Aye.
THE SECRETARY: Senator Saland.
SENATOR SALAND: Aye.
THE SECRETARY: Senator Santiago.
SENATOR SANTIAGO: No.
THE SECRETARY: Senator Sears.
SENATOR SEARS: Aye.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: Aye.
THE SECRETARY: Senator Skelos.
SENATOR SKELOS: Yes.
THE SECRETARY: Senator Smith.
SENATOR SMITH: No.
THE SECRETARY: Senator Solomon.
SENATOR SOLOMON: Yes, Mr. President, to explain my vote.
THE PRESIDENT: Senator.
SENATOR SOLOMON: I had mentioned

before some of the problems with this bill. I think there's some other problems which people really didn't look at. What's going to happen to our lottery dollars; are they going to decline? Is the money we give to education going to decline? What's going to happen to those bell jar games which I had heard about that supposedly support our volunteer fire departments? What's going to happen to some of our churches and facilities that run these Las Vegas nights? I suspect in all three categories the income is going to decline. Yet, nowhere do I see where this piece of legislation which among -- besides lacking oversight says that it's going to reimburse the volunteer fire departments or the New York State budget for the education fund losses to spend that money on that education. That alone is reason enough to vote no on this bill.

THE PRESIDENT: Continue the roll call, please.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: No.

THE SECRETARY: Senator Stafford voting in the affirmative earlier today.

Senator Stavisky.

SENATOR STAVISKY: No.

THE SECRETARY: Senator Trunzo.

SENATOR TRUNZO: Yes.

THE SECRETARY: Senator Tully.

SENATOR TULLY: Aye.

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker.

SENATOR VOLKER: Yes.

THE SECRETARY: Senator Waldon.

(There was no response.)

Senator Wright.

(There was no response.)

THE PRESIDENT: The Secretary will call the absentees.

THE SECRETARY: Senator Babbush.

SENATOR BABBUSH: No.

THE SECRETARY: Senator Espada.
(There was no response.)
Senator Gold.
(There was no response.)
Senator Gonzalez.
(There was no response.)
Senator Goodman.
(There was no response.)
Senator Libous.
SENATOR LIBOUS: Aye.
THE SECRETARY: Senator Maziarz.
SENATOR MAZIARZ: No.
THE SECRETARY: Senator Montgomery.
(There was no response.)
Senator Nanula.
SENATOR NANULA: Explain my vote.
THE PRESIDENT: Senator Nanula.
SENATOR NANULA: Thank you, Madam President, for your patience. To explain my vote.
Obviously, this is a very challenging issue for the people of this state.

There have been a great deal of issues brought out this evening, issues that I think are of concern and certainly this bill, in my opinion at least, has a great deal of room for improvement.

Senator Padavan made a point in regards to a concern over organized crime. I think it's very important that we ensure that we develop a regulatory mechanism in this state so that if gambling comes in New York, it can be implemented in such a fashion so that we can avoid the potential of organized crime.

In addition to that, and especially in regards to my district, Buffalo-Niagara Falls, there was a real ambiguity in regards to the selection process for casino operation, the exact location, whether it will be a county decision, a city decision. I think that is something that is going to have to be improved upon.

I introduced gambling legislation this year that mandated and integrated development of casinos with other types of

family entertainment. We need to make sure as Senator Abate is so concerned about that we do not turn areas that are receiving casino gaming into clones of Atlantic City. It is important that the mission and the intent here, especially in areas of Niagara Falls and Buffalo for the tens of millions of people who visit our area every year, the mission should be to extend the stay and to get fuller utility out of all the other great resources we have, not only in western New York but in New York State.

I do have a great deal of concerns about this bill. However, I am compelled to support this bill, although I have a great deal of respect for the issues presented especially by my conference today, issues of the process itself, issues of the gaping looseness of this bill, because I'm committed to the concept of bringing casino gambling to this state, and I do feel that it is imperative for us as a Legislature and as a state to work together to tighten this legislation up so that we can be responsible and so that we can get the

greatest utility out of bringing gaming to New York and developing the economic potential that can exist from it.

So, in spite of the fact that I'm very concerned about issues relative to this bill and because I am very supportive of my conference's position in regards to this bill, I still reluctantly, Madam President, have to vote in the affirmative.

THE PRESIDENT: Thank you.

Continue the absentee roll call.

THE SECRETARY: Senator Waldon.

(There was no response.)

Senator Wright.

SENATOR WRIGHT: Aye.

THE SECRETARY: Senator Gonzalez.

SENATOR GONZALEZ: Yes.

THE PRESIDENT: The results, please.

THE SECRETARY: Ayes 34.

THE PRESIDENT: Senator Bruno, excuse me. Yes?

SENATOR BRUNO: Close the roll

and read the -- announce the results.

Thank you.

THE SECRETARY: Ayes 34, nays 21.

THE PRESIDENT: The resolution for a constitutional amendment on casino gambling is adopted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Madam President, would you please call up Calendar - could you please call up Calendar 1575.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1575, by Senator Sears, Senate Print 5548-A, an act to amend the Personal Property Law and others, in relation to repeal of Title 5 of Article VII.

THE PRESIDENT: Read the last section.

SENATOR DeFRANCISCO: Madam President, is there a message at the desk?

THE PRESIDENT: Yes, there is a message at the desk.

SENATOR DeFRANCISCO: I move that we accept the message.

THE PRESIDENT: All those in favor of accepting the message signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

SENATOR PADAVAN: Madam President, what bill are we voting on?

THE PRESIDENT: Calendar 1575, Senator.

SENATOR PADAVAN: What calendar is that?

THE PRESIDENT: Supplemental

Number 1.

SENATOR PADAVAN: Good bill.

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

SENATOR DeFRANCISCO: Madam President, would you please call up Calendar 1267.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1267, by Senator Marchi, Senate Print 3873-B, an act to amend the Real Property Law, in relation to establishing a New York State Real Estate Board.

SENATOR LEICHTER: Madam President -- Madam President.

THE PRESIDENT: Supplemental Number 1.

Senator Leichter.

SENATOR LEICHTER: No. I was just going to suggest when we call up these bills, since we're working off three calendars,

would you ask the Clerk, please, to tell which calendar it's on.

THE PRESIDENT: I certainly will.

SENATOR LEICHTER: Is this Supplemental Calendar Number 1?

THE PRESIDENT: Yes.

SENATOR DeFRANCISCO: Madam President, is there a message at the desk on Calendar 1267?

THE PRESIDENT: Yes, Senator.

SENATOR DeFRANCISCO: I move to accept the message.

THE PRESIDENT: All those in favor of accepting the message signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section, please.

SENATOR PATERSON: Explanation.

THE PRESIDENT: Oh, an

explanation.

Senator Marchi.

SENATOR MARCHI: Thank you, Madam President.

The purpose of this bill is to create a mechanism to provide stronger consumer and industry input into the regulatory processes for licensed real estate licensees and agents.

The salient sections, Section 442 (k) includes powers including -- to include the promulgation -- this is the creation of a real estate board within the Department of State. The board consisting of a Secretary of State who shall serve as the chairperson of this board, the executive director of the Consumer Protection Board and thirteen additional members, seven of the thirteen remaining appointments shall be -- appointments shall be appointed by the Governor and the Senate Majority leader and the Assembly Speaker shall each appoint two members, one of whom must be a real estate broker and one each by the Senate and Assembly Minority Leaders. They can be

either a broker or a non-broker. A minimum of five but no more than seven of the fifteen members shall be real estate licensees.

The powers that are granted to this board which -- which, for the first time, really instead of having a nominal role will have a role to promulgate regulations, excepting those regulations dealing with the duties and responsibilities of real estate brokers and sales persons with regards to the handling of client funds and the amount of continuing education required.

In addition to this, the -- an independent authority over non-solicitation orders and cease and desist list, the Secretary of State shall retain full powers of the administration and enforcement of real estate license law.

ACTING PRESIDENT KUHL: Excuse me, Senator Marchi.

Senator Paterson, why do you rise?

SENATOR PATERSON: Very quickly,

Mr. President, if Senator Marchi would yield just one quick second. The authority, instead of having a nominal role under the amendment, it will now promulgate some of the rules and regulations?

SENATOR MARCHI: Except for those exceptions that I mentioned.

SENATOR PATERSON: I see.

SENATOR MARCHI: The -- regarding the non-solicitation orders and cease and desist.

SENATOR PATERSON: That was really the only thing. Everything else about this bill is fine, Senator. That was the only thing I wanted to clear up.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

Senator Padavan.

SENATOR PADAVAN: Senator Marchi, very briefly, are you -- do you know of any other state agencies, the State Banking Board or any state agency that has an advisory board from the industry where that advisory board

promulgates rules and regulations?

SENATOR MARCHI: This is the only state in the Union, Mr. President, that -- where the voice of the people affected is so minuscule. It is -- there is room here now. It provides for public hearings for -- around the state, at least three public hearings for -- for a role, a participatory role, but in the critical areas, there is still a retention by - it is not quite as broad as it is in other states.

SENATOR PADAVAN: Senator, I'm talking about -- Mr. President, if the Senator would yield.

ACTING PRESIDENT KUHL: Senator Marchi, do you yield? The Senator yields.

SENATOR PADAVAN: Senator, what I'm asking you is whether or not there are any other state agencies in New York where industry advisory boards have the authority to generate rules and regulations which, as I read the bill, correct me if I'm wrong, cannot be overruled by the commissioner. They can be operative. To my

knowledge, again, I stand corrected if it's appropriate, there is no other agency where we allow this, and I don't understand why in this particular case we are.

SENATOR MARCHI: The majority of the appointments are made by the Governor. They're not -- they're not the majority of the board members, so that I -- I think that this is an adequately safeguarded bill, but it does provide for an avenue of real input, a participatory role which presently does not exist, is a very fatuous, non-existent board that exists now.

SENATOR PADAVAN: Mr. President, briefly on the bill, if I may.

ACTING PRESIDENT KUHL: Senator Padavan on the bill.

SENATOR PADAVAN: I have absolutely no problem whatsoever with any state entity, in this case, the Secretary of State's Office that has at its disposal a group of individuals who can provide advice and input and guidance in a meaningful, positive way, but at

the same time, the authority of that agency, like any agency should rest with the person who is appointed by the Governor, confirmed by the Senate to run that agency. In this case, the Secretary of State.

To diminish that chief executive and that agency's authority by giving to an advisory group rulemaking authority which become operative, meaning that the head of the agency, in this case, the Secretary of State cannot overrule them, means that, in effect, there are people now being put in place, not confirmed by the Senate, appointed by the Governor, and so on, who will now be developing a framework with the exceptions of non-solicitation orders that you pointed out, something which we have been involved with for a number of years.

I find that not only unwise but inconsistent for what I think is appropriate when we deal with state agencies who have a statutory authority and where we generate laws that they are to implement and we oversight their actions with regard to rules and

regulations through various committees, and so on.

This is a major exception to that and so, Mr. President, I will have to oppose this bill.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of January.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar 1267 are Senators Hoffmann, Leichter, Maltese, Onorato, Padavan and Stavisky. Ayes 51, nays 6.

ACTING PRESIDENT KUHL: The bill is passed.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you please call up Calendar 1404.

ACTING PRESIDENT KUHL: We'll return to the first calendar of the day, Calendar Number 69, the regular calendar. I'll ask the Secretary to read the title to Calendar Number 1404, by Senator DeFrancisco, Senate Print 4225-C.

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

ACTING PRESIDENT KUHL: Senator DeFrancisco.

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

ACTING PRESIDENT KUHL: There is.

SENATOR DeFRANCISCO: Move to accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on

Calendar Number 1404. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is adopted.

SENATOR STAVISKY: Explanation.

ACTING PRESIDENT KUHL: Senator DeFrancisco, an explanation of Calendar Number 1404 has been asked for by Senator Stavisky.

SENATOR DeFRANCISCO: Thank you.

This -- this bill, we dealt with about a couple of weeks ago and it passed 56 to 3 and basically what it does is it provides the authority for the counties or the cities, depending upon where the private university is located, to confer upon the sheriff the authority to appoint special campus security officers who have -- who are paid for by the university and provided with certain increased powers that they didn't have before. There is -- they are allowed to carry a baton under this bill and also to carry mace as -- in order to

help them enforce the laws on university campuses.

The bill went to the Assembly and there were objections from the Police Conference of New York and the bill was amended and that's why it came back here, and the first amendment was that there was a requirement for permission in the bill to allow the campus security officers to have emergency type vehicles with red lights and sirens. That was objectionable to the Police Conference. That was eliminated.

In addition, there was indemnification of the sheriff's departments under the prior bill, but they wanted the clause included that the indemnification also includes the defense, if there's a lawsuit, the cost of a defense.

There was also a -- a requirement that the Police Conference of the state of New York wanted to be put in that they wanted the campus security officers or the sheriffs to be able to provide written procedures that would govern the campus security officers' conduct and

these written procedures would be established by the sheriffs, and lastly, there was a concern on behalf of the Police Conference that there might be some conflict between the jurisdictions, so there was a clause added that the -- these officers, these campus security officers shall not interfere with any ongoing criminal investigation conducted by any police officer.

So with those four changes, it was sent back to the Senate. It's an agreed upon bill and the main thrust is to give universities the opportunity to have security officers providing a legitimate law enforcement capability on the campuses to avoid violence that, unfortunately, occurs all too often on our college campuses.

ACTING PRESIDENT KUHL: Senator Stavisky.

SENATOR STAVISKY: Would the sponsor yield -

SENATOR DeFRANCISCO: Yes.

SENATOR STAVISKY: -- for a question or two?

ACTING PRESIDENT KUHL: The sponsor yields.

SENATOR STAVISKY: This applies only to the independent colleges, is that correct?

SENATOR DeFRANCISCO: That's correct.

SENATOR STAVISKY: Did the -- did CICU which represents the independent colleges and universities file a memo for or against this bill?

SENATOR DeFRANCISCO: You know, I don't believe they did. I don't believe they filed either way.

SENATOR STAVISKY: Well, it seems to me that if you're establishing procedures, security or otherwise, for independent colleges and universities, either the body representing the governing board, the trustees of the independent colleges or the body representing the administrative officials of these institutions should be consulted, and I find it very strange that there's no message for or

against this from anyone other than the public security institutions. Why would you not wish to have consultation with the independent colleges and universities for whom this legislation is presumably fashioned?

SENATOR DeFRANCISCO: Well, first of all, the bill was introduced on April 17th, and I assume -- the two independent colleges that I have been working with are RPI and Syracuse University, and I'm sure that the other independent colleges had ample opportunity to learn about this bill and provide any negative input if they chose to.

Secondly, and more importantly, the independent university has to make a request to the local municipality, in this case, it would be Onondaga County or Syracuse University or the common council, I'm not sure which one, they have to authorize this, the sheriff to appoint these special security officers, so if the independent college that has not requested this particular action doesn't think that this is a good idea, they will not have to request

that special legislation from the municipality to grant the sheriff the authority to do this.

SENATOR STAVISKY: Mr. President.

ACTING PRESIDENT KUHL: Senator Stavisky.

SENATOR STAVISKY: As someone who has dealt over the years with educational institutions, both in the Assembly and in the Senate, I find that in most instances, the institutions and agencies and organizations that represent these educational bodies are consulted and are asked to file a memo in support or opposition.

I find this to be a strange situation. It may be the laxity of CICU. It may be your laxity in not seeking out CICU, but whatever the purpose, whatever the reason, I think it would be very desirable if, in the future, the principal organizations representing institutions for whom we are fashioning legislation would be advised, not simply to at random -- and by the way, the educational bodies of this state continue well after April 17th.

They were probably so concerned about the hemorrhaging of state support for higher education that they considered this to be a lesser priority, but I would have felt more comfortable knowing that they were consulted, because what we did to many of these institutions was not very positive towards the future of higher education.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, I would like to commend Senator DeFrancisco for bringing this bill before us. Having briefly served as the chair of the Senate Majority Task Force on Campus Security, I think he has very mindfully addressed a number of concerns of colleges and a number of concerns of security personnel.

I, however, have a couple of questions that I would like to ask the Senator if he would be willing to yield.

ACTING PRESIDENT KUHL: Senator

DeFrancisco, do you yield?

SENATOR DeFRANCISCO: Yes, I do.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR SALAND: Senator DeFrancisco, I would -- in reviewing the bill, the question that comes to mind is the extent to which the authority to make the appointments of the security officers is totally within the discretion of the local government, be it the county or the city and in turn, what authority does that give to either the chief of police or the county sheriff as the case may be?

SENATOR DeFRANCISCO: The municipality would have to approve this authorization and, secondly, as far as the authority, then the sheriff, according to that authorization, has several things they do. They can provide the regulations under which these campus security officers would operate. They also have the opportunity to make certain that the proper training takes place as well, and if we were in a perfect world where we had enough

money to spend for all municipal police officers, we could do that, but the campuses now have security officers. This just gives them a little bit more authority but under the watchful eye of the county legislature and the sheriff of the county.

SENATOR SALAND: Assumedly, if a university -- an independent university was interested in having their security personnel take advantage of this particular legislation, they would in effect have to petition either the county or the city, depending upon where they were located, and there is nothing in this bill that would require either the county or the city to respond favorably, purely an act within the discretion of that body of government.

SENATOR DeFRANCISCO: That's correct. It's in that enabling legislation.

SENATOR SALAND: Thank you.

One other question, Senator. I believe you've made provision in this bill for indemnification -- indemnification of a sheriff or a county or a police chief or a city as -

again, as the case may be, for any of the acts of the security personnel.

SENATOR DeFRANCISCO: Including the cost of a defense.

SENATOR SALAND: Could you just point out the paragraph that that's in, if you might?

SENATOR DeFRANCISCO: Page 4, paragraph -- subparagraph (f), 5 (f).

SENATOR SALAND: That's lines 33 through 42?

SENATOR DeFRANCISCO: That's correct.

SENATOR SALAND: Thank you, Senator.

SENATOR DeFRANCISCO: If I might. You know, fortunately, I have a great staff. They just handed to me something that I should have known. On May 30th, the Coalition of Independent Colleges and Universities on behalf of 112 independent colleges and universities urged support of this legislation. I should have known that. I apologize.

SENATOR STAVISKY: Thank you.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

SENATOR LEICHTER: Mr. President, just -

ACTING PRESIDENT KUHL: Explain your vote?

SENATOR LEICHTER: Well, just very briefly on the bill.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: I am concerned that we are creating -- creating sort of a sub police class here because what Senator DeFrancisco's bill does is to give these university or college security guards who are, after all, private guards powers that are possessed only by police departments, and while it provides for some training, it certainly is far less than the training that police officers get.

Now, these are entitled to make warrantless arrests. They can arrest people for

crimes that were not committed in their presence. They can use physical force. They can carry and utilize a police baton and nocuous materials, and I think it may be for that reason that the New York State Sheriff's Association, I believe that's still true for the "B" print, Senator DeFrancisco, in fact, with a "C" print, they state that they're adamantly opposed to this bill.

I think it's unwise, really, Senator, to give these powers to private security guards. They're not under the control and jurisdiction of police officials. While the sheriff may appoint him, he doesn't control him then and they do have powers that we've never given except to police officers.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Will the negatives please raise their hand. Announce the results when tabulated.

SENATOR HOFFMANN: Could I have my name called, Mr. President?

ACTING PRESIDENT KUHL: Senator Hoffmann to explain her vote.

SENATOR HOFFMANN: Thank you.

I'm somewhat troubled at being in the position of having to get information last minute on the floor and I can sympathize with Senator DeFrancisco having information handed to him by staff. This is unfortunately all too often the way we seem to do business here.

This is a very important matter to many of my constituents. I happen to be the Senator who represents Syracuse University and I have had conversations with the chancellor in years past and have been approached to support a much stronger measure, frankly, one that I thought went way beyond the purview of security officers on universities, and I believe that we were on track with a much more reasonable -- and

as I listened to Senator DeFrancisco's thoughtful explanation -- more acceptable measure, and I am dismayed to discover that at this late hour there is a memorandum from the New York State Sheriff's Association apparently not available to all of us, but the sheriffs are adamantly opposed to this measure. Much as I would like to assist Syracuse University and as much as I am willing to support increased police powers to a reasonable extent for security officers on that campus, I certainly can't support something that still is adamantly opposed by the Sheriff's Association, so I would request to be recorded in the negative.

ACTING PRESIDENT KUHL: Senator Hoffmann will be recorded in the negative.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: May I explain my vote?

ACTING PRESIDENT KUHL: Explain his vote.

SENATOR DeFRANCISCO: You know,

I'm really confused. I have heard this litany from Senator Hoffmann time and time again about the lateness of the hour and things being handed to her and not understanding or not realizing that this happened or that happened and not having time to study and being surprised at the last minute and -

SENATOR HOFFMANN: Will Senator DeFrancisco yield for a question?

