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ALBANY, NEW YORK

March 29, 1996

11:02 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

## 1 P R O C E E D I N G S

2 ACTING PRESIDENT KUHL: The  
3 Senate will come to order. Ask the members to  
4 find their places, staff their seats. Ask  
5 everybody in the chamber to rise and say the  
6 Pledge of Allegiance to the Flag with me.

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

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

11 (A moment of silence was  
12 observed. )

13 Reading of the Journal.

14 THE SECRETARY: In Senate,  
15 Thursday, March 28th. The Senate met pursuant  
16 to adjournment, Senator Hoblock in the Chair.  
17 The Journal of Wednesday, March 27th, was read  
18 and approved. On motion, Senate adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

1 Messages from the Governor.  
2 Reports of standing committees.  
3 Reports of select committees.  
4 Communications and reports from  
5 state officers.

6 Motions and resolutions.

7 Senator Bruno, that brings us to  
8 the calendar.

9 SENATOR BRUNO: Mr. President,  
10 can we ask for a Finance Committee meeting  
11 immediately in Room 332.

12 ACTING PRESIDENT KUHL: There  
13 will be an immediate meeting of Senate Finance  
14 Committee in the Majority Conference Room, Room  
15 332. An immediate meeting of the Senate Finance  
16 Committee in the Majority Conference Room, Room  
17 332.

18 Senator Bruno.

19 SENATOR BRUNO: Mr. Bruno, can we  
20 at this time take up the non-controversial  
21 calendar.

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

1 THE SECRETARY: On page 14,  
2 Calendar Number 389, by Senator Saland, Senate  
3 Print 2115.

4 SENATOR PATERSON: Lay aside,  
5 please.

6 ACTING PRESIDENT KUHL: Lay the  
7 bill aside.

8 THE SECRETARY: Calendar Number  
9 481, by Senator Goodman, Senate Print Number  
10 911, an act to amend the Vehicle and Traffic  
11 Law, in relation to allowing parking violation  
12 bureaus to increase the fine for illegal  
13 parking.

14 ACTING PRESIDENT KUHL: Secretary  
15 will read the last section.

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

18 ACTING PRESIDENT KUHL: Call the  
19 roll.

20 (The Secretary called the roll. )

21 THE SECRETARY: Ayes 37.

22 ACTING PRESIDENT KUHL: The bill  
23 is passed.

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

3                   THE SECRETARY:   Calendar Number  
4                   483, by Senator Maltese, Senate Print 4344-A, an  
5                   act to amend the Vehicle and Traffic Law, the  
6                   Criminal Procedure Law and the Tax Law, in  
7                   relation to penalties for failing to answer a  
8                   traffic summons.

9                   ACTING PRESIDENT KUHL:   Secretary  
10                  will read the last section.

11                  THE SECRETARY:   Section 11.   This  
12                  act shall take effect on the first day of  
13                  November.

14                  ACTING PRESIDENT KUHL:   Call the  
15                  roll.

16                  (The Secretary called the roll. )

17                  THE SECRETARY:   Ayes 41.

18                  ACTING PRESIDENT KUHL:   The bill  
19                  is passed.

20                  THE SECRETARY:   Calendar Number  
21                  499, by Senator Johnson, Senate Print 4469, an  
22                  act to amend the Election Law, in relation to  
23                  the transmitting of certain information in

1 computer readable form by the Department of  
2 Motor Vehicles.

3 SENATOR STACHOWSKI: Lay aside,  
4 please.

5 ACTING PRESIDENT KUHL: Lay the  
6 bill aside.

7 THE SECRETARY: Calendar Number  
8 501, by Senator Levy, Senate Print Number 372,  
9 an act to amend the Vehicle and Traffic Law, in  
10 relation to increasing the penalties for  
11 aggravated unlicensed operation of a motor  
12 vehicle.

13 ACTING PRESIDENT KUHL: Secretary  
14 will read the last section.

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

18 ACTING PRESIDENT KUHL: Call the  
19 roll.

20 (The Secretary called the roll. )

21 THE SECRETARY: Ayes 44.

22 ACTING PRESIDENT KUHL: The bill  
23 is passed.

1 THE SECRETARY: Calendar Number  
2 506, by Senator Trunzo, Senate Print 6181, an  
3 act to amend the Vehicle and Traffic Law, in  
4 relation to allowing persons to indicate an  
5 emergency contact person.

6 ACTING PRESIDENT KUHL: Secretary  
7 will read the last section.

8 THE SECRETARY: Section 3. This  
9 act shall take effect one year after it shall  
10 have become a law.

11 ACTING PRESIDENT KUHL: Call the  
12 roll.

13 (The Secretary called the roll. )

14 THE SECRETARY: Ayes 45.

15 ACTING PRESIDENT KUHL: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 514, by Senator Johnson, Senate Print 1987, an  
19 act to amend the Domestic Relations Law, in  
20 relation to visitation rights to infant grand  
21 children.

22 ACTING PRESIDENT KUHL: Secretary  
23 will read the last section.

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

3 ACTING PRESIDENT KUHL: Call the  
4 roll.

5 (The Secretary called the roll. )

6 THE SECRETARY: Ayes 45.

7 ACTING PRESIDENT KUHL: The bill  
8 is passed.

9 Senator Bruno, that completes the  
10 -- oh, excuse me. Secretary will continue to  
11 call the non-controversial calendar.

12 Senator Bruno, that completes the  
13 non-controversial calendar.

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

17 ACTING PRESIDENT KUHL: Secretary  
18 will read the controversial calendar beginning  
19 with Calendar Number 389.

20 THE SECRETARY: On page 14,  
21 Calendar Number 389, by Senator Saland, Senate  
22 Print 2115, an act to amend the Family Court  
23 Act, in relation to the placement of children

1       upon disposition of child protective  
2       proceedings.

3                   SENATOR PATERSON:   Explanation.

4                   ACTING PRESIDENT KUHL:   Senator  
5       Saland, an explanation of Calendar Number 389  
6       has been asked for by the Acting Minority  
7       Leader, Senator Paterson.

8                   SENATOR SALAND:   Mr. President,  
9       is this the only bill on the controversial  
10      calendar, because if not, I'd like to have it  
11      laid aside temporarily.

12                   ACTING PRESIDENT KUHL:   No,  
13      there's one other.

14                   SENATOR SALAND:   May I request it  
15      be laid aside and return to it.

16                   ACTING PRESIDENT KUHL:   The bill  
17      will be laid aside temporarily.

18                   Senator Paterson, why do you  
19      rise?

20                   SENATOR PATERSON:   That's all  
21      right.  It was really just a brief question.  If  
22      Senator Saland would -- why don't we lay it  
23      aside and I'll go and see Senator Saland.

1                   ACTING PRESIDENT KUHL: That  
2                   sounds like a good idea, Senator Paterson. The  
3                   bill will be laid aside.

