ALBANY, NEW YORK

February 5, 1996

3:00 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. Will everyone please join me in the Pledge of Allegiance.

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

The invocation today will be given by the Reverend Peter G. Young of the Blessed Sacrament Church of Bolton Landing.

REVEREND PETER YOUNG: Thank you, Governor.

Let us pray. Dear members of the Senate, as we today prepare to be photographed, may we pray for ourselves that we may be delivered from all illusion of superiority, from all pretense of righteousness, from all arrogance and hardness of heart, that we might know the meaning of compassion to all of those and to our elected duties.

We pray for the people of New York State that their wealth and power might become a force for peace rather than conflict, a source of hope rather than discontent, an agent

of friendship rather than enmity. May the actions of this Senate then be that example now and forevermore. Amen.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, may I ask at this time that we take up an extraordinary piece of business, and that is to have this very distinguished body photographed by the very distinguished photographer that I believe is now ready to record this session for posterity.

Thank you, Ms. President.

THE PRESIDENT: This magnificent body will now be photographed. (Laughter)

(Whereupon, the Senate was photographed.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Bruno.

SENATOR BRUNO: Can we at this time have a reading of the Journal.

ACTING PRESIDENT KUHL: The Secretary will read the Journal.

THE SECRETARY: In Senate, Saturday, February 3rd. The Senate met pursuant to adjournment, Senator Hoblock in the Chair. The Journal of Friday, February 2nd, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

The Chair recognizes Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Stafford, please place a sponsor's star on Calendar Number 147.

ACTING PRESIDENT KUHL: At the request of the sponsor, Calendar Number 147 is

starred.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on page number 5, I offer the following amendments to Calendar Number 60, Senate Print Number 69, and ask that said bill retain its place on the Third Reading Calendar, on behalf of Senator Larkin.

ACTING PRESIDENT KUHL: The amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Saland, on page number 16, I offer the following amendments to Calendar Number 137, Senate Print Number 3501, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, on behalf of Senator Lack, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate 5433-A.

ACTING PRESIDENT KUHL: The enacting clause will be stricken.

SENATOR MARCELLINO: And, Mr. President, on behalf of Senator Holland, I move to recommit Senate Print Number 34, Calendar Number 37, on order of third reading with instructions to the said committee to strike out the enacting clause.

ACTING PRESIDENT KUHL: The enacting clause is stricken. The bill is recommitted.

Senator Bruno.

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

ACTING PRESIDENT KUHL: There

will be an immediate meeting of the Rules Committee in the Majority Conference Room, Room 332. Immediate meeting of the Rules Committee in the conference room, the Majority Conference Room, Room 332.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there is a resolution at the desk by Senator Hoblock. I would ask that its title be read and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to the privileged resolution.

THE SECRETARY: By Senator Hoblock, Legislative Resolution honoring Officer Jerry Yerbury for his heroic efforts in saving the life of Patricia Colfer.

ACTING PRESIDENT KUHL: The question is on the adoption of 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: Mr. President, can we at this time take up the non controversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the non-controversial calendar.

THE SECRETARY: Calendar Number 124, by Senator Volker, Senate Print 3769, an act to amend the Criminal Procedure Law, in relation to prohibiting a request to any victim of a sexual assault crime to submit to a polygraph test.

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 56.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 125, by Senator Volker, Senate Print 3818, an act to amend the Criminal Procedure Law, the Public Health Law and the Family Court Act, in relation to the authorized destruction of dangerous drugs.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

THE SECRETARY: Calendar 135, by Senator Stafford, Senate Print 620, an act to amend the Environmental Conservation Law, in relation to permitting certain advertising in the Adirondack Park.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar 136, by Senator Stafford, Senate Print 629-A, an act to amend the Environmental Conservation Law, in relation to non-hazardous municipal landfill closure.

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 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar 140, by Senator Volker, Senate Print 3978, an act to amend the Executive Law, in relation to the organization of the New York State Police.

ACTING PRESIDENT 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 56.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 141, by Member of the Assembly Perry, Assembly Print 4641, an act to amend the Real Property Law, in relation to the priority of a lien of a reverse mortgage.

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 56.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar 142, by Senator Lack, Senate Print 1296, current resolution of the Senate and the Assembly, proposing amendments to Article VI of the Constitution.

SENATOR LACK: Star the resolution, please.

ACTING PRESIDENT KUHL: The resolution is starred at the request of the sponsor.

The Secretary will continue to call the non-controversial calendar.

THE SECRETARY: Calendar Number 143, by Senator Skelos, Senate Print 1743-A, an act to amend the General Obligations Law, in relation to exoneration of certain crime victims.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

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

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar 144, by Senator Saland, Senate Print 2109, an act to amend the Surrogate's Court Procedure Act and the Domestic Relations Law, in relation to reports required before orders of adoption.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar 145, by Senator Seward, Senate Print 2699, an act to amend the Real Property Law, in relation to the contents of registration statements.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes of the non-controversial calendar, sir.

SENATOR BRUNO: Mr. President, I believe there's a report at the desk from the Rules Committee. Can I ask that it be read at this time?

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing

committees. The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, hands up the following bill directly for third reading: Senate Print 5959-A, by Senator Goodman and others, an act to amend the Social Services Law, the Domestic Relations Law, the Family Court Act and the Mental Hygiene Law, in relation to the disclosure of information in the Statewide Central Register of a child.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Move to accept the report of the Rules Committee, Mr. President.

ACTING PRESIDENT KUHL: The motion is to accept the report of the Rules Committee. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The report is accepted.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 176 recently reported from Rules.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 176, by Senator Goodman, Senate Print 5959-A, an act to amend the Social Services Law, the Domestic Relations Law, the Family Court Act and the Mental Hygiene Law, in relation to disclosure of information in the Statewide Central Register of Child Abuse.

THE PRESIDENT: Read the last section, please.

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

SENATOR CONNOR: Explanation, please.

THE PRESIDENT: Senator Goodman.

SENATOR GOODMAN: Mr. President, in the time that I've spent in this chamber, I think there may not be a bill that I would

regard as more significant than the one which we're about to consider and the one which is before us -- significant because it relates to an unspeakably sad tragedy which was brought to the attention of the public late last year involving a child who was on the very edge of leading an idyllic fairy tale life.

Her name was Elisa Izquierdo. She was a youngster who was born into a star-crossed family with a terribly tragic background, with a mother who was reportedly a "crack" addict, with a father who was not actually in the home but who eventually gave way to a stepfather and over time this child showed some remarkable natural charm, vivacity, intelligence and potential, and as the child developed and grew, quite extraordinarily -- and I spoke of it as a fairy tale a moment ago, and this is the part that is so extraordinary -- a member of European royalty chanced to visit the child in school and was so attracted to her that he decided that he was going to take from his own available funds monies to assure that she

would go through her elementary and secondary education with his full support. In short, he was attempting to write for her a passport into a brighter tomorrow, and then circumstances which engaged the attention of the public with infinite sadness began to transpire.

The child's mother, for reasons that are obscure but which were explained at some point along the way as involving an alleged voodoo curse, caused the mother to try to beat the curse out of the child physically with a variety of physical attacks upon the child's body and upon the child herself psychologic ally. This came so close to being a wondrous tale of retrieval from a poverty background and a background of drug abuse, but instead the child fell over the cliff, down the slippery slope to death at the hands allegedly of her own parent.

The thing that causes government to have special concern about this matter is the fact that the government was aware of the prob lem. The government, indeed, had intervened in

the earlier stages of the problem and supposedly had this case under close surveillance, but alas it was not to be that the government could step in and repeatedly notice the bruises and the various signs of violence done to the child. Instead, the child fell between the cracks and was lost to us in a manner which appears absolutely inexplicable.

Now, your Senate Investigations Committee held a public hearing on this matter and in holding the public hearing, we were told by the Agency for Child Welfare in the city of New York that it was not possible to reveal to us, even though we are the investigative arm of the Senate, the circumstances surrounding the death of the child and the lack of adequate government intervention to save the child. Why would they not discuss this with us? Because of an obsolete law which placed a veil of secrecy over all of these proceedings.

For some years we've known about this problem regarding the veil of secrecy. We were aware of the fact that it was not possible

for the investigative branch of government, for the Comptroller's office, for district attorneys, indeed for anybody short of the Child Welfare Administration itself, to be privy to the facts of a case of child violence, and over an over again, youngsters have been killed by their own parents, actual homicides in which we cannot determine what happened and how we might have prevented it because this is all obscure to us, under the law.

Not surprisingly, we finally decided that enough was enough, that it was imperative that government intervene and that we find a way to permit government, officials and appropriate parties concerned, with the welfare of children, to be given the information of how we lose these children in order to prevent its future recurrence, and that is the genesis of the law that we have before us today.

Now, let it be noted that there is another side of the coin in this matter, and that's the side of the coin which involves not wishing to have information revealed in such a

manner that it could bring about a reprisal against an individual who reveals child violence, somebody might be an observer of a family situation, bring that to the attention of a court or of a law enforcement officer and then be visited with violence himself or herself for having had the audacity to bring this to the public authority's attention, and so the law that was originally passed was designed to prevent against reprisals.

It was also designed to protect in another fashion, namely, to be sure that no undue embarrassment was brought to other family members who might be innocent bystanders in cases of this sort, and then too there's the aspect of the law which said that when a complaint is lodged through the hot line which was brought into existence some years ago - some of us were involved in the creation of a child abuse hot line -- we created it so that when anyone observed child abuse, they could report it immediately by telephone and have a trigger mechanism to bring about an

investigation of the circumstances.

Well, let's say that a child fell off a couch supposedly and was bruised; one might observe a bruise. A teacher in a school might be suspicious but report the matter. An investigation would be held and the parent would say the child fell off a couch; it was an accident. Well and good. At that point, that would be removed and expunged from the record because it was presumably not a case of violence being visited upon the child, but then again, this might have happened a second time or a third or a fourth, and in each instance because the case in and of itself in isolation appeared innocuous, there was no effort made to retain the record of that occurrence, but when we stop to think about it, the cumulative development of these cases when we see there are four or five or six or even more instances of child injury which, in and of themselves, appear not to be the result of abuse but which collectively and cumulatively indicate that there is a pattern that's suspicious and may well involve abuse, in

those instances we need to be able to retain the records so that we are able to put this under our microscope of sociological examination and reveal, Ah-ha! There's something suspicious here. This could not have happened so many times in succession.

So this law, in addition to lifting the veil of secrecy, in addition to trying to balance it appropriately with protection to families, also seeks not to expunge records. We had the district attorney of Suffolk County come in and give us his advice that the expungement was a bad idea. We had the State Investigations Commission which recently issued a report on child violence come up with the same point. We had the mayor of the city of New York through his investigations commissioner importune us not to eliminate these records but to keep them under court seal so that it would be possible to have the record without unjustly accusing anyone but have it available if we needed it.

This law incorporates all of

these features and a number of others which are quite complex. I will not attempt to burden the house with a full recitation of these, but I would have you know that enormous thought has gone into this effort. This is not the effort of any one legislator, this piece of legislation. It involves a cooperative effort with the -- of course, the Majority Leader of the Senate, Senator Bruno, who took enormous interest and expressed great concern with our getting on with a solution to this. It also involved the Speaker of the Assembly who's been most cooperative in trying to move it through his house.

The Governor himself was sufficiently concerned so that he assigned a special task force under the Attorney General to examine the case, and they have come in with their report and recommendations, and all of these things have now combined together to make this one -- to create this one bill, but perhaps most important, I'd like to pay tribute to my colleague, Senator Saland, because it is Senator

Saland who is the prime specialist in this area as chairman of the Child Welfare Committee of the Senate, is really an expert in this matter and has given us of his time and of his intel lectual skill and capacity to help us shape a bill which would be one that is hopefully most humane, and I'm sorry to say that I think the final product is not fully to his satisfaction, although he will speak for himself in a moment and tell you his views on it, but let it be said that in a matter this complex, I feel fortunate that we had such diverse interest and support from many quarters, and what you have before you is a bipartisan, collective product which hopefully will help to avert these types of tragedies in the future.

SENATOR CONNOR: Madam President -- I'm sorry. I thought you were finished.

SENATOR GOODMAN: I'll take another sentence or two, Senator Connor, if I may.

Colleagues, it's a year obviously of great inter-party tension, and this is

understandable. In every even numbered year these things tend to bubble up, but let it be noted that, in this particular case, I think it's fair to say that we have remarkable unanimity of opinion as to the solution that society must provide to this type of problem.

There's not an individual within the sound of my voice in this chamber or elsewhere who does not agree that our children are our most precious assets and that to us holds a special obligation to protect them against violence and especially that pathological form of violence which occurs right in their own homes from their own parents.

I, for one, am very clear that as long as there is a "crack" epidemic and as long as parents give birth to children who themselves are involved with "crack", that there's bound to be this type of acting out violence on the part of parents to their children because "crack" produces ghastly aberrational behavior and a violent pattern of behavior which repeats itself over and over again.

So, therefore, it behooves government to send up a signal that we will be alert and we will do everything in our power to prevent these problems, and when I say that, I speak not just of what occurs within the ambit of this bill, but of the whole social and child welfare system. We must recruit stronger case workers. We must give those case workers careful screening to be sure that there's nothing in their own background which would indicate neglect or incapacity to perform. We must train these case workers not just to have tunnel vision and to go in and see whether a child has a bruise, but rather to look at the entire context of the child's whole home life and school life to be sure that there is no situation which brings about violence to the child, and we must assuredly have the capacity to look into the situations when violence and even death does occur, to be absolutely certain that government is able to detect these situations and to remove the child from a harmful environment while at the same time,

being careful wherever possible to keep the child with its parents who, after all through natural forces of nature, should be those best equipped to guard and to protect and to succor a child.

This is a deeply humane problem which I know is of concern to every one of you, my colleagues, and I shall be most grateful for your support, hopefully unanimously in the passage of this bill.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Let me pass at this time, Madam President.

SENATOR CONNOR: Madam President.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

I certainly want to congratulate Senator Bruno for bringing this bill out and Senator Goodman for his work on it, and Senator Saland and our colleagues in the Assembly.

Let me say that Elisa was a constituent. The case happened in my district

on the Lower East Side, but it's not the first case in that neighborhood; it's not the first case in New York City and not the first case in New York State, and regrettably, it probably won't be the last case, and I'm certainly supporting this bill because this bill does address some of the faults in the system.

I think what was most shocking about Elisa's case was that there had been reports of abuse, that there had been reports by teachers, as we've, by law, required the various care givers to children make such reports, that there was so much evidence and it all fell through the cracks. It seemed to fall through the cracks in Family Court. It seemed to fall through the cracks in the Child Welfare Administration, and I guess what really makes the case the most compelling is, as Senator Goodman pointed out, there was an alternative. There was hope.

There was hope for this child whose father, by all accounts, a single parent was singularly devoted to her but, unfortun

ately, passed away from cancer and she was left really to become the victim of an inept system, if not an uncaring system, and this bill does address some of the faults that that case dramatized, but by no means -- by no means is this legislation the panacea for the problem of child abuse, and by no means will it solve all of the problems.