ACTING PRESIDENT KUHL: Senator Hoffmann, you're out of order. We're on a roll call. The Senator asked for his right to explain his vote. He has two minutes. You are out of order. Please sit down.

Senator DeFrancisco to continue.

SENATOR DeFRANCISCO: This memo from the sheriff's conference or whatever was available to every colleague that I know about, and if they didn't get the letter from the sheriff's council or whatever organization it is, then it's not the sponsor's fault nor any other member's, and I know I discussed this with some of the other Senators.

The point of the matter is the sheriffs have full control over this particular appointment. They can go to their county legislature and say they don't want it. They can lobby their county legislature. They can set the rules. The sheriffs have a lot of control, but to suggest that someone slipped at the last moment and took off her desk a memo is ridiculous.

I vote aye.

ACTING PRESIDENT KUHL: Senator DeFrancisco will be recorded in the affirmative.

Senator Hoffmann, why do you rise?

SENATOR HOFFMANN: Point of personal privilege, Mr. President. At no point did I suggest that something had been slipped off my desk.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those recorded in the negative on Calendar 1404 are Senators Abate, Connor, Hoffmann, Holland, Kruger, Kuhl,

LaValle, Leibell, Leichter, Marcellino, Nanula, Nozzolio, Onorato, Paterson, Present, Rath, Sears, Stachowski, Stavisky, Volker and Wright. Ayes 36 -- also, Senator Dollinger. Also, Senator Jones. Ayes 34, nays 23.

ACTING PRESIDENT KUHL: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please call up Calendar 1522.

ACTING PRESIDENT KUHL: We're on the regular calendar.

SENATOR DeFRANCISCO: Regular Calendar Number 69.

ACTING PRESIDENT KUHL: Regular calendar, first calendar of the day. The Secretary will read the title to Calendar Number 1522.

THE SECRETARY: On page 8, Calendar Number 1522, by Senator Lack, Senate Print 5378-A, an act to amend the State Finance Law, in relation to the WorkFare program for court facilities.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

SENATOR DeFRANCISCO: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR DeFRANCISCO: I would move that you accept -- that we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1522. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: There will be an immediate meeting of the Rules Committee in Room 332 of the Capitol.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Rules Committee -- an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332. Immediate meeting of the Rules Committee, Majority Conference Room, Room 332.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please call up Calendar 1531 from the original calendar, Calendar Number 69.

ACTING PRESIDENT KUHL: On the regular calendar, Calendar Number 69, the first calendar of the day, the Secretary will read the title to Calendar Number 1531, page 9.

THE SECRETARY: On page 9, Calendar Number 1531, by Member of the Assembly

Bragman, Assembly Print 2070-C, an act authorizing the establishment of the Northern Onondaga Public Library District.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR DeFRANCISCO: Would you please call up Calendar 1558.

ACTING PRESIDENT KUHL: Please turn now to Supplemental Calendar Number 1 - Supplemental Calendar Number 1, page 4. Ask the Secretary to read the title to Calendar Number 1558, by Senator LaValle, Senate Print 5428-A.

THE SECRETARY: Calendar Number 1558, by Senator LaValle, Senate Print 5428-B, an act to amend the Education Law, in relation

to establishing a statewide voting day for school districts.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you temporarily lay that bill aside.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

SENATOR DeFRANCISCO: Mr. President.

ACTING PRESIDENT KUHL: Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you please go to Supplemental Calendar Number 2 and read the non-controversial calendar.

ACTING PRESIDENT KUHL: We'll go to Supplemental Calendar Number 2 which is on all the members' desks. Ask the Secretary to read the non-controversial calendar.

THE SECRETARY: Senator Lack moves to discharge from the Committee on Rules, Assembly Bill Number 6265-A and substitute it for the identical Calendar Number 887.

ACTING PRESIDENT KUHL: The substitution is ordered.

THE SECRETARY: Calendar Number 887, by Member of the Assembly Weinstein, Assembly Print 6265-A, an act to amend the State Finance Law, in relation to court facilities.

ACTING PRESIDENT KUHL: Senator Larkin, there's a message of necessity at the desk.

SENATOR LARKIN: Accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message on Calendar Number 887. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is adopted.

The Secretary will read the last section.

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

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Yes, Senator Dollinger.

SENATOR DOLLINGER: Would someone just answer one question about this matter?

ACTING PRESIDENT KUHL: Senator Lack, do you yield for a question from Senator Dollinger?

SENATOR DOLLINGER: It's an obvious question from somebody from Monroe County. What's the effect on Monroe County which has the Appellate Division? This deals with the Appellate Divisions and the support from county. Just tell me what the effect is in Monroe County.

SENATOR LACK: The effect on Monroe County, Senator, is that this will now become a state cost, rather than a county cost which it has been for over 100 years reflecting the difference from last century when counties used to bid for who would get an Appellate Division because of the revenue that was brought

into the county.

Since our modes of transportation and our methods of communication have changed in the last hundred years, it's no longer a financial incentive to have an Appellate Department. It's a financial disincentive.

If I can, since the -- there was debate, Mr. President, on this bill, if that answered you question. Mr. President, if I can just spend a minute to say why this bill is here in this form.

This bill in the past -- this bill in the past, Mr. President, has been linked to a constitutional amendment to the establishment of the Fifth Department. I have chosen to unlink it, quite frankly, at the request of the presiding Justice Delores Denman of the Fourth Department who contacted me a couple of weeks ago saying that she is -- has the possibility of being able to move the Fourth Department to a more advantageous location than the part of the building that it currently occupies, and in order to do so would request

that the state takeover of the Appellate Division facilities go forward unhindered to the constitutional amendment for the Fifth Department.

She told me at the time -- and there's no reason why I can't repeat it now - she hesitantly supports the Fifth Department as do all my colleagues in this chamber who have voted for it on at least two occasions over the last two years.

I thank you for that support. I have unhinged the bills as they were between the constitutional resolution and this bill for Appellate Division takeover. It is done so that the Fourth Department can proceed not being tied to something that has not happened. I don't mind doing that. It doesn't change in one iota any wavering of my support for the establishment of the Fifth Department, and I certainly hope that the Assembly would join the Senate which has twice now passed the constitutional resolution to establish that department and for which I will turn my efforts completely in our

next session.

SENATOR DOLLINGER: Mr. President, just one other question, of Senator Lack.

ACTING PRESIDENT KUHL: Senator Lack, do you continue to yield?

SENATOR DOLLINGER: I'm trying to get at, the discussion with Justice Denman involved moving the Fourth Department inside the city of Rochester, is that correct?

SENATOR LACK: Mr. President, to my knowledge, presiding Justice Denman is not attempting to move the Fourth Department outside of Monroe County or the city of Rochester but within and is looking at a site that she can move it to.

SENATOR DOLLINGER: Just can for that assurance.

Mr. President, I support this bill. I think it does a good thing. It does also unlink the state's obligation for the Fourth Department from the county's obligation for facilities for the Fourth Department which I

think has a good uncoupling, although as Senator Lack points out, it's centuries old in the sense of how it came about.

I would just reiterate for the sponsor of this, my thanks for Monroe County and my continued support, even though it's a long ways away from Monroe County for the creation of a fifth judicial department.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to call the non- -- I underline the word non-controversial calendar.

SENATOR LIBOUS: Mr. President. Mr. President.

ACTING PRESIDENT KUHL: Senator Libous, why do you rise?

SENATOR LIBOUS: Mr. President, could I have unanimous consideration to be recorded in the negative on Calendar Number 1404?

ACTING PRESIDENT KUHL: Without objection.

SENATOR LIBOUS: Thank you.

ACTING PRESIDENT KUHL: Hearing no objection, Senator Libous will be recorded in the negative on Calendar Number 1404.

The Secretary will continue to call the non-controversial calendar.

THE SECRETARY: Calendar Number 1032, by Senator Stafford, Senate Print 4217-B, an act authorizing the town of Dannemora, Clinton County to discontinue use as parklands.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Padavan moves to discharge from the Committee on Tourism, Assembly Bill Number 4595 and substitute it for the identical Calendar Number 1543.

ACTING PRESIDENT KUHL: The substitution is ordered.

THE SECRETARY: Calendar Number 1543, by Member Assembly Weprin, Assembly Print Number 4595, an act to amend the Navigation Law, in relation to wearing life preservers on certain vessels.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Senator Maltese moves to discharge from the Committee on Rules, Assembly Bill Number 5818 and substitute it for

the identical Calendar Number 1547.

ACTING PRESIDENT KUHL: The substitution is ordered.

THE SECRETARY: Calendar Number 1547, by Member of the Assembly Feldman, Assembly Print 5818, an act to amend the Executive Law, in relation to eligibility.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator DiCarlo moves to discharge from the Committee on Rules, Assembly Bill Number 4682-A and substitute it for the identical Calendar Number 1577.

ACTING PRESIDENT KUHL: The substitution is ordered.

THE SECRETARY: Calendar Number 1577, by Member of the Assembly Abbate, Assembly Print 4682-A, an act to amend the General Business Law, in relation to franchises for the sale of motor fuels.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1578, by Senator Galiber, Senate Print 4915, 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 Bronx.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. The Secretary

will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1579, by Senator Saland, Senate Print 5407, an act to amend the Public Authorities Law, in relation to dormitories.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1580, by Senator Holland, Senate Print 5422, an act to authorize the issuance of bonds by the town of Orangetown in the county of Rockland.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1581, by Senator DeFrancisco, Senate Print 5459-A, an act to -

SENATOR LARKIN: Lay it aside.

ACTING PRESIDENT KUHL: The bill is high. Lay the bill aside.

THE SECRETARY: Calendar Number 1582, by Senator Marchi, Senate Print 5460, an

act to amend the Limited Liability Company Law, the Partnership Law and the Arts and Cultural Affairs Law.

SENATOR LARKIN: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1583, by Senator Volker, Senate Print 5495, an act to authorize the Office of General Services to sell, transfer and convey certain real property.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1584, by Senator Hoblock, Senate Print 5511, an act to authorize Charles C. Mackey, Jr. to transfer a membership from the New York State and Local Employees Retirement System.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1585, by Senator Hoblock, Senate Print 5512, an act to authorize health insurance coverage for retiree John Watkins.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1586, by Senator Waldon, Senate Print 5535, an act to amend Section 1 of a Chapter of the Laws of 1995 as proposed in legislative bill numbers S.4651 and A.7494.

ACTING PRESIDENT KUHL: There's a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1587, by Senator Nozzolio, Senate Print 5552 -

ACTING PRESIDENT KUHL: The bill is high. Lay the bill aside.

THE SECRETARY: Calendar Number 1588, by the Assembly Committee on Rules, Assembly Print 8002, an act to amend the Education Law and the Public Health Law, in relation to the establishment of and maintenance of current medical records.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

ACTING PRESIDENT KUHL: The bill is passed.

ACTING PRESIDENT KUHL: Announce the results to the vote on Calendar Number 1588.

THE SECRETARY: Those recorded in the negative on Calendar 1588 are Senators DiCarlo, Holland, Maltese and Onorato. Ayes 53,

nays 4.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Larkin, Calendar Number 1589 was passed earlier. That completes the non-controversial calling of Senate Supplemental Calendar Number 2.

SENATOR PADAVAN: Mr. President.

ACTING PRESIDENT KUHL: Senator Padavan, why do you rise?

SENATOR PADAVAN: May I be recorded in the negative, I think on Calendar Number 1588.

ACTING PRESIDENT KUHL: Without objection.

SENATOR PADAVAN: The last one that passed.

ACTING PRESIDENT KUHL: Hearing no objection, Senator Padavan will be recorded in the negative on Calendar Number 1588.

Senator Libous.

SENATOR LIBOUS: Mr. President, can I also without objection be recorded in the

negative on 1588.

ACTING PRESIDENT KUHL: Without objection, Senator Libous will be recorded in the negative on Calendar Number 1588.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, without objection, may I be recorded in the negative on 1588.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Marcellino will be recorded in the negative on Calendar Number 1588.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar 1588.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Stachowski will be recorded in the negative on Calendar Number 1588.

Senator Sears.

SENATOR SEARS: May I be recorded in the negative on 1588 also.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Sears will be recorded in the negative on Calendar Number 1588.

Senator Tully.

SENATOR TULLY: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 1588.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Tully will be recorded in the negative on Calendar Number 1588.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I ask unanimous consent to be recorded in the negative on Calendar Number 1588.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Nozzolio will be recorded in the negative on Calendar Number 1588.

Senator Spano.

SENATOR SPANO: Same motion, Mr. President, 1588, please record me in the

negative.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Spano will be recorded in the negative on 1588.

Senator Present.

SENATOR PRESENT: Same one.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Present will be recorded in the negative on Calendar Number 1588.

Senator Stavisky.

SENATOR STAVISKY: Similar request for 1588, no vote.

ACTING PRESIDENT KUHL: Without objection, Senator Stavisky will be recorded in the negative on Calendar Number 1588.

Senator LaValle.

SENATOR LAVALLE: May I be recorded in the negative, Mr. President.

ACTING PRESIDENT KUHL: Without objection, Senator LaValle will be recorded in the negative on Calendar Number 1588.

Senator Farley.

SENATOR FARLEY: 1588.

ACTING PRESIDENT KUHL: Without objection, Senator Farley will be recorded in negative on Calendar 1588.

Senator Leibell.

SENATOR LEIBELL: Request to be recorded in the negative on 1588.

ACTING PRESIDENT KUHL: Without objection, Senator Leibell will be recorded in the negative on Calendar Number 1588.

Senator Maziarz.

SENATOR MAZIARZ: I would like to be recorded in the negative on 1404 and 1588.

ACTING PRESIDENT KUHL: Without objection.

Who else would like to be recorded in the negative on Calendar Number 1588?

Senator Rath, Senator Lack, Senator Kruger, Senator Nanula. Can we have a little order in the chamber, please.

SENATOR COOK: Mr. President.

ACTING PRESIDENT KUHL: Without

objection, Senator Maziarz is going to be recorded in the negative on Calendar Number 1588.

Senator Marchi, without objection will be recorded in the negative on Calendar Number 1588.

SENATOR LARKIN: Madam President, would you call Calendar 1543, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On Supplemental Calendar Number 2, page 1, Calendar Number 1543, substituted earlier today by Member of the Assembly Weprin, Assembly Print 4595, an act to amend the Navigation Law, in relation to wearing life preservers on certain vessels.

THE PRESIDENT: Senator Kuhl.

SENATOR KUHL: Can we have an explanation of the bill, please?

THE PRESIDENT: An explanation is requested.

Senator Padavan.

SENATOR PADAVAN: Yes. This bill

would require by amendment -

THE PRESIDENT: Can't hear up here.

SENATOR PADAVAN: This bill would require by amendment of the -- Subdivision 1 of Section 40 of the Navigation Law to provide that a child under the age of 12 must wear a U.S. Coast Guard approved type 1 or type 2 life jacket on all pleasure boats. Currently, there is a requirement for a life jacket, but the limit is 26 foot on the pleasure boat. Now, this would extend this requirement beyond that of a craft -- pleasure craft that is 26 -- under 26 feet.

Now, one of the issues here is that with respect to the type of device -- and this was highlighted last year when a boat capsized out of the coast of Long Island and two very small children, along with their mother were tossed overboard. The children had life jackets on, but they were not of the type specified here which keeps the head up. So both children drowned facedown with the life jackets

on.

That, in essence, is the bill, sir.

THE PRESIDENT: Senator Kuhl.

SENATOR KUHL: Would the sponsor yield to a couple of questions?

SENATOR PADAVAN: Yes.

SENATOR KUHL: Senator Padavan, you indicated that there are essentially -- I believe this is what you said, that there are two aspects of this particular proposal that are different from existing law. Number 1, you have -- you're changing the type of required life vest and, Number 2, you're extending the requirement for usage of a life vest to vessels -- pleasure vessels that are longer than 26 feet, is that correct?

SENATOR PADAVAN: That's correct.

SENATOR KUHL: Now, Senator Padavan, would this bill apply to, say a commercial vessel that takes passengers for hire?

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: The section of the law that we're amending relates to pleasure craft as defined in the Navigation Law, and it would, therefore, not relate to -- I assume you mean a ferry or something like that.

SENATOR KUHL: Yeah.

SENATOR PADAVAN: It would not relate to that type of thing.

SENATOR KUHL: So that in a situation where you have, say the Maid of the Mist which travels the Niagara River or the Keuka Maid which travels up and down Keuka Lake or -- they had a similar situation over on Chautauqua Lake for Senator Present, where we have a commercial operation taking tourists out on large boats. Children understand 12 would not be required, you're telling me, to wear a life vest under this proposed legislation?

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: My understanding is they would not. They do not fall within the category of a vessel generally described as pleasure craft defined by the

Navigation Law.

SENATOR KUHL: You don't happen to have that definition right here, do you, Senator?

SENATOR PADAVAN: I have the section, but I can't -- I'm looking while I'm talking. I can give it to you, but what I related to you is what was previously represented by virtue of research on this bill.

SENATOR KUHL: My concern, Senator -- and this is the reason for my questions -- that there are many types of these commercial vessels that certainly would not be able to financially, I don't think afford, nor would they be able to police 12-year-olds and having people wear them who are less than 12 years old, these life vests, that's number 1.

SENATOR PADAVAN: Senator, if I may interrupt.

SENATOR KUHL: Sure.

SENATOR PADAVAN: You see the reference here is the class 3 vessel as classified and defined in subdivision 1 of

Section 43. Sorry. I think somewhere here I have the complete definition of that category of vessel, but it is not a commercial vessel of this type that you described.

SENATOR KUHL: So it is not your intent then, Senator, if I may continue, to require that commercial ventures that I'm inquiring about to be required to actually have passengers under 12 wear life vests.

SENATOR PADAVAN: That's correct.

SENATOR KUHL: All right. I have no further questions.

THE PRESIDENT: Will the Secretary read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Will the Secretary read, please.

THE SECRETARY: Calendar Number 1581, by Senator DeFrancisco, Senate Print 5459-A, an act to amend the Racing -

SENATOR LARKIN: Lay it aside.

THE PRESIDENT: The bill is high. Lay it aside.

THE SECRETARY: Calendar Number 1582 -

SENATOR LARKIN: Lay it aside.

THE PRESIDENT: Lay it aside, please.

Senator Larkin.

SENATOR LARKIN: Madam President, we would like to return to Calendar 42 on the original Thursday's calendar, by Senator Nozzolio, Print Number 580-B.

THE PRESIDENT: Thank you.

Will you read the last section, please. Oh, I'm sorry. The Secretary will read the bill.

THE SECRETARY: Calendar Number -- Calendar Number 42, by Senator Nozzolio, Senate Print 580-B, an act to amend the Public

Authorities Law and the Executive Law, in relation to creating the Cayuga County Water and Sewer Authority.

SENATOR LARKIN: Is there a message at the desk?

THE PRESIDENT: There is.

SENATOR LARKIN: I move we accept the message.

THE PRESIDENT: All in favor of accepting the message please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted.

Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is

passed.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Hannon, I wish to call up his bill, Senate Print 5026, which was recalled from the Assembly which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1285, by Senator Hannon, Senate Print 5026-A, an act to amend the Executive Law.

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

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

SENATOR FARLEY: Madam President, I now offer the following amendments.

THE PRESIDENT: Amendments received. Do we have some substitutions? The Secretary will read some substitutions.

THE SECRETARY: Senator Goodman moves to discharge from the Committee on Rules, Assembly Bill Number 8215-A and substitute it for the identical Calendar Number 738 restored earlier today.

Senator Goodman moves to discharge from the Committee on Rules, Assembly Bill Number 8349 and substitute it for the identical Calendar Number 885 which was restored to the calendar earlier today.

On page 8 of the regular calendar, Senator Padavan moves to discharge from the Committee on Rules, Assembly Bill Number 7423-A and substitute it for the identical Calendar Number 1516.

THE PRESIDENT: The substitutions are ordered.

Senator Larkin.

SENATOR LARKIN: Madam President, can we call up Calendar 885 which was -- earlier

today was amended -- restored.

THE PRESIDENT: So ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 885, restored to the calendar earlier today by the Assembly Committee on Rules, Assembly Print 8349, an act to amend the Tax Law, in relation to extending Section 1142-A of such law.

SENATOR LARKIN: Is there a message at the desk?

THE PRESIDENT: Yes, there is.

SENATOR LARKIN: Move to accept the message.

THE PRESIDENT: Yes. All in favor of accepting the motion please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted.

Copies of this restored bill are on each members' desks.

Read the last section, please.

THE SECRETARY: Section 2. This act -

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: May I read this -- see what the bill is? Okay.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Can we return to reports of standing committees and get the results of the Rules Committee report.

THE PRESIDENT: Yes. The Secretary will read.