4                   Secretary will continue to call  
5                   the controversial calendar.

6                   THE SECRETARY: Calendar Number  
7                   499, by Senator Johnson, Senate Print 4469, an  
8                   act to amend the Election Law, in relation to  
9                   the transmitting of certain information in  
10                  computer readable form by the Department of  
11                  Motor Vehicles.

12                 SENATOR PATERSON: Explanation.

13                 ACTING PRESIDENT KUHL: Senator  
14                 Bruno.

15                 SENATOR BRUNO: Mr. President,  
16                 Senator Johnson I believe is out of the chamber  
17                 and if we can lay that bill aside temporarily  
18                 and I believe Senator Saland is here now and may  
19                 be prepared to take up his bill.

20                 ACTING PRESIDENT KUHL: Calendar  
21                 Number 499 will be laid aside temporarily.  
22                 We'll return to Calendar Number 389. I'll ask  
23                 the Secretary to read.

1 THE SECRETARY: On page 14,  
2 Calendar Number 389, by Senator Saland, Senate  
3 Print Number 2115, an act to amend the Family  
4 Court Act, in relation to placement of  
5 children.

6 ACTING PRESIDENT KUHL: Senator  
7 Saland, previously an explanation of this bill  
8 had been asked for by Senator Paterson. If you  
9 would so explain.

10 SENATOR SALAND: Thank you, Mr.  
11 President.

12 What this bill endeavors to do  
13 is, in the case of child protective proceedings  
14 where there has been a -- a placement, the  
15 placement is by law defined as being limited to  
16 one year. Those placements may be subsequently  
17 renewed by the court.

18 What this bill does is, it carves  
19 out an exception to those one-year placements  
20 and says that where the child who has been the  
21 subject of the proceeding is placed in the  
22 custody of a relative or other suitable person,  
23 the court may continue that order pending the

1 further order of the court which would enable  
2 the placement to be extended for more than one  
3 year in those limited number of cases.

4 ACTING PRESIDENT KUHL: Senator  
5 Paterson.

6 SENATOR PATERSON: Senator  
7 Saland, the Legal Aid Society has a memo in  
8 opposition, and I was wondering if you might  
9 respond to it for me, so I can understand.  
10 Their concern has to do with an annual review of  
11 these types of placements so that maybe we might  
12 not want to restrict the placement to one year  
13 but perhaps the Legal Aid Society is saying they  
14 want to continue the review.

15 SENATOR SALAND: Well, I'm not  
16 familiar with the -- the opposition memo. I  
17 believe this to be a narrow exception in the  
18 sense that we're carefully attempting to  
19 proscribe the placements to people who are  
20 relatives of the child or some other person  
21 determined to be a suitable surrogate for  
22 purposes of the child's placement.

23 I'm -- I would think that the

1 type of -- of follow-up that the Legal Aid memo  
2 is seeking might turn out to be superfluous in  
3 this type of an environment. There certainly  
4 would be nothing -- there would be nothing that  
5 would prohibit the court from directing that  
6 particular type of review, but I would not want  
7 to bind the court to that in this narrow class  
8 of cases.

9 ACTING PRESIDENT KUHL: Senator  
10 Paterson.

11 SENATOR PATERSON: Thank you,  
12 Senator. If the Senator would yield for just  
13 one further question.

14 SENATOR SALAND: Certainly, Mr.  
15 President.

16 ACTING PRESIDENT KUHL: Senator  
17 yields.

18 SENATOR PATERSON: Senator, would  
19 you, describe this bill as a part of a desire to  
20 provoke... to promote non-foster care placement  
21 of children in situations where the parent is  
22 unable to be the active guardian? The reason  
23 that I ask the question is because, as we are

1 limiting foster care resources in the budget, I  
2 would suggest that it might be somewhat  
3 restrictive in the sense that not all families,  
4 not all children have the resources that those  
5 who have relatives that can take them have, and  
6 I'm just hoping, because I think this is  
7 otherwise a good bill, so I'm just hoping that  
8 this is not just a philosophy that this should  
9 happen, but what would be more of something that  
10 can be permissible when it actually exists, but  
11 what I'm cautioning is that this should not be a  
12 general philosophy of what should be the  
13 placement of children when the parents are  
14 unable to serve.

15 SENATOR SALAND: You ascribe to  
16 me a far grander design or agenda than I could  
17 possibly have contemplated. This is merely an  
18 effort to recognize in those situations where a  
19 placement is made with someone who is relatively  
20 close to the child that the court would have the  
21 ability to provide for a lengthier placement.  
22 There is no underlying agenda that's intended  
23 somehow or other to create the type of scenario

1 to which you allude.

2 SENATOR PATERSON: Well, thank  
3 you, Senator. In that case, I recommend  
4 unanimous adoption.

5 SENATOR SALAND: Thank you.

6 ACTING PRESIDENT KUHL: Secretary  
7 will read the last section.

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

10 ACTING PRESIDENT KUHL: Call the  
11 roll.

12 (The Secretary called the roll. )

13 THE SECRETARY: Ayes 50.

14 ACTING PRESIDENT KUHL: The bill  
15 is passed.

16 Secretary will continue to call  
17 the controversial calendar.

18 THE SECRETARY: Calendar Number  
19 499, by Senator Johnson, Senate Print 4469, an  
20 act to amend the Election Law, in relation to  
21 the transmitting of certain information in  
22 computer readable form by the Department of  
23 Motor Vehicles.

1 SENATOR STACHOWSKI: Explanation.

2 ACTING PRESIDENT KUHL: Senator  
3 Johnson, an explanation of the bill has been  
4 asked for by Senator Stachowski.

5 SENATOR JOHNSON: Mr. President,  
6 the motor-voter registrations that come through  
7 the Motor Vehicle Department are made in paper  
8 duplicates, and these paper duplicates are  
9 normally sent to the local board of elections.

10 Now, our board is anticipating a  
11 lot of applications. They received a lot of  
12 applications. They don't have the staff to take  
13 all this paper and compute it, put it into  
14 computer form so it can be printed out and  
15 available expeditiously. So this bill simply  
16 asks if, since the Motor Vehicle Bureau does put  
17 the stuff in their computer, they should  
18 communicate it to the county Board of Elections  
19 of Suffolk County by computer right into our  
20 records without all the attendant paperwork and  
21 paper shuffling that would be required without  
22 the passage of this bill.

23 ACTING PRESIDENT KUHL: Senator

1 Paterson.

2 SENATOR PATERSON: Senator, Mr.  
3 President. I was waiting for Senator  
4 Dollinger. He's not in the chamber but I think  
5 we can go ahead without him, if Senator Johnson  
6 is willing to yield to a question.

7 ACTING PRESIDENT KUHL: Senator  
8 Johnson, do you yield to Senator Johnson  
9 Paterson?

10 SENATOR JOHNSON: Yes, yes.

11 ACTING PRESIDENT KUHL: Senator  
12 yields.

13 SENATOR PATERSON: Senator  
14 Johnson, if Senator Dollinger were here I  
15 imagine he would say to you that this is a great  
16 idea, it's a terrific idea, and it's great that  
17 we're having it in Suffolk County, but what  
18 about extending this kind of thing to places  
19 like Rochester or Orange County, or maybe Ulster  
20 County or Onondaga County? In other words, this  
21 is a good idea, but why aren't we doing this for  
22 all counties around the state?

