ALBANY, NEW YORK

June 24, 1996

1:01 p.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, staff to find their places. I'd ask everybody in the chamber to rise with me and join with me in saying the Pledge of Allegiance, and please remain standing for the invocation.

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

We are very pleased to be joined by the Reverend Peter G. Young of the Blessed Sacrament Church of Bolton Landing, who will deliver the invocation.

Father Young.

REVEREND PETER G. YOUNG: Thank you, Senator.

Let us pray on this beautiful spring-summer day.

We pray for all of our New York State that their wealth and their power might become a force for peace rather than conflict, a source of hope rather than discontent, to act as

an agent of friendship rather than enmity. May the actions of this Senate then be that example for all. Amen.

ACTING PRESIDENT KUHL: Amen.

Reading of the Journal.

THE SECRETARY: In Senate, Sunday, June 23rd. The Senate met pursuant to adjournment, Senator Farley in the Chair upon designation of the Temporary President. The Journal of Saturday, June 22nd, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Secretary will read.

THE SECRETARY: The Assembly sends for concurrence Senate Bill 7553-A, with an Assembly Reprint Number 30016-A.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Yes. There

will be an immediate meeting of the Rules Committee in Room 332, followed by a Finance Committee meeting. That's it.

ACTING PRESIDENT KUHL: For the benefit of the members who didn't hear Senator Johnson, there will be an immediate meeting of the Rules Committee in the Majority Conference Room. Immediate meeting of the Rules Committee in the Majority Conference Room, Room 332. That will be followed by an immediate meeting of the Finance Committee.

Senator Larkin.

The message from the Assembly is before the house. The Chair recognizes Senator Larkin.

SENATOR LARKIN: Mr. President, I move that the Senate not concur in the said amendments and move to reconsider the vote by which this bill was passed.

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

THE SECRETARY: Senate Bill Number 1468, by the Senate Committee on Rules,

Senate Bill Number 7553-A, Assembly Reprint 30016-A, an act to amend the Public Health Law.

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: I move that the bill have its third reading at this time.

ACTING PRESIDENT KUHL: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is before the house.

Senator Larkin, now, your motion.

SENATOR LARKIN: I now move the bill have its third reading at this time.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 21. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

Messages from the Governor.

Reports of standing committees.

Secretary will read the report of the Senate Finance Committee.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bills:

7880-A, by the Senate Committee on Rules, an act making appropriations for the support of government;

7881, by the Senate Committee on Rules, an act making appropriations for the support of government and to amend Chapter 63 of the Laws of 1996;

All bills ordered directly for third reading.

ACTING PRESIDENT KUHL: Bills ordered directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Larkin, that brings us to the calendar.

SENATOR LARKIN: Can we take up now Calendar Number 1675, Senate Bill 7880, which was just reported from the Finance Committee.

ACTING PRESIDENT KUHL: For the benefit of the members, the bills are on your desk if you care to read them.

Secretary will read Calendar Number 1675.

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 11204 and substitute it for the identical Third Reading Calendar 1675.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 1675, by the Assembly Committee on Rules,

Assembly Print Number 11204, an act making appropriations for the support of government.

SENATOR LARKIN: Is there a message at the desk?

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

SENATOR LARKIN: Move to accept the messages.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted.

Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Johnson.

SENATOR JOHNSON: Take up Calendar Number 1676.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Senator Bruno moves to discharge from the Committee on Rules Assembly Bill Number 11203 and substitute it for the identical Third Reading Calendar 1676.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 1676, by the Assembly Committee on Rules, Assembly Print 11203, an act making appropriations for the support of government and to amend Chapter 63 of the Laws of 1996.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Is there a

message of appropriation at the desk?

ACTING PRESIDENT KUHL: There is a message of appropriation at the desk, Senator Johnson.

SENATOR JOHNSON: I move to accept the message of appropriation.

ACTING PRESIDENT KUHL: Motion to accept the message of appropriation on Calendar 1676. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR JOHNSON: May we please return to reports of standing committees. I believe there is a report from the Rules Committee at the desk.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees. Secretary will read the report of the Rules Committee.

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

Senate Print 6718, by Senator Velella, an act to amend Chapter 934 of the Laws of 1985;

7537-A, by Senator Hannon, an act to amend the Public Health Law, Chapter 922 of the Laws of 1990, amending the Public Health Law and other laws relating to reimbursement;

7879, by Senator Larkin, an act in relation to dissolving the corporate existence of a certain not-for-profit corporation; and

7884, by Senator Bruno, an act to

amend the Environmental Conservation Law.