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

following bills:

Senate Print 516, by Senator Kuhl, an act to amend the Agriculture and Markets Law, in relation to providing a real property tax abatement;

3114, by Senator Johnson, an act to direct the Commissioner of Environmental Conservation to conduct a feasibility study;

4498-A, by Senator Nozzolio, an act to amend the Correction Law, in relation to establishing a procedure to convert;

5471-A, by Senator Hannon, an act to amend the Public Health Law, in relation to the operation of the Department of Health;

5484-A, by Senator Present, an act to amend the Highway Law, in relation to authorizing the Department of Transportation;

5508, by Senator Larkin, an act to amend the Real Property Tax Law, in relation to improvements required;

5516, by Senator Holland, an act to amend the Social Services Law, in relation to amounts for which the state and social services

districts are responsible;

5547, by Senator Tully, an act authorizing the assessor of the county of Nassau to accept an application;

5549, by Senator Stafford, an act to amend the Highway Law, in relation to designating certain highways located in the city of Plattsburgh as state highways;

5560, by Senator Libous, an act to amend the Mental Hygiene Law, in relation to receivership of residential facilities;

5561, by Senator Cook, an act to amend the Tax Law, in relation to making a technical correction to provisions exempting volunteer fire departments;:

And Assembly 8331, by the Assembly Committee on Rules, an act in relation to authorizing the city of Troy, county of Rensselaer to establish and operate a municipal ambulance service.

All bills ordered directly for third reading.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Madam President, can we return to Calendar Number 1582, Print Number 5460, by Senator Marchi.

THE PRESIDENT: Without objection, all bills were reported directly to the third reading.

Will the Secretary read, please.

THE SECRETARY: On Supplemental Calendar 2, page 2, Calendar Number 1582, by Senator Marchi, Senate Print 5460, an act to amend the Limited Liability Company Law, the Partnership Law and the Arts and Cultural Affairs Law.

THE PRESIDENT: Would you please read the last section.

THE SECRETARY: Section 25. This act shall take effect immediately.

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Madam President, can we now take up Supplemental Calendar Number 3, non-controversial.

THE PRESIDENT: Will the Secretary read, please.

THE SECRETARY: Senator Kuhl moves to discharge from the Committee on Rules, Assembly Bill Number 728 and substitute it for the identical Calendar Number 4.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 4, by Member of the Assembly Parment, Assembly Print number 728, an act to amend the Agriculture and Markets Law, in relation to providing a real property tax abatement.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

The Secretary will read.

THE SECRETARY: Senator Johnson moves to discharge from the Committee on Rules, Assembly Bill Number -

SENATOR LARKIN: Lay it aside temporarily.

THE PRESIDENT: Continue with the substitution.

THE SECRETARY: Senator Johnson moves to discharge from the Committee on Rules, Assembly Bill Number 5229 and substitute it for the identical Calendar Number 1591.

THE PRESIDENT: Substitution ordered.

SENATOR LARKIN: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Senator Nozzolio moves to discharge from the Committee on Rules, Assembly Bill Number 8173-A and substitute it

for the identical Calendar Number 1591 -- 1592.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1592, by the Assembly Committee on Rules, Assembly Print Number 8173-A, an act to amend the Correction Law, in relation to establishing a procedure to convert indeterminate sentences.

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: Lay it aside, please.

The Secretary will read.

THE SECRETARY: Calendar Number 1594, by Senator Hannon, Senate Print 5471-A, an act to amend the Public Health Law, in relation to the operation of Department of Health facilities.

SENATOR LARKIN: Is there a message at the desk?

THE PRESIDENT: Yes, there is.

SENATOR LARKIN: Move to accept -- move to accept the message.

THE PRESIDENT: The motion is to

accept the message. All those in favor of accepting the message please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted.

Read the last section, please.

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

SENATOR DOLLINGER: Madam President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Can we just have a brief explanation on this bill?

SENATOR LARKIN: It's non-controversial, Senator.

THE PRESIDENT: Lay it aside. We better lay the bill aside then.

The Secretary will read.

THE SECRETARY: Calendar Number 1595, by Senator Present, Senate Print 5484-A,

an act to amend the Highway Law, in relation to authorizing the Department of Transportation.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect April 1.

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Senator Larkin moves to discharge from the Committee on Rules, Assembly Bill Number 7807 and substitute it for the identical Calendar Number 1596.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1596, by the Assembly Committee on Rules, Assembly Print 7807, an act to amend the Real Property Tax Law, in relation to improvements required by the Americans with Disabilities Act

of 1990.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: This bill is passed.

THE SECRETARY: Senator Holland moves to discharge from the Committee on Rules, Assembly Bill Number 2319 and substitute it for the identical Calendar Number 1597.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1597, by Member of the Assembly Pordum, Assembly Print Number 2319, an act to amend the Racing, Pari-mutuel Wagering and Breeding Law, in relation to the certification of certain tax credits.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1598, by Senator Spano, Senate Print 5527, an act to amend the Real Property Tax Law, in relation to the special partial exemption under the cooperative real property tax administrative system.

SENATOR SPANO: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Senator Tully moves to discharge from the Committee on Rules, Assembly Bill Number 7997 and substitute it for the identical Calendar Number 1599.

THE PRESIDENT: Substitution

ordered.

THE SECRETARY: Calendar Number 1599, by the Assembly Committee on Rules, Assembly Print 7997, an act authorizing the assessor of the county of Nassau to accept an application.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1600, by Senator Stafford, Senate Print 5549, an act to amend the Highway Law.

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

THE SECRETARY: Calendar Number 1601, by Senator Libous, Senate Print 5560, an

act to amend the Mental Hygiene Law, in relation to receivership.

SENATOR LARKIN: Is there a message at the desk?

THE PRESIDENT: Yes, there is a message at the desk.

SENATOR LARKIN: Move to accept the message.

THE PRESIDENT: All those in favor of accepting the message please signify by saying aye.

(Response of "Aye".)

Those opposed by saying nay.

(There was no response.)

The message is accepted.

Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Senator Cook moves to discharge from the Committee on Rules, Assembly Bill Number 8273 and substitute it for the identical Calendar Number 1602.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1602, by the Assembly Committee on Rules, Assembly Print 8273, an act to amend the Tax Law, in relation to making a technical correction.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1604, by the Assembly Committee on Rules, Assembly Print 8331, an act in relation to authorizing the city of Troy, county of Rensselaer to establish and operate a municipal ambulance service.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 1, Senator Farley recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Madam President, can we return to Calendar Number 1594, by Senator Hannon, on page 1 of Supplement 3.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1594, by Senator Hannon, Senate Print 5471-A, an act to amend the Public Health Law, in relation to the operation of Department of Health facilities.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Madam President, can we call up Calendar 1591, by Senator Johnson, Senate Print 3114, page 1 on Senate Supplement Number 3.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number

1591, substituted earlier today by Member of the Assembly DiNapoli, Assembly Print 5229, an act to direct the Commissioner of Environmental Conservation to conduct a feasibility study.

THE PRESIDENT: Read the last section, please.

SENATOR ONORATO: Mr. President, will -- Senator Johnson, will you yield to a question, please?

SENATOR JOHNSON: Yes, Mr. President -- or whatever has asked me.

SENATOR ONORATO: What do they intend to use in place of water in toilets, ultrasonic sound?

THE PRESIDENT: Senator Johnson.

SENATOR JOHNSON: Yes, Mr. President. My response is gravity.

SENATOR ONORATO: Gravity. Explanation satisfactory. Read the last section.

THE PRESIDENT: I don't think we're going to read the last section until we stop laughing. Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

SENATOR LARKIN: Madam President, can we now return to Calendar Number 482, page 4 on the original calendar for today, by Senator Lack.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Lack moves to discharge from the Committee on Rules, Assembly Bill Number 5817-A and substitute it for the identical Calendar Number 482.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 482, by Member of the Assembly DiNapoli, Assembly Print Number 5817-A, an act to amend

the Civil Service Law and the Education Law, in relation to the compensation of teaching and research center nurses.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: Results -- the bill is passed.

SENATOR LARKIN: Madam President.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Can we go back to Calendar 1592, by Senator Nozzolio, on page 1 of Senate Supplement 3.

THE PRESIDENT: Yes. The Secretary will read.

THE SECRETARY: Calendar Number 1592, by the Assembly Committee on Rules substituted earlier today, Assembly Print Number 8173-A, an act to amend the Correction Law, in

relation to establishing a procedure to convert indeterminate sentences.

THE PRESIDENT: Read the last section, please.

Oh, Senator Leichter, I'm so sorry. I didn't see you.

SENATOR LEICHTER: Thank you.

I'm going to speak on the bill. I've discussed it with Senator Nozzolio. I raised some questions about it in the Rules Committee.

What this bill provides is that the commissioner is given sole and unfettered discretion to, I guess reduce a sentence, you could say, to a max... to a maximum equal to two-thirds -- I'm sorry -- to reduce a sentence equal to two-thirds of the maximum. This is for purposes of having somebody who can be deported to a treaty nation where we have an arrangement with that nation, and while I understand the purpose of trying to get people who can be deported out of our correctional system so that we no longer have to pay for them, I'm just

concerned about having that power solely rest in the commissioner and not require that at least you go to the district attorney and the judge to find out if there are any particular circumstances in that case that would make that unwise.

There are some people who should serve their full maximum sentences. Ordinarily, I'm somewhat on the different side of that, but I do believe that our obligation for public safety requires that we have more safeguards than just giving this power to the commissioner. The commissioner obviously wants to clear beds. He's going to shift everybody out.

Now, what happens as we know is some people who are deported to countries where they take the next plane or next boat and they come back to the United States. If you check with the D.A., you check with the judge, at least in those instances, there may be the possibility that you will get information which will show you that it's unwise to let that

particular individual out or commute his sentence.

I mean, this is -- really what we're doing is giving the commissioner the power to commute the sentence. As I said to Senator Catherine Abate who was a correction commissioner, although she didn't have that sort of power, I said even somebody as wise as you, I wouldn't trust with this power. I just think that it ought -- that there ought to be greater safeguards.

I understand the aim and purpose, but I think that in practice we may find ourselves that somebody is going to be let out early and will be back in our shores possibly creating mischief or even mayhem.

SENATOR NOZZOLIO: Madam President.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: I thank Senator Leichter -- I thank Senator Leichter for raising those comments and concerns, but I just wanted to inform my colleagues that, however,

the purpose of this measure is to allow those inmates who are now in our jails that are nationals of other countries to be deported if they so consent to that deportation.

The Commissioner of Corrections has been given that authority in an effort to take criminals out of our -- being supported by taxpayers of this country when these -- our individuals should not have been in our nation in the first place committing crime.

THE PRESIDENT: Thank you, Senator Nozzolio.

Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes 56, nays 1, Senator Leichter recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Madam President, can we return to today's original calendar, Calendar Number 69 for Calendar Number 875, by Senator Levy, Senate Bill 4985-C.

THE PRESIDENT: Read the last section, please. I'm sorry, the Secretary will read.

THE SECRETARY: Senator Levy moves to discharge from the Committee on Rules, Assembly Bill Number 7897-B and substitute it for the identical Calendar Number 875.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 875, by the Assembly Committee on Rules, Assembly Print 7897-B, an act to amend the Transportation Law, in relation to the investigation of accidents.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Madam President, can we go to Calendar Number 15... 1516, page 8 on the original calendar for today, by Senator Padavan.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1516, substituted earlier today by the Assembly Committee on Rules, Assembly Print 7423-A, an act to amend the General Municipal Law, in relation to providing coverage for injuries sustained.

THE PRESIDENT: Read the last section, please.

Did someone request an explanation?

SENATOR LEICHTER: Explanation.

SENATOR PADAVAN: Senator, this bill passed the Senate earlier in the week and the Assembly made a couple of changes and it's been returned to us and been substituted.

Basically, what it does is the investigators who work for the district attorneys' offices in the city of New York are not covered for injuries sustained in the line of duty, as opposed to similar personnel working outside the city of New York. This is requested by the district attorneys in the city of New York.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes 56, nays 1, Senator DiCarlo recorded in the negative.

THE PRESIDENT: The bill is passed.

We're returning to motions and resolutions. The Secretary will read.

THE SECRETARY: Senator Holland moves to discharge from the Committee on Rules, Assembly Bill Number 2391 and substitute it for the identical Calendar Number 1597.

THE PRESIDENT: The substitution is ordered.

THE SECRETARY: Calendar Number 1597, by Member of the Assembly Jacobs, Assembly Print Number 2391, an act to amend the Social Services Law, in relation to amounts for which the state and social services districts are responsible.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Senator DiCarlo.

SENATOR DiCARLO: Thank you, Madam President.

On behalf of Senator Volker, I wish to call up bill, Senate Print 5495 which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1583, by Senator Volker, Senate Print 5495, an act to authorize the Office of General Services.

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

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: Senator DiCarlo.

SENATOR DiCARLO: Madam President, I now move to discharge from the Committee on Rules, Assembly Print 8202, the Senate bill on first passage and substitute it for the identical bill.

THE PRESIDENT: Substitution ordered.

SENATOR DiCARLO: The Senate Bill on first passage was voted unanimously. I now move that the substituted Assembly bill have its third reading at this time.

THE PRESIDENT: There is a home rule message at the desk. Read the last section, please.

THE SECRETARY: Calendar Number 1583, by the Assembly Committee on Rules, Assembly Print 8202, an act to authorize the Office of General Services to sell, transfer and convey certain real property.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT KUHL: The Senate will come to order.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there's a resolution at the desk that relates to the late Senator Schermerhorn. I would like to ask that it now be read in its entirety.

ACTING PRESIDENT KUHL: The Secretary will read the privileged resolution.

THE SECRETARY: By Senators Larkin, Bruno, Velella, Cook and Holland, Legislative Resolution expressing sincerest

sorrow upon the occasion of the death of the Honorable Richard E. Schermerhorn, former member of the New York State Senate.

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 express sincerest sorrow upon the occasion of the death of the Honorable Richard E. Schermerhorn, former member of the New York State Senate; and

WHEREAS, Richard E. Schermerhorn is survived by his wife, the former Rosemary Wootten of Berkshire, England and five daughters, Linda Finn, Kathleen Agrawal, Amy Duchesneau, Kelly Gonzalez and Schuyler Schermerhorn; and

WHEREAS, the life and career of

Richard E. Schermerhorn mirrors those preroga tives of personal initiative and accountability so paradigmatic of our American manner; and

WHEREAS, Richard E. Schermerhorn represented the 39th Senatorial District consisting of parts of Orange and Ulster Counties. Richard E. Schermerhorn was born in Albany, New York on October 29, 1927. He was educated in Ravena-Coeymans School and the Albany Military Academy. After graduating in 1945, he enlisted in the Army, serving with the infantry with the occupation forces in Japan after World War II; and

WHEREAS, after military service, Richard E. Schermerhorn entered Bryant College in Providence, Rhode Island, graduating with B.A. and B.S. degrees in business administration in 1953. Upon graduation, he was employed by The Travelers Insurance Company as a field supervisor. In 1960, Richard E. Schermerhorn formed a partnership with Donald N. Herr in Newburgh, New York; and

WHEREAS, active in many civic and

fraternal organizations, Richard E. Schermerhorn was a member of the American Legion, the Elks Club and is an honorary member and avid supporter of the Boy Scouts of America. He served as chairman of the Greater Newburgh Area Fund Drive, a co-chairman of the Sarah Wells Council of Girl Scouts Fund Drives and was a former member of the Chester National Bank. In addition, he was a member of the Advisory Council of the Merchants Group of Insurance Companies and Garden City Golf Club of Long Island; and

WHEREAS, Richard E. Schermerhorn was first elected to the state Senate in 1970 and served nine terms in office. In 1973, he was named as chairman of the Senate Committee on Civil Service and Pensions and held that position until 1985 with the exception of a brief period when he was chairman of the Senate Standing Committee on Social Services. He served as chairman of the Committee on Corporations, Authorities and Commissions during 1985-1988; and

WHEREAS, for his efforts as a state Senator, Senator Schermerhorn has received many honors and awards from the state's police organizations, professional firefighters and a number of other uniform service organizations for his outstanding efforts on their behalf. The American Legion recognized Richard E. Schermerhorn for his service in public office and his Americanism. In 1973, Richard E. Schermerhorn had the honor of being the first recipient of the New York State Youth Bureau Award for distinguished services due to his efforts to promote the welfare of youth; and

WHEREAS, through his long and sustained commitment to the ideals and principles upon which this beloved nation was first founded, Richard E. Schermerhorn did so unselfishly advance that spirit of united purpose and shared concern with the unalterable manifestation of our American experience; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to express

sincerest sorrow upon the occasion of the death of the Honorable Richard E. Schermerhorn, former member of the New York State Senate, fully confident that such procedure mirrors our shared commitment to enhance and to yet effect that patrimony of freedom which is our American heritage; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Mrs. Richard E. Schermerhorn, Newburgh, New York.

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

SENATOR BRUNO: Mr. President, on the resolution. I attended earlier this week the funeral service for Dick Schermerhorn, and it was a very, very emotional experience, more so than a lot of things that happened in our lives and any time anyone passes, it's always emotional; it's always disturbing, but I was reflecting as I was listening on the first times that I met Dick Schermerhorn, and those people that knew him, knew him to be a stand-up person

who told it like it was, and there were -- there was no question about what was on his mind, but I was just relating to the very first time I saw him, came into Troy to the Troy Country Club and he was the main speaker for the Troy Benevolent Association, the police association. I was running for office for the first time, for this office and I was in a primary, and I was in a very difficult primary. I introduced myself to Senator Schermerhorn as he came in, told him what I was doing, told him I was the Republican candidate. In the middle of his speech up front with several hundred people in the room, he made eye contact and he stopped and he said, "By the way, the man here running for the Senate, Joe Bruno, I met him, he's the right kind of guy. Everyone in this room ought to be supporting him for the Senate", and you know what, I went through that primary and I never, ever forgot that, that he was willing publicly to support me having met me, spending a few minutes with me and just knowing where I was coming from. That was the kind of guy that Dick Schermerhorn was.

You knew exactly where he was at and he didn't mind standing up for whatever the issue was, controversial or otherwise. So we miss him. He had the guts to do the kinds of things that sometimes it takes to be in office.

He had some difficulties in his life, but he was never, ever other than standing tall and looking up in his last year's of his life, suffered greatly, but for all the people that were around him, they only had more and more respect for him because he was never, ever really bowed.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Larkin.

SENATOR LARKIN: Mr. President, I had the privilege of working for Senator Dick Schermerhorn in this chamber as a staff member. I was a town supervisor in his district and I was a member of the Assembly within his district.

I think when you think about Dick, I think the Majority Leader just said it

right, that Dick gave you his word; you never had to worry about it.

I told a story more than once and it needs repeating again. I can remember when we would be going home after session would end and he would stop on State Street or Washington Avenue and go into the state Education Building and pick up a package, and for years I used to accuse him of not having his degree really from Bryant, that he was going in and taking some short courses. What the Senator was doing was picking up a package that on Saturday he would deliver to two blind families in our district, and the amazing thing about it, he had staff and when I found out about it, I said, "Dick, why don't you let me do that." He said, "If I let you do that, I'm really not doing something that I think is important, doing something for somebody who can't do something."

We have a Catholic high school in our district that was struggling. He didn't have any affiliation with that school, but he found out the problem they had. He told the

priest, "What you ought to do is to get a good fund-raiser. We'll get some people to come up with the beer and the soda and the clams." They were figuring they would have a crowd of maybe 50 or 100. They had close to 800. People were buying raffles -- as a matter of fact, he was at the raffle booth selling the raffles. They drew the raffle ticket for the first prize. The first day of the picnic was $5,000. Dick turned around and he said, "Father, this is your ticket, but I don't want my name mentioned."

When they ran out of referees for a basketball game because they didn't have the money, he ensured the school that they would have them. There were many things, some of you know about here, but he was an individual that didn't care.

I remember one day in a shopping center, somebody said, "Dick, have you got $20? I got to pay a bill." He said, "No, I got ten", and he saw somebody walking up the aisle and he said,"Hey, Dale, you got an extra $10?" Dale said "Yes". He took the $10 and went over and

said, "Here's the $20 you want." But you know his family meant a lot to him, his wife Rosemary, his five children.

I had the privilege of seeing his daughters that I hadn't seen in a long time. They loved and respected their father and, you know, some people said he fell on hard times. He's looking down on us today saying, "But I never walked away from a fight. I never deserted anybody." There were many times when our party deserted him in our county. He didn't take it. He just said, "Hey, it's over, I won. Let's move on."

