ALBANY, NEW YORK

January 3, 1996

12:14 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. The Secretary will call the roll.

Would you all please rise and join me in the Pledge of Allegiance.

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

We will have a moment of silence.

(A moment of silence was observed. )

The Secretary will call the roll, please.

THE SECRETARY: Senator Abate.

SENATOR ABATE: Present.

THE SECRETARY: Senator Babbush.

(There was no response. )

Senator Bruno.

SENATOR BRUNO: Present.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: Present.

THE SECRETARY: Senator Cook.

(There was no audible response.)

THE SECRETARY: Senator DeFrancisco.

(There was no audible response.)

Senator DiCarlo.

SENATOR DiCARLO: Here.

THE SECRETARY: Senator Dollinger.

(There was no response.)

Senator Espada.

(There was no response.)

Senator Farley.

SENATOR FARLEY: Here.

THE SECRETARY: Senator Gold.

(There was no response.)

Senator Gonzalez.

SENATOR GONZALEZ: Here.

THE SECRETARY: Senator Goodman.

(There was no audible response.)

Senator Hannon.

(There was no response.)

Senator Hoblock.
(There was no response.)
Senator Hoffmann.
SENATOR HOFFMANN: Here.
THE SECRETARY: Senator Holland.
SENATOR HOLLAND: Here.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Here.
THE SECRETARY: Senator Jones.
SENATOR JONES: Here.
THE SECRETARY: Senator Kruger.
(There was no response.)
Senator Kuhl.
SENATOR KUHL: Present.
THE SECRETARY: Senator Lack.
(There was no response.)
Senator Larkin.
SENATOR LARKIN: Present.
THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: Here.
THE SECRETARY: Senator

Leibell.

(There was no response.)

Senator Leichter.

(There was no response.)

Senator Levy.

SENATOR LEVY: Here.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Here.

THE SECRETARY: Senator Maltese.

(There was no response.)

Senator Marcellino.

SENATOR MARCELLINO: Here.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Here.

THE SECRETARY: Senator Markowitz.

(There was no response.)

Senator Maziarz.

SENATOR MAZIARZ: Here.

THE SECRETARY: Senator Mendez.

(There was no response.)

Senator Montgomery.
(There was no response.)
Senator Nanula.
SENATOR NANULA: Here.
THE SECRETARY: Senator Nozzolio.
SENATOR NOZZOLIO: Here.
THE SECRETARY: Senator Onorato.
(There was no response.)
Senator Oppenheimer.
(There was no response.)
Senator Padavan.
(There was no response.)
Senator Paterson.
SENATOR PATERSON: Here.
THE SECRETARY: Senator Present.
SENATOR PRESENT: Here.
THE SECRETARY: Senator Rath.
SENATOR RATH: Here.
THE SECRETARY: Senator Saland.
(There was no response.)
Senator Santiago.

(There was no response.)

Senator Sears.

SENATOR SEARS: Here.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Here.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Here.

THE SECRETARY: Senator Smith.

SENATOR SMITH: Present.

THE PRESIDENT: A quorum is present.

There will be order.

The Chair now hands down a communication from the Governor. The Secretary will read.

THE SECRETARY: Dear Madam President: I would appreciate the privilege of appearing before your honorable bodies in joint session on Wednesday, January 3rd, 1996, at 1:00 p.m., or as soon thereafter as may be convenient to deliver personally my annual message to the Legislature.

Sincerely, George Pataki.

THE PRESIDENT: Senator Bruno. Senator Bruno.

SENATOR BRUNO: Yes. Madam President, Bishop Ball, colleagues, guests, we are awaiting the arrival of two very distinguished members of the New York State Assembly, and hopefully they will join us soon. In the meantime, I would like to just add my opening for Senator John Marchi's 40th session in this chamber.

(Standing ovation.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, I would suggest that, in deference to our time, that we move on, and I believe there is a resolution at the desk and I would ask to read its title and move its immediate adoption.

THE PRESIDENT: The Secretary will read, please.

