ALBANY, NEW YORK

April 24, 1996

10:00 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their places, Senator Paterson also.

SENATOR PATERSON: Mr. President -

ACTING PRESIDENT KUHL: Ask everybody in the chamber to rise and join with me in saying the Pledge of Allegiance to the Flag.

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

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

(A moment of silence was observed.)

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate conference of the Majority in the Majority Conference Room.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Majority Conference in the Majority Conference Room, Room

332.

SENATOR SKELOS: And, Mr. President, Senator Bruno informs me that we will be back in session at 10:30 a.m.

ACTING PRESIDENT KUHL: The Senate stands at ease until 10:30, 10:30 a.m.

Immediate meeting of the Majority Conference in the Majority Conference Room, Room 332, and the Senate stands at ease.

(Whereupon, the Senate stood at ease from 10:03 a.m. until 11:00 a.m.)

The Senate will come to order. Ask the members to find their places, the staff their places.

Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 23rd. The Senate met pursuant to adjournment. The Journal of Monday, April 22nd, was read and approved. On motion, the Senate adjourned.

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

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Higher Ed' Committee in Room 124 of the Capitol.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Higher Education Committee in Room 124 of the Capitol. Immediate meeting of the Higher Education Committee in Room 124 of the Capitol.

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 Holland.

SENATOR HOLLAND: Mr. President, for Senator Trunzo, on page 46, I offer the following amendments to Calendar Number 130, Senate Print Number 3314, and ask that the said

bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 130 are received and adopted. The bill will retain its place on the Third Reading Calendar.

Senator Skelos, we have a couple of substitutions to read, if you would like to do those at this time.

SENATOR BRUNO: Could we please make the substitutions.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: On page 5, Senator Cook moves to discharge from the Committee on Education, Assembly Bill 6109-D and substitute it for the identical Senate Bill 3038-A.

On page 9, Senator Goodman moves to discharge from the Committee on Investigations, Taxation and Government Operations, Assembly Bill 7958 and substitute it for the identical Senate Bill 3964.

ACTING PRESIDENT KUHL: The Senate will come to order, please. We have a lot of special guests in the chamber. If they'd find their places, please quiet it down.

Senator Bruno, I have been joined by Chaplain Camp who has offered the services of his knowledge and would welcome the opportunity to deliver a prayer for us, if that's in order.

SENATOR BRUNO: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Chaplain Camp.

REVEREND RICHARD CHAMP: Please join me in prayer.

We stand tall in these moments to applaud You, dear God. You're the creator and the sustainer of the universe. In a world uncertain about many things, we pause in this hushed moment of prayer, sure of Your goodness and of Your mercy. We ask You this morning to strengthen those institutions and structures that You have ordained to give order to society and nations. Guide these decisions which impact

the governing of New York State, particularly of the men and women of this Senate. Give them wisdom that they might chart a course in accord with Your will.

We also ask You to help us guide the colleges and universities of this state. Especially we pray for the United States Military Academy at West Point. May Your product be a source of pride for New York and a source of strength for our nation. In Your strong name, we pray. Amen.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that there is a privileged resolution at the desk by Senator Larkin. I would request that it be read in its entirety and that we move its immediate adoption.

ACTING PRESIDENT KUHL: There is a privileged resolution at the desk, Senator Bruno. I'll ask the Secretary to read it in its entirety.

THE SECRETARY: By Senator

Larkin, Legislative Resolution memorializing Governor George E. Pataki to declare April 24th, 1996 as "West Point Day" in New York State.

WHEREAS, this legislative body is justly proud to celebrate the establishment of the United States Military Academy at West Point and to call upon Governor George E. Pataki to declare April 24th, 1996 as "West Point Day" in New York State;

By an act of Congress, on March 16th, 1802, the United States Military Academy was established within the borders of New York State on the banks of the Hudson River;

The Academy and its graduates are an integral part of the proud history of this state and nation;

The leadership and sacrifices of the members of the Long Grey Line have helped this country withstand countless threats to our cherished Democratic way of life;

The alumni have excelled not only on the battlefield but in many fields of endeavor;

The Academy continues to provide our country with able and dedicated future leaders;

Its scenic campus is a mecca each year for thousands of visitors from across our state, continent and other countries;

The United States Military Academy is in the forefront of our state's outstanding institutions of higher learning;

45 years ago, the late James T. McNamara, then a member of the New York Assembly and a member of the Academy's class of 1939, was the author of the state Legislature's first "West Point Day" Resolution;

For decades our nation has enjoyed the legacy of freedom, and the United States Military Academy at West Point has played a vitally significant role in the maintenance of peace and freedom; and

WHEREAS, the members of this legislative body are equally proud to commemorate this event, marking April 24th, 1996 as "West Point Day" in New York State; now,

therefore, be it

RESOLVED, that this legislative body pause in its deliberations to celebrate the establishment of the United States Military Academy at West Point and to memorialize Governor George E. Pataki to declare April 24th, 1996 as "West Point Day" in New York State; and be it further

RESOLVED, that a copy of this resolution, suitably engrossed, be transmitted to Governor George E. Pataki.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Bruno on the resolution.

SENATOR BRUNO: Mr. President and colleagues, it is my honor and privilege to welcome General Graves and the West Point cadets who accompany him here today. We truly are honored by your presence.

General Graves is changing his career and he is not going to spend most of his time at the Academy; he is going to be doing some other things with his life.

For the time that he has spent in

the service of his country, he has brought honor to himself, to his family, to the cadets that he represents and to the institution of West Point.

He has followed in the great tradition as these cadets will, the tradition of the greatest generals, Pershing, Patton, Eisenhower, MacArthur, Schwarzkopf, and for the cadets who have been chosen from among the best to attend West Point, the best mentally, emotionally, academically, physically, to really serve this country in a way that very few have the honor and the privilege to serve.

You're a credit to yourselves, certainly to your families, and we here in this chamber representing the Senate and the people of New York State are proud to have you here with us for this period of time so that we can show our respect and the honor that we have for you from West Point and, General, we wish you the very best as you go on with your career and your life, and we know that you will have the same successes enjoying great health and your

future as you have at West Point and in your military career.