There's clearly much, much more work to be done, and the Attorney General has had a report on it. The State Investigations Commission has had a report very recently on the whole situation with the Child Welfare Adminis tration. Commendably, the mayor is taking actions to revise it from an administrative standpoint, but there's clearly much, much more work to be done.

We also, my colleagues, have to be conscious of what we do here. Last year, the Governor proposed a $158 million cut to child protection services. The Legislature resisted part of that, but we did go along with a $90 million cut in Child Protective Services and,

indeed, within a matter of weeks of this tragic case, the Governor requested the restoration of 80 million of those 90 million. We all make mistakes. A pretty good indication, though, that the money does matter but, clearly, the way these cases are processed, the kind of supervision, the qualifications of the people involved are also very, very important.

I don't think Senator Goodman's bill is by any means a bad bill. I think it's a good bill, but I don't think it addresses all of the issues, and I'm sure nor does he pretend it does. It addresses some important issues at his investigation in hearings and this case pointed out about how, in fact, the secrecy laws were being used to cover up ineptness, cover up just plain lost cases about poor lost children who were brutalized and, in that case, murdered.

So I'm certainly going to vote for it, but I urge all of my colleagues, let's remember there's more to be done. There's more to be done in the area of child protection services and I also remind all of you, there are

very, very important things that government does that no one else can really do because it does take the force of law into these cases and that does require money, and while we're ready certainly to join in appropriate cutbacks in the scope of government and we certainly want savings and efficiency, we do have to recognize that there are always priorities and we always do have to provide sufficient funds for the kind of programs that no one but our government can do, particularly when our children are at risk.

Thank you, Madam President.

THE PRESIDENT: Senator Saland.

SENATOR SALAND: Thank you, Madam President.

Madam President, I rise to certainly compliment and laud Senator Goodman for his efforts in taking this issue, staying with it and working it through the rather lengthy process that got us here today and, very similarly, I would compliment Senator Bruno because Senator Bruno determined early on that this was an issue of critical importance and one

which required to be, in effect, fast tracked.

I come to the issue of child abuse as someone who formerly handled these cases some 20 years ago, and at that time I felt absolutely certain that my first one would be my last one and, unfortunately, I found out that there would be a number of cases that I would handle thereafter for my county.

A couple of years ago when we did the omnibus domestic violence bill, I mentioned that particular topic and discussed the fact of what brought me to the issue. I have, for the past two or three years, had the good fortune of chairing the Children and Families Committee which is something that I eagerly wanted to do. Even as a member of the Assembly, I was keenly involved in child abuse issues and there were several chapters which, while they don't necessarily bear my name, if you look at the second party on the bill, you'll see my name. The liability language currently contained in Section 419 is language which I drafted, ultimately became a Bianchi-Saland bill, and I

believe it was passed in this house by Senator Johnson. So it's been a continuing effort, and I applaud Senator Goodman, really, for dealing, I think, with the issue of child abuse in truly a marvelous fashion.

What I'm concerned about, however, and the reason my name doesn't appear on this bill, is that I fear the unintended consequences of this bill. I fear that in our zeal to deal with child abuse, we are placing others at risk.

Now, the standard by which we determine whether a report is indicated is whether or not there's credible evidence. We're not talking about a preponderance of evidence. We're not talking about clear and preponderant. We're not talking about beyond a reasonable doubt. We're talking about mere credible evidence. So by definition, if a report is unfounded, there is no credible evidence to support that particular claim.

Now, that system has presented us with some problems. The problems which it has

presented itself, unfortunately manifested itself in any number of cases but certainly the one that captured the hearts and minds of New Yorkers and really much of the nation is the case to which Senator Goodman and Senator Connor earlier referred, the Izquierdo case, and that's why this is called Elisa's Law.

There's no doubt that the system needs improvement and there's no doubt that the system can be dramatically improved. My concern is that in the course of improving the child abuse system, that we are running the risk of abusing others by keeping all unfounded reports.

Right now some 330... well, last year, some 330,000 reports came into the system, probably about 210,000 or so upon their being submitted or called in, many, if not most of them anonymously. Many of them, if not most of them coming out of matrimonial proceedings were not -- were not investigated because they were, in effect, discharged right off the bat as really not being remotely credible. You get down to about 130,000 cases. Of those 130,000

cases, somewhere between 90- and 100,000 were determined to be unfounded. Of the remaining approximate 30- to 40,000, after a hearing requested by the party, who is the subject of the report, some 70 percent of them were subsequently changed from "indicated" to "unfounded".

There's a vast universe of cases out there that have nothing to do with physical abuse, have nothing to do with child abuse. They deal with neglect, an entirely different subject, a different quantum than child abuse. There's no doubt that we should determine -- to hang onto records where there is a pattern of abuse, but what the SIC recommended was not that we retain all expunged records, and I'm reading from the expungement portion of the SIC report. It says:

"The commission recommends that the current system of classifying reports as either 'unfounded' or 'indicated' be replaced. Instead, there should be a middle category where records of cases in which there is a reasonable

basis for concern can be preserved. This middle category in which abuse is suspected should include cases in which there are objective indications of abuse or neglect but insufficient evidence to indicate a report. Records of cases fall into the suspected category would be --" I'm sorry "-- records of cases which fall into the suspected category would be preserved rather than expunged.

This category would include cases in which a single instance of inappropriate or questionable conduct would not constitute abuse or neglect but that same conduct repeated over time could establish a pattern of abuse or neglect", and it goes on to say that "the definition of unfounded cases should be changed to include only those cases in which evidence of child abuse has been disproved and there is no suspicion that the report was intentionally false."

In reviewing this bill over the weekend, there's a number of things that I found again that fall into this category of unintended

consequences. There are a number of states that retain these patterned cases, call them suspect ed cases, if you wish, as the SIC proposed or undetermined as some other states do. None of them -- none, not even the state of Texas -- not exactly renowned as a bastion of civil libertarianism -- holds these any longer than six months. We are holding them not merely for ten years, but from ten years from the birthdate -- ten years -- I'm sorry -- ten years beyond the youngest child named in the report attaining the age of 18, so you could keep these -- if it was a three-year-old child in a report involving a 15-year-old, you could keep these records for 25 years.

Now, why am I concerned? I have never exactly been known as a civil libertar ian. I don't consider this to be a civil libertarian issue. I have, in fact, been accused of being somewhat Neanderthal at times. Why am I concerned? I'm concerned because what we will be doing is opening a door to making standard operating procedure, the use by

matrimonial attorneys of this register in custody cases.

Now, the bill says it's not admissible, but let me suggest to you, if a person makes three, four or five calls, these can be anonymous; you can be identified, and after the third or fourth or fifth call when, for instance, one spouse, in dealing with the child who has visitation says, "Johnny, when you came back from --" I'll use the example of a wife -- "Little Johnny, when you came back from visiting Daddy, did he touch your private parts", and little Johnny says, "No", and two weeks later little Johnny comes back from visitation and Mommy says, "Johnny, did Daddy touch your private parts?" Johnny says, "No." Two weeks after that, the same spiel and finally Johnny scratches his head -- maybe he doesn't even know what private parts are -- and he says, "I think so, Mommy." Report to the central registry, unfounded. Same thing two, three, four times afterwards and how long before the person indicates the report jockeying for

advantage in matrimonial proceedings?

Let me suggest to you that high profile people, perhaps somebody in this chamber in the midst of some controversial issue in which passions are running deeply will wind up being the victim of an unfounded report.

Senator "X" has abused his or her child. Senator "X" is snorting "coke" in the presence of his children. Unfounded? Certainly clear to you and anybody who knows you. None theless, in the report, and if you read the bill, the bill says that while, in fact, that is inadmissible, you have the ability to access that information, and if somebody says to you, "But, Senator Saland, you were the subject of a report; why don't you disclose it", saying "unfounded" will not be good enough.

There's a provision here in which a child who is the subject of the proceeding - not the subject. The subject of the proceeding is the abuser -- the child named in the action can have his or her name disclosed. It's sort of a discretionary thing subject to certain

generalized standards with the Social Services Commissioner. I cannot fathom a set of circumstances under which a child who has been sexually abused or sodomized could appropriately have his or her name listed in any set of circumstances anywhere. There is certainly little to be gained in permitting that to happen.

I also have some trouble with the disclosure requirements. If you look at - unfortunately, I'm working off a computer generated copy, not the bill. On my copy, it says, "Section 3. Information may be disclosed pursuant to the section as follows:" There's an (a), a (b), a (c) and (a) says, "Information released prior to the completion of the investigation of a report shall be limited to a statement that a report is," quote, "'under investigation.'" .

(b) then says, "When there has been a prior disclosure pursuant to paragraph (a) of this subdivision, information released in a case in which the report has been unfounded

shall be limited to the statement that," quote, "'the investigation has been completed and the report has been unfounded.'" .

I'm not sure how much solace that will be to those who have been wrongfully accused.

I ask the question, why is it necessary? Why is it necessary to put out information in advance until you've completed your investigation? What are you doing to the rights of privacy of people and perhaps at times a child who has been brought into this? It's an invitation, truly an invitation to pressure people who are subject to unfounded reports to release information. This invites pressure where there's been an unfounded report for a person, particularly a high profile person, whether it's an elected official, whether it's a business person, whether it's a person of some stature in your community, the pressure will be on to release the information. What are you hiding if it's unfounded? Release it.

Now, I'm sensitive to the fact

that district attorneys, including the -- you know, former U.S. Attorney for the Southern District of New York, the mayor of the city of New York and the Suffolk County District Attorney have a keen interest in this. I'm not quite sure we should be determining how we handle child-related issues, whether we should be handling it really in a fashion that relies primarily on the expertise of prosecutors because I'm truly not sure that they have the kinds of background or expertise to deal with this.

Now, I'm assuming that the section of the law which says "this shall be inadmissible in a judicial proceeding or an administrative hearing", I'm assuming that certainly the prosecutors are aware that they will not be able to use that in a grand jury proceeding because a grand jury proceeding is, in fact, a -- is a court function.

So let me just conclude by saying I am not suggesting that anybody vote against this bill. My plea is to visit this issue,

revisit this issue on the question of expungement as rapidly as possible before we lose sight of it because I fear that we will be back here some time within the next two to three years otherwise after somebody has been grievously wronged, perhaps somebody who you know, perhaps somebody who I know, perhaps somebody right here in this chamber and we will be attempting to fix something that we could have fixed before we got here, consistent with what the SIC recommended, consistent with editorial comments such as contained in the New York Times, delineate the cases in which there's a pattern.

And let me give you just the example that certainly is the easiest. Somebody shows up in an emergency room with a child that has a bump or a bruise on the head. Now, under the current system, if Mommy or Daddy said, "Little Johnny fell out of the crib", that would not be an indicated report, barring some other evidence or corroboration that would be unfounded and a few weeks later, little Johnny

showed up in the emergency room again, had a welt on his arm and Mommy said, "He leaned up against the stove and burned himself", that would probably not be an indicated report either. The first report would have been expunged; the second report would have been expunged, and if he showed up two or three weeks later with a scratch on his face, that, standing by itself, would not have been an indicated report. It would be unfounded.

What I would suggest, what the SIC would suggest, would be in those cases where there is some evidence of some type of trauma, that those records be retained. Those are the patterned cases to which they make reference. That is a distinction which I think is an important distinction.

I offer my comments certainly for no reason other than the fact that, as I said, I've worked in this area for a long, long time. I was involved in negotiations on this bill. I certainly wouldn't want my comments to come across as sour grapes. They're not intended as

such. They're intended as a warning, as a deeply and heart-felt warning and I can only suggest to you that I've always taken my job seriously. I labored long and hard on the issues that I've dealt with in my committee. I think the evidence is clear that that was the case certainly dealing with domestic violence, and I would suggest to you that we can always do better. No bill that we put out is always going to be in stone. There will always be reasons why we should improve it and we will improve it, but I think in this case particularly, we should start to improve it right away, and I would hope that the Governor and the leadership being cognizant of that would try and do that before this session concludes.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Saland.

Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

Madam President, my colleagues,

we have on the floor now, as Senator Goodman rightly pointed out, one of the most important pieces of legislation that we will deal with in this session, and it's a tragedy in itself that we have to deal legislatively with matters of family as relates to the care of children. Children who are defenseless, can't take care of themselves, can't provide for themselves, look to their parents, to their guardians for protection, for direction, for advice, and when young people are abused physically, emotionally, mentally, there isn't anything more tragic in our society.

Senator Goodman has been in a leadership position on this issue for years, and that is a matter of record. Senator Saland has had a vital interest in what has gone on, as so many of the others in this chamber. We have shown in this chamber a concern for young people who can't look after themselves. Megan's Law, led by Senator Dean Skelos, that is now law looks to protect the interests of young people in this state.

So I rise and ask my colleagues to be supportive and recognize the necessity of having to put into existence this law. Confi should never mask accountability when you're dealing with victims and potential victims, especially when they are underaged, young people who cannot look after themselves. We have a special responsibility to protect those who cannot protect themselves. This is well drafted, protects the innocent and it also has a degree of protection for those people that might be falsely accused.

So I want to thank everyone that has a part in getting this legislation to the floor. I want to thank my colleagues for their support for this important piece of legislation.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Bruno.

Senator Leichter.

SENATOR LEICHTER: Madam President, it's a tragedy that it took Elisa's death to bring a bill which deals with the issue

of confidentiality and removes confidentiality where it should not be and where it only keeps us from protecting the interest of a child, but it would be a greater tragedy if we thought that by this bill we have dealt with the issue of child abuse, and I must say, Senator Bruno says this is one of the most important pieces of legislation that's going to be done this session. If that's the case, we're obviously not going to do very much on child abuse or anything else.

Senator Goodman, I certainly want to commend you for your effort. You didn't wait for Elisa's death to put in this bill. I know that for years you have been trying to deal with the issue of confidentiality, and as it existed -- as it exists right now, unless we act as obviously we're going to act, it certainly prevented us from taking steps that could save children, and you saw that years ago and you've tried to pass this and, as I said, it took Elisa's death to galvanize the Legislature into action, but I do differ with you when you say

this is one of the most significant bills in all the years that you've served here because you've served here many years as I have, and with all due respect, I don't think that we should be caught up in the hype over this bill and see it as a universal solvent or solution to child abuse. It happens to be a relatively small step, something that we need to do, must be done, but there are other things -- and you mentioned some of them -- which, frankly, are much more important. Most important from my viewpoint is to fund the system of protective services, as Senator Connor stated it so well when he said, you know, the Governor who expressed all of his outrage at how could Elisa's death have occurred, but his budget sought to cut protective services last year by 158 million. The Legislature restored some of it, but if you don't have adequate resources to deal in this difficult area, if you don't have the case workers, if you don't have case workers who are paid a decent salary, if you don't have case workers who are trained, you will not be

able to effectively try to prevent child abuse, and I would hope that we don't applaud ourselves, compliment each other, "Oh, what a wonderful thing we've done on child abuse", but recognize that it is the first step in a journey that we have to take, and I would hope that by voting for this bill, as I certainly intend to vote for it, that we also make a commitment to doing those things which are so important. Many of them were pointed out in the report of the State Investigation Commission.