All bills ordered directly for third reading.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Mr. President, I move we accept the report of the Rules Committee.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Rules report is accepted. All bills ordered directly for third reading.

Senator Johnson.

SENATOR JOHNSON: May we return to the motions and resolutions calendar at this time.

ACTING PRESIDENT KUHL: Return to the order of motions and resolutions.

Senator Johnson.

SENATOR JOHNSON: I move that we adopt the Resolution Calendar.

ACTING PRESIDENT KUHL: The motion is to accept and adopt the Resolution Calendar which is on the members' desks. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Johnson.

SENATOR JOHNSON: Is there a resolution by Senator Goodman at the desk? Like to have it read.

ACTING PRESIDENT KUHL: There is a privileged resolution at the desk.

SENATOR JOHNSON: May we read the title and move the resolution at this time.

ACTING PRESIDENT KUHL: Secretary will read the title of the privileged resolution by Senator Goodman.

THE SECRETARY: By Senator

Goodman, Legislative Resolution honoring the memory of Louis J. Lefkowitz.

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

SENATOR GOODMAN: Mr. President, one of the most beloved and respected figures in the recent politics and government of the state of New York was the Attorney General who served longer in that office than any other in our history, who died on Thursday night late but, as his son pointed out, just in time to be included in the late edition of the New York Times obituary on Friday. In this facetious fashion, he pointed to the extraordinarily adept manner in which the Attorney General was able to utilize the media and to mold public opinion for purposes which I think we'd all agree were admirable and very much in the interest of the people of the state of New York.

Louis J. Lefkowitz was a product of Manhattan's East Side, born in an environment essentially extremely poor and emerging from it in a fashion that can only excite the greatest

respect. He ran first for an Assembly seat in a totally Democratic district and was presumed to be a sitting duck, one who would be readily defeated but, as he went from door to door with his indomitable energy, he said, Please give me your vote so that I'm not disgraced in this election.

The attempt to avoid being disgraced in the election turned into an upset victory which launched one of the most extraordinary political careers in the history of the state.

Louis Lefkowitz was an individual who served by appointment of Mayor Fiorella LaGuardia as a judge in the city of New York and subsequently upon the election of Jacob J. Javits to the United States Senate, succeeded him as the Attorney General of the state.

Up to that point, the office of Attorney General was essentially devoted to defending the state against actions being brought against it in the state courts, but Louis Lefkowitz converted this essentially

defensive definition of the job into one which involved an aggressive concern with the interests of people, and particularly consumers, all around the state and that dedicated redefinition of mission resulted in his becoming known as "the people's lawyer", a moniker which stuck with him for the rest of his life.

He was a close confidante of Governor Rockefeller and indeed was the only individual invited consistently by the Governor to stay with him in the Executive Mansion whenever he was in Albany, and the bond between these two men, and their productive partnership, greatly benefited all of the people.

Louis Lefkowitz was a man with a photographic memory. To campaign with him was an experience that one could never forget once having done it. I can recall walking the streets of New York with him in my first election a number of years ago. We would start at a certain street, and he would enter every retail establishment within view. We would go into beauty parlors and shake the hand of every

woman under a dryer. We would go into barber shops and shake the hand of every man in a barber chair.

In short, Louis Lefkowitz had a comprehensive concept of campaigning and the remarkable thing about his style was that once he learned a name, he never forgot it, and not only did he remember the individual he had met but he remembered the stories about their families so that to walk the streets of New York with Louis Lefkowitz was to be treated with an encyclopedia not only of Joe Smith, but of his Aunt Maude, his nephew Luigi, or whoever it might have been, and a complete understanding of everybody's problem in a sense that Louis Lefkowitz cared about people.

Mr. President we shall not see his like again in this state, and yesterday at his funeral in New York encomiums were delivered by the Governor of the state, the junior Senator from New York State, the Mayor of the city of New York, and a whole range of notables, all of whom gathered by the hundreds to salute and bid

farewell to an absolutely unique New York product.

He had a razor sharp legal mind and a heart of gold. We shall always remember him.

ACTING PRESIDENT KUHL: Senator Johnson, did you have an announcement?

SENATOR JOHNSON: Yes, Mr. President.

I'd like to re-announce that there's a meeting, ongoing meeting now, of the Finance Committee and we encourage all members to be there, Room 332. Subsequent to that, we'll have a meeting of the Corporations Committee in that same room.