And let me just conclude by saying, for a sergeant in the infantry in Korea, it's almost overwhelming to be here addressing a general and the cadets that will be the future generals that will be serving the people of these great United States.

Thank you for joining us here today.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Larkin on the resolution.

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

It's really an honor and a privilege. This is the fifth year we've had the privilege of having General Graves here. Those of us associated with the military recognize that on the 24th of June of this year, General Graves will retire after a long and distinguished military career. We welcome you, General Graves, here today. We welcome the cadets, as the Leader said, the future of our

country.

We also have with us today members of the West Point Society from the Capital District and included with them -- I would like everybody to take a focus and turn around, and this young gentleman standing next to me is General Traub, 94 years old, the class of 1928. He's a constituent of Senator Bruno's, and he's here to watch him today.

(Laughter.)

General Traub knows about fiscal responsibility because he was at one time the comptroller of the Army.

Ladies and gentlemen, this is what being fit is after serving your country for 37 -

GENERAL TRAUB: No, 38.

SENATOR LARKIN: Well, I missed by one.

Thank you very much.

(Applause.)

You know, a lot of us look at the world today and we wonder on our service

academies but, you know, an individual like myself -- Senator Cook who represents part of Orange County and Senator Holland who will get an opportunity to go to West Point -- we see these young men in action, and when you look at them and start to think that when Sylvanus Thayer started West Point, the only one for an untold number of years was an engineer officer because that was the home and as this superintendent leaves, we should also note that he is a distinguished engineer.

These leaders that we've had that have passed through West Point and, as Senator Bruno enumerated, have shown what West Point is all about, duty, honor and country.

As I said earlier today to the cadets when I was talking to them, in 23 years of active duty, I never served with, under or above, a grad' who I didn't have the greatest respect because of their commitment, their commitment as an individual, their commitment to the corps, and their commitment to our country.

You know, Mr. President, we have

-- we have an opportunity in looking at this place of West Point. Some of you should know there are 4,000 cadets, shrinking a little bit. We have over 4,000 other employees. We have, in effect, at West Point, a community of -- in excess of 12,000 people. They are a corps, not just of the military but they're a corps of the state of New York. Their contributions to the state are tremendous.

Today, we're fortunate enough to have some of those cadets with us, and as I call your name, would you please stand -- and staff. Excuse me, sir.

First of all, the Superintendent of the United States Military Academy and a true friend of New York's, General Howard D. Graves;

(Applause.)

The cadet first captain from North Carolina, Cadet Todd Brown;

(Applause.)

Our chaplain at West Point, Chaplain Camp, who you just heard. He's hiding on us;

(Applause.)

Andrea Hamburger, director of public affairs;

(Applause.)

Joe Tombrello, community relations;

(Applause.)

And although I chide my Marine Corps friends, Hoblock and Holland, about a photographer, so we have a photographer from West Point, Michele Burrows. Thanks, Michele;

(Applause.)

And a TAC officer from C-2, Captain Paul Palozzi;

(Applause.)

The cadets that are here with us today, Cadet Mary Katherine Ashworth from Kirkville, New York;

(Applause.)

Cadet James M. Cadet from Stony Point;

(Applause.)

Cadet Douglas Chapman from Great

Valley;

(Applause.)

Cadet John Ferrigno from Shoreham, Long Island;

(Applause.)

Cadet John Kazigo from Lincolndale, New York;

(Applause.)

Cadet Joshua Lubarsky from Yorktown Heights;

(Applause.)

Cadet Stanley Shin from Flushing;

(Applause.)

Cadet Roger Taneus from Coram, New York;

(Applause.)

Ladies and gentlemen -

SENATOR HOLLAND: You missed one.

SENATOR LARKIN: No, I didn't. Who did I miss?

SENATOR DeFRANCISCO: Jennifer Johnson.

SENATOR LARKIN: Jennifer,

somebody forgot you. Please stand up. We'll recognize you.

(Applause.)

You know, it has been mentioned that General Graves will be leaving. Here's an individual who's had one great distinguished career. He served in three great combat units, the 82nd Airborne -- they drop anywhere; the 1st Infantry Division -- which some of you know and, of course, the Leader remembers that. If you're going to be one, General, you might as well be a big red one, right? -- and my little outfit, the 1st Cav', where that line separates reality from fiction but, you know, General Graves has served Vietnam, Germany, served -- before he came to West Point, he was in the Pentagon and the chairman of the Joint Chiefs of Staff office.

You know, as we say in life, many are called but few are chosen. He has been chosen for some of the toughest assignments that an Army officer or any officer in the military service can have. His career clearly indicates

brilliance, dedication and commitment, all the founding things that he found and learned at West Point.

I guess the real thought here today is these young men and women. Some of us recognize the fact when someone leaves military service or doesn't complete a career and he goes into the private sector or he goes into government, the opportunity for these young men and women are endless, but the training that they receive and the guidance -- how many of us know young kids that go away to college and they can't get out on a Friday night, and how about someone who gets some demerits and has to walk instead of making a phone call to somebody that they'd really like to talk to; but these young men and women understand that because they've made a commitment.

These young men and women receive a nomination around age 17. That's four years of school and a five-year commitment after that. So we're telling a young person that they'd better be prepared to do something nine

years from now.

These young men and women that will graduate in May will go all over the world. They will be our eyes and ears. They will be the true American, not the "Ugly American".

Ladies and gentlemen, we are honored to have you here visiting us today, and we -- all of us, all New Yorkers are very proud of you, and we hope to see some of you back here some day being the Superintendent or the Commandant.

General Graves, thank you.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Hoffmann on the resolution.

SENATOR HOFFMANN: Thank you, Mr. President.

General Graves, General Fenimore who is with us, members of the class of '96 who are here today, it is a great honor for us to have you here, and we ask you to remember as you go through your military careers whether they are careers to fulfill your obligation of five

years or whether it is a lifetime of service, whether you will be seeing us some time in the future as 94-year-old examples of the military tradition that you uphold so beautifully today. We want you to remember that this is a state that values this military tradition, that recognizes and respects what you are doing now and respects you always, and we ask you in turn to remember the importance of this state in making decisions about our the military industry and our military opportunity in this country.