One of them which I feel very strongly about because I have been trying to get the attention of the Legislature on it for some two years is the need to have standards for child abuse workers, to have standards, to have training, to have a test. Right now, there are almost no qualifications. The child abuse case workers who have to make the most difficult decisions imaginable, more difficult than decisions which members of the Court of Appeals of the U.S. Supreme Court make. When is a child -- when is it in a child's interest to remove

that child from the home? How would anybody here like to make that decision; and yet we send people out to make these decisions. They're overworked. They have many, many cases. They don't have the training. They don't have the supervision. They don't have the support. I believe if I recollect properly in Elisa's case at one point where it was brought to the attention of the child -- the case worker dealing with that particular case that there was indication of abuse, she said, "Well, I've got 30 other cases. I have emergencies. I can't get to this one."

Now, if we allow that condition to exist, then we just cannot hide behind this bill and say, "We have taken care of child abuse. We've passed the most important bill of the legislation. We've passed the most significant bill." No, we haven't. We've done something that needed to be done, and I want to say, I think that in a certain sense, we're rushing to do this because I think Senator Saland made some very persuasive argument how

you can have a bill that removes confidentiality where it should not exist and at the same time, provide protection following also the recommen dation of the State Investigation Commission that you have three categories. I'm sorry, that is not in the bill.

So I would just urge all of us, again that we make the commitment to do much more than pass this bill, needed as it is, and that we realize that we have a long way to go before we as legislators fulfill our obligation to abused children in this state.

THE PRESIDENT: Thank you, Senator Leichter.

Senator Dollinger.

SENATOR DOLLINGER: Madam President, will the sponsor yield to a couple questions?

THE PRESIDENT: Senator Goodman.

SENATOR DOLLINGER: Mr. Chairman, in reviewing this bill, I'd like to just deal with a couple concepts because I share Senator Saland's concern about the speed with which this

bill has been produced. I know this is an issue that you have been working on for some time but nonetheless, this is going to become the law of our state. We're giving these instructions to child protective workers around the state and the directors of child services in our counties, and I just have a couple questions about the drafting of the bill.

Let me call your attention to page 10, the section that deals with the term "legally sealing the records". For a lawyer sealing records is a term of art that involves a court taking jurisdiction over the records and sealing them subject to a petition from someone upon notice to the parties involved in the sealing prior to the unsealing of the records.

This statute refers, on page 10 in line 8, to "legally sealing the records". Could you tell me what that means?

THE PRESIDENT: Senator Goodman.

SENATOR GOODMAN: Senator, that term was developed by Governor's counsel and by others -- other lawyers who were working on

this. Not being an attorney, I'm informed that, like most lawyers, there are about nine different ways to skin this cat, and that this is, therefore, a complex term; but let's just let a little common sense into an open window. What it means is -

SENATOR DOLLINGER: O.K. I think it's important that you put that common sense on the record, because some day someone may say which of those nine opinions were we relying on when we put this statute on the books, and it would be nice to be able to say opinion number 4, opinion number 5, so that's why I asked you the question, Senator, to elucidate that fact.

THE PRESIDENT: Senator Goodman.

SENATOR GOODMAN: It was first brought to my attention by the Investigations Commissioner of the city of New York and by the district attorney of Suffolk County indicating that this would reflect the conventional practice of a court to place under its custody, if you please, records in such fashion that they could not be accessed by anybody other than

those approved by the court pursuant to an action of the court, so that I think the intention here as I presume it's reflected in this word of art is that these records are not to be made available promiscuously. They are not to be made available by some superficial request of an unauthorized person but rather, by a petition to a court to release the information if it's required. In short, they are under heavy protection and will not be leaked to the press or anybody else in the normal course of business.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Again through you, Madam President, if the Senator will continue to yield.

THE PRESIDENT: Senator Goodman.

SENATOR GOODMAN: Yes, I will.

SENATOR DOLLINGER: That raises an interesting issue. In common practice for the sealing of the records in a court, prior to the unsealing of the records, all the parties

interested in the records would be given notice and an opportunity to be heard, those building blocks of due process prior to the unsealing of the records.

Is it your intention that both the child and their family, as well as the person who's accused of abuse or neglect would be given notice prior -- and an opportunity to be heard before the Commissioner of Social Services prior to the release of these records?

SENATOR GOODMAN: No, it is not.

SENATOR DOLLINGER: So they wouldn't be legally sealed then in the sense of having an opportunity to be told that they're going to be unsealed and to have an opportunity to question their unsealing.

SENATOR GOODMAN: I think that to have the individual who is under -- under examination for having inflicted abuse be in a position to block the release of the record would be manifestly absurd.

SENATOR DOLLINGER: Again through you, Madam President.

THE PRESIDENT: Yes, Senator Dollinger.

SENATOR DOLLINGER: But isn't it a fact that the person who would be seeking to prevent their release would have been -- would have been an unfounded determination, that it was an unfounded allegation of abuse?

THE PRESIDENT: Senator Goodman.

SENATOR GOODMAN: It might or it might not depending on the circumstances of the case, but I think what we are attempting to do -- let me just be sure we place this in proper context. What we're talking about is the potential death of a child. We are taking in this instance certain steps which I think Senator Saland has properly described as reaching a point of concern which was part of the discussion of this entire bill which I, incidentally, shared very profoundly, to be quite certain that we are being first and foremost protective of the life of a child, and if the two pans of the scale weigh in such fashion that there is a risk that the child's

life may be lost in order to protect the civil libertarian extreme viewpoint, we'll take the risk in order to protect the child.

There may be a problem here, and that's why Senator Saland's suggestion is a meritorious one, that we study closely the application of this law.

SENATOR DOLLINGER: Again, through you, Madam Chairwoman.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: What I'm simply trying to highlight is the point made I believe by Senator Saland and Senator Leichter that, if you had a third category of the suspected child abuse, I believe that you -- you could perhaps, under those circumstances, not provide due process, but certainly someone who's had an unfounded allegation of the abuse or neglect because my understanding, and perhaps correct me if I'm wrong, that this applies to both allegations of abuse and neglect; is that correct?

SENATOR GOODMAN: That's correct.

SENATOR DOLLINGER: So you could have someone who had an unfounded allegation of neglect and yet, when the records are unsealed, the person who is accused of that unfounded - which means it was investigated and they found no evidence of it, no credible evidence of it - would not have an opportunity to be heard prior to the unsealing of the records and the transfer to the Commissioner of Social Services for distribution to the public; isn't that correct?

SENATOR GOODMAN: Sir, I understand what you're driving at, but let me repeat the example that I gave where you have a cumulative situation where an individual innocuous event is removed from the record and then that event recurs. You have no frame of reference and no capacity to go back to see, has there been a pattern in this matter. It's the notion of cumulative prospect that there is abuse occurring which can not be revealed in a single record, and that's why it's so imperative that we retain these things under the protective

custody of a court so that they do not leak out and so that they cannot be promiscuously abused by a divorce attorney seeking to blacken the reputation of one or the other of the parents, and keep in mind that these are all matters that involve unfounded reports, but when taken together they give the right to the investigator to say, This is not something which should be dismissed out of hand but rather something which requires an investigation.

It does not automatically indict or suggest that there has been either criminality or improper behavior, but it gives the right to investigate and to make a deeper examination of the attendant facts. That's what this is all about. It triggers a second look beneath the outer crust of a seemingly series - innocuous series of circumstances so we can get to the heart of the matter and let trained workers, investigators, determine whether in fact there's a problem.

They go into the home. They can sense quickly or after a careful examination

whether there are circumstances in which the parents are neglectful of the children. There may be various indications that there is drug abuse in the home. There could be whole conjuries of sociological pathology going on which can only be observed with an examination.

We've got to be able to unlock that outer lock in order to get to the inner situation and protect the child.

SENATOR DOLLINGER: I couldn't agree with you more, Senator. I'm simply trying -- if the Senator will continue to yield to a question -- I'm simply trying to find out what the term "legally sealed" means so we can find out to whom this -- these documents will be transferred.

Let me ask you a couple more questions that might elucidate my concern. On line number 12, it says that "*** such unfounded reports may be unsealed and made available to a local child protective service or a state agency investigating a subsequent report of suspected abuse."

Are district attorneys' offices included within the scope of parties to whom disclosure would be made?

SENATOR GOODMAN: Part of the bill?

SENATOR DOLLINGER: Page 10.

SENATOR GOODMAN: Page 10, line 12.

SENATOR DOLLINGER: This is in the section that deals with legally sealing the records.

SENATOR GOODMAN: Just a second, Senator. I'll try to get you as good a legal response as I can.

SENATOR DOLLINGER: That's fine.

SENATOR GOODMAN: I refer you to lines 14 and what follows, 14, 15, 16, 17. It states, the commissioner -- the division -- here we go.

"Such unfounded reports may only be unsealed and made available to a local child protective service or to the Department, the Commission on Quality of Care for the Mentally

Disabled, Division for Youth or the Department of Mental Hygiene when investigating a subsequent report of suspected abuse or mal treatment involving a child named in the unfounded report."

So the answer is no, the district attorney is not included in this.

SENATOR DOLLINGER: O.K.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Would the Senator continue to yield.

SENATOR GOODMAN: Yes.

THE PRESIDENT: Senator Goodman.

SENATOR DOLLINGER: I note that parents and family members are also not included within the scope of permissible disclosure. Why is that?

SENATOR GOODMAN: Why should they be?

SENATOR DOLLINGER: Well, perhaps the father would like to find out if there were an allegation made against the mother that was

determined to be unfounded. Should a father have a right to disclosure of the report so that the father could be more vigilant in his observation of the child if he suspects this abuse?

SENATOR GOODMAN: Well, that sounds good, but suppose the father is having a knock-down drag-out battle with the mother over custody or the matters pertaining to their divorce and seeks to use this as a lever to obtain his demands against the mother. We certainly don't want to give him that weapon, do we?

SENATOR DOLLINGER: Well, but again through you, Madam President, don't you think the parent of a child should have access to a report and a conclusion that government knows that there's an unfounded allegation of child abuse against his child? Shouldn't a parent have access to that report as well?

SENATOR GOODMAN: Madam President, we have deliberately circumscribed this so that the only people who have the access

are the names I just read to you, namely, the professionals who are charged with the objective capacity to investigate the circumstances. We are not including within this circle a whole range of others, including the parents, for the reason I just mentioned.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: But again through you, Madam President, if there's no evidence of it being used for custody purposes and no evidence it will be used adversely by a parent, should government have information about the custody -- welfare of a child that a parent can't get?

SENATOR GOODMAN: I think I've answered it to the best of my ability, Senator. I'm not sure I can give you further elucidation on your problem.

SENATOR DOLLINGER: O.K. One other question on this section, Mr. Chairman, if he will continue to yield.

THE PRESIDENT: Senator Goodman.

SENATOR DOLLINGER: And I am working off an earlier print, Senator, and perhaps you can clarify it for me. Does this still contain the language that says that the report that's -- what happens is the records are unsealed. An investigation is conducted. As I understand it, the prior draft said that the conclusion cannot be based solely on the prior report.

Is that language included in the final print?

SENATOR GOODMAN: It is.

SENATOR DOLLINGER: If it can't solely be -

SENATOR GOODMAN: Lines 20 through 22, I'm advised, contain the answer to your question.

SENATOR DOLLINGER: O.K. If it can't be solely based on that, can it be partly based on an unfounded conclusion?

SENATOR GOODMAN: Can what be partly based?

SENATOR DOLLINGER: Can the

conclusion of the investigation conducted - Remember, as I understand this, there's a complaint that's determined to be unfounded. It's sealed. There's a subsequent complaint. It is -- the records of the first unfounded conclusion are then unsealed. There's an investigation that includes a review of the unsealed material and the new material, and then a conclusion drawn again.

I'm trying to find out, can the second conclusion be based partly upon the unfounded allegation in the first instance?

SENATOR GOODMAN: Oh, absolutely.

What I've spoken of is the pattern. The pattern involves a series of individual conclusions, each of which appears on its face to be innocuous, but when taken collectively indicate a clear pattern and something that's quite suspect.

If your child is found to have a bruise on its cheek which you say occurred as a result of its colliding in his -- turning over

in his crib and hitting the slats in the crib, one time, that means nothing. Twice it's an eyebrow raiser; three times it's a red flag and four times it's an emergency siren.

SENATOR DOLLINGER: O.K.

SENATOR GOODMAN: Obviously each one, in and of itself, is innocuous but if you don't know that the other ones exist, you have no sense that there's something wrong here. There's smoke and there's fire.

SENATOR DOLLINGER: O.K. It can be partly based then on the prior, even though it was found to be unfounded.

SENATOR GOODMAN: Absolutely. That's the whole muscle of the provision.

SENATOR DOLLINGER: O.K. Again, if I could just continue, Madam President -

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: -- with another section just to make sure I understand it.

SENATOR GOODMAN: Is this -- are

you still asking me to yield, Senator?

SENATOR DOLLINGER: Yes, if you would, Mr. Chairman.

SENATOR GOODMAN: Yes, I will.

SENATOR DOLLINGER: Could we turn to Section 12 of the bill, page 13, Section 422 (a), where it talks about the disclosure by Human Services Commissioner.

SENATOR GOODMAN: Please, what lines?

SENATOR DOLLINGER: The lines 29 through 33. It talks about the Commissioner making -- of Social Services in each county making a determination that the release of the disclosure of the information "shall not be contrary to the best interests of the child."

My question is, in many of our statutes, we use the "best interests of the child" test. Why was it phrased in that fashion that it's not "contrary to the best interests of the child?" Why didn't the statute simply say that it's determined that it's in the best interests of the child to do it? Why did you

use the negative?

SENATOR GOODMAN: In other words, why did I use the double negative instead of the positive?

SENATOR DOLLINGER: Why did you use the double negative instead of the positive?

SENATOR GOODMAN: Why did I reverse the zypher instead of inverting the ipsit? Senator, it says the same thing whether it's got a double negative or a single positive.

SENATOR DOLLINGER: So you don't intend to deviate from that line of case law that talks about these determinations being in the best interests of the child?

SENATOR GOODMAN: I hope we will not engage in any deviant behavior in regard to this bill, Senator.

SENATOR DOLLINGER: O.K. Again, through you, Madam President, if the chairman will continue to yield.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: What is the

parents' role in that disclosure? It's not discussed in that portion of the bill. There's no role for the parents in determining the best interests of the child in the disclosure in the bill, is there?

SENATOR GOODMAN: I think the best interest of the child is inexorably bound up with its relationship to the parent.

SENATOR DOLLINGER: Again, through you, Madam President. Is there anything in this statute -

SENATOR GOODMAN: Try lines 32 and 33.

SENATOR DOLLINGER: 32 and 33?

SENATOR GOODMAN: It says such disclosure shall not be contrary to the best interests of the child, the child's siblings and other children in the household when any one of the following factors are present, and it enumerates same.

SENATOR DOLLINGER: Again I - again through you, Madam President, if the chairman will continue to yield.