ACTING PRESIDENT KUHL: Immediate meeting of the Senate Finance Committee in Room 332, Majority Conference Room. Immediate meeting of the Senate Finance Committee in Room 332.

Senator Farley, on the resolution.

SENATOR FARLEY: Yeah. I'd just

like to rise and agree with Senator Goodman that what a remarkable person that Louis Lefkowitz was and what a fine human being, a great Attorney General, but perhaps more interesting, one of the most unique politicians, I think, that ever was elected to office, a person that has really set the gold standard for -- to get elected in a district where he was outnumbered registrationwise, and perhaps one of the top vote getters that this state has ever seen.

I understand that Louis Lefkowitz -- I can still see him to this day campaigning in Schenectady at the GE gates, going with both hands and saying "Hi" to everybody and he certainly, for almost all his 91 years, was vibrant and, when I saw him just a few short years ago, there didn't seem to be very much change in him.

He was a remarkable Attorney General, a remarkable human being, and somebody that this -- that really made his mark in this state and set the standard for excellence in public service.

He'll be missed.

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 Hoffmann, why do you rise?

SENATOR HOFFMANN: Mr. President, I was out of the chamber when 1675 was called up. I request unanimous consent to be recorded in the negative.

ACTING PRESIDENT KUHL: Without objection.

SENATOR HOFFMANN: Thank you.

ACTING PRESIDENT KUHL: Hearing no objection, Senator Hoffmann will be recorded in the negative on Calendar Number 1675.

Senator Wright.

SENATOR WRIGHT: Mr. President, I ask unanimous consent to be recorded in the

negative on Calendar Number 1675.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Wright will be recorded in the negative on Calendar Number 1675.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, I ask unanimous consent to be recorded in the negative on Calendar Number 1675.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator DiCarlo will be recorded in the negative on Calendar Number 1675.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I ask unanimous consent to be recorded in the negative on Calendar Number 1675.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Nozzolio will be recorded in the negative on Calendar Number 1675.

Senator Oppenheimer.

SENATOR OPPENHEIMER: With

unanimous consent, 1675, also in the negative.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Oppenheimer will be recorded in the negative on Calendar Number 1675.

Senator Levy? Senator Alesi.

SENATOR ALESI: Mr. President, I ask unanimous consent to be recorded in the negative on Calendar Number 1675.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Alesi will be recorded in the negative on Calendar Number 1675.

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, without objection, I'd like to be recorded in the negative on Calendar Number 1675.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Maziarz will be recorded negative on Calendar Number 1675.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

Could I have unanimous consideration to be recorded in the negative on Calendar 1675, please.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Libous will be recorded in the negative on Calendar Number 1675.

Senator Johnson.

SENATOR JOHNSON: Mr. President, may you at this time go back to the Resolution Calendar, read Senator Rath's resolution, the title, and adopt it at this time.

ACTING PRESIDENT KUHL: Secretary will read the title to Senator Rath's privileged resolution, which is at the desk.

THE SECRETARY: By Senator Rath, Legislative Resolution mourning the death of Louis R. "Lou" Woolcock, Director of the New York State Department of Transportation Office of Internal Audit and Investigations.

ACTING PRESIDENT KUHL: Senator Rath, on the resolution.

SENATOR RATH: Mr. President, I would like my colleagues to join with me in a moment of consideration of a life of Lou Woolcock which ended much too quickly last Monday at 54 years of age.

I think many of you would recognize Lou as being the husband of my director of my Albany office, Marina Woolcock. Lou worked for the Department of Transportation, and you might see in the resolution that was developed, you would recognize in Lou something that we see in all of the people who love government and love politics and love being nexus between the two.

And in remembering Lou, I think the most urgent thing that I can think of, because I know we're moving along quickly in our deliberations today, and I would like to say a word of appreciation to a system that gives us a person who cared so much about the integrity of the system and about the honor of the traditions

that we all work in, that his loss will be felt by many, many people for a long time to come and pray that our system will continue to bring to the top and bring to the surface people who care so much and work so hard to do what is so right.

Thank you.

ACTING PRESIDENT KUHL: 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 LEICHTER: Mr. President.

ACTING PRESIDENT KUHL: Senator Leichter, why do you rise?

SENATOR LEICHTER: Since there seems to be a lull in our proceeding, I was at a meeting of the Conference Committee on the pesticide bill, so I wasn't in the chamber when I understand there was a resolution honoring the memory and the service of Louis Lefkowitz, and I

just wanted to say just a couple words.