THE SECRETARY: By Senator Bruno, Concurrent Resolution of the Senate and Assembly: Resolved, if the Assembly concur, that the Senate and Assembly meet in joint assembly in the Assembly Chamber at 1:00

o'clock p.m. today for the purpose of receiving a message from the Governor.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The ayes have it. The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: And, Madam President, I believe you have an additional resolution at the desk. Ask that you read its title and move its adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution, that a committee of two be appointed by Senator Bruno to inform the Governor that the Senate has adjourned its 218th session sine die and has again convened and is organized and ready to proceed to business and will meet with the Assembly in joint session in the Assembly Chamber at 1:00

p.m. today to receive the Governor's message.

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

(Response of "Aye.")

Opposed nay.

(There was no response. )

The ayes have it. The resolution is adopted.

The Chair appoints Senators Johnson and Nanula to wait upon the Governor.

Senator Bruno.

SENATOR BRUNO: And, Madam President, I believe there's an additional resolution at the desk, ask that its title be read and adopted.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution: Resolved that a committee of two be appointed by Senator Bruno to inform the Assembly that the Senate has adjourned its 218th session sine die and has again convened and is organized and ready to proceed to business and will meet with the

Assembly in joint session in the Assembly Chamber at 1:00 p.m. today to receive the Governor's message.

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

(Response of "Aye.")

Those opposed say nay.

(There was no response. )

The resolution is adopted.

The Chair appoints Senators Hoblock and Abate to wait upon the Assembly.

Senator Bruno.

SENATOR BRUNO: Madam President, we have an additional resolution to set the hours of the meeting of the Senate, ask you to read its title and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution: Resolved that, unless otherwise ordered by the Senate, the hours of meeting shall be as follows: Mondays, 3:00 p.m., Tuesdays 3:00 p.m., Wednesdays and

Thursdays at 1100 a.m., and Friday at 10:00 a.m.

THE PRESIDENT: 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 adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, we have an additional resolution at the desk, request it at this time be read and move for its adoption.

THE PRESIDENT: Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution: Resolved that, during the 219th Legislative Session, notwithstanding any rule to the contrary, the Temporary President when acting as President, or the Senator presiding upon the designation of the Temporary President during any such period, shall be vested with all the powers and duties conferred by the Rules of the

Senate, and by Section 40 of the Legislative Law, upon the President.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, we will await our very distinguished visitors and, in the meantime, I have a few words that I would like to share with my colleagues as we start this 1996 Legislative Session.

We start this session in the absence of two members. One has gone on to great public service -- Senator Solomon -- and the other was a good friend for an awful lot of years in this chamber who will no longer be with us -- Senator Galiber. But these members and many others that are with us here today, have participated in a tradition that has made this body unique here in New York State.

The process that we go through is a very deliberative process, a very open process, and in '95, we accomplished many, many good things. We as representatives of the people, representing the people, helped improve the quality of lives of the people of this state. We can be proud of that. We're going forward to hear a State of the State by our Governor, George Pataki, former colleague here, and in his State of the State, we will hear a continued message of hope and growth for the people of this state.

We, this year, have together - and I emphasize "together" -- both sides of the aisle, both houses, with the executive branch, have done some remarkable things. When we reflect back on '95 and look forward to '96, we truly can be proud.

Created jobs: The most important thing to a person is their dignity to be able to work and earn a living. Created over 100,000 jobs this past year going from 50th in job creation to presently the 6th in the country.

We have reduced crime

substantially, improving the quality of life for all New Yorkers.

We have helped people become more independent, to be able to relate in society and advance themselves. There are - and we can be proud of this -- 176,000 fewer people on welfare in this state than there were a year ago and that's thanks to our efforts in helping these people through Workfare, about 36,000 people on Workfare earning their living -- part of their living. We can be proud of that, and that's something that we did together.

As we move forward, we are going to do so much more of the things that are important to the people in this state, and we're going to do it in an open way. We have opened the legislative process beyond most people's imagination and comprehension, and we're going to do the rest this year.

Our sessions are open. We have advocated open budget negotiations. We advocated and have seen enacted conference committees. Our own process will be open. Our expenditures and our budgets will be open

to the public, as we move forward, so that we can be proud of what we do and how we do it, and, more important, the people of this state can be proud that they have -- that they elect us to represent them, and we can be proud that we do the job as they'd like to have it done.

So 1996 will be a banner year for us and the people that we represent and we will continue to work together, this side of the aisle and this side of the aisle, with the Assembly and with the Governor and we will follow the Governor's leadership in continuing to turn this state around so that all of us can recognize that New York truly is the Empire State.