New York State has been hit very hard by decisions made in Washington by people who are not as well informed as you are and you will continue to be. So we look to you not just as military leaders, but we look to you as enlightened young men and women who will someday be the officers who run the military of this country, and we ask you to always remember that this is a state that has your respect, and we ask you to make sure that the military always has the respect of New York State as well.

Thank you for making us so proud

of you and for joining us today.

ACTING PRESIDENT KUHL: Senator DeFrancisco on the resolution.

SENATOR DeFRANCISCO: Yes. I rise to also congratulate all of the cadets who are here and all of the cadets that aren't here with us.

I rise also to indicate that I know that these people are people of great character and integrity, and I rise this year as I have done in prior years, because the 49th Senate District produces people of character and integrity, and Jennifer Johnson who is here today is one of those individuals that we're very, very proud of and, as a veteran, I also know how important their role is in the future of this country, and I know that this class is going to take their place in history and be great Americans and serve this country as their predecessors have.

ACTING PRESIDENT KUHL: Senator LaValle on the resolution.

SENATOR LAVALLE: Thank you, Mr.

President.

I rise as chairman of the Senate Higher Education Committee to acknowledge this great institution, an institution that has played a very significant role in the history of this country, and I think that we can't say enough times how we are proud of the cadets.

Senator Larkin said for many of you, you have embarked on this course to be a cadet at West Point very, very early on. It is a very difficult road, and so we say we're proud of you, as I'm sure your parents and your community has said that we're proud, because there are so many distractions in all of our lives, that it's important to understand the role that you're in and that you are playing a very significant role while you're at West Point and beyond and are a part of the history of this country.

I am also speaking today because there are two cadets from the 1st Senatorial District, John Ferrigno and Roger Taneus, and to that, people of Suffolk County and the 1st

District are, indeed, proud of your accomplishments, of getting to the Academy, and we wish you good luck in your years there and beyond.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the resolution?

(There was no response.)

Hearing none, then the question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is unanimously adopted.

On behalf of Senator Bruno and all the members in the chamber, General Graves, cadets, and all your personnel, we welcome you to Albany. You're an inspiration to all of us and we appreciate that, your being here.

Thank you for being here.

(Applause)

General Graves, that acknowledgment was from Senator Bruno. Those of us who know Joe Bruno, Sergeant Bruno, know that he's a man of tradition, and he would not ever want to be in a position where he talked to a four-star general without giving the four-star general an opportunity to talk back to him. So he has asked me to ask you if you would like to say a few words to the body -- the assembled body. It's an occasion that we don't offer to most everybody, but in this particular case, we welcome you and certainly your words.

(Applause)

GENERAL GRAVES: Thanks very much, Senator Bruno.

I appreciate the opportunity to respond to your hospitality because, as Senator Larkin said, this is the fifth of five years that I have been Superintendent and have had the opportunity to visit Albany and to take advantage of your hospitality and your recognition of the Military Academy on "West Point Day."

It's not coincidental that we're in New York. West Point was founded on strategic terrain during the Revolution, but President Washington determined that that point in the Hudson was the place that he wanted to choose to run the Revolution, and he recognized that the Hudson River, if it was controlled by the British, could divide the colonies and cause us to be defeated in detail in the Revolutionary War.

He said, "This is precious and strategic terrain. I must -- we must protect this," and he moved his headquarters to West Point, and with the exception of moving south for the Siege of Yorktown, President Washington ran the Revolution from within a day's ride of the Moore Plantation -- now known as West Point -- throughout the entire Revolution. It shows the criticality of the Empire State to our nation, from the very beginning of our nation and today.

We thank you that we have your hospitality and that we enjoy the relations that

we have with your communities and with this region, and we appreciate very much your hospitality.

These young men and women are going to be the leaders of the 21st Century, both in uniform and out. Just a few words about them. They come from the cream of the crop, as you recognized that, Senator. They're SAT scores are well above 1200, on average. About 90 percent of them have at least one varsity letter in high school. They are, about 85 percent of them, in the top fifth of their graduating class when they come, and when they come to West Point they come to a university that is in one of the -- that is one of the top 50 universities in the country, and so they're getting an outstanding education that is accredited by all accrediting bodies as being one of what in education is known as a Tier I university, one of the most competitive.

We pride ourselves that we do provide them with an excellent education tailored to the needs of the Army, but we pride

ourselves even more that we are developing them as leaders of character. We immerse them for those four years in a value-laden environment where we revere the time-honored values of honesty, of fairness, of consideration for others, and respect for authority under the Constitution.

And so you can be assured, as they go on to lead the Army and the nation, that those values have taken, as they have been immersed for four years in those and that they will go on and be respectful military leaders under civilian authority, to lead the sons and daughters of America wherever our elected representatives decide to send them.

Thank you for your hospitality and thank you for your continued honor of allowing us to come up and visit you each year.

(Applause.)

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, I believe there is a resolution at the desk, 3013,

by Senator Nozzolio. I would ask that it be read in its entirety, and we at this time move its adoption.

ACTING PRESIDENT KUHL: The Secretary will read the privileged Resolution 3013, which is at the desk.

THE SECRETARY: By Senator Nozzolio, Legislative Resolution honoring Acting Commissioner Philip Coombe, Jr., upon the occasion of his retirement after 36 years of distinguished service with the New York State Department of Correctional Services.