ACTING PRESIDENT KUHL: Senator Johnson, do you have any objection to Senator Leichter addressing the chamber on the resolution that passed for a few moments?

SENATOR JOHNSON: Mr. President, I believe it's very appropriate at this time to do so.

SENATOR LEICHTER: Good. Thank you, Senator Johnson.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: I was yesterday at the very moving services for the former Attorney General, and the Governor and the Mayor and others spoke very perceptively about him and his service to the state.

I just wanted to make one point that I thought was so important because in part, you know, people look at Louis Lefkowitz and see him somewhat as a figure of the past, but there's really so much, I think, that all of us could learn from his life of service, and I

thought it was important for me to get up as a Democrat.

I was here in the Legislature when the Attorney General was in office. I had very little contact with him, but I admired him and I just wanted to make the point that, in a day and age when I think partisanship has become much sharper and more acute and when politics, I think, drives our actions as never before, I think it's worthwhile looking at somebody like Louis Lefkowitz who, yes, he was active politically, but I think that he really embodied the idea that public service is to accomplish goals and reach achievements for the people of the state, the people that you serve and if you get political credit as a result and political benefits, that's really secondary, and I think we all might take some moments to think about that and, as a lesson I think to all of us that the best politician is really the one who serves the people, as certainly Louis Lefkowitz did for so many years.

I assume that every member of the

Legislature, of the Senate, was included in the resolution. Certainly I want to be.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Thank you, Senator Leichter.

Senator DiCarlo, we're on motions and resolutions. Did you have a couple motions?

SENATOR DiCARLO: Mr. President, on behalf of Senator Marcellino, I wish to call up bill Print Number 6902 recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 898, by Senator Marcellino, Senate Print 6902, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT KUHL: Senator DiCarlo.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 50.

ACTING PRESIDENT KUHL: Senator DiCarlo.

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

ACTING PRESIDENT KUHL: Amend ments are received and adopted.

SENATOR DiCARLO: Mr. President, on behalf of Senator Maziarz, I wish to call up bill Print Number 7431, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 1015, by Senator Maziarz, Senate Print 7431, an act to authorize the construction of new school facilities.

ACTING PRESIDENT KUHL: Senator DiCarlo.

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

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

(The Secretary called the roll on reconsideration.

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: Senator DiCarlo.

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

ACTING PRESIDENT KUHL: Amend ments are received and adopted.

Senator Johnson.

SENATOR JOHNSON: Mr. President, now I'd like to take up Calendar Number 1679.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Senator Larkin moves to discharge from the Committee on Rules Assembly Bill Number 8662-A and substitute it for the identical Third Reading Calendar 1679.

ACTING PRESIDENT KUHL:

Substitution is ordered. Secretary will read.

THE SECRETARY: Calendar Number 1679, by member of the Assembly Matusow, Assembly Print 8662-A, an act in relation to dissolving the corporate existence of a certain not-for-profit corporation.

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

Senator Larkin.

SENATOR LARKIN: Mr. President, this is a very significant piece of legislation as far as we're concerned.

This is an issue that's been at hand since 1994 when this organization was given not-for-profit status by then Secretary of State Gail Shaffer. This organization has been a front for the National Man Love Boy Association. Not-for-profit status should be given to an organization that is promoting good human dignity and all of the things that we hold near and dear to us. This organization has totally evaded the issues, has not responded and has

done other things that have made it a front.

What we want to do is to get this organization out and we want to further remove all organizations associated with it, and I thank my colleagues for supporting me on this legislation.

ACTING PRESIDENT KUHL: Senator Leibell, on the bill.

SENATOR LEIBELL: Thank you, Mr. President.

First, I'd like to commend my colleague, Senator Larkin. I think this is one of the most important pieces of legislation that will go through this chamber during this general session this year. Senator Larkin has spent a great deal of time and effort in working to solve what has been a very difficult problem created through the granting of this not-for-profit status to this corporation. I've looked -- I've liked very much working with him on this issue. I once again congratulate him. I think he's done an excellent job.

Thank you.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the bill? Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Johnson.

SENATOR JOHNSON: Oh, now we'd like to take up Senate 6718, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read the substitution.

THE SECRETARY: Senator Velella moves to discharge from the Committee on Rules Assembly Bill Number 9576 and substitute it for the identical Third Reading Calendar 1677.

ACTING PRESIDENT KUHL: Substitution is ordered. Secretary will read the title.