23 SENATOR JOHNSON: Well, of

1 course, Senator, it would be presumptuous of me  
2 residing in Suffolk County, and being familiar  
3 with the advanced state of computerization in my  
4 county, to assume these other counties might be  
5 on a level to take advantage of this  
6 opportunity.

7 But, on the other hand, Senator,  
8 this bill has been on the calendar or in this  
9 house for a year, and others have suggested that  
10 when this was passed a year ago, and -- and  
11 certainly I had no objection to them introducing  
12 a bill and I would be supportive of their bill  
13 but it would be, as I say, presumptuous of me to  
14 put another county with which I'm not familiar  
15 into this bill.

16 ACTING PRESIDENT KUHL: Senator  
17 Paterson.

18 SENATOR PATERSON: If Senator  
19 would yield for just one final question.

20 ACTING PRESIDENT KUHL: Senator  
21 Johnson, do you yield to another question?

22 SENATOR JOHNSON: Yes, Mr.  
23 President.

1                   ACTING PRESIDENT KUHL:  Senator  
2                   yields.

3                   SENATOR PATERSON:  Well, Senator,  
4                   one of the rather consistent approaches that's  
5                   used in this chamber is to pass this legislation  
6                   and leave it to the discretion of the county as  
7                   to whether or not they would like to implement  
8                   it, and I would imagine that since your bill  
9                   passed last year with only one exception, that  
10                  that would at least be an indication that there  
11                  would be a favorable determination on this type  
12                  of issue, so I would just want to suggest that  
13                  you consider leaving it open -- leaving it  
14                  optional for the counties but providing it so  
15                  that we don't have to come back and pass 61  
16                  other separate bills just to accomplish this  
17                  purpose.

18                  SENATOR JOHNSON:  Senator, I -- I  
19                  think I answered your question, and I certainly  
20                  think that the representatives of the balance of  
21                  the counties in our state are very capable,  
22                  intelligent legislators and, if they felt their  
23                  counties wanted this, or it would be beneficial

1           they would be the first to introduce such a bill  
2           and make such a request, but, Senator, since  
3           last year I haven't heard a word from anyone.  
4           So I can only assume that since our county  
5           asked for it and registrations are coming in hot  
6           and heavy, that they ought to have the  
7           opportunity to implement this type of a program  
8           in the county, the only county which has  
9           requested it.

10                            ACTING PRESIDENT KUHL: Secretary  
11           will read the last section.

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

14                            ACTING PRESIDENT KUHL: Call the  
15           roll.

16                            (The Secretary called the roll. )

17                            THE SECRETARY: Ayes 53.

18                            ACTING PRESIDENT KUHL: The bill  
19           is passed.

20                            Senator Skelos, we have a couple  
21           of motions we could do at this time if you'd  
22           like to return to motions and resolutions.

23                            SENATOR SKELOS: O.K. Yes, Mr.

1 President.

2 ACTING PRESIDENT KUHL: We'll  
3 return to motions and resolutions. The Chair  
4 recognizes Senator DiCarlo.

5 SENATOR DiCARLO: Yes, Mr.  
6 President. I wish to call up my bill, Print  
7 Number 6149, recalled from the Assembly which is  
8 now at the desk.

9 ACTING PRESIDENT KUHL: Secretary  
10 will read.

11 THE SECRETARY: By Senator  
12 DiCarlo, Senate Print 6149-A, an act to amend  
13 the Real Property Tax Law, in relation to the  
14 exemption from real property taxation.

15 SENATOR DiCARLO: Mr. President,  
16 I now move to reconsider the vote by which this  
17 bill was passed.

18 ACTING PRESIDENT KUHL: Secretary  
19 will call the roll on reconsideration.

20 (The Secretary called the roll on  
21 reconsideration. )

22 THE SECRETARY: Ayes 53.

23 ACTING PRESIDENT KUHL: Senator

1 DiCarlo.

2 SENATOR DiCARLO: I now offer the  
3 following amendments.

4 ACTING PRESIDENT KUHL:  
5 Amendments are received and donated.

6 Senator DiCarlo.

7 SENATOR DiCARLO: Mr. President,  
8 I wish to call up, on behalf of Senator Velella,  
9 print bill, Print Number 5742, recalled from the  
10 Assembly which is now at the desk.

11 ACTING PRESIDENT KUHL: Secretary  
12 will read.

13 THE SECRETARY: By Senator  
14 Velella, Senate Print 5742, an act to amend the  
15 Insurance Law, in relation to establishing a  
16 mandatory minimum coverage.

17 SENATOR DiCARLO: Mr. President,  
18 I now move to reconsider the vote by which this  
19 bill was passed.

20 ACTING PRESIDENT KUHL: Secretary  
21 will call the roll on reconsideration.

22 (The Secretary called the roll on  
23 reconsideration.)

1 THE SECRETARY: Ayes 53.

2 ACTING PRESIDENT KUHL: Senator  
3 DiCarlo.

4 SENATOR DiCARLO: Mr. President,  
5 I now offer the following amendments.

6 ACTING PRESIDENT KUHL:  
7 Amendments are received and adopted.

8 Senator Skelos.

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

13 ACTING PRESIDENT KUHL: You're  
14 absolutely correct, Senator Skelos. We'll  
15 return to reports of standing committees. I'll  
16 ask the Secretary to read.

17 THE SECRETARY: Senator Stafford,  
18 from the Committee on Finance, offers up the  
19 following bill:

20 By Senator Hoblock, Senate Bill  
21 6773, an act to provide a retirement incentive  
22 for certain public employees.

23 ACTING PRESIDENT KUHL: Without

1 objection, bill is ordered directly to third  
2 reading.

3 Senator Skelos. Or, Senator  
4 Montgomery, why do you rise?

5 SENATOR MONTGOMERY: Mr.  
6 President, I would like the record to show that  
7 had I been in the chamber when Calendar 390 was  
8 voted on by the house, I would have voted in the  
9 negative.

10 ACTING PRESIDENT KUHL: The  
11 record will reflect, Senator Montgomery, that  
12 had you been in the chamber when Calendar Number  
13 390 was brought to the floor for a vote, that  
14 you would have voted in the negative.

15 Senator Skelos.

16 SENATOR SKELOS: Mr. President,  
17 at this time if we could take up Calendar Number  
18 606, Senate 6773, which was reported from the  
19 Finance Committee.

20 ACTING PRESIDENT KUHL: Secretary  
21 will read.

22 THE SECRETARY: Calendar Number  
23 606, by Senator Hoblock, Senate Print 6773, an

1 act to provide a retirement incentive for  
2 certain public employees.