WHEREAS, it is the sense of this legislative body to honor Acting Commissioner Philip Coombe, Jr., upon the occasion of his retirement after one of the most distinguished tenures in the history of the New York State Department of Correctional Services;

Philip Coombe, Jr.'s impressive career with the New York State Department of Correctional Services began as a teacher at Eastern Correctional Facility in 1959. In 1977, he was selected Superintendent of the new medium

security Otisville Correctional Facility. In 1980, he became Superintendent of the maximum security Eastern New York Correctional Facility in Napanoch. Philip Coombe came to Albany in 1985 as Deputy Commissioner for Correctional Facilities, becoming first Deputy Commissioner in 1988. He became Acting Commissioner on August 11th, 1994;

Perhaps the most compelling highlight and milestone of Acting Commissioner Philip Coombe, Jr.'s prominent career was the accreditation of all New York prisons by the American Correctional Association. Under Phil Coombe's leadership, the first accreditation occurred in 1981 when Mr. Coombe was Superintendent at Eastern. Parkside was the last of New York's 69 prisons to earn accreditation in February 1996;

These are accomplishments of great magnitude in light of the fact that New York State, with its 69 state prisons and 69,000 inmates, has the third largest correctional system in the country;

Philip Coombe's effort and commitment to improving drug rehabilitation and diverting substance abusers into community halfway houses deserves the highest praise of this legislative body in the communities of the state of New York;

Few individuals have the opportunity to serve in roles which their efforts will have such far-reaching impact. Philip Coombe, Jr. is one of those people;

His selection as Acting Commissioner is testimony to his high character, his deep integrity, and his consummate expertise;

Throughout the course of his career with the New York State Department of Correctional Services, Philip Coombe, Jr. served the inmates, residents, and the entire state of New York with loyalty, honor and great distinction;

His parents, Philip Coombe, Sr. and Ethel, his wife Carolyn, daughter Catherine and three sons, Philip III, Russell, and Dwight,

have given constant support throughout the career of Philip Coombe, Jr. and are both proud and honored to take part in his achievements;

Phil Coombe, by his words and actions, has instilled the concept and meaning of family as "the way of doing business" among employees;

Phil Coombe's repeated description of the Department and its employees as "second to none" is, in fact, the identical term used by employees in describing him;

Acting Commissioner Philip Coombe, Jr. so truly deserves the highest commendation of this legislative body; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to honor Acting Commissioner Philip Coombe, Jr. upon the occasion of his retirement after 36 years of distinguished service with the New York State Department of Correctional Services; and be it further

RESOLVED, that a copy of this

resolution, suitably engrossed, be transmitted to Acting Commission Philip Coombe, Jr.

ACTING PRESIDENT KUHL: Senator Nozzolio on the resolution.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, my colleagues, it was, indeed, an honor for me to author this resolution and a further honor to stand before you to recognize the career of 36 years of service which Phil Coombe has given to the people of the state of New York.

Phil Coombe retired last week as Commissioner of the Department of Corrections, but Phil left behind a legacy of professionalism, integrity and selfless dedication. His strengths as Commissioner were based on the strengths of his personality and character. You always knew Phil gave you his word and that word was his bond. Truly, that is a measure of a great man.

It's my honor as chairman of the Senate Committee on Crime and Corrections to

sponsor this resolution, and it's fitting as we pause today, officially known as "West Point Day", to honor our former Commissioner. Under his leadership, the Department has the esprit de corps, the same type of attitude and commitment that has made our military a success, that esprit de corps of many of whom are here today recruited in the service by Phil.

Phil has promoted the sense of professionalism and teamwork that defines the Department. They truly are unlike any other state agency. Their work is critically important to the safety and well-being of every New Yorker and they take that work, not simply as a vocation, but one of true commitment, and that too is a tribute to the man that recruited them into public service.

I'm pleased to work with and support the Department, but mostly I can say it has been a tremendous learning experience working with Phil over these years.

Last week at Phil's retirement dinner, there were over 1700 people to pay their

tribute to a man who embodies public service.

It's fitting that Phil's family is here -- his mom and dad and wife are here, and children -- as we close the chapter of Phil's public service career and open up a new chapter on his true love, his family and his farm.

Best wishes to you, Phil. Your service to the people of New York will be long remembered and your commitment to those of us in this body will never be forgotten.

ACTING PRESIDENT KUHL: Senator Waldon on the resolution.

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

I would like to echo what our colleague, Senator Nozzolio, has said and just to lend my words of admiration and respect for a job well done and for a gentleman who, in my opinion, personified that which is professional about those who work in a very dangerous but a very vital area of New York State service.

The key thing that Mike said that

prompted me to stand was a "man of integrity who keeps his word." In the conversations I've had with Phil, he has always kept his word and as always, when he's made a commitment to do something, saw it to its final conclusion.

It is a sad day that New York State is losing him in terms of his retirement, but for he and his family, I know it's a great day, and the same kind of vigor and sense of commitment he brought to his work for the state of New York, he will bring to everyone that he meets in the remaining journey of his life's work.

Congratulations.

ACTING PRESIDENT KUHL: Senator Hoffmann on the resolution.

SENATOR HOFFMANN: Thank you, Mr. President.

I want to compliment Senator Nozzolio on a beautifully worded resolution, and I would ask if it might be open to co sponsorship by the other members of the Senate who share your sentiment about Commissioner

Coombe upon his retirement.

The -- the unique qualities of Phil Coombe were described in glowing detail at the tribute held for him in the Convention Center just days ago, and it was a marvelous occasion because there were so many people from different parts of the state with different responsibilities in and out of corrections who all demonstrated the same degree of warmth and respect for an individual with one of the toughest jobs, arguably, in the state.

There can be no greater challenge than dealing with the enormous increase in the number of inmates, the tremendous strain on the system, on the budget, on the men and women who work to provide the safety necessary for the public as well as the safety for the inmates, and yet Commissioner Coombe has done that in a way that reflects an evenhanded fairness, a sense of respect for all who work under him and a sense of understanding that the budget has to be respected, that there will be tough decisions to be made, but as long as we all understand how

and why those decisions are made, we're able to accept them, issues as difficult to address as double bunking, problems that strain the work force within corrections. All of these were challenges that Commissioner Coombe was able to address, was able to not only make happen but was able to receive support of the people who were required to implement them.

He could deal with the media in such a way that even the most agonizing issues were understood, and his judgment was always respected and upheld by those who knew him and those who understood what it is that he was required to do.

I think it's important to note that Governor Pataki chose to continue keeping Commissioner Coombe on in his capacity as Acting Commissioner through a change in administration, clearly indicating that this is a man who was not responding to any kind of political agenda, certainly a lesson here, an example for all of the rest of us in the state as we're looking to select other people for higher ranking positions

and to this and future governors in looking to fill the positions of commissioner and high ranking appointed officials.