THE SECRETARY: Calendar Number 1677, by member of the Assembly Gottfried, Assembly Print 9576, an act to amend Chapter 934 of the Laws of 1985.

ACTING PRESIDENT KUHL: Is there any Senator wishing to speak on the bill? Hearing none, 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 51.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Johnson.

SENATOR JOHNSON: Now, may we take up Senate 7537-A.

ACTING PRESIDENT KUHL: Secretary will read the title.

THE SECRETARY: Calendar Number 1678, by Senator Hannon, Senate Print 7537-A, an

act to amend the Public Health Law, Chapter 922 of the Laws of 1990, amending the Public Health Law and other laws, relating to reimbursement.

SENATOR PATERSON: Lay aside, please.

ACTING PRESIDENT KUHL: Senator Paterson, we're on the debate calendar. Are you asking for an explanation?

SENATOR PATERSON: I'm sorry, Mr. President. We're on the -- that we're on the controversial calendar.

ACTING PRESIDENT KUHL: Yes.

SENATOR PATERSON: Oh, I'm sorry, Mr. President. I'm just getting back into form. Yes. May we have an explanation of that?

ACTING PRESIDENT KUHL: Senator Hannon, an explanation of -- it's Senate 7537-A has been asked for by Senator Paterson.

SENATOR HANNON: Thank you, Mr. President.

Yes, this measure deals with three programs in regard to health care for New

Yorkers. It deals with the Child Health Insurance Program. It deals with regional pilot projects for the uninsured, and the excess medical malpractice insurance program.

The regional pilot projects is an experimental project that was first begun in 1988. This would continue that. Two types of programs are now in operation, an individual subsidy program through which individual - eligible individuals are helped in getting health insurance for themselves and their families, as well as an employer incentive program through which certain employers receive help in purchasing insurance coverage for their employees.

The excess medical malpractice insurance program begun in the '80s is continued. This is providing the extra $1 million worth of insurance to physicians in this state done through the hospital system; and the third is the Child Health Insurance Program. This is continued. It allows families with children 14 and under who are not eligible for

Medicaid and do not have health insurance to receive assistance in purchasing health insurance through participating approved carriers.

This would be funded under the existing fund surplus to the system.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Hannon would yield to a question.

ACTING PRESIDENT KUHL: Senator Hannon, do you yield to a question?

SENATOR HANNON: Yes, Senator.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Senator, with respect to the child health program for new enrollees and children who would become eligible for the program after July 1st, what would happen to them? I know the Governor wants to expand the child program, and maybe that can be negotiated into the budget, but now as it stands with this bill what would happen to new

enrollees after July 1st?

SENATOR HANNON: Absent -- we only continue through this the continuation of current enrollees under the Child Health Insurance Program and, by the way, this bill is really in a sense only if the whole NYPHRM system were to lapse, so we're not projecting that this is what we desire but this is just to make sure that children who are currently getting that coverage were to continue, so I do not anticipate that we'll be able to expand it even for new enrollees.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Senator.

We understand the need for these programs and there certainly is -- this certainly is a good piece of legislation, but it is somewhat disappointing in that if there may be some other avenues that we may explore during the NYPHRM extension or NYPHRM readjustment or whichever way we might work this out in the

budget. The fact is that there really is no room for expansion, for enrollees who are children, after July 1st and that is quite disappointing. Even if there's a -- if we are relying on some other course of action, I would have thought it more foresighted to have it have appeared in the legislation, and I just wanted to put that on the record for all of the young people who need services, who need health protection and would not get it based on just what would be the dicta of the legislation, even though I concede that it's probably not what the -- what the final program would be.

The fact is that, just as the bill stands, I feel the need to point that out.

ACTING PRESIDENT KUHL: Senator Hannon, on the bill.

SENATOR HANNON: Senator, on the bill.

Your point is well taken, and I would point out that, as our statement of intent, we look through the system that we and the Majority have proposed for the hospital

reimbursement system under the bill that passed in this house about ten days ago. We expanded the child health program to those 18 years of age and under. We expanded the benefits available, and we think that that is the way to go and that is fully our intent, and so that's why I think I can fully agree with you.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the bill? Hearing none, the Secretary will read the last section.

THE SECRETARY: Section 13. This act shall take effect June 30th.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Johnson.

SENATOR JOHNSON: Any housekeeping, Mr. President?

SENATOR COOK: Mr. President.

ACTING PRESIDENT KUHL: Senator Cook, why do you rise?