Is there anything in this statute that -

SENATOR GOODMAN: Excuse me, if I may, just to complete my answer: Page 14, sub 5, line 35, in determining -- well, you can read it for yourself.

SENATOR DOLLINGER: I -- again through you, Madam President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: If the chairman will continue to yield.

SENATOR GOODMAN: Yes.

SENATOR DOLLINGER: The reason why I asked that question, Senator, is there anything in this bill that gives a parent notice of the fact that disclosure is going to be - occur, and an opportunity to be heard prior to having the Commissioner of Social Services determine what's in the best interest of their children?

SENATOR GOODMAN: No.

SENATOR DOLLINGER: So a parent

wouldn't even necessarily get the opportunity to be heard prior to the Commissioner of Social Services determining that this is in the best interest of their child and their family and everybody else in their family?

SENATOR GOODMAN: May I just refer you back to the broad circumstances of what we're talking about. Let's not lose track of this by getting into too close a flyspeck.

What is happening is that there is a reason to suppose from cumulative evidence that there is a problem. The investigator goes into the home. At that point the investigator -- if the investigator has any competence at all -- will obviously speak to the parent or parents who are present in the home, so that the parent or parents have every opportunity to indicate to the investigator the attendant circumstances.

I think that we've got to just be sure that our common sense compass is not de magnetized as we discuss this. There is a purpose that is clearly discernible in the bill

which is to say that when you have cumulative evidence of a problem that is not tantamount to a conviction. It is simply a trigger which permits a proper and, hopefully, objective and professional investigation of the facts, all of which are now adduced by an alert investigator, we hope, who goes into the home or wherever the child is and tries to find out what's cooking.

SENATOR DOLLINGER: Again, through you, Madam President, if the chairman will continue to yield.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: I agree with that, Senator, but this section of the bill doesn't deal with the investigation. This deals with disclosure by the Commissioner of Social Services. He's already done the job that you discussed which is to go out and find out all the material that he can and, if he concludes that there's abuse or neglect, he has, under our current statute, all kinds of remedies that he can pursue.

This section of the law, 422 (a),

deals with disclosure by him of public information. My question is, is there anything in this statute that gives a parent the right to go into state Supreme Court and say, Disclosure of this is not in the best interests of my family? Whether it's right or wrong; they may be the perpetrator of this violence, I acknowledge that, but they also simply may be the parent for whom a teacher has abused a child or a physician has abused a child or an older child has abused their child, and my question is, does a parent have a right to go in and ask the courts not to disclose the information because the parent believes it not in the best interest of the child, the family or his siblings or its siblings.

SENATOR GOODMAN: It would be my judgment that the parent should not have that right at that point. The parent is in a situation where the parent will have been seen and spoken to by the investigator, and the facts of the case, all that seem to be relevant, will have been gone into hopefully in excruciating

detail and, if there is a reason why the child's interest or the parents' interest is negatively impacted by this, that will come out in the discussion with the investigator.

I think what you're trying to do here is to really take us back in time into the circumstances which made it possible for the death of Elisa Izqierdo to occur, by in effect making it impossible for us to get a clear understanding of what goes on in these cases.

SENATOR DOLLINGER: But -

SENATOR GOODMAN: This tries to, I think you're inadvertently, not with intent, clamping down a veil once again, which is the very purpose that the bill seeks to avoid.

SENATOR DOLLINGER: Again, Senator, with all due respect, I think what I'm trying to focus on is simply the disclosure opportunity and to suggest that the disclosure by the Commissioner of Public Services -- of Social Services, after the investigation is conducted -- I agree with you that we need unfounded allegations; I agree with the concept

of legally unsealing them, although I'm still not quite sure what that means. I'm suggesting that this section which deals with the right of the Commissioner of Social Service to give public information about allegations of abuse and neglect, that at no point in this bill is there any provision for a parent to stand up and say, "I don't want the Commissioner of Social Services in Monroe County to decide what's in the best interest of my family without hearing from me."

Don't you think parents should have that right?

SENATOR GOODMAN: That's not the issue. The issue is not whether they should be heard from, but whether as you've just inquired in this particular question whether they should have the right to muzzle the Social Service Commissioner before he releases the information to the interested public.

In my judgment, it's a matter of personal opinion, and the answer is no.

SENATOR DOLLINGER: I -- I guess

I -- that's an area where I strongly disagree that the Commissioner of Social Services should be deciding what's in the best interest of my family without hearing, at least having the obligation to hear from me.

SENATOR GOODMAN: Senator, the beauty of our system -- Madam President, the beauty of our system is that each Senator has a right to draw his own conclusions in these matters.

SENATOR DOLLINGER: Just one final question on the disclosure issue, and again I was working off an earlier draft. I want to make sure I'm up to date on this. The Section 7 that deals with the -

SENATOR GOODMAN: Page, please, and line.

SENATOR DOLLINGER: Page 14, that deals with the disclosure of medical information regarding a child's psychiatric information.

SENATOR GOODMAN: What line are you on, Senator, if you please?

SENATOR DOLLINGER: Line 48, page

14, line 48 through 55. This is the section that says, even though we're allowing them to release information about the investigation, we are nonetheless not telling them that they can release other private information about the child, their medical records, their therapy records, their mental health records. Yet nowhere in there -- well, it does say that they have to consult with the city or county - social services commissioner has to consult with the local mental hygiene director, but nowhere in there does it suggest that they have to consult with the parents. If doesn't contain - there's nothing that says that it's the parents' authority to control the release of that information.

SENATOR GOODMAN: That's correct.

SENATOR DOLLINGER: O.K. So the parents don't get to be heard on that issue either.

SENATOR GOODMAN: That's correct.

SENATOR DOLLINGER: Madam Chairman. Thank you very much, Mr. Chairman.

SENATOR GOODMAN: Thank you, Senator.

SENATOR DOLLINGER: I'll just address the bill if I could, for a minute, and then I'll sit down.

I've asked these questions because I believe I guess, as Senator Saland does, that this bill was hastily drafted. I think it needs a great deal of attention to make sure that we balance the need of government, and I couldn't agree with Senator Goodman more that we need government to protect our children, but we've got to realize the parents are a part of that system and, if a -- maybe if this bill were written and said, if the parent is the person against whom abuse or neglect is alleged, then you don't need the approval of a parent to unseal the records or you don't need to hear from that parent before the records are unsealed, or you don't need to hear from that parent before you release their medical records, or you don't need to hear from that parent before this Commissioner of Social Services

decides that it's in the best interest of the family that the records be disclosed. That type of protection for parents is missing from this bill.

I believe it was hastily drafted and someone didn't think of even including a parent as a possible decision-maker because oftentimes abuse and neglect will not be as the result of a parent. It could be the result of a teacher or a friend or a family friend or the neighbor next door and this statute doesn't provide for a parent to be -- to have any role in making that process.

I think this bill -- I'm still going to vote in favor of it. I still think it moves in the right direction, but it needs work. I wish it had gone as far to include the State Investigations Commission, all of their recommendations, so that we broaden the protections, and I have another tragedy that I want to just briefly touch on.

I believe that the greatest tragedy we could do this year, the greatest

tragedy that this Legislature could do this year, to take our families in this state that are under stress and stress them some more. Take away their health care, cut their AFDC benefits by 25 percent, and you know what? They won't be seen by doctors who will see patterns of child abuse. They may not show up in school and be seen by teachers who will detect patterns of child abuse. They may not be seen by case workers who will be able to look at them and see whether they're victims of abuse or not. I think that the issue is, are we committing a tragedy by cutting our support for families in this state? That would be a far greater tragedy than anything else we could do.

Sometimes we have to put our money where our mouth is. If our mouth says we're here to protect children, let's put our money there too.

THE PRESIDENT: Senator Hoblock.

SENATOR HOBLOCK: Thank you, Madam President.

I, too, want to add my congrat

ulations to Senator Goodman and some of the others that worked on this legislation, and I think as we're hearing and as we hear on several pieces of legislation that come before this house, nothing is perfect and while this may not be the perfect solution, but I think it goes beyond just a step in the right direction and, no, I don't think it was put together hastily.

I think the problem that we're talking about in terms of this legislation is the creation of the balance that's necessary, the balance between the safeguards of privacy and the interests of our children, and how do you reach that balance; and I'm not sure that there is a perfect answer; and I think one thing that has to occur with this legislation and I think others have mentioned it, I don't think we ought to forget the issue after this afternoon.

This legislation and this issue has got to be revisited and it's got to be looked at and there's got to be accountability of the agencies that are going to be involved in all aspects of this legislation.

In this 20-plus years that I've practiced various aspects of matrimonial law, when you're in the height of litigation, when you're arguing divorce, child custody, support and all those type issues, the emotion takes over. It's not the head that's controlling. It's the heart, and there's lots of things that are said, lots of actions that are taken that are not intended at the time they are, and the consequences are lived with by the parties thereafter and, unfortunately, in most of those cases, most of those cases, it's the children, it's the kids that are used as the wedge. They're the bartering. They're the ones that are thrown in the middle and tugged back and forth, and my concern in trying to bring about accountability with this legislation and having this body review it, whether it be six months from now or whatever period, is that we do not allow anybody to take advantage and abuse what it is we're trying to accomplish, and what we're trying to accomplish with this legislation is protection of our kids and protection of those

that are going to be used in the middle of that argument and be torn back and forth.

It's unfortunate that we even have to deal with this issue in having government step in when parents can't do what they're supposed to do or parents are irresponsible or parents have got problems and they take it out on their kids, and we have a responsibility of protecting them, and this is the way we do it.

But I'm also concerned that it not be used as that tool and that's why we need to revisit and that's why we need to go forward from today and not forget this as being the solution and walk away and think that we've all done the right thing because I'd like to see what's going to happen in six months from now and see whether in those isolated cases it's taken advantage of, and maybe we're going to have to make some changes, but I think it is more than one step in the right direction and again, Senator Goodman, I congratulate you on bringing this forth, and I'm proud to be a

co-sponsor with you.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Hoblock.

Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Madam President.

Just very briefly, I, too, want to compliment Senator Goodman. I know he's been working on this issue for a very long time, as well as Senator Saland, and I -- I am happy that some of the critical aspects of how we -- how we are able to -- to investigate the whole issue of child abuse have been addressed.

I am also happy to know that since Elisa was in school in an early childhood program in my district at the Brooklyn YWCA, and her family was being -- was being seen or at least part of her family was being seen by another agency also in my district, and when I invited those, along with other groups who serve children and families, to attend a meeting to discuss what just -- what their experiences have

been and how they have tried to address this issue and what they felt about this case and the possible legislative approach to it, one of the things -- a glaring omission was that the system is not set up so that their work with that family, between the two agencies or three agencies or however many agencies were involved with them, were not talking to each other. There was not the kind of coordination which allows them to create a network or build essentially a pool of services around that family so that they could more adequately assist them; so that this child fell through the cracks.

However -- and the bill -- this bill does try to address that issue. However, I just want to remind my colleagues as other - others of us who have spoken today have already reminded us -- each other and ourselves, that what happened to Elisa is only symptomatic of a kind of dysfunctionality of a family, and I think that when, you know, all of us believe very strongly in family values and supporting

families, so we still have a very important aspect of supporting families and strengthening families and dealing with this kind of dysfunctionality that will come before us between now and, hopefully, June and that is our state budget, and as several colleagues have already alluded to, we have a budget coming before us that proposes to cut the basic grants, to cut health services, to -- to eliminate a very important piece of school-based health and that is mental health services for children in school-based clinics. We have our school-based health clinic program cut. We have really essentially, when we look at the budget that is being proposed that will be presented to us, that budget undermines the basic strength and the ability of families to exist, to be whole, and to not be dysfunctional and, in addition to that, there is a proposal to cut them off altogether after a certain point and we have not created jobs to compensate for the fact that we intend to remove all sources of any kind of income to families, to a certain number of

families in the state, and these are the families that are going to abuse their children; and so what we are able to do, what we can have a consensus on, is that we create an opportunity to make them criminals, to criminalize the process without doing what is necessary to prevent it. We're criminalizing families, and we're criminalizing social workers and all people in between, through the process.

So obviously if someone kills a child, it is a criminal act and we have to treat it as such, so I'm not saying that, but I am saying that we are not at the same time making it possible to, in fact, prevent this kind of pathology and breakdown in families so that more and more children are abused. So, yes, we're going to have more cases like this.

At least Senator Goodman's bill will take care of those that are going to be continuing to come downstream, but Senator Goodman and Senator Saland and Senator Bruno and all of those in the leadership and the power positions, I want to tell you that we've got to

do more than this, because if we don't do what is necessary to protect and to support families, we're not swimming upstream at all. We're not addressing the problem. We're just addressing the symptom of a far deeper problem.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Montgomery.

Senator Oppenheimer.

SENATOR OPPENHEIMER: I, too, want to congratulate Senator Goodman and the work that Senator Saland has done, but I do want to pick up on something that Senator Montgomery has mentioned and has been mentioned by others.

We are seeing in our state more families becoming dysfunctional, and they're becoming -- they're becoming dysfunctional for a number of reasons, many of which are no fault of their own. We are seeing a large reduction in the number of families, where one or both parents are now unemployed, having been employed in some instances for many, many years and they now find themselves one year, two years into

unemployment finding it almost impossible to find the jobs that were taken from them due to down-sizing of most of our major corporations, not only in New York and certainly more specifically in Westchester, but really through much of the country.

These people, not only these people but the many people that in the past - this is a newer problem, but people that in the past have had serious pathologies that were mentioned earlier, need the assistance of our mental health clinics, need the assistance of our school clinics for their children, need the assistance of the family clinics in many of our less affluent or poorer neighborhoods, need the help that comes from the special education for a child that is either very disruptive or has some physical disability. These are the very services that are being cut back, and the case workers are being cut back, the social workers are being cut back, the very supports that families need to stay together and to be functioning in our economy and in our society,

and I agree with the simple statement that was made by Senator Dollinger that, if we are going to talk about how we care for children and how we care for families, I think this state has to take another look at this budget because it certainly says to me, we don't seem to care at all about our families.

Thank you.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

I, too, rise to join my colleagues and wish to commend Senator Goodman and congratulate him on this, and it's for the reason that's reflected in the bill that I've co-sponsored the bill; but I've also in my life had the experience that one of my colleagues referred to, and that is to serve as a child protective worker. They're not easy decisions to make. It's not a simple choice being indicated and unfounded. In fact, they're very difficult decisions that one has to make when they're out there frequently just in the home,

in the field and just making decisions that are going to impact children and their family and their lives. It's not anything that anyone takes very lightly, obviously as a young case worker making those kind of choices and those kind of decisions.

In talking with people who remain in the field, and my colleagues, one of their concerns remains the issue of unfounded reports being used as retaliatory mechanisms and, as several of our colleagues have pointed out this afternoon, that unfortunately usually involves a domestic relationships, some of matrimonial issues, and one of my concerns -- and I would echo some of the concerns that Senator Saland has raised, is that concern about retaliatory reporting and creating additional burdens, additional work loads upon those individuals already practicing in the child protective field.