There could be no finer example for us and no one who will be more sorely missed than Commissioner Phil Coombe.

ACTING PRESIDENT KUHL: Senator Cook on the resolution.

SENATOR COOK: Mr. President, it's my honor to welcome my constituents, Phil Coombe and the Coombe family, here today.

I think that this is a beginning of a new life, in a sense, for the whole family because Phil has been so totally dedicated to his responsibilities in the Department, and while he's also been a devoted family man all of these years, I know that the time demands have required sacrifices on the part of the family that were painful to him, as well as to them, from time to time, and that now they really have an opportunity to share each other's life from this point forward, and I think that's a wonderful thing.

I had my first contact with Phil, I guess when he was Superintendent at Eastern, and it was clearly evident during my first visit there of the real qualities that he had as a leader because he had been able to motivate the corrections officers within that institution, that what they wanted to do was be as good as they could, and it was evident that they really put forth the extra effort to make that the best institution that it could be because they were proud of where they were. They were proud of who was leading them, and that even was conveyed to the inmates. You had a sense among them that there was a respect, that there was a different attitude on their part. It was almost as though they were caught up in the same spirit, and things worked there because of the way that Phil ran the place.

I remember during my early years in the Senate that we had some experiences with leadership in the Corrections Department that were comedies of error almost, and really until Commissioner Coughlin kind of came in and

settled things down and then was followed by Phil Coombe, things were not great in that department, and I think that illustrates the importance of leadership, and Phil Coombe has brought that leadership to a new height.

He has been able to take that same esprit de corps that he was able to instill within the relatively small group of officers who were serving with him at Eastern and to spread it across this entire statewide system, and that is a real tribute to his leadership, and it's amazing that the personality of one person can permeate through all of the bureaucracy and the size of the cadre of officers and civilians who work in that department, that they all feel a personal relationship with him and a personal loyalty that they needed to produce because Phil needed them to do it, and it was a sense that they were responding to him personally, and I think that that is a quality that's very, very rare.

We really are going to miss him very, very much in that department, but as I

said before, I think that his family and he deserve this time and we cannot begrudge them the opportunity to have these good years of retirement.

ACTING PRESIDENT KUHL: Senator Hoblock on the resolution.

SENATOR HOBLOCK: Thank you, Mr. President.

I rise to join with my colleagues in wishing Phil Coombe the very best in his many more long years of retirement and enjoyment with his family.

I don't think that I had the long-time relationship, as many of you do, with Phil Coombe having just arrived in the Senate myself last year, but I came across a set of circumstances that occurred in my district that had the potential of being a very volatile situation, and when I called upon Phil Coombe in his capacity as Acting Commissioner of the Correctional Services Department in an effort to deal with that set of circumstances, he commanded respect from the very beginning.

I was extremely impressed with his responsiveness of calling me from wherever he was and even on one occasion while he was on vacation, but I think that he took charge of a situation that could truly have gotten itself out of hand but he exercised the professionalism and the leadership that was necessary in these circumstances, and I think that we in this community, as well as so many across the state, are very thankful for that dedication.

He did things that he did not have to do. He put his neck out where perhaps he could have had it injured in some respect, but he did so, and I can't begin to commend him enough for his responsiveness, his initiative in getting a job done, because the one thing he said to me was that under these circumstances, whatever they may be, he wants to do the right thing, and we're very proud of you for that, Phil.

We thank you very much, and, yes, we're going to miss you. I wish I had the opportunity to work with you much longer, but I

know that your replacement has got some big shoes to fill, but I trust that it will be done.

So, again, I want to congratulate you, congratulate your staff, and wish you and your family a long, long retirement and a most enjoyable one.

ACTING PRESIDENT KUHL: Senator Volker on the resolution.

SENATOR VOLKER: Mr. President, I rise with less than enthusiasm, as Phil knows, because we're certainly going to miss him, and as somebody who, I guess -- I was just thinking here. I've known every -- every leader of the Corrections Department dating back to before Russ Oswald, in fact.

Phil actually is the first head of the New York prison system who came completely through the ranks. In fact, as we remember the resolution, he not only was a teacher but also the leader of a medium and a maximum.

I've known him for many, many

years because even while he was deputy under the former commissioner, he was always one of the people who was the fellow who fixed things, so to speak.

I have to say that -- and Senator Hoffmann mentioned the party for Phil Coombe. I have been to many retirement parties, hundreds. I have never been to one quite like that. First of all, they expected a little over 1,000 people and there were almost 1800.

Secondly, criminal justice parties sometimes tend to be maybe a little stiff sometimes, and everybody who is anybody was at that party, so to speak, from the criminal justice area, but the warmth that was shown personally for Phil Coombe, I think - showed, I think, what a great human being he is, but, also, I think demonstrated -- a lot of people who may be outside the system didn't quite realize how respected a man of Phil's stature was.

I think the trouble is that people like Phil Coombe operate in -- within

their own system, don't pay any attention to many of the outside distractions that, I'm afraid, are always around us. He tried just to do a good job and make sure that the system works right. You never hear about him because you only hear, I think, about people who do a good job when something happens, something goes awry.

It's miraculous -- and I'll be the first to admit to you, and I know Mike would back this up. It's miraculous that our prison system has operated as well as it has. You travel around the country and talk to people about New York. Aside from the fact that they have a great respect -- it might be a surprise to some people, for the Legislature here -- they have a huge respect for this correctional system.

I was just at a criminal justice conference within the last month and a half in Hartford, and I was there with -- in fact, with Johnny Johnson, who is the -- an old friend of mine, who is the new head of the Division for

Youth, and without even mentioning it, the New York prison system came up on three or four occasions, this program or what they've done there, and they've talked with the -- the Commissioner, Phil Coombe, and I think it shows the immense respect that not only Phil Coombe has here in New York but throughout the country.

Phil, I must say to you that of all the people who have run not only the corrections system but any area of criminal justice, no one that I am aware of spent more time on the job, was more receptive to listening to the problems not only of legislators but of inmates, corrections superintendents, officers, and so forth.