SENATOR COOK: Mr. President, if I may, with unanimous consent, I'd like to just offer a very brief comment about a resolution we've already passed if that's acceptable.

ACTING PRESIDENT KUHL: Senator Johnson? Hearing no objection, Senator Cook.

SENATOR COOK: Mr. President, as happens from time to time we have staff members who have done great service to the Senate who move on to other things, but we have an opportunity today to just recognize one of these people. We've already passed his resolution last week, but Jim Cultrara, who has been a staff member for the Education Committee going all the way back to the time when Senator Donovan was chairman, he has served on several legislative staffs here and has been an in valuable resource for so many people in this chamber, has opted to take some optional employment, different employment, at the end of this week, and I simply wanted to rise to first

recognize Jim's great service to myself and to everybody else in this chamber and also to wish him well in his new endeavors.

ACTING PRESIDENT KUHL: Thank you, Senator Cook.

(Applause)

ACTING PRESIDENT KUHL: Senator Levy.

SENATOR LEVY: Yes, Mr. President.

Earlier this afternoon, while the Long Island legislators were out of the chamber, a resolution was passed mourning the tragic death of Assemblyman Philip Healey, and we just wanted the record to be clear that we are going to be talking about the tragedy of Phil Healey's death, but not this afternoon. His beautiful wife Geneva, and his family, are coming up on a date to be set by the Assembly to have a suited memorial in Phil's memory and we will all be holding our remarks until that day when Geneva is here for the Assembly and the family is here and then will come over to the Senate and we

just wanted the record to be clear on that matter.

Thank you very much.

ACTING PRESIDENT KUHL: Thank you, Senator Levy.

SENATOR JOHNSON: Mr. President, I would like to announce that there is an immediate meeting of the Corporations Committee in 332, Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Corporations Committee, immediate meeting of the Corporations Committee in the Majority Conference Room, Room 332.

Senator Nanula, why do you rise?

SENATOR NANULA: Mr. President, I'd like to request unanimous consent to be recorded in the negative on Calendar Number 1675.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Nanula will be recorded in the negative on Calendar 1675.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, I was out of the chamber at a committee meeting when the vote was taken on 1675. I would request unanimous consent to be recorded in the negative. That, I believe, is the legislative pay bill.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Dollinger will be recorded in the negative on Calendar Number 1675.

Senator Skelos.

SENATOR SKELOS: We're just waiting for the esteemed chairman of the Finance Committee.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: If we could return to reports of standing committees. I believe there is a report of the Finance Committee at the desk. I ask that it be read.

ACTING PRESIDENT KUHL: We will

return to the order of reports of standing committees.

There is a report of the Senate Finance Committee at the desk. I'll ask the Secretary to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the New York State Employment Relations Board, Linda M. Belfer, Esq., of New York City.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President.

As has been our Governor's custom, he sent some very fine nominees to us today. Our first nominee is Linda Belfer, presently an attorney with a very fine background in education and experience who made a very fine statement before our committee, and was unanimously approved by the Finance Committee to be a member of the New York

Employment Relations Board, and it's a pleasure for me to move her confirmation with any other Senators who would care to join.

Thank you.

SENATOR ABATE: I would rise in enthusiastic support -

ACTING PRESIDENT KUHL: Senator Abate, did you wish to speak on the nomination?

SENATOR ABATE: Yes, Mr. President.

ACTING PRESIDENT KUHL: It's customary to be recognized by the Chair before speaking.

SENATOR ABATE: I'm one step ahead. I thought you had recognized.

ACTING PRESIDENT KUHL: It's been a week since we've been here.

The Chair recognizes Senator Abate, on the nomination.

SENATOR ABATE: Yes. I too rise in enthusiastic support of Linda Belfer. Linda is a constituent of mine. I've had the opportunity through the years to see her good

work in the community as well as as a lawyer. She is smart; she is organized. She is enormously aware of employment issues and labor issues, having worked with employers and employees, and I must say that she'll probably be one of the only members of the board who can speak English, Spanish, French and Hebrew pro ficiently. That's just a demonstration of how smart she is, and I think she'll make an enormous and productive contribution to the board, and I ask my colleagues to support her nomination, and look forward to working with her for the next few years.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? If not, the question is on the nomination of Linda M. Belfer of New York City to become a member of the New York State Employment Relations Board.

All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

In a close vote, but unanimous vote, the nominee is confirmed.

We're very, very pleased to be joined by Linda Belfer, who is in the balcony to my right, to your left. Congratulations on your appointment and good luck.