I don't think we want to intentionally encourage bad reporting simply because someone in a dispute wants to create a

pattern and wants to establish a pattern in a retaliatory vindictive manner. Now, I raise those issues because I think they're concerns that need to be considered. They do not detract from the overall objective of this bill, which is why, given my background, I've co-sponsored the bill. I support the bill, and I intend to vote yes for the bill, but I also want to acknowledge Senator Saland's issues because I believe they are valid issues, and in terms of our obligations to deal with the issue, I think we also ought to be looking at the work load and the obligations that were being placed upon child protective workers.

Thank you, Madam President.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Madam President, I don't wish to prolong this because I see where we're going, but I think it's important that the record state very clearly that Senator Goodman has done a major service and the people that work with him, has done a

major service to the children and the families of the state of New York and the people of the state of New York and he is and they are to be congratulated for it.

I, too, worked in the field for 20 years, a school teacher in the city of New York, saw the effects of child abuse, saw the effects of dysfunctional families and saw the need for help and working together between agencies which has been sorely lacking, and I think that is one of the things that Senator Goodman in his legislation is trying to address.

I look forward to working with my colleagues and with Senator Saland, because I'm a co... I'm on that committee of Children and Families, to address some of the concerns and many or all of the concerns that have been raised here. I share them.

Senator Wright has put it succinctly. We need to go forward on this legislation. It's most important that it be in place, and then we can move and correct whatever

deficiencies we find in the law as quickly as we possibly can.

This is a good bill, and it deserves passage.

THE PRESIDENT: Thank you.

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 56.

THE PRESIDENT: This bill to protect our children from abuse is passed.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to motions and resolutions, I believe there is a resolution at the desk. I ask the resolution be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senators Connor, Bruno, and all members of the Senate:

Legislative Resolution, honoring the memory and celebrating the life of the late New York State Senator Joseph L. Galiber.

Whereas, state Senator Joseph L. Galiber, a member of the New York State Legislature since his initial election to the Senate in 1968, passed away at the age of 71 on November 21, 1995;

The death of Senator Joseph L. Galiber, a deeply respected and highly regarded public servant, leaves a tremendous void in the New York State Senate and in the communities he served with such passion and dedication for more than 25 years;

At the time of his death, Senator Joseph L. Galiber was a representative of the 33rd state Senate District, which is comprised of parts of Bronx County and the city of Mount Vernon in Westchester County;

Senator Joseph L. Galiber was a man of strong convictions who believed deeply in the value of encouraging open debate and the development of public policy and in felicitating

the honest exchange of diverse viewpoints;

Senator Joseph L. Galiber, widely regarded as a true gentleman, who exemplified all that is best about public service, was deeply dedicated to his constituency and to the belief that government can be a positive force for improving people's lives;

Senator Joseph L. Galiber, who was also a practicing attorney, earned a well deserved reputation throughout his 27 years of Senate service as a staunch and compassionate champion for the needs of the poor, the disabled, the elderly, children, and others who often least able to advocate on their own behalf;

Senator Joseph L. Galiber also worked tirelessly throughout his Senate career to advance the promise of equal opportunity and civil rights for all people, to help expand and improve educational opportunities for youth, particularly in the New York City schools, and to help implement job creation in economic development programs of importance to all New

Yorkers;

Senator Joseph L. Galiber was so highly committed to finding new and more effective ways of combatting drug and alcohol abuse, drug-related violence and crime, and to reform New York State's criminal justice policies;

Senator Joseph L. Galiber, throughout his legislative career, held a variety of influential positions including his service as ranking Democratic member of the Senate Finance Committee, chair of the Senate Democratic Task Force on Affirmative Action, chair of the New York State Black and Puerto Rican Caucus, a member of the Governor's Temporary Commission to Evaluate the Drug Laws and as the chair of the Commission's Subcommittee on Hard Drugs;

Senator Joseph L. Galiber also served as a member of the Governor's Select Committee on Correctional Services and Programs, as a member of the Jones Commission impanelled in response to the 1971 Attica State Prison

uprising, and as the Senate Democratic Minority's appointment to the Temporary State Commission on New York City's Schools;

Just prior to his election to the Senate in 1968, Senator Joseph L. Galiber was chosen to serve as a delegate to the 1967 state Constitutional Convention, at which he was appointed Assistant Majority Leader;

Senator Joseph L. Galiber, as both a lawyer and legislator, worked just as hard in his district as he did in Albany and always held the needs and concerns of the constituency uppermost, whether that meant helping to lead a community fight against a proposed medical waste incinerator or providing aid and cheer to disadvantaged children during the holiday season;

Senator Joseph L. Galiber, a New York City native, graduated from local city schools and rose to great heights of athletic fame as a member of the City College of New York Varsity LaCrosse and Basketball teams and as co-captain of the celebrated 1949-50

"Cinderella" team that won the NIT and the NCAA basketball championships;

Prior to attending the College of the City of New York, Senator Joseph L. Galiber, a World War II veteran, served his country in the United States Army from July 1943 to December 1945, rising to the position of staff sergeant in the famous "Redball Express" under the command of General George S. Patton;

Among other endeavors, Senator Joseph L. Galiber worked 14 years with troubled Bronx youth, helping them to aspire to a brighter future in his capacity as a senior case worker, and assistant to the director of the Youth Council Bureau affiliated with the office of the Bronx District Attorney;

Senator Joseph L. Galiber will be deeply missed, both in the New York State Legislature and in his community, by his colleagues and his many friends and especially his loving family.

NOW, THEREFORE, BE IT RESOLVED, that this legislative body pause in its

deliberations to honor the memory of Senator Joseph L. Galiber and to extend its deepest sympathies to his father and mother, Joseph and Ethel Galiber, his daughter Ruby Wint and his two grandchildren, Sierra and Pamela Wint; and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, be transmitted to the family of the late state Senator Joseph L. Galiber.

ACTING PRESIDENT MARCELLINO: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

In just a few days I shall complete serving 18 years in this body and indeed when I arrived here those years ago, Joe Galiber was already a legend to those of us who were active in Democratic politics in New York City. He was someone we all knew from a variety of forums who by then had for quite some years, been outspoken, courageous, led the charge for justice, for fairness and for equality in our society.

In the time I served here, Joe was always a friend. He was always a gentleman and, in fact, one of the most eloquent voices we had on this floor, particularly on the issues he cared very, very much about, and he did care about some things quite specially.

He cared about questions of justice and fairness. He cared certainly about questions of civil rights and opportunity. He cared very, very much about our youth and their future. As the resolution testifies, before Senator Galiber came to this body, he had gained recognition and fame both as a concerned youth worker, but before that as an athlete of great prominence.

That certainly was the high point, I guess, of New York City college basketball history, that "Cinderella" team. As we all know, that's not something that can happen again, the NIT and the NCAA in the same year by the same team, and it certainly deserves to be in the record books and will stay there.

Senator Galiber, when I became

leader, he had always been supportive of my aspirations and I went to visit him. He had taken ill. Indeed he -- I guess he first suffered his first major illness the day before we met here -- "we" being my Democratic colleagues -- to select a new leader, and a couple weeks after that I went to see him. He was out of the hospital. He was in rehabilitation, and I went for a very, very specific purpose besides seeing how he was doing and that was, you know, it fell upon me to decide who would be the deputy on this side, the floor leader, and I know David Paterson knows this story well.

I -- I first thought, of course, of Joe. He was a very, very senior member, the senior member so to speak, and as someone who was, as we all know and was eloquent in debate and also fair in debate, and I think my colleagues on the other side of the aisle who found themselves on a given bill as the opposing side in a debate, know well that Joe Galiber had a way of being intense, passionate, articulate

but never offensive, always well reasoned, never personal in his articulation of the issue.

I don't think anyone, and you know, some of us over on this side I guess occasionally had to, because we do disagree on occasion, you know, came to cross fires with Joe on a bill, and you just knew he had a way of presenting it that he made his point and he never made you have feel though that he -- feel either belittled or antagonistic in the least bit. He certainly did have a way with words. But I went to see Joe on that occasion and for the purpose of saying, "As you know, Senator, you're our senior eloquence so to speak, and I would like you to be deputy," and Joe said, "You know, Marty," he said, "that's what I always wanted to be." I mean he loved this Senate so much, and he said, "I always wanted to be the floor man, but" he said, "my health, I owe it to my family, I just can't do that because of my health," but it wasn't a great sense of personal ambition that he was expressing. It was his incredible respect and regard for this Senate

and the way it always used to be, and a few times in the last few years -- perhaps we've forgotten that way it used to be, the way people could differ, could differ with intensity and passion and still it was mutual respect and cameraderie, and Joe Galiber epitomized that and that's his view of the Senate and his view of the kind of debates that always took place on this floor, and in which he played for so many years a very, very significant part in those debates, and if you look at the kind of significant legislation and issues that the - this Legislature and this Senate has dealt with in those years since he was elected in 1968, you can think of literally his influence spans several generations, political generations.

I mean think about what the late '60s were like, and I dare say some of my colleagues on the other side of the aisle who view themselves as quite conservative today perhaps had a different view about some of the issues of the day in the late '60s when they dealt with things like decriminalizing marijuana

and then when we got into the '70s and other issues came to the floor, and obviously the public mood and the political spectrum is a moving target and things have changed over those decades, but always, always in each of those decades significant issues came to the fore and always during that time the voice of Joe Galiber could be heard above the clamor, a voice of reason, a calm voice of reason, but a voice of passion.

The thing about Joe Galiber is, as that moving target, that political spectrum shifted, Joe Galiber always stood up for what he believed to be right even when it wasn't popular, and I think that's something to which we, I would hope, can at least aspire to emulate on some occasions.

Joe was also a warm human being. I -- I remember those occasions that were always fun for me that, if you all recall the Irish Legislators Dinner, and Joe and Emma, for many years, would join me and Joe always liked the soda bread, and I always pointed out to Emma it

was made with -- soda bread, if you make it the right way is made with buttermilk, doesn't have any cholesterol, doesn't have any fat and Joe only had to hear that to eat about a loaf of it. In fact, on many an occasion I went back and made him some soda bread and brought it in the next day, some of my own home made, but in fact, on those occasions, Joe Galiber, not the Senator, Joe Galiber the man, came through and he was indeed quite a man.

You know, during the last year when he was not with us for most of the year because of illness, I talked to Joe once or twice a week. Many times he was in the hospital. He would always start every conversation the same way: "How's the family?" Say, "Fine. How's your family, Joe?" And he was so proud of his family. He was so proud of his granddaughters, Sierra and Pamela, and he was so proud of his daughter Ruby and his son-in-law Carl and, of course, he was so respectful of the fact that Joe Galiber was no kid but his parents were living and indeed survived him and, as this

resolution says, certainly my heart goes out to them as does the Senate, and we have with us to day in the gallery, Senator Galiber's daughter, Ruby Wint, and his beloved son-in-law Carlton Wint, and I know others will have comments but I would remind all of you, and you got it in writing, that after the session there will be a reception with the family in the Minority Conference Room, and you are all indeed invited.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator Waldon.

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

My colleagues, to Ruby and the family, in public life there are "wannabes", pretenders, newly arrived achievers, established stars, and icons. Joe Galiber was an icon. He was truly a legend in his own time. He was so much a part of the political fabric not only of New York City but New York State, and if you traveled around New York with the legislative

associations, across these United States.

Whatever made politics work, there was an indelible imprint of Joe Galiber upon that process. He was the quintessential gentleman. He was urbane. He was witty. He was polite to a fault and, in this business, Joe had a quality which is not too often found in sufficient quantity. He was a good listener. He not only listened to his constituents. He listened to those of us who were his colleagues. He listened to the lobbyists. He listened if there were any on this earth, I believe, even to his enemies.

He was a big man, a warm man. When Joe Galiber walked into a room, his presence filled the place. When I came here as a young Assemblyman and I would come over to the upper house to watch how the real deal was done, I recall how his voice resonated through the this chamber, and later on I came to work with him as a member of this distinguished body which he so loved, and his voice resonated, still speaking rightfully to those issues which he

felt were important, and most of the times the issues that he felt were important were those which created equity so that everybody, no matter how tall, no matter how small, had a shot at realizing their fullest potential in this state.

He skillfully questioned the proposals of those of us who brought bills before this body. He did things the old fashioned way. There was a classic approach that Joe had in terms of making this process work. You know, some people call it, if you scratch my back today I'll scratch your back tomorrow; but Joe could do that better than anyone I knew up here. I knew of no one and know of no one who was more respected on the other side, and John Marchi can attest to this; Hugh Farley can attest to this, no one more respected than Joe Galiber.

Not that there wasn't partisan politics practiced throughout his 28 years here, but he had an ability to relate to people on a different level. He taught me that friendships

and relationships are more important than politics. He could touch the flesh of those that he met in a special way so that people highly respected him -- not just respected him, highly respected him. He looked you in the eye. He kept his word. He was an honorable man.

The thing that I would like to say in terms of if I could create a profile about Joe Galiber is that he was a person of substance. There was meaning to what he did up here. He wasn't frivolous. Some of us posture a little bit too much, and we believe what the press says, that we are the "I Am". Joe was a man of substance. He had savvy. He understood this place; he understood this process. Not everyone who comes here truly understands how to come along and get along and make the process work so that your constituents are well taken care of, and you don't do so in such an oppressive way as the people are jealous of what you achieve.

Joe had savoir faire, a kind of

sophistication, a kind of worldliness that allowed him to see the global perspective. He was sensitive. I don't know of anyone that I met during my travels up here who felt that Joe was condescending. He related to all of us on our level or on a level that was mutually agreeable and acceptable to he and the person he was relating to at the moment.

But I think, if I were to leave a thought with the family about Joe, about one thing which I will hold dear from now on, and I will remember most, is that Joe had style. The brother had style. The derby, the stickpin in the tie, the tailored clothes, the slicker rain coat, that just made a statement. He had style. I don't think that style will ever return to this place, nor would I want it to.

I think the mark that Joe Galiber has made upon this chamber will be with us forever.

Thank you very much.

ACTING PRESIDENT MARCELLINO: Senator Marchi.

SENATOR MARCHI: When Senator Galiber was -- there was an observance in his home county. I don't think I've ever attended an observance of that nature that was as inspiring, because of the individual that was being noticed, and I must say very publicly it was presided over with matchless dignity and grace by Senator Paterson, and it required all of that because of the testimony that was adduced.

There were family members; there were members from the public community, from the people. It was just hours of incredible inspiration that he inspired. The sentiments were genuine. They were heartfelt, and we were all deeply moved by the message that was carried.

Wonderful family! Joe Galiber, when I first met him, was at the Constitutional Convention. If there ever was a patrician, a man of nobility, a man who, if we were to examine his forebears far enough, I'm sure, must have had kings, because he evidenced that

quality. It was imposing. He conveyed that moral strength and that physical bearing that was deeply moving and inspiring.

I remember him when he addressed the Convention in one of his more moving addresses about fair trials, how he suggested that we ought to keep fairly much on the British style, the media at bay, to prevent what he called then -- this is 29 years ago -- "a rush to judgment." A rush to judgment -- is that a new phrase? Joe was saying that 29 or 30 years ago, and I believe that the spectacle that we assisted at might have shielded judicial determinations with less prejudice to those who are involved in them to an extent that it probably played some role, along with keeping media at a short leash in this state where we have not had the abysmal departure from fairness as it is conducted in this state. But he said those things then, and he came on and legislat ed, became a member of this body, and the record amply indicates where his heart was.