3 ACTING PRESIDENT KUHL: Senator  
4 Skelos.

5 SENATOR SKELOS: Mr. President,  
6 is there a message of necessity at the desk.

7 ACTING PRESIDENT KUHL: There is.

8 SENATOR SKELOS: Move we accept.

9 ACTING PRESIDENT KUHL: Motion is  
10 to accept the message of necessity at the desk.  
11 All those in favor signify by saying aye.

12 (Response of "Aye.")

13 Opposed nay.

14 (There was no response.)

15 ACTING PRESIDENT KUHL: The  
16 message is accepted.

17 Senator Skelos.

18 SENATOR SKELOS: Can we now take  
19 up Number 607, Senate Number 5594-A, and I  
20 believe Senator Hoblock would like to give an  
21 explanation.

22 I correct my previous statement,  
23 Calendar Number 606.

1                   ACTING PRESIDENT KUHL: Secretary  
2 will read.

3                   THE SECRETARY: It's already  
4 read.

5                   ACTING PRESIDENT KUHL: It has  
6 been read, to the floor, accepted the message.  
7 The Chair recognizes Senator Hoblock.

8                   SENATOR HOBLOCK: Thank you, Mr.  
9 President.

10                   A couple of days ago, we passed a  
11 bill that was referred to as an early retirement  
12 incentive piece of legislation, and we now have  
13 this piece back before us, and what the differ  
14 ence is basically is we have an agreed upon bill  
15 between the Assembly, the Governor's office and  
16 this house, on an early retirement incentive.

17                   Last year, the Legislature, with  
18 the approval of the Governor, likewise had an  
19 early retirement incentive which was quite  
20 successful given the adoption of the Legislative  
21 Budget, having some 5,000 employees take  
22 advantage of that legislation.

23                   This year we again have an early

1 retirement incentive with a little different  
2 spin on it in that it gives a great deal more  
3 management flexibility, so those that want to  
4 take advantages of the incentive will be able to  
5 do and, at the same time, to continue to  
6 maintain those positions that are important to  
7 the operation of state government.

8 We don't know yet obviously  
9 because we have not adopted a budget, as to the  
10 impact in numbers of the affected employees at  
11 the state level, but this bill also includes  
12 non-stated employers at their option and that's  
13 particularly local governments, counties, towns,  
14 villages and school districts.

15 It's a considerable advantage,  
16 because what it does is it allows government at  
17 all levels to continue its right-sizing, if you  
18 will, and at the same time to protect those  
19 employees by minimizing, if not totally elimin  
20 ating the need for layoffs and taking people out  
21 of their jobs.

22 The bill also contains an  
23 appropriation of \$25 million which will be -

1       which is included in the Executive's proposed  
2       budget to cover the first year cost of this  
3       program at the state level, but again it's an  
4       option at local government.  It's a significant  
5       management tool for local government at all  
6       levels to continue to operate with the  
7       maintenance of the essential positions and allow  
8       those that want to retire to do so giving them  
9       that flexibility.

10                       So with that, I want to thank the  
11       staffs of both the Assembly and Senate and the  
12       Governor's office for working very diligently in  
13       the last couple of days to come up with a  
14       compromise that we have before us, and I request  
15       that the bill be moved.

16                       ACTING PRESIDENT KUHL:  Senator  
17       Montgomery, why do you rise?

18                       SENATOR MONTGOMERY:  Mr.  
19       President, I would ask if the sponsor would  
20       yield for a question, clarification.

21                       ACTING PRESIDENT KUHL:  Senator  
22       Hoblock, do you yield to a question from Senator  
23       Montgomery?

1                   SENATOR MONTGOMERY: Sure.

2                   ACTING PRESIDENT KUHL: The  
3           Senator yields.

4                   SENATOR MONTGOMERY: Senator  
5           Hoblock, on page 3 of the support memo, there is  
6           an example of what would happen in the case of  
7           an eligible Tier I employee under this bill.  
8           Could you give me an example of what would  
9           happen with a Tier II employee. I understand  
10          that there are a number of state employees who  
11          are in Tier II and might also be -- would like  
12          to take advantage of this early retirement.  
13          Would they lose any of their benefits under  
14          this, or would they also be as per your example  
15          here, would they receive the full benefit of  
16          retirement under this bill?

17                   SENATOR HOBLOCK: Well, the  
18          question is, because the Tier II have a  
19          retirement age of 62 as opposed to 55?

20                   SENATOR MONTGOMERY: That's  
21          right. That is correct.

22                   SENATOR HOBLOCK: I'm told,  
23          Senator Montgomery, that the 62 to 55 would

1 apply. The reduction would occur if they're  
2 under the age of 55.

3 SENATOR MONTGOMERY: So, in other  
4 words, the bill allows them to retire at age 55?

5 SENATOR HOBLOCK: Yes.

6 SENATOR MONTGOMERY: O.K. Thank  
7 you.

8 ACTING PRESIDENT KUHL: Senator  
9 Leichter, did I see that you wanted the  
10 attention of the chair.

11 Senator Leichter.

12 SENATOR LEICHTER: Yes, Senator  
13 Hoblock, if you would yield, please.

14 ACTING PRESIDENT KUHL: Senator  
15 yields.

16 SENATOR LEICHTER: Senator, as I  
17 understand it, the bill covers both the  
18 executive branch, covers local government, and  
19 it also covers the Legislature; is that correct?

20 SENATOR HOBLOCK: That's  
21 correct.

22 SENATOR LEICHTER: And am I also  
23 correct that it establishes various standards as

1 to the monetary savings that will be achieved  
2 upon early retirement and that's actually one of  
3 the conditions for proceeding with the early  
4 retirement?

5 SENATOR HOBLOCK: That would be  
6 in those titles that are defined as not  
7 eligible. That's correct.

8 SENATOR LEICHTER: Right, and  
9 there's a specific standard set forth for the  
10 executive, is that correct?

11 SENATOR HOBLOCK: The Executive  
12 Department?

13 SENATOR LEICHTER: Yes.

14 SENATOR HOBLOCK: Yes, as far as  
15 eligible titles.

16 SENATOR LEICHTER: Right, and  
17 there is also a standard in regard to the  
18 savings that is set up for local government; is  
19 that correct?

20 SENATOR HOBLOCK: If they -- if  
21 they choose to opt in.

22 SENATOR LEICHTER: Right. And is  
23 there a standard set up for the Legislature in

1 case the Legislature -- either of the branches  
2 of the Legislature chooses to opt in?

3 SENATOR HOBLOCK: I'm told that  
4 the Legislature and the judiciary will have the  
5 choice of adopting the standards of the state  
6 Executive Department criteria, local government  
7 criteria or establishing other.

8 SENATOR LEICHTER: Thank you,  
9 Senator Hoblock. That's what I'm really trying  
10 to get to. I'm trying to understand why there  
11 is a more flexible or if you will, a laxer  
12 standard for the Legislature than there is for  
13 the executive.