(Applause)

The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the Workers' Compensation Board, Carol G. McManus of Pitts ford.

ACTING PRESIDENT KUHL: Chair recognizes Senator Stafford, on the nomination.

SENATOR STAFFORD: Thank you, Mr. President. Also Mrs. McManus appeared before us with likewise a very fine statement, excellent, and I believe Senator Alesi is going to move the confirmation, please.

ACTING PRESIDENT KUHL: Chair recognizes Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

It's my pleasure and privilege to support the nomination of my constituent and good friend, Carol McManus, who has a very broad background in not only the public sector but private sector as well. Her experience crosses between business, legislative and legal.

She's been active in unemployment reform, small business, economic development, industrial and labor relations, civil service regulations, the wage and salary task forces and most importantly, Carol is someone who brings great energy to whatever endeavor she under takes. She is dedicated, hard working and knowledgeable, and I'm sure that she will be a true asset to the Workers' Comp. Board.

It's my pleasure and privilege to support this nomination of Carol McManus.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Chair

recognizes Senator Maziarz on the nomination.

SENATOR MAZIARZ: Thank you, Mr. President. I want to join my colleagues in the Rochester delegation in congratulating the Governor on a very fine nomination of Carol McManus as a member of the Workers' Compensation Board.

I've known Carol now for almost two years and I've known her hard work on the Monroe County Legislature where she's always out there fighting not only for her district on the east side of Rochester but really for the good of and the betterment of all of Monroe County.

So I gladly rise and second this nomination of Carol McManus.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Nozzolio, on the nomination.

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

This truly is an excellent appointment by Governor Pataki, and I rise to join my colleagues from Monroe County to support

it wholeheartedly.

Carol McManus has demonstrated through here community leadership, through her activities, through her volunteer work and professional work, that she is ideally suited to be a member of the Workers' Comp' Board, that we have joined in support, unanimously of this fine appointment.

I had first met Carol during her work as a member of the chamber, as a volunteer member of the chamber on issues that affect directly working people. I think that's the type of people that we want in this very important position, one who has been involved with people in a variety of different forums and manners, but one who brings a balance and a great deal of breadth to the Workmen's Compensation Board, a very important board, one that we will look to as this Legislature looks to the entire issue of workmen's compensation.

Mr. President, I applaud the Governor for making this fine appointment, and I wholeheartedly support it.

ACTING PRESIDENT KUHL: Senator Dollinger, on the nomination.

SENATOR DOLLINGER: Thank you, Mr. President.

I think it's an exceptional candidate when all the members of the Monroe County Senate delegation stand up and applaud the Governor's choice and his selection, and so it is in this case with Carol McManus.

As I said at the Finance Committee, I think Carol and I have probably argued and fought over more things in the past than both of us can remember, but this is a woman who has really committed herself to public service and giving things to the community.

Started off as a school board member, she's been a town council member; she's been a member of the Monroe County Legislature. She and I have something in common that she probably doesn't realize, but I also was the chairman of the Planning and Economic Development Committee, but it was back in the distant past when Democrats controlled that

august body; but Carol gives her energy, I think Senator Alesi put it correctly, she gives energy and dedication to the community.

She has a background in office operations and running the operations of a law firm. She comes highly recommended by the members of that firm, and I think this is an exceptional candidate. I think she'll do a top notch job on the Workers' Compensation Board, and I congratulate the Governor for this appointment.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination. Hearing none, the question is on the nomination of Carol G. McManus of Pitts ford, New York, to become a member of the Workers' Compensation Board. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

We're very pleased to be joined

by Carol McManus, who is in the gallery to your left. Congratulations and good luck.

(Applause)

Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

George C. Frost, of South Glens Falls, member of the New York State Employment Relations Board.

ACTING PRESIDENT KUHL: Senator Stafford, on the nomination.

SENATOR STAFFORD: Thank you, Mr. President.

I certainly have to emphasize at the beginning of my remarks that George Frost is a very close friend of the Majority Leader and he's also a very close professional associate of our Majority Leader, and I'm sure I can't speak for Senator Bruno. He speaks very well for himself, but if he were here, he would be saying many, many fine things about George Frost that we all know very, very well.

As a constituent of mine, I can say nothing but good. A very successful businessman, a professional engineer, a leader in his community of professional engineers, a very successful engineering practice with a very large firm in upstate New York. In fact, I said to him every time I went in there, and it's amazing, I used to get in there about every two years, I don't know why, but I -- there was a large group of people, and I said, I sometimes wondered about that payroll. He said he did too. But he retired, left a great firm. The firm is still successful; it will be successful because he and his partners similarly retired.