As you well know, Phil, the corrections system is like a huge family, that it's wrenching from day to day, and everyone has got their own beefs and has got their own problems, but you've treated the corrections system almost like a second family -- and that family has operated on a basis -- given the nature of the size of the system and the

difficulty and the pressures that there is there, it has operated in almost an amazing fashion.

1995 was the year that many of us cringed when we thought about -- and you were able to get through that year, run around the state, frankly, putting out fires, and so forth, as I'm well aware of. In fact, I spoke to you many, many times in the backyard of your house or the backyard in a prison, whatever, because you were always on top of whatever needed to be done.

My very best wishes to you and your wife and your family. You've dedicated 36 years to the state. It's time you did take some time off. I hope you go fishing and relax on your farm. I will miss you. Godspeed, and I hope to see you on many occasions during the coming years.

ACTING PRESIDENT KUHL: Is there any other -- Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President.

I would also like to join my colleagues in expressing my best wishes and my congratulations to Mr. Coombes -- Commissioner Coombes.

For someone who has been able to hold together, and manage as well, a system that has over 100,000 people and almost a $40 billion budget and runs -- is one of the, I guess, hidden industrial complexes in the nation -- I mean, in the state, I have -- I was quite surprised to see how much industry goes on inside corrections -- and I -- even though I do receive any number of correspondences from those in corrections who are more than likely from my district, I think it could be much, much more and much worse, and so for you to be able to go through that, Commissioner, and come out whole, is truly a statement of your -- your strength and your integrity and your professionalism, and I congratulate you on that.

I am sorry to say that the large majority of the huge corrections industry is generated based on people from my district and

other districts like mine in the state, but nonetheless, if -- since there is that large number of people, many of them are young people who really have not been developed to their maximum potential by any means, it is extremely important that the leadership in that system be one who has some commitment to habilitation and/or rehabilitation.

So we thank you for what you have contributed along those lines, and we certainly hope and pray that the person who comes after you has as much integrity and vision and sensitivity and commitment as you have had.

Thank you very much.

ACTING PRESIDENT KUHL: Senator Farley on the resolution.

SENATOR FARLEY: Very briefly. I just want to wish Phil Coombes the best wishes in his retirement, and any guy that can bring such a crowd here into the Senate chamber deserves -- speaks well of your career and your family and all the corrections people that are with us.

You've done an outstanding job. We're grateful. As somebody that is -- that has a couple facilities at least in my Senate District, I know how important your job is. You can be proud of your service.

You come from a distinguished family, and I wish you well.

ACTING PRESIDENT KUHL: Senator Mendez on the resolution.

SENATOR MENDEZ: Mr. President, it is with mixed feelings that I stand up to praise the job performed by Commissioner Coombes, and I say "mixed feelings" because, see, I didn't have the time to prepare a picket sign basically saying "We hate to see you go."

So I have had a wonderful working relationship with Commissioner Coombes and the previous commissioner, and I'll tell you, Mr. President, in the performance of the duties of his job, he was very fair to the correctional officers but very firm when he had to be. He understood the reality of the inmates. He wouldn't allow any of his officers to step over

the line of what they were supposed to do.

So he did care, not only for the institution but in terms of people. He cared for his staff, he cared for the inmates, and he did a superb job. I think that -- that we are losing a very, very great state official, and the only good thing, when I referred to my mixed feelings, is now he will have the time to enjoy his grandchildren and, as was stated by Senator Volker, he would be taking them fishing, but we will all miss him.

We wish him the best, but we will miss him terribly, so stay well. I promised that I would take him to dinner when he comes back to Albany, and I shall keep my word.

So you're leaving us, but you will be present in our minds, and all of us that got to know you feel privileged to have known you.

Thank you.

ACTING PRESIDENT KUHL: The question is on the resolution.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: It certainly is a very fine day here to recognize Phil Coombe, the Coombe family, and the Correction community. Phil has followed a great deal of ability.

Dale, you mentioned the commissioners, but you can go back to, also, Paul McGuinness; Keith McHugh came from Buffalo -- you don't want to leave him out; Donovan and Commissioner Lyons. Walter N. Thayer did work up through the ranks. He was warden at Dannemora. He's from Thayers Corners; it's outside of Chateaugay -- Chateaugay, New York. That's way up on -- up in the North Country.

I was thinking as we were talking about correction, I wished I could say to all you people that want prisons, is it so terrible to have these things in your community? It's become rather popular. As one who grew up in the prison grounds, I again have to -- I do have to say the values, the direction, the foundation

and the opportunities that are provided by the correction community and those who work in these facilities is probably one of the greatest places anyone can grow up. Some have argued that never happened to some of us.

I also would say that you have to be very careful when anyone says to you that they're a farmer and they're also in corrections. I have had some experience with some of those people, but you do usually find, seriously, that they don't take themselves too seriously. All of this has been mentioned. They have a good sense of humor. They do get the job done. They understand the mission. People want to work with them. They have an infectious enthusiasm. The loyalty is in their blood, and they never ask anybody to do anything that they would not do themselves or are already doing and, of course, that's Phil Coombes. New York is better for Phil. We're still going to be hearing a great deal from him.

I would say to Phil and Ethel - I mentioned this to Carolyn one day -- we're

reminded often that the river never rises higher than its source. They don't get it, but the parents do. The parents do.

Seriously, it's really a tribute to the entire correctional community when we honor someone like Phil today as we are doing and, as has been mentioned, this is a field that if everything is going well, you hear nothing but just have a ripple -- and it's just very interesting -- we hear a great deal, and fortunately in the last few years we have not heard of any serious problems.

As I say, I know the entire -- as has been mentioned earlier, and that's what it should be called, "the correction family", is very, very pleased to join us and be part of honoring one of the great public servants of this state and one who isn't retiring. He's just changed directions to a degree now and then.

ACTING PRESIDENT KUHL: Senator Maltese on the resolution.

SENATOR MALTESE: Mr. President,

I had the honor briefly to serve as chairman of Crime, Crime Victims and Correction, and during that period of time, Phil stepped up to the bat, so to speak, to assume additional responsibilities, and it was during that period that I had the opportunity, not only to visit correctional facilities and speak with the superintendents and the correction officers, but also to be present at ceremonies where new correctional officers were sworn in, and having members in my family serving as correction officers, I know that the correction officers, the members of the correctional community share my respect, great respect for Phil Coombe and the job that he has done.