14 SENATOR HOBLOCK: That basically  
15 was an agreement between the Assembly, the  
16 Senate and the Governor's office in order to  
17 come to conclusion covering those two branches.

18 SENATOR LEICHTER: Senator, while  
19 I'm sure you couldn't find three wiser men than  
20 the ones that you've just mentioned,  
21 nevertheless it remains for mortals like you and  
22 me to have to vote on the bill to try to  
23 understand and to justify it, and I just

1       wouldn't want to think that the Legislature has  
2       a more generous or favorable position than local  
3       government or the Executive Department.

4                    SENATOR HOBLOCK: Well, it's -  
5       it's probably a couple of better steps, Senator  
6       Leichter, in that last year there was no  
7       standard in terms of them having to come up with  
8       anything and, secondly, if in fact they are  
9       exercised, I would think that -- that is the  
10      Legislature and the judiciary -- they're going  
11      to have to handle it within the appropriated  
12      budgets that we -- we give them, so that is  
13      going to be some curtailment to a certain degree  
14      as to what they're going to be able to do.

15                   SENATOR LEICHTER: Mr. President,  
16      if Senator Hoblock would be good enough to  
17      yield.

18                   SENATOR HOBLOCK: Sure.

19                   ACTING PRESIDENT KUHL: Senator  
20      Hoblock, continue to yield? Senator yields.

21                   SENATOR LEICHTER: Senator, I  
22      appreciate your explanations. I'm just  
23      concerned as I'm sure you are. I would not want

1 to go to the public and say, Well, you know,  
2 we're the Legislature and, therefore, we're  
3 entitled to a special status and a very  
4 favorable position and we're not really bound by  
5 the same standards as other parts of government  
6 are bound by, and somehow I have difficulty not  
7 explaining this or justifying why we have a much  
8 more lenient standard than the executive.

9 SENATOR HOBLOCK: Well, we are  
10 going to have to adopt a resolution to authorize  
11 this incentive for the Senate, as the Assembly  
12 will have to do and at that particular point,  
13 your suggestions and others can be incorporated  
14 into that resolution because there will have to  
15 be standards, whether they will be as for the  
16 Executive Department or for local government,  
17 something in between, or something different.  
18 Will have to be decided by resolution.

19 SENATOR LEICHTER: Yes, Senator  
20 Hoblock, if you would continue to yield,  
21 please?

22 SENATOR HOBLOCK: Sure.

23 ACTING PRESIDENT KUHL: Senator

1 continues to yield.

2 SENATOR LEICHTER: In regard to  
3 the judiciary, is the judiciary covered by this  
4 also?

5 SENATOR HOBLOCK: Yes, it is.

6 SENATOR LEICHTER: And does the  
7 judiciary have to opt in, or is the judiciary  
8 automatically made part of this early retirement  
9 system?

10 SENATOR HOBLOCK: They have to  
11 opt in.

12 SENATOR LEICHTER: And when they  
13 opt in, do they have the same leeway as to the  
14 savings that are to be achieved as the  
15 Legislature has?

16 SENATOR HOBLOCK: Yes. I am  
17 told.

18 SENATOR LEICHTER: It's the same,  
19 they can do it either the way the executive,  
20 they can do it the way local government does or  
21 they can do it in some -- in some other  
22 fashion.

23 SENATOR HOBLOCK: That's

1 correct.

2 SENATOR LEICHTER: And that is -  
3 and, Senator, is that their choice, they can do  
4 that by however decisions are made for the  
5 judicial branch, whether by the Judicial  
6 Conference or some -

7 SENATOR HOBLOCK: Yes, that's -  
8 that's true, but again they're going to have to  
9 live within their budget, and that's the  
10 agreement between the judiciary and both houses,  
11 that's correct.

12 SENATOR LEICHTER: O.K. Thank you  
13 very much, Senator Hoblock.

14 Mr. President, I have no problem  
15 with early retirement, though I think that it  
16 often means that we lose some of our best people  
17 from government. We lose some of our best  
18 people at SUNY and CUNY, so there's a cost to  
19 it. There's a cost that can't always be  
20 calculated just in terms of, Oh, I've saved so  
21 many dollars. You may lose something in the  
22 nature of the performance by government. You  
23 may have a teacher in class who's not anywhere

1 qualified as the person that they replace, but  
2 my particular concern was that we not put the  
3 Legislature on a pedestal, that we not say,  
4 Well, the Legislature isn't subject to the laws  
5 as anyone else.

6 I accept Senator Hoblock's  
7 explanation, and I think he did as well with it  
8 as could be done, but I have a sneaking  
9 suspicion that by this bill the Legislature is  
10 doing what it has done in other instances, says,  
11 Hey, we're the Legislature. We have a special  
12 status.

13 I do hope that's not the case,  
14 but -

15 ACTING PRESIDENT KUHL: The Chair  
16 recognizes Senator Stavisky.

17 SENATOR STAVISKY: Will Senator  
18 Hoblock yield?

19 ACTING PRESIDENT KUHL: Senator  
20 Hoblock, do you yield to Senator Stavisky?  
21 Senator yields.

22 SENATOR STAVISKY: Will the  
23 sponsor please indicate how this legislation

1 affects SUNY and CUNY faculty and other  
2 personnel?

3 SENATOR HOBLOCK: Well, my  
4 understanding is that, first, SUNY would have to  
5 opt in. The position need not be eliminated,  
6 but there needs to be a demonstration of the 50  
7 percent savings.

8 SENATOR STAVISKY: Senator  
9 Hoblock, isn't it true that in the SUNY  
10 trustees' report "Rethinking SUNY" on issues of  
11 governance, it was the announced purpose of that  
12 report that they would strengthen and improve  
13 SUNY standards vis-a-vis excellence and that  
14 that was the purpose of the "Rethinking SUNY"  
15 report on governance? Wasn't that the stated  
16 purpose?

17 SENATOR HOBLOCK: That's -- that  
18 was their stated purpose.

19 SENATOR STAVISKY: Well, that was  
20 what the report purported to offer, and it seems  
21 to me that, when there is a -- an assumption in  
22 this bill that the most experienced, most  
23 qualified faculty at SUNY and CUNY may disappear

1 under this early retirement, that the only  
2 standard -- and this is not a standard of  
3 excellence, this is a standard of dollars -- the  
4 only standard that is provided is that the new  
5 hirees will not be paid more than 50 percent of  
6 what the former faculty members received in  
7 serving SUNY and CUNY. Am I correct?

8 SENATOR HOBLOCK: Well, Senator  
9 Stavisky, I think that the whole issue of early  
10 retirement for the SUNY system, like local  
11 governments, is at their choice. They don't  
12 have to do it. It's not like we're eliminating  
13 positions or forcing them into it. If they feel  
14 that they need to maintain that excellence with  
15 the people they have, they can keep going. It's  
16 not like we're telling them they have to do  
17 that. We're not eliminating those positions.