And speaking of the Assembly, Madam President, I am aware of the presence again of two very distinguished late members of the Assembly who have now joined us, and I believe -

SENATOR SKELOS: How do you define "late"?

SENATOR BRUNO: Late in time and in no other reference, and they have a message, Madam President, that they would like

to share with the Senate.

THE PRESIDENT: I'd like to welcome Assemblymen Faso and Farrell. Do you have a message?

ASSEMBLYMAN FASO: Madam President, on behalf of Mr. Farrell and myself, we are hereby delegated by Speaker Silver to let the honorable members of the Senate know that the Assembly stands ready to convene in joint session.

THE PRESIDENT: Thank you.

Senator Bruno.

SENATOR BRUNO: Thank you, gentlemen.

Madam President, could we at this time recognize my colleague and our colleague, the Minority Leader, Senator Connor.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

Senator Bruno, my colleagues, once again we begin the people's work in real earnest. As Senator Bruno noted, we certainly regret -- we will commemorate probably next

week the passing of our dearly beloved colleague, Senator Galiber, and we all wish Senator Solomon well in his new role.

Last year was a contentious year. This year probably will go smoother, it being an election year for the Legislature. The Majority Leader pointed out certain goals which I think the Governor and the Majority in this house look to. I want to say that certain of these goals -- that perhaps with a little different viewpoint we also -- we Democrats in the Senate share.

We are concerned about jobs, jobs and jobs. We are concerned about those people who do have jobs now, those struggling middle class families in New York State who find their real income is going down, who find that it costs more to send their children to SUNY, who find their school aid is being cut and who are working harder, getting less and feeling less.

We are also concerned that, as we make New York a more competitive climate, we don't simply transfer costs to localities. We are definitely concerned about jobs because

I heard these figures of 100,000 more jobs, heard the Governor say it, so I went to the Bureau of Labor Statistics -- and we won't argue about this too much because as one sage said, there are statistics, statistics and damned lies, but the fact of the matter is, if you take a comparison of last January to this November, it appears that New York gained these jobs. But, you know, you're taking a slice out of a year. There are certain seasonal fluctuations between November and January that occur in the job market. If you look at the Bureau of Labor Statistics standards in their report for the period from November 1994 when -- to this past November, you find that 53,000 fewer New Yorkers were employed than in the previous November.

You find that, during that same period, which is a good comparison because it compares the fluctuations, you know, the Christmas employment situation and so on, to New Jersey and Pennsylvania, they gained jobs. Those states gained jobs from that November when Governor Pataki was elected until this past November, and New York lost

53,000 jobs, even while we're putting to work thousands of people who were on welfare through Workfare and even while we're reclaiming some growth in the service sector.

Of course, we did -- we did lay off state workers. We did impact employment in health care; but looking at the total picture it's frankly disappointing to we on the Democratic side, and we want to advocate programs and hope you will join us, that will provide real employment, real services to middle class New Yorkers, that will preserve opportunity for middle class families and their children because it's all about opportunity, and we are a party of opportunity for all of our citizens.

We're for the opportunity of welfare recipients to work. We want those jobs and we're for preserving -- preserving the standard of living of our middle class citizens.

So, Madam President, as we embark on this year, as I said, I hope my remarks are an indication, it probably won't be a very contentious year, but we do have

slightly different visions about how to get to these goals.

Thank you.

THE PRESIDENT: Thank you, Senator Connor.

Senator Bruno.

SENATOR BRUNO: Madam President, I want to thank Senator Connor for his non-partisan remarks and setting the tone for '96 as we go forward in this non-contentious year to do the people's work together, because we really are together in this chamber and together, Madam President, we shall take that journey into the Assembly Chamber where we will hear the words of our great Governor, George Pataki, that will help set the tone so that we can in this non-contentious year, do the people's work together; and there being no further business to come before the Senate, I would respectfully move that we adjourn until Monday at 3:00 p.m., and intervening days being legislative days.

THE PRESIDENT: The Senate stands adjourned until Monday at 3:00 p.m.;

intervening days will be legislative days.

(Whereupon at 12:35 p.m., the Senate adjourned.)