I echo, of course, the remarks of many of the -- my colleagues here, other Senators, in heaping, well-deserved accolades on Phil, but I think, as Senator Stafford has indicated, this is an extremely difficult field and is a field that Phil has shone in, and we can take pride in the fact that he has, as Dale Volker has indicated, risen through the ranks

and as a result of those many years of service, has well earned the respect of his colleagues in the field and certainly deserves a well-deserved retirement, and our congratulations on a job well done.

ACTING PRESIDENT KUHL: Senator Maziarz on the resolution.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, I've only been in this position for a year now, but having served on the Crime Victims, Crime and Corrections Committee under the leadership of Senator Nozzolio, I've had an opportunity in that year to cross paths many times with the Department of Correctional Services and particularly, Commissioner Coombe, and I have to say that of all of the commissioners that I've had the pleasure of interacting with, with the possible exception of the Commissioner of Transportation, Commissioner Coombe is the only one who returns your phone calls personally. I have to say that about the Commissioner of Transportation, you

see, but, Commissioner, I have within my district two correctional facilities, and shortly after I was elected, I visited both of those facilities, and I have to say, Mr. President, that I heard nothing but positive things about Commissioner Coombe from -- not only from the administration, the staff, the corrections officers, but even from -- a few inmates, Commissioner, had good things to say, and I know just by the number of people last week or two weeks ago who were there to honor you at your retirement dinner, it was certainly an overwhelming group, and you have a great deal -- you and your family have a great deal to be proud of, and I just wanted to join and wish you the best of luck in your new direction, as Senator Stafford said, and also I think that just the corrections people that I see here today know that you'll leave a great legacy in the Department of Correctional Services, and I know that and I hope that they're going to carry on in your fine tradition.

So congratulations, Commissioner.

ACTING PRESIDENT KUHL: Senator Bruno to close on the resolution.

SENATOR BRUNO: Mr. President, colleagues, we in this state and in the Legislature are very fortunate that we have people who are truly committed to public service and our Superintendent and Commissioner Coombes certainly fits that description, totally committed to public service.

All of the people of this state have benefited from the diligence, the commitment, in the performance of one of the most difficult tasks that any individual could manage on behalf of the people of this state.

A lot has been said in the chamber. There isn't much more that I can say in closing, the comments, but I wanted to be on my feet and just publicly say thank you to Phil and to his family, and they can be very, very proud of your public service, all the good things you did for the people of this state, and I know in talking to you personally that you are still there and ready to be helpful in any ways

that you can be in the transition.

So, on behalf of our colleagues here in the Legislature and the people of this state, we want to say thank you for your great commitment to public service and wish you well.

Thank you, Mr. President.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is unanimously adopted.

We're very pleased to have Commissioner Coombe with us here in the chamber, with his immediate family and other family members.

Commissioner, thank you so much for such a positive contribution to public service here in New York and for all you've done for all of the people here. We wish you well and good health in your retirement.

(Applause.)

Senator Bruno.

SENATOR BRUNO: Mr. President, can we call for a meeting of the Local Government Committee chaired by Senator Rath immediately in Room 123?

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Local Government Committee in Room 123 of the Capitol. Immediate meeting of the Local Government Committee in Room 123 of the Capitol.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that there is a privileged resolution at the desk by the distinguished sponsor, Senator Kuhl. We would ask that the title be read and that we move its immediate adoption.

ACTING PRESIDENT KUHL: I'll ask the Secretary to read the title.

THE SECRETARY: By Senator Kuhl, Legislative Resolution commending James R. Houghton, Chairman of the Board and Chief Executive Officer, Corning, Inc., upon the

occasion of his retirement.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that there is another resolution by the distinguished Senator Kuhl, and we would ask that title of that resolution be read and that we move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: By Senator Kuhl, Legislative Resolution commemorating the 20th Anniversary of the Volunteer Connection of the United Way of Chemung and Steuben Counties on May 6, 1996.

ACTING PRESIDENT KUHL: The question is on the resolution. All those in

favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that there is another privileged resolution at the desk by the very slightly distinguished Senator Bruno, and we ask that the title be read and move its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: By Senator Bruno, Senate Resolution authorizing the Temporary President of the Senate to file an election to make certain officers or employees of the Senate eligible for the retirement incentive offered by Chapter 30 of the Laws of 1996.

ACTING PRESIDENT KUHL: Senator Bruno, did you wish to -- Senator Bruno, did you wish to comment on the resolution?

SENATOR BRUNO: Mr. President,

thank you.

This resolution -- and thank you for asking me if I want to comment and looking at me very directly because this opens the enrollment period for any of the legislative employees in the Senate that would seek early retirement under the early retirement legislation. That does not include members in the chamber.

So thank you for the opportunity, Mr. President but I would elect not to presently seek that option, but for any of the members here, they will have an opportunity with their staffs that would qualify, that would think that this is in their best interest, they ought to be aware that this resolution now opens that period.

Thank you, Mr. President.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

The Chair recognizes Senator Maltese.

SENATOR MALTESE: Mr. President, on page number 44, I offer the following amendments to Calendar Number 788, Senate Print Number 6901-A and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 788 are received and adopted. The bill will retain its place on the Third Reading Calendar.

The Chair recognizes Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

On behalf of Senator LaValle, I wish to call up bill -- Print Number 6112 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator LaValle, Senate Print 6112, an act to amend the Environmental Conservation Law, in relation to the Central Pine Barrens.

ACTING PRESIDENT KUHL: Senator Wright.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: Senator Wright.

SENATOR WRIGHT: I now offer the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Bruno, that brings us to the calendar.

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

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

THE SECRETARY: On page 30, Calendar Number 583, by Senator Tully, Senate Print 6594, an act to amend the Soil and Water Conservation Districts Law, in relation to adding three advisory members.

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 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 592, by Senator Libous, Senate Print 4421-B, an

act to amend the Environmental Conservation Law, in relation to establishing a toll-free number to purchase sporting licenses.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 598, by Member of the Assembly Magee, Assembly Print 8800, an act to amend Chapter 546 of the Laws of 1945, authorizing the corporation entitled "The Diocese of Central New York."