18 SENATOR STAVISKY: It seems to me  
19 that this is a plan for early retirement which  
20 is at variance with the avowed purpose of the  
21 SUNY "Rethinking SUNY" report issued by the  
22 trustees, that in fact we're saying it doesn't  
23 matter if the new people are not as qualified,

1           only if they are willing to work for no more  
2           than half of what the previous employees' salary  
3           was, and that doesn't necessarily guarantee  
4           improvement to quality. It means an improvement  
5           in the cash flow.

6                           At the very same time that that  
7           report suggests the reduction in state support  
8           for higher education and that report also  
9           suggests increasing the tuition charged to the  
10          students, isn't the end result of all of this  
11          that the students may be paying more money for  
12          tuition for faculty services which would be of  
13          lesser quality than they had before? I ask you  
14          to reconcile these two avowed purposes.

15                           SENATOR HOBLOCK: Well, Senator  
16          Stavisky, I'm having a little difficulty coming  
17          to that reconciliation because I'm not sure that  
18          the area and the issues that you're raising  
19          really have anything to do with this  
20          legislation.

21                           Again, we are not forcing  
22          anything on SUNY. We are giving them that  
23          option and if, in fact, they choose to do

1 something internally, that is their choice.  
2 Whether -- I don't see how this legislation is  
3 in any way affecting through an involuntary way  
4 the quality of services provided by SUNY. It's  
5 just providing them a mechanism should they  
6 choose to do so.

7 Now, if it's your opinion that we  
8 should not even do that, that's your opinion.

9 SENATOR STAVISKY: I -- on the  
10 bill.

11 What I am suggesting, Mr.  
12 President and Senator Hoblock, is that on the  
13 one hand we are promising more flexibility to  
14 SUNY in order that the SUNY trustees' plan which  
15 guarantees higher quality and higher standards  
16 will be implemented, and yet at an expense of  
17 higher tuition rates for the students attending  
18 SUNY and CUNY, without any assurance that the  
19 quality and experience of the new faculty  
20 members that are hired will even begin to match  
21 what they presently have.

22 So what they're getting is less  
23 quality for higher tuition, and that's the sad

1 conclusion that we have to arrive at in looking  
2 at this piece of legislation against the back  
3 drop of what the SUNY trustees have promised.  
4 They promise that, if they are able to raise  
5 tuition, that there will be higher standards.  
6 There will be greater quality in the State  
7 University system, but the higher quality may,  
8 in fact, result in a faculty with lesser  
9 qualifications while the students are forced to  
10 pay more money, the third round of increases in  
11 tuitions in recent years, and I think that that  
12 is hardly in keeping with the lofty promises of  
13 the SUNY trustees with regard to what their  
14 "Rethinking SUNY" plan called for.

15 I think the students are going to  
16 be socked and their parents obviously too.  
17 They'll be socked with a higher tuition rate and  
18 will necessarily not have the experienced  
19 faculty members that are there now, let alone  
20 any improvement in the faculty members.

21 This is not to say that new  
22 faculty members may not have skills, may not  
23 have ingenuity, may not have a desire to excel,

1 but there is nothing with regard to faculty  
2 standards in this legislation, only with regard  
3 to saving money, and the saving money comes at  
4 the same time that the students and their  
5 families all over the state, by the way, will be  
6 forced to pay more money on tuition for  
7 enrolling in SUNY courses.

8 Now, that's a conflict that the  
9 members of this Legislature will have to face if  
10 the SUNY plan for governance is put into effect,  
11 because your constituents, the students, their  
12 parents, and others who are paying locally for  
13 the costs of higher education may, in fact, find  
14 that they're getting less while spending more  
15 for tuition, and I would ask you to review the  
16 impact that it has on your constituents, my  
17 constituents, all of our constituents, in the  
18 name of higher standards of quality.

19 Yes, they are saving money. No,  
20 they are spending more money when it comes to  
21 the students and their parents, and there is no  
22 guarantee in this legislation, nothing I can see  
23 which guarantees comparable experience or

1            qualifications for the new people who are  
2            hired.

3                            Are they going to be the  
4            equivalent of graduate assistants who will be  
5            replacing senior tenured faculty members? I fear  
6            that in many cases that will be the consequence  
7            of this legislation. We know what we have. We  
8            are not sure about what we will get, and you  
9            have to consult your own constituents to see how  
10           that washes with them, now that they're going to  
11           have to be paying a bigger bill for tuition.

12                           I may yet vote for this  
13            legislation because of the fiscal crisis facing  
14            the state, but it seems to be at variance with  
15            the avowed premise and promises of the SUNY  
16            trustees.

17                           ACTING PRESIDENT KUHL:    Senator  
18            Bruno?    Senator Bruno, on the bill.

19                           SENATOR BRUNO:    On the bill.

20                           Mr. President, my colleagues, I  
21            just wanted to make a comment on how important  
22            this piece of legislation is to so many of the  
23            employees that will be affected in a very

1 positive way, and I want to commend the Governor  
2 in his wisdom in preparing a budget and helping  
3 with this piece of legislation in taking the  
4 lead and the intent, of course, is that there  
5 not be layoffs, that people are able to make  
6 their own judgments, their own decisions in  
7 leaving the work place, wherever that might be,  
8 and the legislation allows local option in terms  
9 of who will participate in that respect.

10 So while there may not be any  
11 perfect vehicle, we should note for the record  
12 that an alternative could have been layoffs that  
13 would affect people very negatively, and that is  
14 more widespread than the individuals that are  
15 affected.

16 So again, I want to commend the  
17 Governor. I want to commend Senator Hoblock,  
18 who took the lead with the chair of the  
19 committee, Senator Trunzo, to help orchestrate  
20 and put together this piece of legislation that  
21 will have such a positive effect on so many  
22 people throughout this state, allowing them to  
23 make judgments for their own health, for their

1 own welfare, and going on with their lives.

2 So, Mr. President, I am pleased  
3 and proud that this piece of legislation is  
4 before us, and I certainly intend to vote in a  
5 positive way, and I would encourage my  
6 colleagues to do the same.

7 Thank you, Mr. President.

8 ACTING PRESIDENT KUHL: Secretary  
9 will read the last section.

10 THE SECRETARY: Section 15. This  
11 act shall take effect immediately.

12 ACTING PRESIDENT KUHL: Call the  
13 roll.

14 (The Secretary called the roll. )

15 THE SECRETARY: Ayes 56.

16 ACTING PRESIDENT KUHL: The bill  
17 is passed.

18 The Chair recognizes Senator  
19 Bruno.

20 SENATOR BRUNO: Mr. President, we  
21 are waiting for one more piece of legislation  
22 that relates to the debt service for the state,  
23 and it's important that we pass it today if we

1 can. I understand that there was a delay in  
2 printing, but we are expecting it momentarily.  
3 So I would ask that the Senate stand in recess  
4 -- at ease -- I am sorry, we are not recessing  
5 -- at ease for just a few minutes, and I  
6 believe the legislation will be here and we can  
7 take it up and then do whatever else is  
8 important in our lives.