Someone mentioned the

decriminalization of marijuana. It's still a Scotch verdict, as far as I'm concerned. I'm not persuaded entirely, but it's significant that William Buckley and Judge Bob Sweet, who some of you may have known when he was deputy mayor, recently came out with very learned statements that were patterned exactly on what Joe Galiber told us many, many decades ago.

So the dialogue is widened all because this man had the courage to say things that may or may not have been popular, and he had that enormous heart and love of people that was immediately sensed by everyone, and the statements that have been made here thus far and the statements that were made at that observance were bound to be nearly alike because we were talking about the same person, from the same vantage point, and we had an extraordinary one, having him as a colleague. I've had him as a colleague for many, many years. I would say having been here beyond my period of membership in the Senate also as counsel, that I think on anybody's short list of your fingers on your

hand, of great legislators in the 20th Century that he would be on everyone's short list because he is a great person.

I'm very pleased that the family is here, Ruby and Carl, and even the parents - I just can't imagine the feeling that the parents must have experienced when they were assisting at that ceremony. He left us a tremendous legacy. What a -- what a legacy that we all inherited from Joe Galiber.

So we rejoice in the fact that we knew him and had him for so many years and we rejoice that his family is here to hear the feelings, that are genuine, by everyone who speaks to it, as they were that day in the Bronx.

God bless Joe Galiber! He must be watching and approving. He's left us so much. Joe, we're grateful.

ACTING PRESIDENT MARCELLINO: Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

My colleagues, you didn't have to let me follow that act. Very difficult; but I do rise to briefly reflect my deep respect for Senator Joe Galiber, and I say "Senator" in the true sense of the word, because he has always reflected what that term means. He has repre sented his people very, very well. In our disagreements or arguments, you might say, over different pieces of legislation, he was always more than fair. He gave as good as he got and then some and every now and then you felt it. Sometimes he came off the wall behind you, but Joe definitely was one of the most eloquent people I've ever heard speak in this house or in any other one, and we will certainly miss his simple eloquence and his sartorial splendor, but most of all I'll miss him as a very, very good friend and, to his family, I want you to know there isn't a person in this house that I don't think admired and respected Senator Joseph Galiber.

Thank you.

ACTING PRESIDENT MARCELLINO:

Senator Espada.

SENATOR ESPADA: Thank you, Mr. President.

I grew up in the South Bronx aspiring to public officialdom. In doing so, there was only one person to identify with. It was an automatic instantaneous identification with greatness, and that was my state Senator for 25 years in the South Bronx before Westchester County could enjoy him. Before Jesse Jackson said to the world that you can be somebody, Joe Galiber was proving it.

We have, looking at him from the bottom up, learned how to aspire. We learned how to believe in ourselves and 26-some-odd years later, I would join him in this august chambers.

You know, I knew Joe Galiber through his work as my Senator and personally. He loved the process of democracy as has been indicated here. He loved fiscal intricacies. We saw from the bottom up that he was honorable, that he was graceful, that he was courtly, but

we also admired the fact that he was triumphant.

There is peaks and there is valleys. We were with him; he was triumphant and enduring. Senator Galiber also, as has been articulated here, knew how to count. He knew also how to make his voice -- his voice count and his vote count. He knew that the tools of this trade are words and as such he also knew that his word must be his bond and so in coming up here, one of the things that he quickly told me was, with all of my energy and vigor and wanting to do things, he said around here you don't beat anybody. Around here you get people to try to agree with you and if, in fact, you can win, it's only because the other side also wins.

And so that's how the man from the Minority, the man from the Democratic Conference has the love and esteem of not only the Majority but all in government through many governors and presidents and United States Senators. Joe Galiber was admired for that

dignity.

You know, as we talk about his booming voice and his sense of humor and as we do honor to his name and his memory, the thing that always comes up for me anyway is the quality of his character. That is the substance that Senator Waldon spoke to, the style was evident and in display every day, but it is that substance that really would be the driving memory and the lasting legacy.

So to his family, to his legion of friends, to his staff who loved him, we must recall the words of a learned man of the past, Sophocles, who said that one must wait until the evening to truly appreciate the day, to truly evaluate the day; and so as Joe Galiber, his mind and soul enriched by so many years here and so many friendships, looks down upon us, we can all state with one voice that his days and years here were indeed splendid.

Eternal peace to Joe Galiber.

Thank you so much.

ACTING PRESIDENT MARCELLINO:

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I too rise to say a few words about Senator Galiber. How could you serve a lot of years in this chamber with him and not say something about him?

He was eloquent, as Senator Waldon said. He had style, but not only in his clothes, also in his cars because nobody will ever forget that one car. He was famous from his basketball. Even as a child in Buffalo everybody knew who CCNY was that won both tournaments, and I might add for younger people in the chamber that was when the NIT was a much bigger tournament than the NCAA which was before my time also, so I have to say that I don't know what I'll miss more, hearing Joe's wonderful speeches or, since Joe and I had the same landlord, we lived kind of diagonally across the street, looking out my window at night and seeing him, he and Emma walking down the street either coming from dinner or having taken a short walk after they came back from dinner just

to take a walk around the neighborhood, and they were just such wonderful people.

It's amazing that they're gone, and we all will miss him, but more so than missing Joe, I think we can all be thankful that we had the opportunity to share him, and I think that it's important that we recognize the contribution he made not only in his wonderful speeches but the work that he produced by it, and we will always remember all the -- not only messages, but lessons that we learned from him.

ACTING PRESIDENT MARCELLINO: Senator Leichter.

SENATOR LEICHTER: Thank you, Mr. President.

I so miss Joe Galiber. He had such an imposing presence. Joe and I came to the Legislature in the same year, 1969, and we served together in the Senate when I joined this body in 1975, and Joe used to sit right in front of me and he'd occasionally turn around and make some comment, some joke, some assessment of legislation.

He often kidded me. We had one particular joke between us, but he had such a feeling of what he meant to this body and you knew the respect in which he was held. When I drove to his funeral, I guess it was the day after Thanksgiving, and I was through my mind thinking about associations together and to try to sort of sum him up, and the word that came to mind was his poise and his dignity, and I thought it was interesting that at the funeral the Governor delivered a eulogy, and he used that word, his "poise", and I think that the priest who officiated, it was obviously a family friend that knew Joe well, also used that word.

He had great presence, great poise, a dignity to him, because I think Joe was very comfortable with himself. Senator Waldon said, and he said it so well, that Joe never had to posture. He never had to put on any airs. He was himself, and he presented himself in such an honest and such a forceful fashion but he never -- he never in any way imposed on you. You never felt threatened politically or in any

other sense.

I think he was a person of great courage, of commitment. He had conviction. He really was such a complete person. We had this one joke that I mentioned, and I think it tells a lot about Joe Galiber, and Senator Marchi referred to it, which is that at a very early time Joe realized that drugs, terrible as they are, could not be dealt with as he saw it through the criminal system but that you had to move towards decriminalization, and not only marijuana but even some other drugs. Joe took this position very forthrightly, very courageously, and at one point I joined him in this and then, as maybe I got politically wiser or maybe a little less courageous, I left that bill and Joe would always kid me about it, but it was in a fashion that was a friendship, not in a fashion that was in any respect critical.

The other thing about Joe is you never heard Joe complain. He might complain about the long hours here, and so on, but he never complained about anything that happened to

him. He was a person without bitterness. I always had the feeling that Joe was somebody. Irrespective of what the cards were dealt to him, he played those cards and he played them well, and when you think of his life as a black man in the 1940s growing up in New York and having to overcome so many burdens, so many obstacles, so many difficulties that none of us here or at least very few of us have ever experienced and, hopefully, never will experience again, to have triumphed over all of this, I think how remarkable it is.

I guess Joe was really a gentleman, a true gentleman. He left such an indelible impression here and, as Senator Marchi said, I think that those of us who serve here, however long we serve and however long some of you are going to serve, when you think back and you say, who have I served with, who do I remember, who really made an impression on me, the name Joe Galiber is certainly going to spring to mind.

I could only say that he made us

better for being with us, and I extend to Ruby and Carl and his parents and the grandchildren my deepest regrets and condolences, and I just consider myself so lucky to have served with Joe Galiber.

ACTING PRESIDENT MARCELLINO: Senator Oppenheimer, please.

SENATOR OPPENHEIMER: It's - it's hard for me to believe now that he isn't here. He was such a presence in this chamber that it's almost not conceivable that he isn't here, and having Emma sit back here, and they were just such a team and -- and I kind of had a sense when Emma went that he would not stay much longer, because I had a sense they wanted -- had to be together.

Well, people have talked about his warmth and his charm and his always polite way, always had time to talk to you, listen to you. Didn't always agree. He owed that to you also, but he would tell you. His nobility and his elegance was always something that absolutely wowed me.

I'd come walking in and, you know, everyone in disarray, and as I'd see him and he'd be there with his coat down to his floor, kind of looked like a river, it was so long, and his large hat, and he was just gorgeous to look at and, of course, we all have been moved so by the brilliance of his oratory and by more than the brilliance of his oratory, the commitment to the moral values that we all would very much like to hold all the time, and Joe did hold them all the time, and I would always listen up when he would talk because I knew I'd be in for a treat not only for his wonderful verbiage but he'd sort of lift -- up lift me, and he'd say things that I wanted to do, I wanted to be better, I wanted to think and be those things, and he enunciated them for me.

This is sort of a silly thing, but after Tony Masiello left here, Tony and I had been the long and the short of the Senate and then it was Senator Galiber who became the long, the short of the Senate, and I can only say that this short end of the Senate is very

much reduced by Joe Galiber's death, and I feel very badly for his parents and for you, Ruby and Carl, and the kids, and I hope in time that the pain will ease and that all these wonderful memories will stay with you and you'll be able to laugh at some of the wonderful things, the wonderful times you had together.

ACTING PRESIDENT MARCELLINO: Senator Levy.

SENATOR LEVY: Thank you very much, Mr. President.

I was listening to Bill Stachowski, and it reminded me of my childhood days because the first time I ever heard of Joe Galiber, and I think it was probably Marty Glickman, who was the -- the sports announcer then, calling that great game, and I remember it was the NIT. I thought it was the NCAA, and in hearing him as a basketball fan because I remember, contrary to my parents' wishes, when I was supposed to be in bed I was listening to that radio, and I was listening to that ballgame and then Marty Glickman recounting in the play

by-play Joe's exploits as a basketball player.

He was a legendary member of a legendary team, and I really can't add in terms of talking about his qualities and his attributes, really to what John said and what Franz said and what -- what Suzi said, but I can look over and look at Manny Gold and I can just see Joe standing there, and he really was the living personification of the captain of the basketball team, the president of the Student Council, the senior partner of the law firm, the managing senior partner of the law firm, and really a Majority Leader, what we all envision the qualities of a Majority Leader.

Joe Galiber was a Hall of Fame basketball player, and he was a Hall of Fame five-star quality Senator and legislator, and I -- he was my friend for 25 years -- almost 25 years that I've had the privilege to serve in this chamber, and all of us were Joe Galiber's friends, and we just are going to miss him so much, and our hearts go out to all of the members of his family and it's just really a

bitter moment for all of us that we are not going to have the pleasure of Joe Galiber's company in future years.

Thank you very much, Mr. President.

ACTING PRESIDENT MARCELLINO: Senator Markowitz.

SENATOR MARKOWITZ: Thank you very, very much.

Senator Levy, I have to say that I don't always agree with you or you with me but the fact that you said that Senator Galiber, you saw him as the Majority Leader, we can agree on that. So did many of us. I have to say in honesty that none of you contributed to making that possible; but having said that, he is someone who is so dear to all of us, that Ruby no doubt, you know, hearing Republicans and Democrats, there's a certain fondness, a very special fondness that went way beyond partisan politics.

He exemplified the best that this Legislature can ever produce. You know that,

and I know it. What many of my colleagues may not know is that I was blessed for a while in my district, I should say that they had two Senators. They had a tall good looking, debonair, trim Senator and then they had the other one for a period of time when Senator Joe Galiber would regularly visit his dynamic and beautiful daughter who lived around the corner from me, and people would say to me after they met Senator Galiber they'd turn to me using Senator Trunzo's dad's words, when they turn to me and say, Is he a Senator too, and, of course, that was in my district. It's a good thing that he lives in the Bronx as far as I'm concerned, but he is that kind of a very special human being that I know that all of us will miss; but I have to tell you, putting aside his brilliance, his elegance as we all agree on, his beautiful presence, what I envied most about him was his love for your mom.

I watched them walking around here practically as new married people, newlyweds. The twinkle that each one of them

showed to each other, that special love, how many times am I right, we used to see them walk holding hands walking around here going to receptions, watching both of them sitting together, such a perfect union, such a perfect union. The love that these two people had for each other are, frankly, to be envied by many and emulated by all, and that's what I know that I'll miss so very, very much; and also that smile that your dad would give me, that winning, that smile, I think we all know what that was like, to get as smooth as butter, smooth as butter, and whether he agreed or disagreed when you walked away from Joe Galiber, hey, there was -- he was right. I mean it was all you had in your heart was, Wow, it was -- this is it. This is reality.

This is someone that the Lord blessed to us, to you. Thank you for being here.

ACTING PRESIDENT MARCELLINO: Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Mr.

President.

I think that I had many years with Senator Joe Galiber. I think before this Constitutional Convention where he was Assistant Majority Leader, I think Senator Markowitz, but I think also that recently in the Bronx we had a memorial service on Martin Luther King week end and it was so appropriate as to the many things that Joe Galiber exemplified that the many things that Senator Pedro Espada had mentioned in terms of him, even in Bronx politics, is never the same. It ain't the same now.

He always, in terms of his - with the distinguished -- his presence and his style, the style that he'd always listen, and when he spoke people listened, and I think that he had been in this body, he felt that this body, this Senate body where he said many things and took on many issues, he had that great respect for the members on both sides, and I know that all of us had it for him.

It reminds me of, at the memorial service that they said or someone said that he

plays basketball like he did politics. He gave it all. You knew you had a tough, tough opponent, and I think that you know my love for him because he was my mentor, and my sister Ruby and Carl, you know, we continue in his name his legacy.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator Cook.

SENATOR COOK: Mr. President. I think all the statements about Joe's performance as a Senator -- and they were indeed very accurate -- my relationship with him was kind of lighthearted in many respects because he liked to kid about being my constituent which he was. As a matter of fact, I believe he was stricken while actually in my district, but he would - he would vote for one of my bills, and then he'd come over here and say, "Well, you know you're my Senator, I have to support you," or he'd come over, "Well, you know, Senator, I'm your constituent. You really ought to listen to what I have to say," and it was in that vein that

most of our conversations took place on the floor.