Dick Schermerhorn was your friend. There was nothing in the world he wouldn't do for you. He was an individual that came right out of this area here in Albany, Coeymans, came to the Hudson Valley. He got into politics because he felt somebody wasn't really representing our district and he turned things around. When he went to a meeting and he spoke, you could rest assured that how he voted here was exactly the way he told the people back

home and, yes, the media didn't like him. They don't like me either. In all of his years of running they never endorsed him, but the people did because he represented the people. He didn't represent the special interest. He didn't represent the media. He represented that individual, regardless of their stature in life.

He was a great individual. His family will miss him and I'm sure that many of us, especially you golfers will miss him because he took all of your money.

Dick Schermerhorn served his district, served his country, was a wonderful family man, and we're all going to miss him.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

From the first day I arrived in the Senate, I sat in this seat here and Dick Schermerhorn sat where I stand. So for all the

years that we were here together, we shared many things, some of which I can relate to you and others which I cannot, but the fact remains, during that period of time we became very good friends. We shared the pain of much of his adversity together, personal and otherwise. We also shared the joys that Senator Larkin related to in regard to his family, his children and his work.

He was a person, if there is a definition of character tested by adversity, he is the perfect example of an individual who was tested and demonstrated great character.

There were times when issues here -- when issues were considered, where a vote one way or the other was not the right popular thing to do, depending on how you looked at it, but you always knew that Dick would vote the way he felt was right, irrespective of the consequences, and that is, indeed, a rare trait. Sometimes that caused him difficulty, which he knew but he did it anyhow.

I can only share with you one

anecdote that has some humor associated with it. I think I was here only a few years and we were considering a pay raise which, as you know is not the right thing to vote for, particularly if you're a relatively new member of this house, but I thought it should be voted for in my naivete, but Dick Schermerhorn would not allow that to happen. He said, "I'm going to vote for it, but you're not" and he physically grabbed my arm and put it up. Now, he's a pretty big guy and a very strong one and even though I tried to pull it down, I didn't succeed, but I voted for all the others in the following years that came past us.

Dick suffered physically and emotionally in many, many ways, but I think the Majority Leader said it very well when he indicated despite all of that, he was always upbeat. He was always positive. He always looked at the half of the issue of what was going on that would make you smile or laugh or be happy. To him, the glass was always half full, not half empty, and I think that's what

we're saying, in his courage right up to the end which I'm sure most of you know about was such that very few of us, if any, could endure it in the manner in which he did, and so I stand with all of you in paying tribute to my friend. That type of person comes by very rarely. We probably will not see another Dick Schermerhorn for a long time, but in any event, I'm honored to sit in his seat and the occasion to do things that are right and not necessarily popular.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Cook.

SENATOR COOK: Mr. President, I can only embellish slightly on the things that have already been said because I think that the other Senators have painted a picture of Dick Schermerhorn very much as he was.

I, the first year that I came to the Senate, had a primary election and my experience was not unlike that of Senator Bruno. The county organization was tepid, to say the least, but Dick Schermerhorn was never

tepid. He was enthusiastic. He took me by the hand. He gave me every bit of help that he could and his assistance was, I think a very, very large part of the reason that I was able to come to this house.

Following that, time and time again, we saw him in action. We saw that there was never a time when he equivocated. He always knew exactly where he was and let everybody else know it and that was very characteristic of him.

He -- during his illness, he was up here several times. I would meet him downstairs in the cafeteria and various places and Senator Padavan said he was always upbeat even under those circumstances, always putting the best face on it. You would say, "Well, how are you doing, Dick?" "I'm doing great. I'm doing fine", and being as enthusiastic as he could possibly be under the physical circumstances, and then as I went Sunday -- I was not able to go to the funeral, but I did go to the visiting hours Sunday afternoon when the

priest had the -- a brief prayer service and said something that, again I think is characteristic of Dick, that when the holidays came around, Dick would simply appear at the door with 50 or 75 turkeys to go to the poor families. Nobody asked him and it wasn't -- as Senator Larkin said, it wasn't that he delegated that to somebody else. He went out. He collected the money. He bought the turkeys. He brought them. He delivered them. He took his service to his fellow man and woman very personally, and I think that's how we all remember him as a person who was very direct, very up front, very warm.

ACTING PRESIDENT KUHL: Senator Hoffmann on the resolution.

SENATOR HOFFMANN: Thank you, Mr. President.

I remember Dick Schermerhorn talking about his childhood in Albany because he was very proud of the fact that he had grown up as an orphan and thought that he really owed something to humankind because he had achieved

so much in his life. I'm sure the turkeys and the $20 loan to people on the spur of the moment in a supermarket are just the tip of the iceberg, but Dick had a big, big heart, and it really didn't have any bearing at all on his personal feelings for an individual or his sense of their own need. If they asked him and he could do it, he was willing to do things to help people. That was just the kind of guy he is.

We don't often see that kind of generous spirit and that zest for life among our colleagues. A lot of us have multiple agendas; we have responsibilities that make us hesitate just a little bit before we are kind and generous, but Dick just really didn't hesitate. If he could do something to be a good guy, he just did it unquestioningly.

He did a couple of really nice things for me at a time when they meant a great deal. I had arrived here as a marginal Democratic Senator. I was targeted for defeat from the day I walked into this chamber, and Dick went out of his way to be a gentleman and

he even went so far as to put my name on a piece of legislation over the objection of the Majority Leader at that time, and I know he took a little flak for that, but he felt it was the right thing to do and I'll never forget him saying that he was proud to have me on the bill with him and I was proud to be there with him.

We couldn't have been further apart on a wide range of social issues. My background was different from him. Except for the fact that we were both German-Americans, there were many things where we wouldn't agree, but it seemed like on the important things there was that agreement and more important, mutual respect, and I think the happiest memories of Dick that I will have are when he became a father for the last time and he and Rosemary adopted a beautiful child and he just couldn't contain his happiness.

Most of us are parents. We've all shared that sense of excitement, but for Dick, there was just something special. This was like the world's first child, and he was

busy showing pictures and bringing the baby into the chambers, showing her around with the kind of real fatherly joy that some people, I'm afraid, don't ever get to experience the way Dick Schermerhorn did, but it was beautiful to watch then. It's beautiful to remember now.

I hope that it will comfort Rosemary in the years to come. I will hope that it will comfort Schuyler to know that she was toasted in these chambers as an infant by a wonderful man who was greatly loved and will be deeply missed.

ACTING PRESIDENT KUHL: Senator Maltese.

SENATOR MALTESE: I can't add very much to what's been said by the Majority Leader and other friends of Dick Schermerhorn. I can only say that whenever you visited his office, you always got a hospitable welcome. It would -- there were always firemen or fire officers or policemen or people involved in veterans organizations and he always tried to make sure that you said hello, that you knew the

people. He always indicated that if there was any type of legislation dealing with Americanism or our country, that he was in the forefront and in the leadership on that type of legislation.

He worked closely with the Conservative Party, as a matter of fact, in many cases, would recommend legislation that perhaps we had missed and to put on our ratings. I think through his adversity he never complained. That's the one thing he has been described as upbeat. Never a complaint during some of the travails he suffered. He could very well have felt forlorn and abandoned and instead indicated that he understood the political game and that some people didn't feel that they could embrace him openly. He, I think -- I guess what he would have enjoyed is being referred to in this chamber at this time -- in my estimation, he was a stand-up guy, a very, very patriotic American and I know that his many friends will -- will sorely miss him.

ACTING PRESIDENT KUHL: Senator Farley on the resolution.

SENATOR FARLEY: I just want to say a few words about someone I consider a dear friend, a courageous guy and a very loyal guy and somebody that loved this house and his fellow Senators.

Dick Schermerhorn was described by Warren Anderson to me once. He said, "You know, if I had to be in a foxhole with anybody in the world, I would like Dick Schermerhorn to be there with me", and I guess that typifies him, because I think anybody could count on him. He was there when anybody needed him and he didn't make a big deal of it.

His lovely wife, Rosemary, is in the back of the chamber and I think she deserves quite a tribute for how she stuck by him and helped him through some very, very difficult times the latter part of his life. She was a wonderful wife and mother and I think she deserves a tribute, but I also want to pay tribute to another young man that's standing back there. We have a lot of staff people. Rick Burdick who has worked for Dick

Schermerhorn and, whereas a lot of staff -- he never abandoned him, stuck with him, became a very dear and close friend a loyal friend, and it's these type of people that mean so much particularly when Dick was having such a tough time. He was a wonderful man and a great person and I know that his family and all of his friends that loved him are going to miss him.

ACTING PRESIDENT KUHL: Senator Volker on the resolution.

SENATOR VOLKER: Mr. President, I'm going to be brief, which is good because I guess on this one, I probably could speak as well as anybody back here. When Frank said that we -- when he came, Dick was there. When I came, Dick was here, Frank was here and I was here and that's where we stayed the whole time. In fact, when Ken came and he stayed here, all of us could have moved anywhere we wanted to, but we wanted to be right here.

I remember Fred Ohrenstein during 1975 when we were here in Albany virtually the whole year, we never were out of Albany more

than a year. Franz was here, a number of us were. Fred Ohrenstein at one time turned around and complained and said, "Could you do something with the three blocks of granite behind me here", and he was referring specifically to Frank and Dick and myself, but he was referring more to Dick who just loved to ride Fred a little.

I spent a lot of nights and mornings with Dick Schermerhorn in my younger days, I can tell you. He was fun to be with, as was said here. There was no more straight shooter than Dick Schermerhorn. In fact, when I think about Dick, I think about a saying in Superman when Superman turned to Lois Lane and said, "I never lie."

Dick never lied. He may have exaggerated something fierce, but he never lied. He was a straight shooter all the way, probably the best friend that law enforcement and the fire officers and the uniformed people ever had. The tragedy of it is -- and I can say this because I know exactly what happened, I

know the story -- I don't think I know of anybody who was put upon more than Dick Schermerhorn and the ridiculousness of what happened to him was as outrageous and an outrage against a public official as I have ever seen or I hope I will ever see again. It was ridiculous and Dick, despite the fact that he was so put upon, put up with it and it broke him in a sense and yet you couldn't break Dick because Dick wasn't somebody who could be broke.

He's the only person that I know of in this chamber that sued the media and he won. I remember he sued and I was part of that -- to a certain extent part of that situation because one of the witnesses happened to be a fellow from this chamber and his absence from the chamber once cost me an override on the death penalty, so Dick and I had many, many, many a good time, many, many a tough time, but I can tell you that I will miss him very much.

I used to see him as much as I could when he came here to Albany and talked to him on the phone as much as I could, but I guess

I just will never come into this chamber that I won't think about Dick and the many years that we spent and the many things that he did not only for people outside this chamber, that is his constituents and the people of this state, but for the people in this chamber, because there was no better hearted guy and there was no better hearted man that I have ever dealt with.

I'll miss him dearly and I can assure you that I will pray for him any time that I can remember to do that.

ACTING PRESIDENT KUHL: Senator Stachowski, on the resolution.

SENATOR STACHOWSKI: Mr. President, I too would like to rise just to say a few words about Dick Schermerhorn.

Senator Volker says that Senator Ohrenstein referred to them as the blocks of granite; I always called them the guys in the back row, because they were always the most patriotic, the most conservative, and the most law enforcement guys I'd ever run into in my life, and I'd sit down at that end and watch in

amazement as they always all seemed to get up on the same bills and show those very qualities I just mentioned.

But then I found out there was a completely other side to Dick Schermerhorn. Every year the people from Delaware North would come down and bring most of the guys from western New York and Schermerhorn would always be there and sometimes his wife would come to dinner, and we'd sit around and we'd have great conversation and then some point after dinner they would start telling jokes. Unfortunately, they're great jokes but none of which I can repeat in this kind of chamber or any kind of ordinary company, but they were great jokes and a lot of laughs and wonderful evenings, and I'll always remember and look fondly back on those and I'd always looked forward to seeing Dick Schermerhorn when he was here and I looked forward actually to see him when he would come back on his visits and I would run into him on the Concourse or some place else, and it's always sad when someone that we've worked with

passes on, but I can say that I won't think of the loss so much as I'll think of the gain I had by knowing Dick Schermerhorn while he was here with us.

ACTING PRESIDENT KUHL: Senator LaValle, on the resolution.

SENATOR LAVALLE: Thank you, Mr. President.

Certainly Senator Padavan, Senator Volker, Senator Larkin, Senator Bruno and others have been very, very eloquent in describing Senator Schermerhorn.

As has been mentioned by Senator Padavan and Senator Volker, the seating arrangement was that the aisle seat was anchored by Senator Schermerhorn, then came Senator Padavan and Senator Volker and when I came to this chamber, I was put with the three individuals who, as Senator Stachowski said, were the three patriots, almost on a daily basis, recited truth, justice and the American way, and certainly their voting records were well known to be conservative. I think upon

occasion they viewed with great consternation some of the bills that I have brought before this chamber, some of the votes that I've cast, but I will say that Dick Schermerhorn, and what everyone has said, Senator Farley, you were so right in what you said about if you were to choose a person to be in a foxhole with, Dick Schermerhorn would be that very person because, if he gave you his word, it was good. You could put it in the bank, and he was very predictable in the positions that he took, the votes that he cast, and he was probably one of the more collegial individuals that has served in this chamber. That has been mentioned over and over again.

I had the occasion of carrying a bill in the very formative years in my career. It was a bill I really didn't want to carry, but my counsel in the 11th hour talked me into. It was the first time the Ag and Markets law had been amended in 49 years to put in dog control laws and licensing of dogs.

There was a provision in that

bill to provide for the first time for spaying and neutering clinics. Those members who were here at the time will be reminded of how Senator Schermerhorn got up with great passion, and I was at first surprised, but he meant everything that he said. He made that bill one of the three months controversial bills of this session next to the death penalty and abortion, and he railed that it was Medicaid for dogs, and I stood here trying to explain that this was a bill for the good of animals, but he believed in his heart of hearts, and I'll tell you, it was one of the toughest debates that I had.

That bill, when we passed it, I think was a "E" -- a "D" or "E" print, and so even though we had a great time here and supported one another on many tough votes and exchange of information, he was a very tough and courageous individual, and this record is certainly reflecting that, and I'm sure that today, Dick Schermerhorn is looking down upon us with a big smile and a great pride that he had served in this chamber and the people of our

great state.

ACTING PRESIDENT KUHL: Senator Marchi, on the resolution.

SENATOR MARCHI: Mr. President, the picture is unique in that every -- every comment and every expression here today - tonight, tallies perfectly because of the consistency that characterized Dick Schermerhorn.

I had notice of his funeral, and I was at the very time that he had the funeral, I was speaking at the funeral of my closest friend growing up and was unable to be there personally, as I would have wanted to be, but I shared so many moments with him over the years. He spent 23 years, I shared moments with him in each of those years.

I remember the help that he gave me with some problems that I had at Stewart Air Force Base and other difficulties that had cropped up, and he was absolutely in total - and totally faithful to himself and to his principles. He's a patriot, a man of compassion

and love, all at the same time. There was nothing wishy-washy about him. You wouldn't - you wouldn't find him straddling or just on two sides of a question.

His spirit was strong, his attachment and his loyalty and his service to his own -- to himself. He was true in a manner in which I've known very few individuals in my life.

We mourn his passing and we certainly express our sorrows to his family in a most heartfelt way. It's been characteristic of every remark that I've heard this evening.

ACTING PRESIDENT KUHL: Senator Leichter, on the resolution.

SENATOR LEICHTER: Yes, Mr. President. Thank you.

I, too, want to make my fare wells to Dick Schermerhorn. I really liked Dick. I think as those of you who served with Dick and me know, there probably could be no greater philosophical gulf than between Dick Schermerhorn and myself, but we really got along

very well, because Dick was so easy to like and Dick was so friendly, and Dick liked to help.

I'll always remember one time my car broke down on the Thruway, must have been, I don't know, 11:00, 12:00 o'clock at night and was coming back next week, I mentioned it to Dick and he said, "Why didn't you call me? You were near where I was. You got to call me when things like that happen and I would have come down and helped you." You could tell he was really frustrated that he didn't have a chance to help, and that's what Dick was really like. That's what moved him, what motivated him.

There was no pretense about Dick. He never took himself seriously. Sure, he was a Senator, and so on, but he was so easy in his ways. There was a humility and a humble necessary that came to him just because he was natural. He was himself at all times. But he would -- he could also be, as we know, a very feisty person. He was certainly an individual and, as you think back of the people that you served with and people come to mind because they

stand out by force of their character, their personality, what they did, certainly Dick Schermerhorn was one of them.

I didn't realize how much I missed Dick but two years ago at the Senate Club he was there, and I felt so good. It was just so good seeing him, and I gave him a big hug, and I know it hasn't been easy for him these last few years, but he's earned our respect and he's earned our thanks for being such a good colleague and he earned the thanks of the people of New York State because he carried out his duties as he saw them honestly, faithfully. I will really miss him.

Thank you.

ACTING PRESIDENT KUHL: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

The various characterizations of Dick Schermerhorn that I've heard today from so many of my colleagues certainly ring true. Terms like being a "stand-up guy", "forthright",

"courageous".

I first came to know Dick when I entered the Assembly in 1980, a minority Assemblyman, marginal one at that who had come up in a special election and had a big bull's eye on his back in his next race, and Dick was one of my Senators. I represented a portion of Ulster County at that time in the Assembly and did so from 1980 through 1982 and, in all candor, not knowing him and being a marginal freshman, I was somewhat taken back by the prospect of meeting him, and he being in the majority and me being in the minority, and him being a man of some renown in the Hudson Valley at the time, and I must tell you that from the very first moment I met him, he treated me as a colleague, an equal.

He treated me most generously, most decently, even to the point where when there were things to discuss at times, he volunteered to do what to me seemed to be almost the impossible. He would come to the Assembly chamber instead of summoning me to the Senate

chamber. He was, in every sense of the word in every contact I had with him, a gentleman, a very caring and decent man, a man who was truly one of the most direct -- and not in a harsh or inappropriate way -- people I've ever known, a man who at every step of the way would be there to help you, would reach out for you if you needed it.

It was my, certainly, honor to have had the opportunity to have served with him and I certainly hope that wherever he is, the Lord will take care of him and be kind as kind can be.

ACTING PRESIDENT KUHL: Senator Johnson, on the resolution.

SENATOR JOHNSON: Mr. President, I'd like to add my voice to those who are remin iscing about our good friend, Dick Schermerhorn. Before I was elected, Mr. President, I had seen Dick. He had a way getting the attention of the people on certain issues, and having his remarks and his photograph published even on Long Island in some of our local papers, and when I got up

here I was very pleased to meet him and found out that not only did I have a lot in common with him, but I was going to sit in the same row with him along with Senator Trunzo, Senator Warder and we had many good conversations, and people have said a lot of things about him and I concur in all the good remarks about what a stand-up guy he was and how he had his opinions and no one would sway him, and he fought like a terrier for his convictions and the things he believed in.

I -- to some extent, I hope I've modeled myself on him because I know he's made an impact on my life and a salutory impact on the policies of this state, and so I'm going to miss my friend, our friend, Dick, and I'll always have fond memories of him and the way he conducted himself in this chamber.

ACTING PRESIDENT KUHL: The question -- excuse me. Senator Onorato.

SENATOR ONORATO: Mr. President, I rise to join my colleagues in paying a special tribute to a person that I was privileged to

serve with in this chamber and spend many an enjoyable afternoon and evening with, Dick Schermerhorn, and I'd like to recall an incident that proved how tenacious Dick Schermerhorn was in everything that he did, not only in this chamber but out of the chamber.

We got finished early one afternoon, and Dick in his knowing way looked over to me and simply nodded his head, and I knew exactly what he had in mind, and I said, "I'm ready, I have nothing else to do." He says, "Follow me home," he says, "I got to pick up something." So we went home, and Rosemary was finishing up her chores, finishing up a story she was writing and, before we left, she -- Rosemary, she said, "Dick, would you do me a favor, please? Would you close the window? It's stuck." Dick says, "O.K., he says, "I'll take care of it." So he goes in there. All of a sudden, we hear a scream. Dick couldn't get the window down; it was so stuck that he slammed it down on his finger on his right hand and there was the middle finger, it was bleeding

profusely, so Rosemary says, "We better get him to a doctor." He says, "To hell with the doctor, don't tell me about the doctor." He says, "Get me a rag," he says, "I got to go play some golf."

So we put a piece of bandage on it, went to the golf course with Johnny Hausen, myself, and I don't remember who the fourth was but, as luck would have it, I was his partner that day and with each time he swung at that ball you could actually see that finger throbbing, puffing up, and it started bleeding again on him. No matter what we said he had to continue on playing. Well, I happened to be on a little bit that day, I was only able to carry him for nine holes but on the back nine, we got slaughtered, so he says, after this -- after the 18 was over, I says, "Well, come on, Dick, let's go back and get this thing taken care of." He says, "No, no, we got to stop for a drink." We had our drink. He says, "Come on now, we got to go home. I promised Rosemary we'd go out to dinner." So we went out on the Ocean's Eleven,

we had dinner and, after dinner, I think Dick just about passed out. He finally acquiesced to let us take him to the doctor, and I think he had a compound fracture of that finger.