9 ACTING PRESIDENT KUHL: The  
10 Senate will stand at ease.

11 (Whereupon at 12:48 p.m., the  
12 Senate stood at ease.)

13 ...At 12:55 p.m...

14 ACTING PRESIDENT DiCARLO:  
15 Senator Skelos, why do you rise?

16 SENATOR SKELOS: There will be an  
17 immediate meeting of the Finance Committee in  
18 the Majority Conference Room.

19 ACTING PRESIDENT DiCARLO: There  
20 will be an immediate meeting of the Finance  
21 Committee in the Majority Conference Room.

22 SENATOR SKELOS: And the Senate  
23 will continue to stand at ease.

1                   ACTING PRESIDENT DiCARLO:  And  
2           the Senate will continue to stand at ease.

3                   (Whereupon, at 12:36 p.m., the  
4           Senate reconvened.)

5                   ACTING PRESIDENT KUHL:  Senate  
6           will come to order.

7                   The Chair recognizes Senator  
8           Skelos.

9                   SENATOR SKELOS:  Mr. President,  
10          if we could return to reports of standing  
11          committees, I believe there is a report of the  
12          Finance Committee at the desk.

13                  ACTING PRESIDENT KUHL:  There is,  
14          Senator Skelos.

15                  We will return to reports of  
16          standing committees.

17                  I will ask the Secretary to read.

18                  THE SECRETARY:  Senator Stafford,  
19          from the Committee on Finance, offers up the  
20          following bill:

21                  Senate Print 5594A, Budget Bill,  
22          an act making appropriations for legal  
23          requirements to the state debt services.

1                   ACTING PRESIDENT KUHL:  Senator  
2                   Skelos, without objection, the bill is ordered  
3                   directly to third reading.

4                   SENATOR SKELOS:  Will you please  
5                   take up Calendar 607, Senate 5594A, which was  
6                   just reported from the Finance Committee.

7                   ACTING PRESIDENT KUHL:  Secretary  
8                   will read.

9                   THE SECRETARY:  Calendar 607,  
10                  Budget Bill, Senate Print 5594A, an act making  
11                  appropriations for the legal requirements of the  
12                  state debt service.

13                  ACTING PRESIDENT KUHL:  Senator  
14                  Skelos.

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

17                  ACTING PRESIDENT KUHL:  There is.

18                  SENATOR SKELOS:  Move to accept  
19                  the message.

20                  ACTING PRESIDENT KUHL:  The  
21                  motion is to accept the message of necessity  
22                  which is at the desk.

23                  All those in favor, signify by

1 saying aye.

2 (Response of "Aye.")

3 Opposed, nay.

4 (There was no response.)

5 The message is accepted.

6 The Secretary will read the last  
7 section.

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

10 ACTING PRESIDENT KUHL: Call the  
11 roll.

12 (The Secretary called the roll.)  
13 Senator Dollinger to explain his  
14 vote?

15 SENATOR DOLLINGER: Explain my  
16 vote.

17 ACTING PRESIDENT KUHL: Senator  
18 Dollinger, to explain his vote.

19 SENATOR DOLLINGER: Mr.  
20 President, I asked in the Finance Committee  
21 whether this included any new authorizations for  
22 debt by the state of New York and was told that  
23 it did not. This was simply fulfilling our debt

1 obligations. I support it on that basis. I  
2 just wanted to suggest to my colleagues that if  
3 there is new back-door borrowing in the state in  
4 any portion of it, it would be my intention to  
5 vote against that new back-door borrowing.

6 So I'm voting in favor of this  
7 item but simply reserving my options to a later  
8 date.

9 ACTING PRESIDENT KUHL: Senator  
10 Dollinger will be recorded in the affirmative.

11 Announce the results.

12 Senator Gold to explain his vote  
13 after he picks up his Pepsi can.

14 SENATOR GOLD: You putt better  
15 than I do. I can see that.

16 Mr. President, I am really very  
17 delighted that we are passing this piece of  
18 legislation. I know that there have been delays  
19 in past years in the budgets and that this year  
20 again we are not on time, and I don't want to  
21 have a whole political discussion as to that. I  
22 know Senator Bruno is quoted in the papers  
23 today, giving his explanation, which I think is

1 naive to say the least.

2 The point is that this is an  
3 important bill, and I think the reason why our  
4 conference was very adamant about passing it is  
5 the following:

6 The state of New York always pays  
7 its debts, yet there are people who sit in back  
8 rooms with charts and computers and whatever and  
9 they find 16 reasons to Sunday why we should  
10 either not have the state's bond rating  
11 increased, why we should not have the interest  
12 levels dropped, or why they should be increased,  
13 none of which makes any sense when you take a  
14 look at the history of the state in paying its  
15 debts.

16 So I think that what we're doing  
17 today, even though the budget itself is delayed,  
18 is eliminating any excuse that Wall Street may  
19 have for suggesting that New York State is not  
20 anything other than an excellent credit risk.

21 So it's with that in mind that I  
22 vote for this bill.

23 ACTING PRESIDENT KUHL: Senator

1 Gold will be recorded in the affirmative.

2 Announce the results.

3 THE SECRETARY: Ayes 55.

4 ACTING PRESIDENT KUHL: The bill  
5 is passed.

6 Senator Skelos.

7 SENATOR SKELOS: I believe there  
8 are some substitutions at the desk.

9 ACTING PRESIDENT KUHL: There  
10 are, Senator Skelos. I'll ask the Secretary to  
11 read.

12 THE SECRETARY: On page 20,  
13 Senator Kuhl moves to discharge from the  
14 Committee on Agriculture, Assembly Bill Number  
15 5430 -- or 9430, excuse me -- and substitute it  
16 for the identical Senate Bill 6188.

17 On page 22, Senator Cook moves to  
18 discharge from the Committee on Education  
19 Assembly Bill 9041 and substitute it for the  
20 identical Senate Bill 6272.

21 On page 5, Senator Farley moves  
22 to discharge from the Committee on Banks  
23 Assembly Bill 8466 and substitute it for the

1 identical Senate Bill 4933.

2 SENATOR SKELOS: Move the  
3 substitutions.

4 ACTING PRESIDENT KUHL:  
5 Substitutions are ordered.

6 Chair recognizes Senator  
7 Hoblock.

8 SENATOR HOBLOCK: Mr. President,  
9 request the removal of the sponsor's star on  
10 Calendar Number 207, Bill 5137A.

11 ACTING PRESIDENT KUHL: At the  
12 request of Senator Hoblock, the star will be  
13 removed on Calendar Number 207.

14 Senator Skelos.

15 SENATOR SKELOS: Mr. President,  
16 if we could return to motions and resolutions,  
17 please recognize Senator DeFrancisco.