I remember a couple of -- a couple of those when he voted for bills, I don't think anybody ever took it seriously; it might have caused some political problems at home. I know the bill that took away -- would have taken from New York City the authority to regulate land use, and he came, he voted for it and he came over here later and he said, "You know, Senator, it was more damned trouble getting permits to build my house up there," he says. "I know exactly what you're talking about," and then we had another bill which he voted for that was on directional signs and he came over after that, and he says, "I spent more time driving around those roads up there trying to figure out where I was, and we really got to have some of those signs."

So it was a -- it was that kind of a nice bantering relationship. I remember a couple of years ago going to the Belleayre Coalition dinner, which is a group of people who

generally support the Belleayre Ski Center which is a state-owned facility and it was a bitterly cold night and we all came wandering into this place just shivering and sat there and commis erated, and the reason I bring that up is that last week the Coalition held their annual dinner dance, and it was held in Joe's honor, which I thought was significant that folks who are his neighbors, his upstate neighbors, had decided to pay some tribute to this guy who had done so much for the people of the state of New York, and we really will miss him. We'll miss him here. We'll miss him at home. We'll miss him at home in the Bronx; we'll miss him at home in the Catskills. He was a great guy and a great friend.

ACTING PRESIDENT MARCELLINO: Senator Abate.

SENATOR ABATE: Like so many in this room, I believe we feel compelled to stand up for Joe Galiber to speak about his life, to speak about the kind of man he was. He truly was a remarkable man. He was highly

intelligent, principled, but most importantly he was an extremely kind and compassionate human being.

I believe the measure of a man is not the titles that person holds or how many elections that person has won, but by the number of people that person has helped in their life time, and clearly Joe Galiber helped thousands and thousands of people in his community and thousands and thousands of people throughout the state.

I regret I never had the opportunity to shoot hoops with him or see him on the Senate floor for an extended period of time, but I did have the opportunity to work with Joe Galiber in the criminal justice system for a number of years, and I remember when I was at Correction or Probation or when I was at Legal Aid Society many, many years ago there was one elected official that would always come to see me about criminal justice reform, and that was Joe Galiber.

He lent a voice to issues that no

one else would touch. He really cared to ensure that people have not only had access to justice but got justice throughout the courts. So he was an intellectual man. He was a committed man. He was a courageous man; but one thing I remember most remarkably about him. He was in the hospital a few weeks before he died and he called me because he was concerned about one of his staff members, and he was concerned that something that was said to a staff member was miscommunicated. It was a sensitive issue, and he asked me please to take care of it because I want to make sure my staff are conducting themselves and feeling comfortable and are getting the recognition they deserve because they've supported me for so many years. He was not caring about his predicament knowing that he would only have a few more weeks to live. He cared about his staff. He never stopped caring, and that was the mark of this very remarkable man.

So we will miss him, and many thousands of people from throughout this

state will miss him because he lent a voice to people who did not have that voice because they were silent in society. So we will miss you as well as will so many others who depended upon you for your voice, lending a strong voice in support of them.

ACTING PRESIDENT MARCELLINO: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I also rise to pay tribute to Senator Joe Galiber and to his parents who are in the gallery, thank them for giving him to us; but let me say this. I've heard a lot of tributes here. None have been more moving - Senator Marchi, when you finished, I had a lump in my throat. Senator Waldon, he did have style.

Senator Galiber truly loved this house, the tradition of this Senate. He loved his colleagues. There wasn't a person on either side of this aisle who wasn't touched by him and felt the affection that he had. He was a -

he's a Senate icon. He had style, as it was said earlier. He had grace; he had elegance. He had all of the things we're -- that all of us seek.

Joe Galiber was loved by everybody in this chamber on both sides of the aisle and, when he spoke, everyone listened and we'll all miss him, and all I can say is he did love his family. His family was proud of him, and I'll tell you, Marty, what you said about he and his wife Emma, if everyone only felt the same way. They were like a newly wed couple truly in love. It was a beautiful thing to see here in the gallery and waiting for him around here.

We all are saddened by this loss because we've lost a treasure to New York State.

ACTING PRESIDENT MARCELLINO: Senator Goodman.

SENATOR GOODMAN: Mr. President. It's very hard for me to believe that it was more than a quarter of a century ago, namely 27

years ago, when I first met Joe Galiber when he and I were freshman Senators. He was my class mate. He was my friend and he is an individual who, from my standpoint, was in a sense almost larger than life.

I had the great privilege of attending the memorial ceremony to Joe Galiber which was held at Hostos College in the Bronx not long ago and, if all of you had been there with me, you'd have seen a tremendous outpouring of communal affection and respect for an outstanding public servant.

I was particularly struck by the ecumenical nature of the gathering. He had a priest; he had a rabbi; he had community leaders of all different backgrounds and they were all unified in their sense that Joe Galiber was an extraordinary and special human being.

I remember when Joe and I started out together, we were holding a committee meeting and a rather important one on construction industry corruption and unexpect edly, due to a family illness, I was called from

the chamber and as chairman of the Housing Committee could not preside.

I asked Joe Galiber if he could take the chair for a short while and it turned out that that short while was for almost the rest of the entire day of hearings. He was a teammate who was willing to stand up to the plate and carry the responsibility, and he carried out those hearings impeccably and was without question a great credit to the Senate.

There's so much that could be said about him and so much that has already been so eloquently spread upon the record. I would just like to say that there is no one with whom I have served in the Senate for whom I had greater affection or respect than Joe Galiber. He was a man's man; he was a woman's man. He was a man for all seasons, and certainly he was a lasting credit to the highest traditions of the Senate of the state of New York.

ACTING PRESIDENT MARCELLINO: Senator Smith.

SENATOR SMITH: Thank you, Mr.

President.

Many things have been said in this chamber today about Joseph L. Galiber. Many of us have the same things to say because we cherished the man. We revered his elegance, his grace, his charm, his charisma, and I always think of him and his elegant mink coat, and I was always jealous of a man that looked better in his mink coat than I did in mine.

I did remember going to St. Thomas for the National Conference of Black State Legislators, and Marty Connor should remember this because he kept calling us down there, but while we were there, we were found by some of his family members, the Galiberts, and no matter where you went they knew Joseph Galiber.

I remember growing up in Kings County and hearing about the great man from the Bronx, Joseph Galiber. I remember being privileged to go to the Bronx and campaign for him for the Bronx Borough President. That was long before I entered these portals of the New

York State Senate; but when I came here I found a leader, a mentor, someone that took the time to give advice and to guide someone new, and I can often hear him teasing me about not showing up for champagne on my birthday, but him and David Paterson drank the champagne and didn't give Velmanette and I any, but we'll always for give him for that, and I will truly miss him because he was truly the leader for many of us.

ACTING PRESIDENT MARCELLINO: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

Senator Gonzalez said a little earlier that Joe Galiber played basketball the way he played politics, and I want to try to magnify to all of you the full impact of that statement. Senator Stachowski and Senator Levy talked about that famous City College basketball team that won the NIT and the NCAA in 1950, and Senator Galiber was the captain on that particular team and was an outstanding player, but to those close friends of Joe Galiber, they

knew that the player who performed in that tournament but also was one of the most outstanding lacrosse players in the country was really not the player that he had once been because Joe Galiber was injured in the military, and to those close observers never played the way he had played before but, in fact, in 1943 when Joe Galiber graduated from Benjamin Franklin High School, he made the New York City all-star team and was voted its most valuable player. He was then considered the best basketball player in New York City, and just to give you an idea of what that means, 25 years after that, the best basketball player in New York City was Karim Abdul Jabar. 25 years after that, the best basketball player was Kenny Anderson. The best basketball player last year was Stefan Marbury, the most highly recruited athlete in the country, and the year before that Felipe Lopez, who was on the cover of Sports Illustrated.

So when we talk about Joe Galiber, we are talking about a person who

really was a legend of the basketball community and when we think about Joe Galiber, if we compare it as Senator Gonzalez did, we realize what a tremendous impact he had on that game and, of course, what an impact he had on this service as well.

The fact is that it will be years from now before many of his contributions are fully realized, for some of the issues that he fought so hard on are misunderstood in this decade, and it may be some years from now that we realize what a legend he was right here in this particular chamber, even though so many of you have eloquently described what an impact he had on you.

I feel some discomfort over the turn of events in the last year. I remember when Senator Galiber sat right in front of myself where Senator Gold is sitting, and I used to play these little games with him because I was informed that he was quite ill, and I would try to psych' him into believing that we were on the last bill maybe ten bills before we really

were, inducing him to leave the chamber by telling him, you know, we're just going to be a couple minutes, maybe you can get outside and get the elevator before everyone else.

I was cajoled and threatened by Senator Galiber on a number of occasions for doing that, and the thought that it was in his best interests and often discussed it with Emma Galiber. Why didn't I ever ask her how she was feeling? Why didn't I ever ask her what a strain this must be to support the Senator at this time? Why didn't I even inquire to her what her health may have been? And so when I heard of the untimely death of Emma Galiber in late June of last year, I realized something that I think we all have to pause in our deliberations for, and that was -- relates to the individuals whose names we don't know, the individuals whose shadows we live in who sacrifice so much so that many of us could win the acclaim that we have been able to gain, to perform the service that we have the time to endeavor.

And so when I think about Senator Galiber, I think most aptly about what Senator Leichter said, all the times, the issues that he could have complained about and he didn't, and then I think about all the things I went through with him personally, his own disasters and how he could have talked about the injustices that would be set upon him and he didn't, and I think about my own personal relationship with him, the times when I've found myself to be a little shrill and antagonistic and he could have lectured me or in many ways disciplined me and he didn't, and I think about the times that there were issues that I could have been a little more alert and maybe stood my ground a little better when Senator Galiber did and how he could have lectured me and he didn't, and I think about unfortunately sitting here in this chamber right behind where his chair was and lamenting all the times that I didn't tell him what a great inspiration he was and what a great hero he was to me. I thought that when he came back from his illness that I would tell him, and

he didn't.

We had a ceremony for Senator Galiber on January the 14th at Hostos College. Senator Montgomery came by with Senator Gonzalez who was probably his best friend in the Senate. Senator Goodman was there with the Minority Leader, Senator Connor, Senator Velella who worked with Senator Galiber extensively, and Senator Marchi who gave a tremendous tribute. Mayor Dinkins was among those who voiced his admiration for Joe that day and he closed in a way that I think most describes Joe's life.

He said that public spirited service is the rent we pay for our space on earth. Joseph Galiber leaves us paid in full. Let him not look down upon us and find any of us in arrears.

ACTING PRESIDENT MARCELLINO: Senator Gold.

SENATOR GOLD: Thank you, Mr. President.

You would have to call upon me after David Paterson was so eloquent.

I saw a few moments ago in the chamber one of our old friends and colleagues, Senator Halperin, who I would have to say did a great job when he was here and as the ranking member of Finance. Having said that, I think that Senator Galiber had an easier time taking over than he left me to take over for him.

I listened to words like "grace", "charm", "kind" and say to myself, I should not be sitting in that man's chair. He leaves quite a legend, and I've heard Senator Cook's remarks and, as you know, as these things go through your mind, you listen to him and he's one of your constituents.

Senator, a lot of us talk on this floor from time to time and wish that we were able to get that kind of respect from everyone that Joe Galiber obviously had on both sides of the aisle. He was a Hall of Fame basketball player and yet while he was up here a number of us would say to him or a number of the other members would say, Joe, we're going out to play basketball tonight; why don't you come along and

play, and even though he was unquestionably the finest ball player even in those years with all due respect to Stachowski and Masiello, he would not go out and play because he felt that at that point, that part of his career was over and he couldn't do his very, very best and let the legend out there and let the legend be and, when I listened to the eloquence of my leader, Senator Connor, talking about asking to take the floor, I can just see Joe Galiber saying, "Well, you know, maybe, maybe I would have loved to do that, but if my health is such that I can't do it right now, I'm not going to be out there and have anybody looking at me at anywhere less than one hundred percent of what I -- of what I really am."

Of course, the interesting thing that for people who knew him, we always looked at him at a hundred percent. You have there a guy can come out here with a cold and you listen to him talk, but you know he's got a cold but you know what's in the heart.

I had the wonderful opportunity

in 1967 to be the counsel to the Majority Leader of the Constitutional Convention. Those were the days I had power. I was a staff member. That's when I knew what power was, but that was my first introduction some 29 years ago to Joe Galiber because, as you know, he was one of our officers of that convention and there wasn't one person, not one delegate in that convention and we had chief judges, we had people from all over the state with great titles and great respect, there wasn't one person that didn't know that Senator Galiber was only beginning, only warming up in terms of what he would do for the people of this state.

Of course, I have to now jump ahead to 1992, when Senator Galiber joined Senator Leichter and Senator Oppenheimer in a very distinguished group of people and he used one of my photographs in his campaign. As a matter of fact, that photograph I had to reshoot, and the reason was -- my ego was involved. The reason was that I took a number of photographs of Senator Galiber. I took one

of them in a green sweater, and he loved that sweater and he loved the way he looked in that sweater.

So why did I have to shoot it? Because he was overwhelmed with the concept of the green sweater and he wanted to use it, and I wasn't so happy at the way he looked, so I forced him, I literally went in the office with the picture that he wanted to use, and I went to every staff person, said, "Take a look at that nice sweater, but the picture is lousy, isn't it?" We finally kidded him into letting me reshoot it and, as his family knows, he used that picture on the poster and visitors to my home -- you can check it out -- say to me Gee, I love all your pictures, Manny, but I don't understand why you have a picture of Senator Galiber hanging up, and the reason is I love that picture too. The picture really was Joe, because as he was effective and as he was brilliant and as he was strong, that's what Joe Galiber was.

He was a beautiful, gentle giant

in a green sweater who was filled with compassion and humanity and when people talk about his speeches, I want to tell you the voice was terrific and the vocabulary was terrific and the intellect was terrific and perhaps that had something to do with the respect we have, but in my opinion the reason he was respected was because the man never got up here when he wasn't speaking from his heart and he wasn't sincere and everybody knew it, and it was like a light went off.

This was one person who had a political agenda that was begun, continued and ended with unfortunate people, with people who needed a spokesman and, when I heard Senator Leichter speak earlier today about going on and off a piece of legislation, we've all done it. Well, maybe not all. I don't know about a Joe Galiber, because he was a thinking man who didn't look all the time every minute as so many of us do, to the political implications of the bill as much as what he really thought would help somebody and which would be good for

somebody and, boy, what a -- what a concept that is.

Can you imagine how crazy this place would go if we really acted that way every day. My God I wonder if the roof would stay up there, but that's what he really was all about. I was going to make some remarks about seeing him walk around with his lovely lady and that's been covered pretty much, but I'm glad it was covered. I really am glad it was covered because we are criticized so much in this business and the demands that are made upon us are so much in this business, and it's a delight to see one of us who tries to normalize their life.

You know, we preach to society about human values, about family values as we are all unfortunately away from home, away from our children and you know, my kid, my oldest boy used to get stomach aches when I got to Albany every week. Now he lives in Albany, and he gets stomach aches when I go home. But the point is we preach to other people about normalcy and

about what decent Americans ought to be doing and it's very hard to do it and the fact that your mom and dad were able to do that is just terrific, that it was important to them, and they made that so much a part of their life.