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 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 600, by Senator Marchi, Senate Print 6374, an act to amend the Business Corporation Law, in relation to preventing a corporation's process addressee to resign.

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

THE SECRETARY: Section 4. This act shall take effect 90 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 601, by Senator Farley, Senate Print 1379, an act to amend the Banking Law and the Criminal

Procedure Law, in relation to the regulations of licensed transmitters of money.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 624, by Senator Lack, Senate Print 6656-A, an act to amend the Civil Practice Law and Rules, in relation to peremptory challenges.

SENATOR PATERSON: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Skelos, that completes the non-controversial calendar.

SENATOR SKELOS: Take up the controversial calendar, please, Mr. President.

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

THE SECRETARY: On page 32, Calendar Number 601, by Senator Farley, Senate Print 1379, an act to amend the Banking Law and

the Criminal Procedure Law, in relation to the regulation of licensed transmitters of money.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT KUHL: Senator Farley, an explanation of Calendar Number 601 has been asked for by Senator Stachowski.

SENATOR FARLEY: Thank you, Mr. President.

This particular bill is one that came out of some money laundering hearings that was held by the Senate Banking Committee a couple years ago, and it has passed the Senate unanimously every year since those hearings. Actually, what this does, it licenses money transmitters and makes them subject to the general powers of the Superintendent of Banks.

One of the great criminal problems in our state is the laundering of money as a result of drug transactions, and so forth, and the Banking Law currently authorizes the Superintendent of Banks to require certain financial institutions to appear and explain apparent violations and to discontinue

unauthorized, unsafe practices and to keep books and accounts, and so forth. These powers are important for ensuring that financial institutions are operated in a safe, sound manner.

Section 39 currently is applicable to banking institutions, mortgage bankers and brokers, licensed lenders and licensed check cashers. Money transmitters should also be specifically included within this section. Because of the nature of the business, consumers are especially vulnerable to any unsound, illegal activities of money transmitters.

A customer pays funds to the transmitter with the expectation that the money will be transmitted and that the instrument or the travelers check will be honored. The Superintendent of Banks has brought authority to regulate the money transmitter industry. However, it is desirable that the Superintendent's authority to regulate money transmitters be consistent with the

Superintendent's authority to regulate other financial entities.

This is a piece of legislation that is supported by almost every segment of our society with the possible exception of the criminal element, and I think it's a good piece of legislation. I think it's a piece of legislation. Unfortunately, it keeps falling between the cracks and doesn't get done in the other house because -- I don't know of any - any objection to the legislation.

Basically, it authorizes the issuance of eavesdropping and video-surveillant warrants for illegal transmitter activities. It also expands the money transmitter penalties, and it clarifies that licensed money transmitters are subject to the general power of the Superintendent of Banks.

ACTING PRESIDENT KUHL: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, will the Senator yield for a question?

SENATOR FARLEY: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR STACHOWSKI: The only question I have is you said that the bill falls between the cracks. Can you tell us, in your negotiating with the Assembly, why they won't pass this bill, since everyone seems to be in support of it?

SENATOR FARLEY: No, I can't. It's -- generally speaking, it baffles me. I think that your learned counsel, Mr. Boxley, could tell you that some of the frustrations that we have in the Assembly with some of the legislation particularly when it concerns criminal activity and that sort of thing, we - I presume -- and I cannot speak for them -- I presume that it's one that just is not very high on their agenda.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 624, by Senator Lack, Senate Print 6656-A, an act to amend the Civil Practice Law and Rules, in relation to peremptory challenges.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT KUHL: Senator Lack, an explanation of Calendar Number 624 has been asked for by Senator Stachowski.

SENATOR LACK: Thank you, Mr. President.

Mr. President, this is a bill that was introduced at the request of the chief administrative judge, which would change the number of peremptory challenges from three for each party to a combined total of three for the parties on each side, together with one challenge for every two alternate jurors as part

of the program to streamline state jury practice, to put it more in conformance with federal jury practice which, of course, the judge conducts just about the entire voir dire. This would only pertain to civil cases.

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

THE SECRETARY: Section 2. This act shall take effect on the 30th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50...

ACTING PRESIDENT KUHL: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: I just want to explain why I'm voting no on this bill.

To decrease the peremptory challenges to a party in a lawsuit to this level, I think would provide a fair -- an unfair situation for a party.

If you're going to share peremptory challenges between two defendants in

a civil action, for example, and that share is only three, there may be differences of opinion as to what the appropriate defense may be between the defendants.

Similarly, it could be a multiple plaintiff situation, although less likely where the plaintiffs may have differences of opinion as to the theory of the case, and the type of juror may be wanted by one of the parties on the same side and not the other.

So, from my perspective, I believe that it's -- Senator Lack just gave me some information which didn't change my mind, but I believe that -- I believe that this would be a bad change and, therefore, I vote no.

THE SECRETARY: Ayes 56, nays 2, Senator DeFrancisco and Kuhl recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to reports of standing

committees? I believe the report from Local Governments is at the desk.

ACTING PRESIDENT KUHL: You're correct, Senator Bruno. I'll ask the Secretary to read.

THE SECRETARY: Senator Rath, from the Committee on Local Government, offers up the following bill directly for third reading: Senate Print 7377, by Senator Larkin, an act to amend Chapter 708 of the Laws of 1992, amending the General Municipal Law and other laws relating to the deposit and temporary investment of monies.

ACTING PRESIDENT KUHL: Without objection, the bills are ordered directly to third reading.

Senator Bruno.

SENATOR BRUNO: Are there any things, Mr. President, at the desk that should have the attention of this chamber?

ACTING PRESIDENT KUHL: No. There's no housekeeping, Senator.

SENATOR BRUNO: There is no

housekeeping. The Lieutenant Governor doesn't like to hear the word "housekeeping" at the desk.

Mr. President, there being no further business to come before the Senate, I move that we stand adjourned until Monday at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Monday, April 29th at 3:00 p.m., all intervening days to be legislative days.

(Whereupon, at 12:25 p.m., the Senate adjourned.)