But this is the way he was in life on everything that he did. He did it with gusto and everybody in this chamber who knew Dick was a better person for it and, Rosemary, I want you to know that he was well, well loved in this chamber and, if there's anything that we can do for you to make your life a little easier, don't ever hesitate to call on us.

ACTING PRESIDENT KUHL: Senator Connor, on the resolution.

SENATOR CONNOR: Thank you, Mr. President.

Dick Schermerhorn was -- was one of a kind. While there are many, many fond memories of Dick, I think back to my freshman months here and I say months, because I was elected in February in a special election, immediately made the ranking minority member on the Civil Service and Pensions Committee which

-- actually which I was until last December, and Dick was the chairman.

We had a couple of meetings and I got to know him a bit and, you know, he was very helpful to a freshman, and oh, about April of that year many of you know, I still am privileged to represent Williamsburg in Brooklyn, one of the groups there, the Satmar, the head Rabbi sent for me on a Sunday. The new Senator came in, he said, "Here, our lawyers prepared this bill, and you and Harvey Strelsin are going to carry it and pass it. Please take it to Mr. Strelsin and pass it."

I'm here eight weeks, I'm a Democrat in a Republican house, and I'm thinkin' Jeez, I got to pass this, you know. I got a primary election already in progress. How am I going to do this? So we introduced the bill, Harvey introduced it and I introduced it and it was actually for something in Dick's district but for whatever political or strategic reasons it was given to me to carry, I think Senator Larkin might understand, the village of Kiryas

Joel, public housing authority and we got to the final few days of the session, and I'm thinkin', how am I going to move this bill? I'm a freshman.

We're here the last day of session, I don't know. We didn't start as promptly as we do now, that's for sure, but in those days Billy Conklin was the deputy, they used to lock the door, we were all locked in. So we started off the day locked in, and outside -- actually, I know it wasn't on a Saturday I can assure you that, it may have been a Sunday or Monday, because outside were a number of rabbis and they sent in word for me, and I went out there and they said, you know, "You got to pass this bill." I says, "The bill. We're workin', we're workin' on it," and I had no more idea how to pass a bill and they said, "Talk to Schermerhorn, talk to Schermerhorn, he'll help." So Dick was out on the golf course. I found one of his staff members. I said, "Where is Senator Schermerhorn?" "Don't worry, he'll be along. Don't worry, he'll be along," and hot, the day

is ticking on, you know, and I'm thinking, Oh, I'm dead, I mean I'm finished with these important constituents with a primary coming up and very cohesive voting block and, you know, the grand rabbi wants me to pass this bill, and how am I going to do this? I need Dick Schermerhorn, and I'm -- minority counsel and our counsel are talking to the counsels then and all due respect to everybody's counsels then somehow or other these, by reputation, counsels ran the place, I think many people remember that. There was some man I never heard of named Haggerty, I was told I should go see him. He was very respectful and basically shrugged like who are you? Who are you? Yes, Senator, you know, so what?

Where's Dick Schermerhorn? All of a sudden, I hear a clanging outside because messages have been sent for Dick, and I go outside, there's a golf bag sitting in the hall there, and he's in golf togs, and he turns to somebody and says, "Give me a jacket," you know, he takes the jacket off of somebody and puts it

on, and all the rabbis are there around him patting him on the back to do the bill, and he comes in there with the jacket on basically in golf clothes, and one of the senior counsels goes by and Dick just grabs him by the collar and says, "Come here. Why are you messin' around with this bill? Now, go pass it." An hour later the bill passed.

I learned something as a freshman. Of course, I tried it the next year myself, but it didn't work too well, but I'll always remember that as like my first baptism, so to speak, in the Senate. Thereafter Dick was always a good friend. I learned that he was indeed courageous; he stood up for what he believed in, and he stood up when he had to to his own party leadership. He always fought for the people he represented and for what he felt was right, and he was a kind man, certainly loved his family. He certainly is a colleague I shall miss, and I say to Rosemary, Dick was really, really a special person, and I shall never forget him.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The question is on the resolution celebrating the life of Richard Schermerhorn. All those in favor signify by standing and joining me in a moment of silence and prayer for Richard Schermerhorn.

(A moment of silence was observed.)

ACTING PRESIDENT KUHL: The resolution is unanimously adopted.

SENATOR LARKIN: Mr. President.

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Can we call up Calendar Number 1558, by Senator LaValle, Senate Print 5428A, page 4 on Senate Supplement Number 1.

ACTING PRESIDENT KUHL: Please turn to Supplemental Calendar Number 1. I'll ask the Secretary to read the title of Calendar Number 1558.

THE SECRETARY: Calendar Number

1558, by Senator LaValle, Senate Print 5428B, an act to amend the Education Law, in relation to establishing a statewide voting day for school districts.

SENATOR LARKIN: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR LARKIN: Move we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1558. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

SENATOR LAVALLE: Mr. President.

ACTING PRESIDENT KUHL: Senator LaValle, an explanation of Calendar Number 1558 has been requested by Senator Hoffmann.

SENATOR LAVALLE: Very briefly, this bill creates a uniform -- uniform budget

vote on school budgets throughout the state in hopes to eliminate one of the factors that many people feel reduces the participation in school budget votes.

This vote -- this bill establishes the third Tuesday in May for all school districts throughout the state, and there are some exceptions which I will talk about.

There is also a provision to have the state Education Department starting the 1997-98 school year to provide for a plain language format for the presentation of school budget voting and how it's presented to the electorate.

Currently, the cities of Rochester and Syracuse vote in the November general election. This -- this legislation maintains the November general election budget vote. Buffalo currently it's the first Tuesday in May. This legislation would move it to November in the general election. The Yonkers has no change, and New York City no change. New York City votes first Tuesday in May, and

Yonkers has an appointed board, and that's really -- it's -- the bill is very simple in its purpose to get more people out to vote.

I think we maintain the integrity in the cities where people wanted to maintain the budget dates and that's basically it, Senator Hoffmann and members of the body.

THE PRESIDENT: Read the last section, please.

SENATOR STAVISKY: Madam President.

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: Madam President, I wonder if the sponsor would yield to a question.

THE PRESIDENT: Senator LaValle.

SENATOR LAVALLE: Yes.

SENATOR STAVISKY: Senator LaValle, aren't we being optimistic when we establish a uniform budget date for approval by the voters? There have been occasions, you will recall, when we have not adopted the state's portion of state aid promptly. What would

happen in those cases?

THE PRESIDENT: Senator LaValle.

SENATOR LAVALLE: Thank you very much for asking that question. One of the things that we did is to look at when school districts vote on budgets, and the third Tuesday in May was chosen because the vast majority of school districts throughout the state had already voted on that point in time in years of whether we have made that decision, the state aid picture was complete or not. But one of the ironies, if we take this very year, 1995 as a good example, we probably had without the state aid picture being resolved until first week in June, we had the majority of the school districts voting in the third Tuesday in -- in May, and we had the vast, at least on Long Island and I believe throughout the states, a very high percentage of the budgets passing.

But the idea behind this is really -- there are many, many factors that one can bring up in why there isn't a greater participation, and I thought I had qualified my

remarks when I made them, that this is one of several factors that we must take away in order to increase the participation, and I think it's very, very clear that if everyone knows that the third Tuesday in May we're voting on school budgets, it takes away "when is my district going to vote," and we'll get a higher percentage of people coming out to vote.

SENATOR STAVISKY: Madam President.

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: On the bill. I wish I could share the optimism of the sponsor of this bill. It would be wonderful if all the school districts could act with assurance that they have definitive information regarding state aid. But that doesn't mean that we in the Legislature or the Governor, for that matter, will be prepared to give assurance of definitive information regarding the apportionment of state aid to the school districts, and that is a troublesome aspect.

It causes us and especially the school districts to have to guess, to make decisions in the dark, and that has been a problem when we have been delayed and in most assuredly if it is a problem for us, it is a problem for the school districts that have to vote on budgets and especially for the constituents in districts where school budgets have been approved by the voters.

If we were on time, if we gave the definitive word before the state, then I would say that this is an exemplary piece of legislation, but because it takes three to tango in Albany -- a Senate, an Assembly, a Governor -- invariably with divided leadership with regard to party, and even if it is not a partisan issue, there are multiple pressures from all parts of the state, rural districts, suburban districts and obviously urban districts as well, but in the urban districts there is not necessarily a vote on the school budget, and so they are competing with each other for what in these times is a diminishing pot of state money

that will presumably help to fund education in their respective districts.

Over 700 school districts have to make that decision, many by a vote of the electorate, and I am not at all sanguine in spite of the effort this year -- and it was a reasonably good effort -- to bring about a resolution close enough to May, but it still - still came out in June, that we are not going to give the school districts sufficient information.

There is another feature which is missing here, and that is not through your committee but rather is through the Education Committee headed by Senator Cook, and while we have attempted to provide for a date in November, I believe, for the Buffalo school district, we have not yet done that for the city of New York where the participation in that system of voting has been very, very weak. In fact, it is an embarrassment at times, and we ought to understand that it may be the time has come for us to move a bill, and I have sponsored

a bill and any other member of the Legislature having an interest in the New York City district could sponsor a bill to move the date for community school board elections to November, and I would certainly urge that it become a four-year term and that we use the off year when there is no presidential election, when there is not a gubernatorial election, when the legislature is not elected and when the mayor and the city council are not up for election. That should have been reported out as a change, a positive change, for the New York City elect oral process.

I am not going to vote against your bill, but I believe it important that we take note of these limitations caused in part by our own failure to act on time in accordance with a schedule such as this.

THE PRESIDENT: Senator Marchi.

SENATOR MARCHI: Yes, Madam President. I don't intend to oppose this legislation, but I do hope that -- that you give audience to what Senator Stavisky said.

I have a legislation proposing a separate district in Staten Island, and I provide in that an election in November because of the very poor turnout. Editorially it's universally supported, I think, in New York City and virtually every organization supports it, so I certainly don't oppose this legislation, but I hope that we pay more careful attention to that factor affecting the city of New York which doesn't fit quite comfortably in this format.

SENATOR JONES: Would the sponsor just yield to one question, please?

THE PRESIDENT: Yes, Senator LaValle.

SENATOR JONES: Senator, I know we discussed it previously but just to have it on the record, this would not affect Rochester and Syracuse who currently vote for their school board people in November, right? That would stay the same; this wouldn't change that?

SENATOR LAVALLE: Senator, that is absolutely correct.

SENATOR JONES: All right. Thank

you.

THE PRESIDENT: Thank you. Read the last section.

Oh, I'm sorry. Senator Dollinger.

SENATOR DOLLINGER: Just on the bill briefly, Madam President.

Earlier today I voted against the takeover of a school district because I was convinced that local school districts have the power and authority to make the changes that we were talking about changes, that they could make them on their own.

I appreciate what Senator LaValle is doing. I myself would love to see more people vote in school board elections. My school district, the one I happen to live in, happens to go out of its way to barrage you with more mail about the school board election. I think, as I pointed out earlier, you get about 12- to 1500 people out of 30,000, but I go back to a fundamental proposition.

Deciding what's in the best

interests of the school boards ought to be left to the local school boards. They tried to do this in Monroe County and get an established date. There were school boards that didn't want to do it. Some didn't want to do it. I think the judgment of what's in the best interest to get voters out to school board election is a decision that ought to be made by school boards. I think we ought to leave it up to them. We're going to tell them again what's in their best interests. That's a mandate, that's a direction to them from what we consider to be the right thing to do here in these hallowed halls of Albany. We have the power to do it. It may be the right thing to do, but I just happen to believe local control ought to be local control, and deciding how you have the vote and how you put the issues out and how you get people to participate in your school dis trict is something that is left, fundamentally left to those seven to nine people that are elected that are probably the closest level of government that we have to the people.

I'll be voting no, Madam President.

THE PRESIDENT: Thank you, Senator Dollinger. Read the last section, please.

THE SECRETARY: Section 23. This act shall take effect January 1.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: I think Senator Dollinger wants to be recorded in the negative.

SENATOR DOLLINGER: I do.

THE SECRETARY: Ayes 56, nays one, Senator Dollinger recorded in the negative.

THE PRESIDENT: This bill is passed.

SENATOR LARKIN: Madam President.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: I'd like to call up Calendar 1559, by Senator Cook, Senate Bill 5435A, on Supplemental Calendar Number 1.

THE PRESIDENT: The Secretary will read, please.

THE SECRETARY: Calendar Number 1559, by Senator Cook, Senate Print 5435B, an act to amend the Education Law and the Local Finance Law, in relation to annual meetings.

SENATOR LARKIN: Is there a message at the desk?

THE PRESIDENT: Yes, there is. All those in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

All those opposed nay.

(There was no response.)

Message is accepted.

SENATOR PATERSON: Explanation.

SENATOR COOK: Madam President, this bill makes available to small city school districts, not the big five, but the small city school districts, the availability of having a vote on their budgets in the same manner as central school districts.

There is a manner prescribed in which petition by ten percent of the voters within the school district is required in order

to form a referendum. A referendum is held on the question of whether the budget ought to be subjected to an annual vote of the voters within the school district. Assuming the referendum is passed, then the annual referendum is conducted within the small city school districts in the same manner, under the same conditions, under the same results as it would be in a central school district.

THE PRESIDENT: Thank you, Senator. Read the last section, please.

THE SECRETARY: Section 29. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Madam President, can we now call Calendar Number 950, by Senator Saland, Senate Bill 3475A, on the original

calendar.

THE PRESIDENT: On the original calendar. Where is the original calendar? Oh, here it is. Secretary will read.

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

SENATOR LARKIN: Is there a message at the desk?

THE PRESIDENT: Yes. All those in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The message is accepted. Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

SENATOR LARKIN: Madam President, can we now call up Calendar 1576, by Senator Smith, Senate Bill 3797B, on Supplemental Number 1.

SENATOR PATERSON: Explanation.

THE SECRETARY: Calendar Number 1576, by Senator Smith, Senate Print 3797B, an act in relation to authorizing the city of New York to sell waterfront property.

SENATOR LARKIN: Is there a message at the desk?

THE PRESIDENT: Yes. All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The message is accepted. Please read the last section. Oh, there's a home rule

message at the desk.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

SENATOR LARKIN: Madam President, is there any housekeeping there?

THE PRESIDENT: Is there any housekeeping here? No, Senator Larkin.

SENATOR LARKIN: Madam President, will you recognize Senator Hoblock.

THE PRESIDENT: Senator Hoblock.

SENATOR HOBLOCK: Madam President, I believe there's a resolution at the desk.

THE PRESIDENT: I'm sorry, I didn't hear you.

SENATOR HOBLOCK: I believe there's a resolution at the desk, Madam

President.

THE PRESIDENT: Oh. Yes, there is. The Secretary will read in its entirety.

SENATOR HOBLOCK: Please.

THE SECRETARY: By Senators Hoblock and Farley and Bruno, Legislative Resolution commemorating the life and career of the "Dean of the New York State Assembly," the Honorable Richard J. Conners.

WHEREAS, it is the sense of this legislative body that those who give positive definition to the profile and disposition of our American manner, 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 commemorate the life and career of the "Dean of the New York State Assembly," the Honorable Richard J. Conners, and

WHEREAS, former New York State Assemblyman Dick Conners died Sunday, June 25,

1995 at the Eddy Ford Nursing Home in Cohoes; he was 85 years of age; and

WHEREAS, Dick Conners was pre-deceased in 1986 by his beloved wife of 50 years, Margaret Egan Conners, who had served as an appointed member of the Common Council when he was away overseas serving our country during World War II; and

WHEREAS, Dick Conners is survived by three daughters, Mary Alice Conners Morgan of Loudonville, Margaret Egan Conners Harrigan of Albany and Maureen Conners Moriarty of Pebble Beach, California; a son, Michael F. Conners II, an Albany County legislator; eight grandchildren and a great granddaughter; and

WHEREAS, the Reverend J. Rooney, Sacred Heart's pastor, and a friend and confi dante of Dick Conners for 40 years, administered the sacraments of the Roman Catholic faith to Dick Conners on Sunday morning; and

WHEREAS, Dick Conners was born in the 21 Walter Street home of his parents, Michael F. and Alice Walsh Conners, and was a

lifelong member of the parish, Sacred Heart, where he was a lector, a parish council member and a major benefactor of this church; and.

WHEREAS, Dick Conners was known as the "Dean of the Assembly" because of his gracious style. At the end of his 16 years of service, he held the record as the longest tenured Assemblyman representing Albany in the 312-year history of the New York State Assem bly; he served as a Democratic representative in the Legislature from 1977 through 1992. Before that, he was President of the Albany Common Council from 1961 to 1976. He started his 51 year political career as Alderman of Albany's 9th Ward, having been first elected to the Common Council on November 7, 1941, the same day Erastus Corning 2nd was elected mayor of Albany, serving in the same seat his father had held from 1884 to 1888; and

WHEREAS, Dick Conners was very proud of his Irish roots, his grandfather, Daniel Conners, having immigrated to North Albany at the time of the Great Famine; the

Assemblyman was instrumental in setting up a branch of the Irish-American Cultural Foundation in Albany, helped establish the New York State Irish-American Heritage Museum, supported legislation which had New York State adopt the McBride Principles (by which the state was prohibited from investing in firms which had demonstrated a history of discrimination in Northern Ireland) and was considered an expert on the life of colonial New York's Irish-born colonial governor, Thomas Dongan, who established the New York Assembly in 1683 and granted New York City and the city of Albany corporate charters in 1686. Dick Conners' compilation of Dongan's accomplishments was published in the 1975 Recorder by the American Irish Historical Society; and

WHEREAS, William Kennedy, whose novel about Albany, "Ironweed", earned a Pulitzer Prize, was a close friend and former North Albany neighbor of Dick Conners, who often relied on him for invaluable background information for his "Albany Trilogy" and other

works; and

WHEREAS, Dick Conners attended School 20, graduated from Christian Brothers Academy in 1926, and attended Albany Business College and Siena College. He was the former president of the Michael F. Conners and Son Insurance Brokerage, founded by his father in 1895 and still continuing one hundred years later under the direction of his son, Michael F. Conners II; and

WHEREAS, Dick Conners took a leave of absence from his elective aldermanic position to serve as an Army Technical Sergeant during World War II and served as a cryptographer in the Philippine Islands and Pacific Theatre of Operations; and

WHEREAS, Dick Conners was a baseball enthusiast; he was the on-field announcer for the Albany Senators from the mid 1930s until 1954; he covered the professional Eastern Baseball League as a stringer for the Sporting News. He was the sports editor of the Albany Evening Telegraph, a newspaper started by

striking unions in the 1930s; he served as the New York State American Legion baseball chairman for over 30 years and was a chairman emeritus. He had a perfect record of attendance at the Hall of Fame games in Cooperstown, New York; and

WHEREAS, Dick Conners was a lifelong member of the Albany County Board of Health, as well as numerous civic and veterans organizations including the 9th Ward Improvement Committee, Kiwanis Club, North Albany American Legion Post 1610, Veterans of Foreign Wars, the Catholic War Veterans, First Friday Club, Christian Brothers Academy Alumni, Albany Chapter of the American Irish Cultural Institute, Nocturnal Adoration Society, the Basil's Table, Ancient Order of Hibernians, Father Henry Tansey Division Number 1, Knights of Columbus Council Number 173, Elks Lodge 49, and the American Irish Legislators Society; and

WHEREAS, Dick Conners was a trustee of the Albany Public Library System for 50 years and often described our nation's public libraries as "the universities of the streets."