In closing, I want to say that, you know, he was bright, he was brilliant, he was articulate. He was a fighter, he was -- to me the most important thing is that he was just a lovely gentleman. He was just a lovely man and, if you walked around the street and you happened to -- you didn't know who he was and happened to run into him, there was a smile, there was something said. If you were the highest in society or the lowest in society and you met this man on the street and asked a question, you would get the same delightful smile, the same respectful answer and in that regard, he was really one of a kind and a delightful person and I, like so many others here, feel it was an honor to have known him.

ACTING PRESIDENT MARCELLINO: Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I would just like to join my colleagues in expressing my sincere joy with having had the opportunity to work with Senator Galiber. I was -- when I first came to the Legislature, my office was down the hall from another Senator who is no longer here, Senator Jenkins, and despite all of the wonderful things that we said about Senator Galiber and we know that they're all true, I certainly accept all of them, but Senator Jenkins used to say to me, you know, "Joe will rough you up," and I think that we must also acknowledge that Joe can rough you up, and he did that on occasion when necessary, but he was always a gentleman and he was essentially a gentle person.

The other thing that I really respected so much about him is that when I first came to the Legislature, my idea of how politics was, that there were Republicans and there were Democrats and essentially a Republican was a dirty word if you will pardon, my colleagues on

the other side, so you did not say that very frequently, and certainly if you got up with your political argument you -- that was it, you would not speak to the other side ever again in life.

But what Senator Galiber taught me was that you could have a political philosophical debate on the floor but that it in no way represented a personality disagreement or fight which prevented you from having a relationship with your colleagues, be they Republican, Conservative or what have you.

So he could have very heated debates on the floor, and often did, and disagreed sometimes completely and violently with some of the colleagues on the other side, but he could also get up and go over and have a conversation, as he said, with Senator Cook and any of the other Senators, even Senator Bruno on occasions he could have -- be comfortable having a conversation with him after having beaten him up just two minutes prior.

So that was a valuable lesson and

I appreciated learning that early on. So that I thought he was such a statesman and so effective for that reason.

I guess my -- whenever I think of Joe Galiber, I think about his office, and his office in my mind epitomized everything about him, all the qualities of him as a person who apparently had a special eye for quality art, appreciated the finer things in life, but yet could create a sense that you -- that you felt comfortable when you walked in. You didn't really feel like you were walking into a museum, though you certainly were, and so that epitomized him as a person, and I appreciated that about him, and I certainly will always remember how he stood so tall physically, but also that when he stood up on an issue, he was always rising and he would not sit down until he had made his final point and then he would make certain that you understood by coming over to have another conversation with you in case you didn't understand him the first time.

To his family, we appreciate

having had an opportunity to serve with such a wonderful and special person. He's been special to us in so many different ways and on differently levels, and we appreciate it.

Thank you.

ACTING PRESIDENT MARCELLINO: Senator Volker.

SENATOR VOLKER: I know this has been a long and emotional discussion, but I just felt I had to say just a couple things.

You know, I guess because of my situation, that I am a little bit different in one way having been the son of an Assemblyman for many, many years. At one time he was the senior Assemblyman from the entire state actually at one time, and I must tell this quick little story because I just have certain images I guess of this chamber.

When I came over to the Senate in 1975, I think I had met Joe but not -- not really met him to -- to really know him, and I -- he had got here and someone was standing in the aisle here and introduced me to him, and I

shook hands with him and he sort of walked right around me and hugged the man behind me. The man behind me was my father, who had served with him in the -- at the Constitutional Convention, of course, and as I said to myself, Gee, I'm really a big wheel around here.

But let me tell you this about Joe, and I'll be honest with you about this story. I came over from the Assembly and, as I think many of you know, I did get into a number of, shall we say discussions over there and was involved in various issues, but one of the people who I frankly don't want to say I was afraid of him, but he did send some ripples down my back, was Joe because I knew very well that he was not only brilliant but articulate and right to the point and could -- could deal with issues in such a tremendous manner that he actually scared me for a long time until I realized that here was a man who, although he did have this immense presence and he was so brilliant, that you could debate with him on issue after issue, and that he would never try

to really put you down, and that he would try to deal with you on a basis of, It's you and I. This is an issue that needs to be dealt with. Now, let's deal with it on a human basis.

When I think of Joe, I must admit to you there are few people that come to mind and obviously everyone in the chamber I think about, but I think about Joe as one of the people that, when I leave here, I will never forget and although Manny, I thought about maybe your chair but not -- more I think about the chair over there where he was really here for so long, I also think about the day for so long it came to mind when the globe came down and bounced off that desk right there and nearly - nearly finished -- in fact, he was debating with me and I don't know if that had anything to do with it, but when that thing came down and ricocheted off the desk there and the desk was there for a long, long time, I think of that because I think it's part of the history of this chamber as you are, as John Caemmerer was, and as so many people who have been here for lo,

these so many years.

I guess the thing that I most wanted to say about Joe, and so much has been said about his gentleness and the kind of wonderful man he was, and he certainly was, and Emma and the family, to me he will always be the epitome of what this chamber has come to mean to me over the years and what it used to mean, I think unfortunately, to a lot more people and that is a class, a class person who was discussing issues in a way in which they should be discussed in this nation, not in the way that I think the press likes to portray it and here is a man, by the way, because of his beliefs and because of where he came from, many of us know had to suffer a great many indignities which we haven't really touched on, and I think it's good that we didn't and there are a number of others who had to do it, and I know Joe well enough and talked to him many times about his troubles to know how some of them happened and the tragedy is that he had to endure it, but he endured it with good humor, he endured it I think with only

the kind of courage that only a man or woman of his strength could do, but the word that I will never forget with Joe aside from his gentleness and good humor is one word, "class". If there was a classier person that I have known in the Legislature, and in my whole life, I can't think of one.

He's a great man and I have no doubt in my mind that he and Emma are -- are in a better place now.

ACTING PRESIDENT MARCELLINO: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

Unlike many people in this chamber, I did not know Joe Galiber for a long time, but I'm struck by the word that many people have used in describing this body as a house, and I keep thinking these are the members of the family right down here on this floor as much as there are family members up there and, if anything, Joe Galiber was our big brother.

I came here in 1992, and I was

one of the new kids, one of the babes in this chamber, and Joe Galiber met me as I think he met everyone in his 25 years here with that gentle smile, that knowing nod, that uplifted eyebrow and that endless enthusiasm for what he did. It was the passion that drove everything that he did on the floor, and I think everything he did here.

I also have to admit Senator Paterson plays a role in my favorite recollection of Joe, and that was when Joe, as he often would with that enormous frame, would wrap his arm around someone and give him a hug from the side. He gave new meaning to the idea of taking someone under your wing, because when you were under Joe Galiber's wing, you were firmly under his wing and under his influence, and that wasn't a bad place to be.

It seems to me everyone's talked about when he spoke, people listened, much like E.F. Hutton, and at least for me in the short time I knew him, a very simple explanation. When you give respect, you will get it. He gave

it to everyone he met, whether you came from the United States Senate, as his friend Pat Moynihan, or the people he played basketball with or the people he knew from the Bronx. When you give respect, you engender it in others.

The other thing that he clearly did for this chamber is he set a standard. He elevated politics to a noble profession, perhaps a nobility that it is losing and may have lost. But I want you to know that, as much as your family will miss him, this family that lives in this house, that presides in this parlor, this place where we debate as every parlor in every home in America, as the place where they debate family issues, we here will miss our big brother.

ACTING PRESIDENT MARCELLINO: Senator Skelos.

SENATOR SKELOS: Mr. President, you know when we have the opportunity to debate bills as we often do, we learn various techniques on what's best to debate, how to debate and how to survive on the floor.

Senator Paterson mentioned how he would try to get Joe off the floor a little earlier, by mentioning they were on the last bill. David, I could mention a couple of other people that I'd love to be sitting in that seat so you could do the same thing with them, but - Senator Dollinger, I wasn't talking about you, but Joe was a very special person, you know. He was a teacher to all of us as we came into the Senate as new young Senators.

He would always remind us about the integrity of the institution of the Senate and how important it was and the greatest parliamentary maneuver I learned in terms of my own self survival was when I would have a bill that would be a bit controversial I would look over and, as soon as Joe Galiber would start getting up, I would lay it aside for the day figuring that would be the best way for me to debate that day and, hopefully, catch one of those rare days when Joe Galiber was not sitting on the floor and perhaps the bill would -- would fly through.

When we came -- when I first came to the Senate, I think it's true of so many of us, we may be a little bit brash, we may be a little bit cocky. We may be a little bit over confident, you know, our egos may be a little bit inflated, but Joe Galiber had a way just to pull you aside and say, you know, "Son" and I guess those of us who were a little bit younger than he, would call us, you know, "Son."

Let me talk to you a little bit about how we do things in the Senate, and it doesn't matter whether you're a Republican or whether you're a Democrat. It's really the way things should operate in this Senate, and you'd listen and the first couple of times you'd say, Well, he's -- you know, he's a Democrat, he's just doing this to quiet me down, and then as the months went on and perhaps a couple of years you'd learn that gentlemen was right.

There was a certain way that you should conduct yourself on the Senate floor. There was a certain way that you should debate a bill, and this I think all of us in our own ways

have learned from Joe Galiber. Certainly he's going to be missed and, to the Galiber family, we loved your dad. He's a special man to all of us and we will always remember him.

ACTING PRESIDENT MARCELLINO: Senator Onorato.

SENATOR ONORATO: Mr. President, I rise to join my colleagues in paying a special tribute to a very dear friend of mine, Senator Joe Galiber.

Most of the things have already been said about what a wonderful man he has been and surely the family is filled with warmth hearing the same thing echoed throughout the chamber from both sides of the aisle and, on my very first experience with Senator Galiber when I got first elected, I was the freshman in the chamber and as the debate was going on with Senator Marchi and Senator Galiber regarding the development of Hunt's Point, and Senator Marchi was the sponsor of the bill and when it came time for him and Joe Galiber to go at it, he started raising questions, Senator Marchi

magnanimously got up and said, "I defer all further questions to my newly elected colleague who represents the area."

Well, I didn't know anything about the bill at all, and I got put in an awkward position. I just reassured Joe what I had gathered from the earlier debate that he wanted to make sure that jobs would be forthcoming when the development took place and I told him, I says, "Joe," you know, "I come from a labor background with the bricklayers union, and I can promise you that that will take place. I'll give you my solemn promise that the jobs will be forthcoming." He says, "With that," he says, "I'll defer any further questions," and he says, "I'm going to rely on you in good faith to see to it that that does take place."

And the other thing that he had, you know, they mentioned about this fur coat and all of the different cars. I live in Astoria and my office is on Astoria Boulevard, and on one occasion my secretary called me and says,

"There's a fellow out here in a big hat and fur coat, and I can't believe it, there's a Stutz Bearcat outside parked in front of the building." I come out, I said, "Oops, it's Joe Galiber." I says, "Joe, what brings you into Astoria?" He says, "George," he says, "you got one of the best repair shops around here and," he says, "I keep bringin' this car. Hopefully I'm goin' to get it fixed one of these days." So Joe made it a habit every single time, and it was very, very numerous, not only with the Stutz Bearcat, some of the other cars that he had, he always kept bringing it to Astoria, and on one occasion I said, "Joe, I'm getting a little suspicious." I says, "You don't have any idea of moving from the Bronx down here, do you?" He says, "No, George. I can assure you that that's not the case."

You know, all of my memories and recollections of Senator Galiber are all very warm and happy, and I'm sure you've heard the same sentiments being echoed throughout the - these particular tributes. So they're all very,

very true; they all really do come from the heart, and what I tell you now is when I grow up, I hope that I will be just like Joe Galiber.

ACTING PRESIDENT MARCELLINO: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President. And if Joe was here, he'd probably say, if you ever grow up.

All of us had a good time with Senator Joe Galiber when he was here in the chamber, and I heard on the box a lot of the good things, nice things, that have been said about Senator Galiber, so that I'm, Mr. President, at this hour not going to go on at any length, but I just felt compelled to say a few words about Senator Joe Galiber.

I know his family is here and they can be very proud of his memory and the good works that he did on behalf of the people of his district and this state through his life time. I would just comment that Senator Joe Galiber really personified what being a Senator

is all about.

He looked the part. He just looked Senatorial. He acted the part. He acted Senatorial. And when he talked he talked Senatorially. When was in the chamber or out of the chamber, he was truly -- and it has been stated -- a class act.

He's the kind of person that you'd like to have as a friend because when he was your friend you knew that he was there and you could depend on him, and I'm proud to have been able to call Senator Joe Galiber a friend.

I found that he was a very special friend when he wanted to go up to Saratoga to watch the thoroughbreds run, and we would visit when he was there or go to SPAC and see him there. He enjoyed the things that this area could provide, but what he enjoyed most was being here with his colleagues, serving his constituents and serving the people of this state, and he did that in a way that can make all of us proud, his family proud.

He did it in a way, Mr.

President, that we will always remember. He did what he did with class, and that was right up to his final days when he was in this chamber showing us what life is all about. So we'll have the best memories of Senator Joe in this chamber, and his family, and we will have the legacy, as will his constituency, of the good works that he did.

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

(Response of "Aye.")

Nay?

(There was no response.)

The resolution is adopted unanimously.

Senator Bruno.

SENATOR BRUNO: An announcement by Senator Connor.

SENATOR CONNOR: Yes, once again I would invite all the members and everyone here to join us in the Conference Room in 314 with the family and friends of Senator Galiber for

coffee and cake. We thought it would be a little earlier in the afternoon, and I see a couple old timers, Senator Halperin, and I saw Senator Perry up there, they're certainly welcome to join us as well, having served with Senator Galiber.

SENATOR BRUNO: Thank you.

Mr. President, I believe there's a report from the Insurance Committee at the desk that I would ask be read at this time.

ACTING PRESIDENT MARCELLINO: The clerk will read.

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

Senate Print 2766-A, by Senator Velella, an act to amend the Insurance Law, in relation to requiring insurance companies to notify the Department of Social Services;

Senate Print 5971, by Senator Velella, an act to amend the Insurance Law, in relation to making additional provisions for the transfer of funds from the medical malpractice

association;

5972, by Senator Velella, an act to amend the Insurance Law, in relation to providing of certain policies which provide coverage for hospital, surgical and for mental care include coverage for services.

All bills directly for third reading.

ACTING PRESIDENT MARCELLINO: Without objection, all bills are reported directly to third reading.

SENATOR BRUNO: And, Mr. President, can I ask that Calendar Number 135 be laid aside at the request of the sponsor.

ACTING PRESIDENT MARCELLINO: 135 will be laid aside.

SENATOR BRUNO: For the day.

And in the name and in the memory of Senator Joe Galiber, there being no further business to come before the Senate, I move that we stand adjourned until tomorrow at 3:00 p.m.

ACTING PRESIDENT MARCELLINO: Without objection, the Senate stands adjourned

until Tuesday, February 6th, at 3:00 p.m., sharp.

(Whereupon at 6:34 p.m., the Senate adjourned.)