18 ACTING PRESIDENT KUHL: Return to  
19 motions and resolutions.

20 Senator DeFrancisco.

21 SENATOR DeFRANCISCO: Mr.  
22 President, a very important event is going to  
23 start unfolding tomorrow at the Meadowlands, and

1 I understand that we have -- I have started  
2 preparing a resolution which basically is going  
3 to be an upbeat resolution indicating their  
4 success in the final four, and we're waiting  
5 until after the final four to unveil that  
6 resolution, and I will offer it after the  
7 event.

8                   However, I think it's also proper  
9 to urge that the team do well, and it's my  
10 understanding that there is a motion -- a  
11 privileged resolution, I should say, at the desk  
12 sponsored by Senator Hoffmann, and I would  
13 request that that be -- that you would recognize  
14 Senator Hoffmann with respect to that  
15 resolution.

16                   ACTING PRESIDENT KUHL: Senator  
17 DeFrancisco, I was listening very intently being  
18 an alumnus of Syracuse, and I didn't hear you  
19 mention the name of the most prominent team in  
20 the final four as being the Syracuse University  
21 Orangemen.

22                   The Chair would recognize, based  
23 on that, Senator Hoffmann.

1                   SENATOR HOFFMANN: Mr. President,  
2 perhaps it would be appropriate for the resolu  
3 tion to be read into the record and offered for  
4 cosponsorship to all members of the Senate, by  
5 yours truly and Senator DeFrancisco, as a proud  
6 alumnus of Syracuse University.

7                   ACTING PRESIDENT KUHL: There is  
8 a privileged resolution at the desk. I'll ask  
9 the Secretary to read the title.

10                  THE SECRETARY: By Senator  
11 Hoffmann, Legislative Resolution, commending  
12 Syracuse University's men's basketball team upon  
13 the occasion of finishing in the NCAA's final  
14 four.

15                  SENATOR GOLD: In honor of my  
16 sister, I would like to be on the resolution.

17                  SENATOR SKELOS: Mr. President.  
18 I was wondering if Senator Hoffmann would allow  
19 all the members of the Senate to cosponsor this  
20 wonderful resolution.

21                  SENATOR HOFFMANN: Right.  
22 Senator Skelos, I had indicated earlier that I  
23 would like very much to see it cosponsored by

1 all members and, since it is Syracuse University  
2 and the city of Syracuse is jointly represented  
3 by two Senators, I think Senator DeFrancisco and  
4 I would be the appropriate cosponsors on this  
5 resolution, and I hope that in the -

6 SENATOR SKELOS: I appreciate  
7 that, and I know that Senator DeFrancisco on  
8 Monday or Tuesday with his resolution will be  
9 offering it up to sponsorship by all the members  
10 of the Senate, and we appreciate that also, in  
11 anticipation, Senator DeFrancisco.

12 SENATOR HOFFMANN: As we adjourn  
13 today, I can think of no better way for us to  
14 send our good wishes to the Orangemen, and I  
15 look forward to a victorious Saturday and Monday  
16 as do all other members of Syracuse University,  
17 its alumni and this Legislature.

18 Thank you.

19 ACTING PRESIDENT KUHL: Senator  
20 Skelos, should we put all the members of the  
21 Legislature on the resolution?

22 SENATOR SKELOS: Absolutely. If  
23 there's no objection, they should be.

1                   ACTING PRESIDENT KUHL: I don't  
2 know if there are any other alumnus of those  
3 other three schools here, but we'll put all  
4 members on the resolution except for those who  
5 don't want to be on the resolution. If those  
6 people who don't want to be on the resolution  
7 could indicate that to the Secretary, then we'll  
8 remove their names from the resolution.

9                   Senator DeFrancisco.

10                  SENATOR DeFRANCISCO: I'd like to  
11 speak on the resolution.

12                  ACTING PRESIDENT KUHL: Senator  
13 DeFrancisco on the resolution.

14                  SENATOR DeFRANCISCO: As not only  
15 an alumnus but a former ball player, although a  
16 smaller team, baseball team, and also a season's  
17 ticketholder who has gone to just about every  
18 game in the last ten years, including the last  
19 final four when we were disappointed with the  
20 last-second shot by somebody from Indiana whose  
21 name we will never put on this record, I am very  
22 hopeful that this trip down to the final four at  
23 the Meadowlands is going to be a successful

1           one. Coach Boeheim has done a wonderful job  
2           with a lot of people who have overachieved and  
3           they've played with team spirit, just like this  
4           body shows from time to time, overachievers and  
5           also team spirit.

6                         So I'm looking forward to being  
7           there, and I'm looking forward to rooting the  
8           Orangemen on, and I'm looking forward to  
9           presenting a resolution after the tournament  
10          which will congratulate the new national  
11          champion, Syracuse Orangemen.

12                        ACTING PRESIDENT KUHL: The  
13          question is on the resolution.

14                        Senator Dollinger, do you wish to  
15          speak on the resolution?

16                        SENATOR DOLLINGER: Mr.  
17          President, I'd just like to join Senator  
18          Hoffmann and Senator DeFrancisco. When the  
19          Orangemen go to New Jersey, they will be riding  
20          in part on the shoulders of Greece-Athena's  
21          finest graduate, John Wallace, and I certainly  
22          wish him well.

23                        Senator DeFrancisco, when you

1 bring the resolution forward congratulating the  
2 Orangemen on their national championship, I hope  
3 it will be because John Wallace will have been  
4 the Most Valuable Player in the final four.

5 ACTING PRESIDENT KUHL: Question  
6 is on the resolution.

7 All those in favor, signify by  
8 saying aye.

9 (Response of "Aye.")

10 Opposed, nay.

11 (There was no response.)

12 The resolution is unanimously  
13 adopted.

14 Senator Skelos.

15 SENATOR SKELOS: Mr. President.  
16 Is there any other housekeeping at the desk?

17 ACTING PRESIDENT KUHL: There is  
18 none, Senator Skelos.

19 SENATOR SKELOS: There being no  
20 further business, I -

21 ACTING PRESIDENT KUHL: Oh,  
22 excuse me. Senator Paterson, why do you rise?

23 SENATOR PATERSON: Mr. President,

1           this is actually the deadline date by which  
2           motions for discharge would be filed in the  
3           chamber; however, with the gracious consent of  
4           the Majority, we postponed them, and we will  
5           have them on April, 16th day -- April 16th.

6                           ACTING PRESIDENT KUHL:   Senator  
7           Skelos.

8                           SENATOR SKELOS:   It's my  
9           understanding that unanimous consent will be  
10          given to all the motions to be -- to discharge  
11          be presented on April 16th, and we look forward  
12          to that day.

13                          Mr. President, there being no  
14          further business, I move we adjourn until  
15          Monday, April 1, 1996, at 3:00 p.m. sharp,  
16          intervening days to be legislative days.

17                          ACTING PRESIDENT KUHL:   Without  
18          objection, the Senate stands adjourned until  
19          Monday, April 1, at 3:00 p.m., all days -  
20          intervening days to be intervening days.

21                          (Whereupon, at 12:47 p.m., the  
22          Senate adjourned.)

23