In the New York State Assembly, Dick Conners was keenly interested in veterans' affairs and the concerns of older people. He had chaired the Assembly Subcommittee on Veterans' Affairs. He was the only chairman of the Assembly Veterans' Affairs Committee during his tenure and was responsible for the Veterans' Subcommittee being evaluated to full committee status. He was prime sponsor of a bill that extended the statute of limitations for lawsuits filed by Vietnam era veterans who experienced health problems linked to Agent Orange. He was the prime sponsor of the Veterans' Bill of Rights which became law subsequent to his leaving office; and

WHEREAS, Dick Conners was especially sensitive to the needs of persons with physical and mental disabilities and as a member of the Assembly was prime sponsor of the 55 (b) and 55 (c) Civil Service Law which makes it possible for such persons to fully participate in state civil service employment; and

WHEREAS, the life of Dick Conners' mirrors those prerogatives of personal initiative and compassionate concern for others so paradigmatic of our American manner; and

WHEREAS, with consummate integrity and deep humility, Dick Conners, each day of his elected life, manifested an abiding love for public service; and

WHEREAS, with kindness to all and a lack of concern for material possessions, Dick Conners never lost track of who he was or where he came from; he always viewed political life as an opportunity to serve and not as a stepping stone to associate with the rich and powerful or to use for personal gain; and

WHEREAS, a memory to last for a lifetime for those too numerous to count who called Dick Conners their friend, a long walk together filled with story telling and laughter, with the firm grip of Dick's hand upon your elbow for emphasis; such was the way of this gentle American patriot, Dick Conners; and

WHEREAS, giving ever freely of

his time and acquired experience he mentored a generation of younger people who, having received the benefit of his kind encouragement and patient guidance, have progressed to higher levels of public service in local and state service and even service in the Congress of the United States; and

WHEREAS, Dick Conners was the recipient of literally hundreds of accolades of gratitude from his fellow citizens for his civic and humanitarian works and for the inspiration he gave to all who would labor in public service; and

WHEREAS, Dick Conners' public awards, though too numerous to mention, include The Four Chaplains Award, the Old Gang of Mine Award, Honorary Membership in the 369th Veterans Association, numerous American Legion Baseball Awards, citations from veterans associations, the service of whose members spanned the period from World War I to the Vietnam era, as well as countless awards from fraternal, civic, and humanitarian organizations and an Honorary

Doctorate in Humane Letters from the College of St. Rose, Albany, New York; and

WHEREAS, through his long and sustained commitment to the ideals and principles upon which this beloved nation was first founded, Dick Conners did so unselfishly advance that spirit of united purpose and shared concern which is the unalterable manifestation of our American experience; and

WHEREAS, in the celestial night of this beloved nation, a constellation is grieving; there is a mosaic in mourning for a fallen star, the Honorable Richard J. Conners, "Dean of the New York State Assembly;" and

WHEREAS, the American orator, Robert Ingersoll, once wrote these words concerning the death of his brother: "If every one to whom he had rendered some loving service were to bring but one blossom to his grave, he would sleep beneath a wilderness of flowers;" and

WHEREAS, it is the sense of this New York State Legislature that Richard J.

Conners sleeps beneath a wilderness of flowers;

NOW, THEREFORE, BE IT RESOLVED that this legislative body pause in its deliberations to commemorate the life and career of Richard J. Conners, "Dean of New York State Assembly," fully confident in the living providence of our Creator; and

RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to his children, Mary Alice Conners Morgan, to Margaret Egan Conners Harrigan, to Maureen Conners Moriarty; and to Michael F. Conners, II, 31 Bonheim Street, North Albany, New York.

THE PRESIDENT: Senator Hoblock.

SENATOR HOBLOCK: Thank you, Madam President.

I rise to talk about Dick Conners an in support of the resolution in which we take a moment to commemorate his life and career.

Earlier today many of us, members of the New York State Legislature, attended the service, the funeral service for Dick Conners, and I suppose that if one can talk about a

service as being beautiful, this was a very beautiful service this morning. It was a gorgeous day outside, the sun was shining, temperatures were pleasant. There were numerous people, hundreds of people from all walks of life, representatives of veterans organizations, people that have known Dick in various stations in life, a number of public officials, a number of members of the clergy, and the Bishop was there. Dick's parish priest and the Bishop gave a homily this morning, and it was quite impressive. They talked about Dick's commitment to life, his faith in his church and God, his service to his community and his state, his commitment to his wife, children, grandchildren and great grandchildren.

Dick Conners was a very unusual individual. When I first learned of his passing, I made the comment that they probably broke the mold. Dick Conners was an individual that somewhere during the course of your life, you would be grateful for meeting and becoming one of his friends, for Dick was a true gentle

man, and he was also a very gentle man, and what was said this morning was somewhat impressive because it hit me as we talk about politicians and politics in 1995.

Dick Conners went through 51 years of public service, elective public service and not once during those 51 years was there ever a scan of evidence, talk or rumor about any scandal, any impropriety, or indiscretion on the part of Dick Conners.

Dick was a real people man. He was successful in those 51 years because he dealt with people on a day-to-day basis. Dick was one of those old-time politicians that would go to three or four wake services almost every night. There wouldn't be a parade or a festival or whatever that he would miss.

During approximately the last 17 years of his life, his wife's life -- she passed away a few years ago -- she was an invalid and she was home during the day with the necessary help, and Dick, no matter where he was, would go home at night, as tired as he was, a man in his

70s, and he would read the newspaper to his wife and bring her up to date on the events of the day, and they may be discussing those events until the early hours of the morning. Instead of sitting down and watching TV or going to bed or doing some of the other things that I'm sure he wanted to do, he spent that time with his wife Margaret. He was as devoted to his children, his grandchildren and his great grand children.

I remember when I first came into the New York State Legislature in 1978 in a special election, I knew Dick Conners but I didn't know him that well. He was a member of the other side of the aisle, and he was one of the first people to greet me when I came into the Assembly, extended that very warm hand of his and offered whatever help and assistance I needed during those very early months, and Dick and I retained that friendship and built on that friendship, personal and professional, through all the years since.

Dick was a politician who would

help his adversary as well as his friend. You could disagree, but you would disagree in a gentlemanly way. Those that have known Dick, as I said before, can be gifted with knowing an individual that we all try to emulate. He has been sort of a mentor and a father to many of us.

We're going to miss Dick. We're going to miss what he was, what he stood for and what I think we all strive for.

I'm sure he will, and I'm sure we all hope that he now rests in peace. Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Hoblock.

Senator Farley.

SENATOR FARLEY: Yes, I have to rise to pay tribute to Dick Conners.

You know, we just spoke of the passing of Dick Schermerhorn. I guess one of the exciting things about serving in the Legislature is serving with such unique people, and Dick Conners was truly a unique man, and

what a gentleman he was. He was the epitome of the -- of the religious Irishman that loved his wife and his children and his community and, believe me, I saw -- I saw the funeral going by this morning, and you would think it was a national figure with the cars and the firemen and the lights, and so forth, and the flowers and his wake, I was there and with his three daughters and his son.

What a beautiful man he was, and he was a dear friend and Senator Bruno and I, now Senator Hoblock and I, have to do the legis lative days when you guys aren't around here, and Dick Conners did them for years in the Assembly. The Assembly was always different. They open up their legislative days with a prayer. I don't know, maybe you do, Mike, but I never did. But Dick Conners was Irish legislator of the year, I think the year that I was, and it just seems so sad to see him fail in the latter part of his life and -- but he was always beloved by everybody on both sides of the aisle, and I know that this Legislature is

really going to miss him.

He was a beautiful man and a wonderful legislator, and actually somebody that Albany will not see the like of again.

THE PRESIDENT: Senator Stavisky.

SENATOR STAVISKY: Before coming to this chamber, I served with Dick Conners in the New York State Assembly. I must say that whoever drafted the memorial resolution today on this occasion did a masterful job, for it has an appropriate degree of respect, devotion and accuracy regarding a very different and unique kind of individual.

Yes, he was identified with veterans' affairs. Yes, he was a staunch advocate for the legislation creating some compensation for the victims of Agent Orange and he did this with a sense of pride in what Americans of various ages in various wars have done to safeguard our nation and enable our country to survive challenges in generation after generation.

Whether it was a Memorial Day parade or a veterans gathering or a junior baseball celebration or a legislative event or the Friendly Sons of St. Patrick, Dick Conners was a part of the Albany scene, not in a pretentious manner but in a very gentle and yet especially dignified way.

I must say that I saw personal evidence of his devotion to family. After a grueling day's work -- and he was not a youngster -- I would very often find Assemblyman Conners doing shopping at a local supermarket because he had the responsibility that he accepted and exercised, to be of great assistance in helping his dear wife deal with the disabilities that afflicted her.

This was not for show. This was done with love and affection, and I must tell you, there were no photographers there. That was a responsibility that he carried out without fanfare and in addition to everything else he did. He was a man for public affairs. He was a man for family values, and I think all of us who

served with him value that legacy that he left us.

THE PRESIDENT: Thank you. Senator Cook.

SENATOR COOK: Madam President, I must take this occasion to say thank you to Dick Conners for some things that he's done in my life, and particularly around this Legislature because there wasn't any particular real reason why Dick Conners would have been helpful to me except that he was always helpful to everyone.

We were the first joint chair men of the veterans committees when they became -- went from being subcommittees to being full committees, and Dick was so involved in veterans' affairs that he was a real mentor for me, helped me in numerous ways to understand what the issues were, to sort of guide me along, and we did some things together during those - during that very first year that I was chairman of that committee, that I never could have done if it hadn't been for Dick.

But perhaps even more moving to

me was the fact that I, at a time prior to that when I represented four towns in Albany County in the Assembly, and Dick was, of course, the Senator from -- or the Assemblyman from the city of Albany. He was a Democrat and, therefore, a member of the majority. I was a Republican trying to represent four towns of Albany County and to be representative of the concerns of the folks out there and, of course, it was very difficult sometimes, and I found that Dick Conners would appear at my door and say, you know, "Charlie, is there anything we can do to help the folks out in the Hilltowns," and I would tell him what we needed and Dick Conners would make sure that it happened and he did it. He did it in a way that reflected the credit on me, not on himself, and he made sure that whatever needed to get done was done for the folks who lived out in the Hilltowns even though he didn't represent them, he represented the city, and I really will always be grateful and always remember him for that kind of an attitude that he always carried.

THE PRESIDENT: Thank you, Senator Cook.

Senator Sears. Oh, I said the wrong person. Senator Leibell. I'm sorry.

SENATOR LEIBELL: It's O.K. Madam President, I'm just going to briefly add my comments to the many words that have been already spoken about Dick Conners. As someone who served for six terms in the Assembly and in the Minority, I want to point out that Dick was someone who was most gracious to anyone who came into that chamber, whether you were of his party or of another party.

He was a person who, as was noted, set a tone and an example for everyone else who served in that chamber. For those of us who are veterans, he particularly - particularly strong and kind and gave us extra encouragement, I always felt.

He was an outstanding family man. He set a strong example by his religious beliefs. As all of us who served over there recall, on all the religious holidays, it was

always Dick Conners who stood up in the Assembly chamber and advised all of us where religious services would be, regardless of what our faith might be.

He is the finest sort of person that is a member of our Legislature. I join with my colleagues. I'll miss Dick Conners a great deal. He was a great legislator, a great man, great American. May he rest in peace.

THE PRESIDENT: Thank you, Senator Leibell.

Senator Hoffmann.

SENATOR HOFFMANN: Just very briefly, Madam President.

Dick, in one of his many generous moves, did something totally unexpected. The first or second year that I was here, I had the good fortune to sponsor a piece of legislation, sponsor a budget appropriation through the member item process, that has since become a euphemism in this state for "pork barrel" spending.

I didn't know when the good

people of Rome, New York, asked me to help them save a cheese factory and convert it into a museum, that it would become the butt of many jokes led by Governor Cuomo and virtually every media outlet in this state. The cheese museum seemed to symbolize what was wrong with our budget process here. But Dick Conners, when he saw the initial flurry of negative comment lampooning the cheese museum, went to the trouble to find out what it really was and, to my complete amazement, he wrote a lovely letter to the editor explaining that the cheese museum was needed by the good people in Rome, New York who had lost so much of their manufacturing, that it was in fact a viable entity and it was deserving of state funding.

What made it all the more remarkable was that he was in the other house. He served in the Assembly, I was in the Senate and we barely knew each other, but it was one of those things that just sort of got under his skin, and he had enough respect for this process and for this legislative tradition that he

wanted to personally set the record straight where he felt the public was uninformed on a matter where another colleague had made an earnest effort to try to do the right thing.

So I was totally surprised and greatly humbled that Dick Conners took the time to put pen to paper and write one of the few letters, as it turns out, in support of the famous New York State Museum of Cheese. But that indicated the unselfish way that he regarded his colleagues, and I will always appreciate it.

THE PRESIDENT: Thank you, Senator Hoffmann.

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

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The resolution is passed.

Senator Larkin? Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you. I just want to be recorded in the negative on a bill, with unanimous consent, on Calendar Number 1558.

THE PRESIDENT: Without objection.

SENATOR OPPENHEIMER: Thank you, Senator Larkin.

SENATOR LARKIN: There will be an immediate meeting of the Rules Committee in Room 332, the Majority Conference Room.

Madam President, at this time would you call up Calendar 1466, by Senator Velella, which is on the members' desks earlier today.

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

The Secretary will read.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules Assembly Bill Number 8350 and substitute it for the identical Calendar Number 1466.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1466, by the Assembly Committee on Rules, Assembly Print 8350, an act in relation to authorizing the public sale of taxicab licenses in the city of New York.

SENATOR LARKIN: Madam President, is there a message at the desk?

THE PRESIDENT: Yes, there is.

SENATOR LARKIN: Move we adopt it.

THE PRESIDENT: All those in favor have adopting the message signify by saying aye.

(Response of "Aye.")

All those opposed signify by saying nay.

(There was no response.)

The message is accepted. Can we have a little order.

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

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE PRESIDENT: Results.

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

SENATOR LARKIN: Madam President.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Would you call up now Calendar Number 737 on the original calendar, Senator Stachowski's bill, Senate Bill Number 1671B, page 4 on the original calendar.

THE PRESIDENT: Right. The Secretary will read.

THE SECRETARY: Calendar Number 737, by Senator Stachowski, Senate Print 1671B, an act to amend the General Municipal Law, in relation to authorizing the creation of certain bureaus.

THE PRESIDENT: Read the last

section.

SENATOR LARKIN: Is there a message at the desk?

THE PRESIDENT: Yes, there is. All those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

Thank you.

All those opposed nay.

(There was no response.)

THE PRESIDENT: The message is accepted. Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

SENATOR LARKIN: Madam President.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Now call up

Calendar Number 1424, by Senator Goodman, Senate Print 5389A, on the original calendar on page 7.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1424 by Senator Goodman, Senate Print 5389A, an act to authorize the conveyance of certain lands to the Brooklyn Academy of Music.

THE PRESIDENT: Read the last section, please. What's the problem?

SENATOR LARKIN: Is there a message at the desk?

THE PRESIDENT: Yes. All those in -- all those in favor of accepting the message signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed. Thank you.

SENATOR LARKIN: Madam President, we call up Calendar 1285. Bills are on the desk.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Calendar Number 1285, by Senator Hannon, Senate Print 5026B, an act to amend the Executive Law, in relation to enacting the engineers' and architects' "Good Samaritan Act".

SENATOR LARKIN: Is there a message at the desk?

THE PRESIDENT: Yes. All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The message is accepted. Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Senator Larkin.

SENATOR LARKIN: Madam President, is there any housekeeping at the desk?

THE PRESIDENT: No. I don't do housekeeping.

SENATOR LARKIN: We're not finished yet.

SENATOR LARKIN: Madam President, I believe there's a privileged resolution at the desk, by Senator Paterson. Please call on Senator Paterson.

THE PRESIDENT: Yes, there is.

Secretary will read.

THE SECRETARY: By Senators Connor and Paterson, Legislative Resolution paying tribute to the purposeful life and accomplishments Emma Shade Galiber.

WHEREAS, it is with profound sorrow that this assembled body representing the people of the state of New York is moved this day to pay tribute to an eminent lady of indomitable faith and dedication, whose purposeful life and accomplishments will forever stand as a paradigm and inspiration for others; and

WHEREAS, Emma Shade Galiber was born on February 4, 1924 in New York City, the daughter of Ruby Purcell Shade and John A. Shade; and

WHEREAS, a lifelong resident of New York, Emma Galiber attended George Washington High School, graduated from Hunter College and earned a Master's Degree in Social Work from Fordham University. Preparations made in earnest for a life and career of serving the

needs of others, her professional endeavors which spanned 30 years and covered a broad spectrum of the field of social work enabled her to bring comfort and support to the many lives she touched; and

WHEREAS, a lifelong member of St. Augustine Church and a board member of the Bronx Center for Independent Living Housing Development Corporation, Emma Shade was married in 1946 to Joseph L. Galiber, and the couple were blessed with two children, Pamela Susan and Ruby Diane. A warm and loving family later to be enriched by a granddaughter, they would bring boundless joy and comfort to her retirement years; and.

WHEREAS a woman of quiet and modest demeanor, Emma Galiber was nonetheless fiercely dedicated to her family and unalterably committed to a life of service and causes of good purpose. Her joy, patience, intellect and warmth revealed her compassionate nature and love of life, and warmed all who had the privilege of knowing her; and

WHEREAS, the life of and career of Emma Shade Galiber has given radiant testimony to the ideals of love, honor, benevolence and service, and her memory will continue to shine forth as a beacon for all who would aspire to a life of purposeful fulfillment;

NOW, THEREFORE BE IT RESOLVED that this legislative body pause in its deliberations to pay tribute to the memory of a preeminent woman of goodness and faith whose quiet elegance belied her inner strength and purity of purpose, paying reverent tribute to her distinguished life and career and expressing its heartfelt condolences to her beloved husband, Joseph Galiber, her daughter Ruby Diane, son-in-law, Carl, and grandchildren Sierra and Pamela; and

BE IT FURTHER RESOLVED that copies of this resolution, suitably engrossed, be transmitted to the family of Emma Shade Galiber.

THE PRESIDENT: Thank you.

Senator Paterson.

SENATOR PATERSON: Madam President, Senator Connor and I would be willing to open this resolution for all sponsors who would care to join us, and I offer that in the memory of Emma Galiber who distinguished herself as a noted social worker and member of the Bronx Independent Living Center and also member of St. Augustine Church in the Bronx, but was best known to us through her assistance to her husband, Joseph Galiber. Of course, I saw her here right in this chamber assisting Joe when he came back from a very serious illness that he continues to recuperate from, and unfortunately all the times I talked to her I talked about his health and assured her that I would try to be of assistance to him. I can't help but think about why I never asked her how she was feeling, and I guess it's indicative of those individuals who give so much of themselves to others that maybe they're giving a little more than we first would recognize.

And so, for this person who was

distinguished particularly in her kind of quiet strength that she gave to all her friends and to Joe, we mourn her passing and already miss her very much. The 19th Century poet, Blake, once wrote: Find your love in another's care, and I think that is probably the most radiant testimonial to Emma Galiber that we could think of.

Thank you.

THE PRESIDENT: Thank you, Senator Paterson.

The question is on the -- oh, I'm sorry. Senator Cook.

SENATOR COOK: Madam President, I feel like I'm jumping up on everybody today, but I also feel indebted to people, and I feel like I ought to acknowledge that Mrs. Galiber was just such a fine person, that I had one occasion when a foster child who was -- had come from Joe's district, was living in my district and had a problem and I contacted Joe's office and Mrs. Galiber got in contact with me, got in contact with the family back in the district,

resolved the situation, didn't resolve the situation but at least took care of the situation at the moment, and did it with such grace, and I just had to again say thank you to her for that and for all the other ways that she was always such a gracious person whenever you encountered her.

THE PRESIDENT: Thank you. Senator Stachowski.

SENATOR STACHOWSKI: Madam President, I too would like to rise and just say a few words about Emma Galiber.

She was a wonderful person if you did get to know her. She was a real joy, very quiet. I lived a few doors away from Joe and Emma here in Albany down the street on Hudson, and often you'd see them walking at night after they'd gone to dinner and it was such a joy to see a couple that were so much attached to one another that they would be at work together, you know, you'd see them at dinner together or you had the joy of being in company with them at dinner together and then to catch on those

nights when they'd just be walking hand in hand down the street. It was a joy to see them, and I'll miss Emma Galiber, and I know obviously Joe will and, as Senator Paterson said, we're also concerned with Joe's health this year. I don't know that any of us took time to step back and wonder how Emma was doing, and I think that maybe, quite unfortunately, it was all the problems that Joe had to suffer through this year that maybe were just a little bit too much for Emma, and we're all very sad at her passing but glad that we had the time that we did to spend with her.

THE PRESIDENT: Thank you. Senator Larkin.

SENATOR LARKIN: Madam President, I'd like to ask that we put every member on it except those who might indicate they would not want on it.

Madam President, we'd now like to call a meeting of the Finance Committee.

THE PRESIDENT: Well, shall we adopt the resolution first?

SENATOR LARKIN: Adopt the resolution first.

THE PRESIDENT: On the resolution, all those in favor signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The resolution is adopted. Senator Larkin.

SENATOR LARKIN: There will be an immediate meeting of the Finance Committee in Room 332, the Majority Conference Room.

THE PRESIDENT: An immediate meeting of the Finance Committee in Room 332. Hope the Rules Committee makes room.

Senator Larkin.

SENATOR LARKIN: Madam President, can we return to reports of standing committees, report of the Finance Committee.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Stafford,

from the Committee on Finance, reports the following nomination: John B. Daly, of Lewiston, trustee of the Power Authority of the state of New York.

THE PRESIDENT: Thank you. The question is on the confirmation of John B. Daly as a trustee of the Power Authority of the state of New York.

All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

John B. Daly is hereby confirmed as a trustee of the Power Authority of the state of New York.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: Alan B. Friedberg, of New York City, member of the Metropolitan Transportation Authority.

THE PRESIDENT: The question is

on the confirmation of Alan B. Friedberg, of New York City, as a member of the Metropolitan Transportation Authority.

All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Alan B. Friedberg is hereby confirmed as a member of the Metropolitan Transportation Authority.

SENATOR SEWARD: Madam President.

THE PRESIDENT: Oh, Senator Seward.

SENATOR SEWARD: Yes, Madam President. I would ask unanimous consent to be recorded in the negative on two bills which passed earlier today while I was outside of the chamber: Calendar Numbers 755 and 1588.

THE PRESIDENT: Without objection.

SENATOR SEWARD: Thank you.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we return to reports of standing committees? Please read the Rules report at the desk.

THE PRESIDENT: The Secretary will read.

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

Senate Print 1127, by Senator LaValle, an act to amend the Education Law, in relation to votes on school taxes;

3294, by Senator Leibell, an act to amend the Real Property Tax Law, in relation to authorizing the town of Bedford;

3759B, by Senator Spano, an act to amend the Workers' Compensation Law;

4988B, by Senator Saland, an act to amend the Judiciary Law and others, in relation to making technical amendments;

5269, by Senator Dollinger, an act to provide for the alteration of the boundaries of the Brighton Fire District;

5344A, by Senator Johnson, an act to amend the Social Services Law and the Criminal Procedure Law, in relation to reinvestigation;

5381A, by Senator LaValle, an act to amend the Tax Law, in relation to the applicability of prepaid motor fuel taxes;

5438, by Senator Velella, an act to amend the Retirement and Social Security Law and others, in relation to abolishing the New York City Transit and Housing Authority Police Forces;

5444, by Senator Gonzalez, an act in relation to establishing the Bronx Development Corporation;

5474, by Senator Trunzo, an act to amend the Civil Service Law and the Correction Law, in relation to compensation and benefits;

5475, by Senator Trunzo, an act to amend the Civil Service Law, in relation to compensation, benefits and other terms;

5476A, by Senator Trunzo, an act

to amend the Civil Service Law, and the State Finance Law, in relation to compensation, benefits and other terms and conditions;

5477A, by Senator Trunzo, an act to amend the Civil Service Law, and the State Finance Law, in relation to compensation, benefits and other terms and conditions;

5490A, by Senator Skelos, an act to amend the Vehicle and Traffic Law, in relation to the issuance of special number plates;

5543, by the Senate Committee on Rules, an act to amend the Environmental Conservation Law, in relation to authorizing sweepstakes with respect to subscriptions to The Conservationist;

5558A, by Senator Spano, an act to amend Chapter 677 of the Laws of 1977;

5559, by Senator Skelos, an act in relation to collective bargaining between the Unified Court System and the New York State Court Clerks Association;

5567A, by Senator Velella, an act

to amend the Insurance Law, in relation to provisions regarding motor vehicle insurance rates;

5569, by Senator Seward, an act to amend the Public Service Law, in relation to shared meters for gas, electric and steam service;

5571, by Senator Bruno, an act to amend the Public Authorities Law, Chapter 721 of the Laws of 1994, authorizing the city of Troy to issue serial bonds for the purpose of liquidating cumulative and projected deficits;

5573A, Budget Bill, an act to amend Chapter 53 of the Laws of 1995, enacting the Aid to Localities budget;

Assembly 8239A, by the Assembly Committee on Rules, an act to amend the General Municipal Law, in relation to cash sales;

Assembly 8204, by the Assembly Committee on Rules, an act to amend the Local Finance Law, in relation to the sale of bonds and notes; and

5570, by Senator Spano, an act to

amend the Civil Service Law, in relation to independent hearing officers.

All bills ordered directly for third reading.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we now take up the non-controversial calendar.

THE PRESIDENT: Yes. The Secretary will read.

THE SECRETARY: Senator LaValle moves to discharge from the Committee on Rules, Assembly Bill Number 1718 and substitute it for the identical Calendar Number 1590.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1590, by member of the Assembly DiNapoli, Assembly Print 1718, an act to amend the Education Law, in relation to votes on school taxes.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 5. This act shall take effect January 1.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Senator Leibell moves to discharge from the Committee on Rules Assembly Bill Number 5653 and substitute it for the identical Calendar Number 1593.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1593, by member of the Assembly Matusow, Assembly Print 5653, an act to amend the Real Property Tax Law, in relation to authorizing the town of Bedford.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1598 by Senator Spano, Senate Print Number 3759B, an act to amend the Workers' Compensation Law, in relation to employer withdrawal.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Senator Saland moves to discharge from the Committee on Rules Assembly Bill 6831A and substitute it for the identical Calendar Number 1603.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1603, by member of the Assembly Weinstein, Assembly Print 6831A, an act to amend the Judiciary Law and others, in relation to the making of technical amendments.

THE PRESIDENT: Read the last

section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Senator Dollinger moves to discharge from the Committee on Rules Assembly Bill Number 7974 and substitute it for the identical Calendar Number 1605.

THE PRESIDENT: There's a home rule message at the desk. Read the last section, please.

THE SECRETARY: Calendar Number 1605, by the Assembly Committee on Rules Assembly Print 7974, an act to provide for the alteration of the boundaries of the Brighton Fire District.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This

act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1606, by Senator Johnson, Senate Print 5344A.

SENATOR PATERSON: Lay aside.

THE PRESIDENT: Lay aside, please.

THE SECRETARY: Calendar Number 1607, by Senator LaValle, Senate Print 5381A.

THE PRESIDENT: Bill is high. Lay it aside.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules Assembly Bill Number 8228 and substitute it for the identical Calendar Number 1608.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1608, by the Assembly Committee on Rules,

Assembly Print 8228, an act to amend the Retirement and Social Security Law and others, in relation to repeal certain provisions.

SENATOR PATERSON: Lay aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Senator Gonzalez moves to discharge from the Committee on Rules Assembly Bill Number 8155, and substitute it for the identical Calendar Number 1609.

SENATOR PATERSON: Lay -

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1609, by the Assembly Committee on Rules, Assembly Print 8155.

SENATOR PATERSON: Lay aside.

THE PRESIDENT: Laid aside.

THE SECRETARY: Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 8298 and substitute it for the identical Calendar Number 1610.

THE PRESIDENT: Substitution

ordered.

THE SECRETARY: Calendar Number 1610, by the Assembly Committee on Rules, Assembly Print 8298, an act to amend the Civil Service Law and the Correction Law, in relation to the compensation and benefits of certain state officers.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 8300 and substitute it for the identical Calendar Number 1611.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1611, by the Assembly Committee on Rules, Assembly Print 8300, an act to amend the Civil Service Law, in relation to compensation benefits.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Please call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 8299B and substitute it for the identical Calendar Number 1612.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1612, by the Assembly Committee on Rules,

Assembly Print 8299B, an act to amend the Civil Service Law and the State Finance Law, in relation to compensation benefits and other terms of conditions.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Is there a message at the desk?

THE PRESIDENT: Yes, there is.

SENATOR SKELOS: Move we accept.

THE PRESIDENT: All in favor of accepting the message please signify by saying aye.

(Response of "Aye.")

Those opposed say nay.

(There was no response.)

The message is accepted. Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 8201 and substitute it for the identical Calendar Number 1613.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1613, by the Assembly Committee on Rules, Assembly Print 8301, an act to amend the Civil Service Law and the State Finance Law, in relation to compensation benefits and other terms and conditions.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1614, by Senator Skelos, Senate Print 5490A.

THE PRESIDENT: The bill is high; lay it aside.

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 8226 and substitute it for the identical Calendar Number 1615.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1615, by the Assembly Committee on Rules, Assembly Print 8226, an act to amend the Environmental Conservation Law, in relation to authorizing sweepstakes.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Record the negatives, please. Senator DiCarlo, are you

getting your negative recorded? Good. The results, please.

THE SECRETARY: Those recorded in the negative on Calendar 1615 are Senators Connor, DiCarlo, Holland, LaValle, Maltese, Marcellino, Padavan, Present and Saland. Ayes 48, nays 9.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Also Senator Cook.

THE PRESIDENT: I did say the bill is passed.

THE SECRETARY: Calendar Number 1616, by Senator Spano, Senate Print Number 5558A.

THE PRESIDENT: The bill is high. Lay it aside.

THE SECRETARY: Senator Skelos moves to discharge from the Committee on Rules Assembly Bill Number 8201 and substitute it for the identical Calendar Number 1617.

THE PRESIDENT: Substitution

ordered.

THE SECRETARY: Calendar Number 1617, by the Assembly Committee on Rules, Assembly Print 8201, an act in relation to collective bargaining between Unified Court System and the New York State Court Clerks Association.

SENATOR SKELOS: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 1618, by Senator Velella, Senate Print 5567A.

THE PRESIDENT: The bill is high; lay it aside.

THE SECRETARY: Calendar Number 1619, by Senator Seward, Senate Print Number 5569.

THE PRESIDENT: The bill is high; lay it aside.

THE SECRETARY: Calendar Number 1620, by Senator Bruno, Senate Print 5571, an act to amend the Public Authorities Law, Chapter 721 of the Laws of 1994, authorizing the city of

Troy to issue serial bonds.

THE PRESIDENT: Read the last section.

SENATOR BRUNO: Is there a message of necessity at the desk?

THE PRESIDENT: Yes. All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The message is accepted. Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1621, Budget Bill, Senate Print 5573A, an act to amend Chapter 53 of the Laws of 1995, enacting

the Aid to Localities budget.

SENATOR BRUNO: Is there a message at the desk?

THE PRESIDENT: Yes, Senator Bruno.

SENATOR BRUNO: Can we accept the message?

THE PRESIDENT: All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The message is accepted. Read the last section, please.

THE SECRETARY: Section 22. This act shall take effect -

SENATOR LEICHTER: Lay it aside.

THE PRESIDENT: Oh, lay it aside, please. Hard to hear.

THE SECRETARY: Calendar Number 1622, by the Assembly Committee on Rules, Assembly Print 8239A, an act to amend the

General Municipal Law, in relation to cash sales.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1623, by the Assembly Committee on Rules, Assembly Print 8204, an act to amend the Local Finance Law, in relation to the sale of bonds and notes.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1624, by Senator Spano, Senate Print 5570, an act to amend -- an act to amend the Civil Service Law, in relation to independent hearing officers.

THE PRESIDENT: I have a message here. All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye.")

Those opposed nay.

(There was no response.)

The message is accepted. Please read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is

passed.

That completes the non-controversial reading of the calendar.

SENATOR SKELOS: Madam President, if we could take up the controversial reading of the calendar, please.

THE PRESIDENT: Secretary will read.

THE SECRETARY: Calendar Number 1598, by Senator Spano, Senate Print Number 3759B, an act to amend the Workers' Compensation Law, in relation to employer withdrawal.

SENATOR PATERSON: Explanation.

THE PRESIDENT: Senator Spano.

SENATOR SPANO: Madam President, this bill amends the Workers' Comp. Law to provide that, if a person wants to withdraw from the State Insurance Fund, that withdrawal will take effect when a replacement compensation policy is secured and the coverage is initiated.

SENATOR SOLOMON: Madam President.

THE PRESIDENT: Senator Solomon.

SENATOR SOLOMON: Senator Spano yield to several questions?

SENATOR SPANO: Yes.

THE PRESIDENT: Senator Spano.

SENATOR SOLOMON: Do you know the special place that the State Insurance Fund holds in terms of Workers' Compensation Law in this state as an insurer of last resort?

SENATOR SPANO: Yes.

SENATOR SOLOMON: I see. Senator, what's the purpose of this bill?

SENATOR SPANO: The purpose of this bill, Senator, is to just provide an equal footing, make sure that the -- a person wants to go to private insurance that right now the only place where this exemption exists for the State Insurance Fund that the fact that we have an equal footing, that we will have the marketplace take care of the problem and it will equalize the policies.

SENATOR SOLOMON: Will Senator Spano yield, Mr. President, for another

question?

SENATOR SPANO: Yes.

THE PRESIDENT: Yes.

SENATOR SOLOMON: Senator Spano, does this mean that the private insurers are going to have to take everyone that seeks workers' compensation insurance in the State Insurance Fund since we want to have them on an equal footing?

SENATOR SPANO: No, it doesn't say that at all. Right now there's about 48 percent of the marketplace. What this -- what that requirement in law, all it would mean is very simply to give everybody an equal footing in terms of the cancellation period.

THE PRESIDENT: Senator Solomon.

SENATOR SOLOMON: Yes. But, Senator, then what advantages do you see that the 30-day cancellation period gives the State Insurance Fund, that these companies -

SENATOR SPANO: There are no advantages to the State Insurance Fund. That's why this bill recommends a repeal.

SENATOR SOLOMON: Oh, I see. O.K.

THE PRESIDENT: Senator Solomon.

SENATOR SOLOMON: Mr. President, if Senator Spano would continue to yield?

THE PRESIDENT: Senator Spano.

SENATOR SOLOMON: I'm sorry, Madam President.

THE PRESIDENT: That's O.K.

SENATOR SOLOMON: It's 12:15.

SENATOR SPANO: Yes.

SENATOR SOLOMON: Senator, the State Insurance Fund takes both good and bad risks, and the State Insurance Fund has certain advantages we provide for it to take these good and bad risks and the State Insurance Fund over the years has had a surplus which they've given back to the state of New York. Do you recall how much the state of New York currently owes the State Insurance Fund in surplus that we've taken?

SENATOR SPANO: I don't know the exact amount, but it was millions of dollars,

there's 1.3 million.

SENATOR SOLOMON: 1.3 million, in total.

SENATOR SOLOMON: Senator, if the -- if the State Insurance Fund loses or starts to lose its good risk, the risk it makes money on, the impact would be a negative surplus, would that not be the case?

SENATOR SPANO: Under this bill, that would just not happen. My counsel to my right here -

SENATOR SOLOMON: That didn't happen.

SENATOR SPANO: There's -

SENATOR SOLOMON: With some things it would have.

SENATOR SPANO: There's nothing at all, Senator, in this bill that would make that happen. All this bill will do is make - give us all -- give everyone an equal footing and you can make that type of an argument, but the marketplace is going to take care of that problem in the long term.

SENATOR SOLOMON: Mr. President, will Senator Spano yield for another question - Madam President, will Senator Spano yield for another question?

THE PRESIDENT: Yes.

SENATOR SOLOMON: Senator, if as a result of this bill the State Fund lost some of its more profit-making end of the business and was left with its poor risks and started to have a negative surplus, how would we be - would not the state face a liability and have to repay that surplus?

SENATOR SPANO: There's nothing in this bill that would reduce the profitability of the State Insurance Fund. Right now, the current provisions that we have are not -- are anti-competitive. It's led to a lot of the -- a lot of the disputes that the insured parties have with the State Insurance Fund, whether or not a timely notice was received.

So what they're saying is that why should they be treated differently? Let's put the same statute in place across the board.

SENATOR SOLOMON: Senator -

THE PRESIDENT: Senator Solomon.

SENATOR SOLOMON: I just want to go back to one last point, Madam President, if Senator Spano will yield again.

Senator, are private insurance companies required to take all risks that come to them, including bad risks under Workers' Compensation Law currently?

SENATOR SPANO: All insurance companies are not, no.

SENATOR SOLOMON: No. So, Senator, if you'll yield again. Private insurance companies are not on an equal footing with the State Insurance Fund in that regard, are they?

SENATOR SPANO: That's right. We made that point before. This -- if we -- what we're trying to do is put everybody on equal footing, and this would be the first step in doing that and, by passing this statute, it would also provide over the long term that there would be a better rate provided to the insureds

because, as we create more competition, the rates are going to come down.

SENATOR SOLOMON: The rates - Senator -- Madam President -

THE PRESIDENT: Yes, Senator Solomon.

SENATOR SOLOMON: -- on the bill.

Senator Spano was trying to purport a level playing field. In fact, it's not a level playing field. The State Insurance Fund takes all risks, the private insurers do not. How the State Insurance Fund manages to do that -- and I should say, by the way, our system works rather well because in the last two years, seven states have copied the New York law as a model law in terms of workers' compensation nationally: Maine, Rhode Island, New Mexico, Texas, Louisiana, Kentucky and Missouri.

Now, what's going to happen is the State Fund has the following advantage: If an insurer plans to cancel their policy, terminate the policy, they have to give the New York State Insurance Fund 30 days written

notice; not a major concession, and what the State Fund can then do is go and look at the policies and see if they can come up with a policy arrangement that is competitive.

Now, why is that important? Well, let's talk about the advantage the private insurers currently have because of this system. The State Fund takes all bad risks, in addition to the good risks. The private carriers are not forced to have an assigned risk pool as a result of that. There's no assessment against the private carriers for poor risks. So the State Fund has worked very well. All they do is get a 30-day advantage on cancellation, but what could happen?

This is a scenario from some of the people that I have spoken to, and now that the State Fund is going to be a Republican run organization as the new appointees and directors are appointed by a Governor, I think the members of the other side of the aisle should listen very carefully to the scenario four years down the road under this bill.

If the Fund loses its meager 30 day advantage, they believe that they will lose 200 to $400 million in the next 18 months, resulting in a negative surplus. Now, in the last 12 years, we have taken $1.3 billion from the surplus. There's a negative surplus. This state is obligated to pay that back to the Fund out of our general fund revenue.

What is going to happen is, this state and the current administration several years down the road, in fact, maybe come close to election time, will probably have a negative surplus which will add to the deficit that they will probably have or at least require several hundred million dollars in additional funds that will have to be paid back to the State Insurance Fund.

This bill looks very innocuous: A level playing field, but the fact of the matter is nowhere do the private insurers have to take those bad risks.

I should say that PEF has put out a -- Public Employees Federation has put out a

memo against this bill, and it's very simple, and it says it very clearly, just what I said. "This will make it easier and quicker for an employer to withdraw from the Workers' Compensation Insurance Fund through the State Insurance Fund by switching to another insurer. This could tend to undermine the stability and security of the State Insurance Fund by encouraging employers to opt out on short notice. We believe that the fund has worked well and should be improved, not weakened."

That's what this bill does. It looks very simple on its face but, indeed, the State Insurance Fund has worked rather well in this state. It's been copied by other states and this very simple bill is very dangerous. It's very dangerous for the state in the coming years. Indeed, I don't think this state in its current fiscal condition needs anything that might result in additional deficits because we have to pay back that fund some money, and this is not a bill that's going to help this state. All it does is help some private insurers take

away, skim off the cream off the top of the State Fund with no risk to them, because they're not going to have to take any of the bad risks, and it just says the only thing the State Fund has the advantage is it has 30 days notice, so it can go in there, possibly re-rate the risk and re-bid the risk.

What these insurers want to say is give us the cream off the top. We don't want to have an assigned risk for the bad risks. We don't want to pay assessments. We just want the cream off the top. You, the State Fund, be left with the bad risks, because we're afraid to compete with you. We're afraid to have that 30 -- to let you go in and re-bid. We want all of the benefits of having the State Fund to take the bad risks. We want to have that. We don't want to be assessed, but we now want to take the good risks. Well, we're going to be left - we're going to have to come back here in a couple of years and deal with this problem that develops as a result of this bill.

It is not an innocuous bill,

because for a level playing field, then the private insurers should be required to have an assigned risk pool and take the bad risks also. They want to have a level playing field, we'll give them a level playing field. Each one of you has to take the assigned risks like we have to do in auto insurance.

It is not a level playing field. This is real danger to this state, and I wouldn't want to be the Governor and the Governor's administration and facing the consequences of this bill several years down the road; and I think you'll find his appointees as they look at the Fund and see what happens after this bill becomes implemented, will be coming back to this Legislature but it might be too late because we may have to pay back that surplus.

I suggest a no vote on this bill.

THE PRESIDENT: Thank you, Senator Solomon.

Read the last section, please.

THE SECRETARY: Section 2. This

act shall take effect January 1.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: The results, please -- oh, we have some negatives here being recorded, Senator Leichter, Senator -- Senator Stavisky is also being recorded in the negative as he comes through the door.

THE SECRETARY: Those recorded in the negative on Calendar 1598 are Senators Abate, Connor, Dollinger, Jones, Kruger, Leichter, Markowitz, Paterson, Smith, Solomon, Stachowski, Stavisky, Velella, also Senator DiCarlo. Ayes 43 -- ayes 33, nays 14.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1606, by Senator Johnson, Senate Print 5344-A, an act to amend the Social Services Law and the Criminal Procedure Law, in relation to reinvestigating recipients.

SENATOR SKELOS: Lay it aside.

THE PRESIDENT: Lay it aside.

1607.

THE SECRETARY: Calendar Number 1608, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 8228, an act to amend the Retirement and Social Security Law, the Civil Service Law, the New York City Charter and others, in relation to abolishing the New York City Transit and Housing Authority.

SENATOR SKELOS: Lay it aside.

THE PRESIDENT: Lay it aside.

THE SECRETARY: Calendar Number 1609, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 8155, an act in relation to establishing the Bronx Development Corporation.

THE PRESIDENT: Read the last section, please.

SENATOR PATERSON: Excuse me, Mr. President.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Can we lay that bill aside for just a couple of moments?

THE PRESIDENT: Yes. Lay it

aside, please.

THE SECRETARY: Calendar Number 1617, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 8201, an act in relation to collective bargaining between the Unified Court System and the New York -

SENATOR SKELOS: Lay it aside.

THE PRESIDENT: Lay it aside.

THE SECRETARY: Calendar Number 1621, Budget Bill, Senate Print 5573-A, an act to amend Chapter 53 of the Laws of 1995.

SENATOR SKELOS: Is there a message at the desk?

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Is there a message at the desk?

THE PRESIDENT: Oh, yes. All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted.

Read the last section, please.

SENATOR LEICHTER: Madam President, just -

THE PRESIDENT: Senator Leichter, are you standing up to speak?

SENATOR LEICHTER: Yes. I would like recognition so I can speak on the bill, Madam President.

THE PRESIDENT: Yes, please do.

SENATOR LEICHTER: I have actually had a discussion with Senator Volker on the bill. I understand that at this moment that it is not an agreed-on bill, that this makes a distribution of certain federal monies in a manner that appears to be fair but there is some issue that the Assembly has raised as to whether all of the monies that should actually be distributed under this bill have been made available.

I think that's -- I just thought it was something that ought to be stated on the record and made known to everybody. However, it's the only bill that's before us and the

money needs to be distributed and it appears to be a fair distribution. I'm going to support the bill.

THE PRESIDENT: Thank you, Senator.

Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

SENATOR SKELOS: Madam President, could you call up Calendar Number 1619.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1619, by Senator Seward, Senate Print 5569, an act to amend the Public Service Law, in relation to shared meters.

SENATOR SKELOS: Madam President, is there a message at the desk?

THE PRESIDENT: Yes. All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted.

Please read the last section.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: On Calendar Number 1, Calendar 1560, by Senator Velella, could we call that up at this time?

THE PRESIDENT: Just a second. The Secretary will read. Is there a home rule

message at the desk?

THE SECRETARY: Calendar Number 1560, substituted earlier today by the Assembly Committee on Rules, Assembly Print 8154, an act to amend the General Municipal Law.

THE PRESIDENT: There's a home rule message at the desk. Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

THE PRESIDENT: The ayes have it. The bill is passed.

THE SECRETARY: Ayes.

THE PRESIDENT: The ayes have it; the bill is passed.

THE SECRETARY: Hold on. Ayes 56, nays 1, Senator Marcellino recorded in the negative.

THE PRESIDENT: The bill is

passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could call up Calendar -

THE PRESIDENT: Sorry. I couldn't hear you.

SENATOR SKELOS: -- Calendar Number 1618, by Senator Velella.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules, Assembly Bill Number 8367 and substitute it for the identical Calendar Number 1618.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1618, by the Assembly Committee on Rules, Assembly Print 8367, an act to amend the Insurance Law.

THE PRESIDENT: I have a message here at the desk. All those in favor of accepting the message, please signify by saying

aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted. Please read the last section.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

SENATOR SKELOS: Madam President.

SENATOR NANULA: Madam President.

THE PRESIDENT: Senator Nanula.

SENATOR NANULA: I would like to request unanimous consent to be recorded in the negative on Calendar Number 1598.

THE PRESIDENT: Without objection.

SENATOR NANULA: Thank you.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: On Supplemental Calendar Number 2, Calendar Number 1587, by Senator Nozzolio, could we call that up at this time?

THE PRESIDENT: Just one second, please.

The Secretary will read.

THE SECRETARY: Senator Nozzolio moves to discharge from the Committee on Rules, Assembly Bill Number 8342 and substitute it for the identical Calendar Number 1587.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 1587, by the Assembly Committee on Rules, Assembly Print 84... 8342, an act to amend the Tax Law, in relation to including additional sales tax.

THE PRESIDENT: Senator Leichter, are you standing to be recognized?

SENATOR LEICHTER: No, I'm not,

Madam President.

THE PRESIDENT: Okay. Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the same date as a Chapter of the Laws of 1995.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE PRESIDENT: Senator Bruno.

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

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

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up Calendar 1614, by Senator Skelos.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1614, by Senator Skelos, Senate Print 5490-A, an act to amend the Vehicle and Traffic Law, in relation to the issuance of special numbered plates.

THE PRESIDENT: I have a message here at the desk. All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted.

Read the last section, please.

THE SECRETARY: Section 4. This act shall take effect October 1.

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is

passed.

SENATOR BRUNO: Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up Calendar Number 738?

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 738, by the Assembly Committee on Rules, Assembly Print 8215-A, an act to amend the Administrative Code of the city of New York.

THE PRESIDENT: There is a home rule message at the desk.

SENATOR BRUNO: I move we accept the message.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll, please.

SENATOR LEICHTER: Madam

President.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: We're just trying to determine what that bill is.

SENATOR PADAVAN: This is a bill previously passed, Senator Goodman's bill, that was returned after it passed the Assembly with some changes. This is on the -

SENATOR LEICHTER: Environmental Control Board?

SENATOR PADAVAN: No. This is for people who apply for licenses and permits who have contracts with the City and where their debtedness must be paid prior to the issuance of those contracts.

SENATOR LEICHTER: This bill provides -- excuse me, if Senator Padavan will yield.

SENATOR PADAVAN: Yeah.

SENATOR LEICHTER: Does this provide that they must first pay their indebtedness to the City?

SENATOR PADAVAN: Correct. There

are a number of exceptions, however, where appropriate.

SENATOR LEICHTER: This is supported by the city of New York?

SENATOR PADAVAN: This is a bill from the city of New York.

SENATOR LEICHTER: Thank you.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can we return to reports of standing committees, I believe there's a report from the Rules Committee. May we have it read.

THE PRESIDENT: The Secretary will read.

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

Senate Print 3069, by Senator Larkin, an act to amend the General Municipal Law;

Assembly Print 2334, by Member of the Assembly Vitaliano, an act to amend Chapter 677 of the Laws of 1977, amending the Civil Service Law;

Senate Print 5574-A, Budget Bill, an act to amend Chapters 50, 53 and 54 of the Laws of 1995;

5575, by Senator Bruno, an act to amend a Chapter of the laws of 1995 as proposed in Legislative Bill Number Senate 5571;

Assembly Print 8000, by the Assembly Committee on Rules, an act to amend the Private Housing Finance Law and the Public Health Law; and

Senate Print 5568, by Senator Goodman, an act to amend the Alcoholic Beverage Control Law.

All bills ordered directly for third reading.

THE PRESIDENT: The bills are ordered directly to third reading without objection.

Senator Bruno.

SENATOR BRUNO: Madam President, can we take up the non-controversial reading of Calendar Number 5.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Senator Larkin moves to discharge from the Committee on Rules, Assembly Bill Number 5916-A and substitute it for the identical Calendar Number 557.

THE PRESIDENT: Substitution ordered.

THE SECRETARY: Calendar Number 557, by Member of the Assembly Tonko, Assembly Print 5916-A, an act to amend the General Municipal Law, in relation to requiring notice.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 613, by Member of the Assembly Vitaliano, Assembly Print 2334, an act to amend Chapter 677 of the Laws of 1977.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Please record the negatives.

SENATOR CONNOR: Madam President.

THE PRESIDENT: Oh, Senator Connor.

SENATOR CONNOR: Thank you.

This is the -- to explain my vote, Madam President.

It has been long the position of the Democratic Conference, a unanimous position, that agency shop ought to be a permanent feature of our law. It's now been 18 years, 17 years - 18 years, I guess, that this law has been an experiment which expires every two years and, frankly, I've said it before on this floor and I'll say it again, it's unseemly. It's not fair. This is a right the people -- the collective bargaining units are well defined and their representatives who perform services for non-members ought to be reimbursed through the agency shop fee.

When it was first enacted, it was an experiment. I think this is one example of one of those features where perhaps if we let some of the good laws that we have that have been tested for so many years become permanent, we would have a lot less to do and the people might be better off for it.

Let's make this permanent some

time. I had intended to offer as I have done in many years in the past an amendment to make this law permanent. The hour is late. It's almost midnight and under our rules we have to (laughter) -

THE PRESIDENT: Almost midnight?

SENATOR CONNOR: -- we have to stop doing bills and we all want to get finished. So let it say -- the record reflect, that had I offered the amendment, it is one that would be supported by each and every Democrat in this house. Since it probably would have come to the same fate as it has some nine or ten other times -- nine times, I guess -- eight times, I won't make the amendment and I will say that failing the amendment as we have for all these many years every Democrat in this house will vote for the straight two-year extension.

Thank you, Madam President.

THE PRESIDENT: Thank you.

Would those voting in the negative please raise their hands again so we can record your votes. Is anyone else

explaining his vote?

(There was no response.)

THE SECRETARY: Those recorded in the negative on Calendar 613 are Senators Hannon, Holland, Johnson, Kuhl, Levy, Maltese, Marcellino, Padavan, Rath, Skelos and Tully. Ayes 46, nays 11.

THE PRESIDENT: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1626, by Senator Bruno, Senate Print 5575, an act to amend a Chapter of the Laws of 1995 as proposed in Legislative Bill Number Senate 5571.

SENATOR BRUNO: Is there a message at the desk?

THE PRESIDENT: Yes.

SENATOR BRUNO: Move we accept the message.

THE PRESIDENT: Yes. All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted.

Please read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as a Chapter of the Laws of 1995.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

The Secretary will read.

THE SECRETARY: Calendar Number 1627, by the Assembly Committee on Rules, Assembly Print 8000, an act to amend the Private Housing Finance Law and the Public Health Law.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed. Please read.

THE SECRETARY: Calendar Number 1628, by Senator Goodman, Senate Print 5568, an act to amend the Alcoholic Beverage Control Law, in relation to the interests of manufacturers.

THE PRESIDENT: We have a message at the desk.

SENATOR BRUNO: I move we accept the message.

THE PRESIDENT: All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted.

Please read the last section.

SENATOR PATERSON: Explanation.

THE PRESIDENT: Did I hear someone?

Oh, Senator Kuhl -- oh, I'm

sorry. Senator Paterson asked for an explanation.

Senator Goodman -- where is Senator Goodman?

Senator Kuhl, will you provide the explanation?

SENATOR KUHL: Senator Goodman asked me to handle any conversation on this (laughter).

Senator Paterson, this was a - this is a -- this is a remake of a bill that was previously passed by this house which was vetoed by the Governor. The Governor had some problem with there not being any site-specific defini tion relative to this particular purpose and that was to allow a person who's a wholesaler or manufacturer of alcoholic beverages to purchase an interest in an existing facility.

So this is a remake. There is a definition to the site specific and now we're bringing the bill back. It's in acceptable form to the Governor.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Kuhl would yield for a brief question.

SENATOR KUHL: I would be happy to.

SENATOR PATERSON: Senator, this is a specific building that is being purchased, correct?

SENATOR KUHL: I believe it is, yes.

SENATOR PATERSON: Senator Kuhl, what I understand is that the building that's - that is going to be acquired is actually landmarked, is that correct?

THE PRESIDENT: Senator Kuhl.

SENATOR KUHL: Say that again, Senator Paterson. I didn't hear that.

SENATOR PATERSON: That the actual property that -- the building itself is landmarked property.

SENATOR KUHL: Landmarked property?

SENATOR PATERSON: In other

words, it has a historic landmark on it for the artistic and cultural preservation of the -- of the land, it was designated as a landmark property.

SENATOR KUHL: I don't know that, Senator, but I'm seeing some heads shaking yes.

THE PRESIDENT: Maybe that's the answer right there (laughter).

SENATOR PATERSON: Thank you, Senator.

THE PRESIDENT: Read -- read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: This bill is passed.

THE SECRETARY: Calendar Number 1625, Budget Bill, Senate Print 5574-A, an act to amend Chapters 50, 53 and 54 of the Laws of 1995.

SENATOR BRUNO: Is there a message at the desk?

THE PRESIDENT: Yes, there is a message. All those in favor of acceptance of the message, please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted. Please read the last section.

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

SENATOR STAVISKY: Madam President.

THE PRESIDENT: Senator Stavisky, why do you rise?

SENATOR STAVISKY: I seek an explanation of one provision on pages 1 and 2 of the bill. Is the additional funds to be allocated by the board of trustees the amount of money that will be coming from an increase in tuition from the City University? Could someone offer an explanation?

THE PRESIDENT: From whom are you seeking this explanation?

SENATOR STAVISKY: From the sponsor, whoever will claim sponsorship. There may not be a paternity claim in the house, but I would like an explanation.

SENATOR BRUNO: Senator, the explanation that I get is that this is purely a technical amendment at the request of the Division of the Budget. It makes no change other than in the way the letters are printed in the bill.

SENATOR STAVISKY: With all due -- with all due respect, I think that when you are referring to $23 million in additional funds to be allocated by the board of trustees, it's more than a technical correction. Where will the board of trustees get the $23 million?

SENATOR BRUNO: Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: It is a technical change in the language. Senator, in all due respect, if you examine the bill, you'll find

that there is no substantive change in anything except the way the words are printed. One of the counsel will share a point of view with you.

SENATOR STAVISKY: Senator, I would be delighted to meet with the counsels inside, outside or around the corner, but I believe that this is the amount of money that the trustees will acquire for the increased tuition charged to students; am I wrong on that?

SENATOR BRUNO: Yes. The money is already there, Senator.

SENATOR STAVISKY: The origin. Let's go to the origin of the $23 million. Where would the trustees get this $23 million? I'm not claiming that it is a new hit, but I believe the original source of the $23 million was the increase in tuition and that's all I'm asking.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Whatever the increase was in the previous legislation is whatever it was, and if it was that 23 million,

all I'm saying is that we're not changing anything. That passed. That's history. We're changing the way the words are printed.

SENATOR STAVISKY: Madam President, without clarification as to the source of the funding, I can only assume -- I may be wrong -- I can only assume that the original source in the earlier version or in this version is the amount of the tuition increase imposed on the students.

SENATOR LAVALLE: Would the Senator yield?

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, looking at a draft copy here, and all I see is the changing of lettering; the dollars are the same. This was all handled previously and it has no substantial change in anything that hasn't been done before. I see Senator LaValle on his feet, our chair of Higher Ed' and maybe Senator LaValle would like to make a comment.

THE PRESIDENT: Senator LaValle.

SENATOR LAVALLE: Senator

Stavisky, I'm sure Senator Bruno had explained, you see that we are making a technical change. You see what we're taking out in the brackets. We are capitalizing the same language that we are taking out. To your question of the $23 million which was in the original budget document, Senator Bruno had indicated that was put in -- it's our money -- to offset the lump sum reduction that the City University was to take. That's exactly what we did during the budget documents, so we are not changing that. I think we're answering -- it's not the tuition money that you're talking about, but it's the restoration of the lump sum reduction that was made.

SENATOR STAVISKY: In the negative on this bill.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll, please.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 1, Senator Stavisky recorded in the negative.

THE PRESIDENT: The bill is passed.

Return to messages from the Assembly.

THE SECRETARY: The Assembly returned Senate Bill Number 2548, Assembly reprint 30009, entitled "An act to amend the Alcoholic Beverage Control Law" with the message that it has concurred in the passage of the same with amendments. The Senate moved to concur in said amendments.

THE PRESIDENT: Without objection, the Senate concurs with the amendments. The bill is restored to the order of third reading.

The Secretary will read.

THE SECRETARY: Calendar Number 1385, by Senator Abate, Assembly Reprint 30009, an act to amend the Alcoholic Beverage Control Law.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, can we call up Calendar 4 -- Calendar Number 1609 from Calendar Number 4.

THE SECRETARY: Calendar Number 1609, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 8155, an act in relation to establishing the Bronx Development Corporation.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

THE PRESIDENT: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Madam President, is there housekeeping at the desk that has to be done at this time; anybody do housekeeping presently?

THE PRESIDENT: No.

SENATOR BRUNO: No? Nobody does housekeeping presently?

THE PRESIDENT: No.

SENATOR BRUNO: I guess the hour is too early, okay? Not at this hour. I just thought I would ask (laughter).

We are, Madam President, conferring with the Assembly. There is some unfinished business that we would like to get finished, and we're trying to get a report on whether or not that will be possible tonight. We expect that information momentarily.

THE PRESIDENT: Very good.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Madam President -- Madam President, I move to reconsider Calendar Number 1411.

THE PRESIDENT: We'll call the roll on reconsideration.

THE SECRETARY: Calendar Number 1411, by Senator Nozzolio, Senate Print 3982-A, an act to amend the Vehicle and Traffic Law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 57.

SENATOR NOZZOLIO: Lay it aside.

THE PRESIDENT: Lay it aside, please.

Senator Bruno.

SENATOR BRUNO: Madam President, we are concluded with our business minus one piece of legislation and that's what we're waiting for. We had word that the Assembly had passed the bill. Now we're hearing that they are explaining their votes. So hopefully they will be short explanations.

In the interim, Senator Paterson may have a word or two that he would like to say on behalf of his colleagues, so you might want to recognize Senator Paterson.

THE PRESIDENT: My pleasure.

Senator Paterson.

SENATOR PATERSON: Thank you.

On behalf of the Minority Leader, we would just like to thank particularly the staff, all of whom performed far beyond their intended capabilities by working to this hour this evening. This is actually the first time that we went over what is our new limit.

We've come and started our sessions on time this year. We made a number of changes. We are still arguing for some other changes we would like to see made. We are - but we're very happy to work with Senator Bruno. We know we've caused the Senator a couple of problems. Earlier today he looked a little nervous about the casino gambling bill, but it all worked out. He was nervous because he had money on the bill, (laughter) but I have

found him to be a person of outstanding character and days like this build character, and he is our leader.

It's been my privilege to work with him. We've opened up every morning exactly on time. We have our Senate clock tuned to the U.S. Naval Observatory master clock, so we are on time in the Senate, and it's been my privilege to work with him and to all of you and with you, Madam President.

THE PRESIDENT: Thank you.

Senator Bruno.

SENATOR BRUNO: Thank you, Senator Paterson, and I want to thank my colleagues on that side of the aisle for giving us the opportunity to truly build character today and we did.

I think we have -- we have Assembly 8330 that has arrived, and I would ask that we at this time take the bill up.

THE PRESIDENT: The Secretary will read -- it has not arrived.

SENATOR BRUNO: It has not

arrived. It is on my desk.

I stand corrected, Madam President. Thank you. It is about to arrive, and I apologize for the incorrect information.

In the meantime, I would just like to thank as well everyone. We closed our regular session as we all know on June 15th, regular hour, and this was a cleanup session that we have been cleaning up through these last several days. We're fairly well cleaned up and out, and we will shortly be totally cleaned up.

So I really just want to thank the staff, thank my colleagues for your indulgence, for your cooperation. We did a lot of things together and I mean that, "we", because this house does operate with the assistance of everyone that is involved in the process, staff, Senators, people that visit for various reasons, and I want to thank you as the chair, Madam President, for all the good things that have happened here in this chamber this year, and on behalf of all of the people out there that I'm sure recognize how diligent we

are working, whatever hours are necessary to do the people's work, I'm sure they're appreciative and, on their behalf, I say thank you.

Do you have something at the desk that's of consequence, Madam President? (Laughter).

THE PRESIDENT: That would be judgmental, but I'd like to add also that I'm very honored to have served with this group of talented and committed and experienced lawmakers and as a newcomer to Albany, you've all made me feel very welcome, and I thank you for that.

(Applause.)

Senator Bruno, the Chair hands down a message from the Assembly.

The Secretary will read.

Without objection, the bill is ordered directly to third reading.

THE SECRETARY: Calendar Number 1629, by the Assembly Committee on Rules, Assembly Print Number 8330, an act in relation to addressing the situation in the Roosevelt Union Free School District.

THE PRESIDENT: Senator - Senator Bruno, there is a message at the desk.

SENATOR BRUNO: Will you please accept the message, Madam President.

THE PRESIDENT: All those in favor of accepting the message, please signify by saying aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The message is accepted.

Read the last section, please.

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

THE PRESIDENT: Call the roll, please.

THE SECRETARY: Ayes -

SENATOR BRUNO: Madam President.

THE SECRETARY: Ayes 56, nays 1, Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

I just want to wish everyone a safe, healthy summer, and there being no further business to come before the Senate, we stand in recess subject to the call of the Majority Leader.

Thank you.

(Applause.)

THE PRESIDENT: Thank you. Without objection, the Senate is adjourned.

(Whereupon, at 1:59 a.m., the Senate adjourned.)