I can only say, Mr. President, that George Frost being willing to serve will make this state a better place, and I'm sure that he will be a credit to the board, and I know that is true because he's been a credit to his community, to his family, and indeed to himself, and I know this will continue in his work here with the Employee Relations Board and on behalf of our Majority Leader, I certainly

would move the confirmation.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of George C. Frost, of South Glens Falls, to become a member of the New York State Employment Relations Boards. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

We're very pleased that Mr. Frost has joined us. He's in the gallery to your left. Welcome to the board.

(Applause)

ACTING PRESIDENT KUHL: Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Trustee of the Power Authority of the state of New York, Hyman Miller, of

Fayetteville.

ACTING PRESIDENT KUHL: Question is on the nomination of Hyman Miller to become a member -- a trustee of the Power Authority of the state of New York. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the New York State Olympic Regional Development Authority, Edwin Weibrecht, of Lake Placid.

SENATOR STAFFORD: Move the nomination.

ACTING PRESIDENT KUHL: Question is on the nomination of Edwin Weibrecht to become a member of the New York State Olympic Regional Development Authority. All those in

favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the Central New York Regional Transportation Authority, James G. Russell Jr., of Syracuse.

ACTING PRESIDENT KUHL: Question is on the nomination. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

The nominee is confirmed.

Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the State Public

Transportation Safety Board, William Duffy of Ronkonkoma.

SENATOR LEVY: Move confirmation.

ACTING PRESIDENT KUHL: Question is on the nomination. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed. Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the Buffalo and Fort Erie Bridge Authority, Louis J. Billitier of Hamburg.

ACTING PRESIDENT KUHL: Senator Rath, on the nomination.

SENATOR RATH: Yes, Mr. President, my colleagues. I rise to say a brief word about a man I've known for a very long time, Lou Billittier of Hamburg, a town a little

south of Buffalo. Lou is a man of and for our community.

Now, many of you live in communities that have bridges. Our big bridge is very special. It unites Canada and the United States. This Peace Bridge Authority is a major, major player in the life of our community and Lou Billittier, as a long-time trustee of Erie Community College, a front runner in working with the Emergency Medical Services, a front runner in maintaining the integrity of Sheehan Memorial Hospital, is a man of our community and an outstanding choice.

I'd like to commend the Governor and urge the support of Lou Billittier.

ACTING PRESIDENT KUHL: Question is on the nomination of Louis Billittier to become a member of the Buffalo and Fort Erie Bridge Authority. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed. The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations:

Members of the Republic Airport Commission, Philip Acinapuro, of North Massapequa, and Frank Nocerino, of North Massapequa.

SENATOR LEVY: Move the nominations.

ACTING PRESIDENT KUHL: Question is on the nominations. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominees are confirmed. Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the Stewart Airport

Commission, Louis P. Bozzone, of New Windsor.

ACTING PRESIDENT KUHL: Question is on the nomination. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee so Finance, reports the following nomination:

Member of the New York State Park, Recreation and Historic Preservation Commission, Charles A. Angelino of Norwich.

ACTING PRESIDENT KUHL: Question is on the nomination. All those in favor saying by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed.

Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the Saratoga Capital District State Park Recreation and Historic Preservation Commission, Michael T. Dennis, of Gansevoort.

ACTING PRESIDENT KUHL: Question is on the nomination. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is confirmed. Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations:

Members of the Lake George Park Commission, H. Gordon Burleigh, of Ticonderoga; E. Wilson Campbell, of Bolton Landing; Thomas L. Wood, of Whitehall and Bruce Young of Hulett's Landing.

ACTING PRESIDENT KUHL: Question of is on the nominations. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominees are confirmed. Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations:

Member of the New York State Emergency Financial Control Board for the city of Yonkers, John Jacono, of Yonkers.

ACTING PRESIDENT KUHL: Question is on the nomination. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

The nominee is confirmed. Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the

following nomination:

Member of the New York State Job Development Authority, Nicholas Yunis, of Elmira.

ACTING PRESIDENT KUHL: Question is on the nomination of Nicholas Yunis to become a member of the New York Job Development Authority. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

The nominee is confirmed. Secretary will read.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Public Member of the State Banking Board, Michael D. Grosso, of Coxsackie.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the Small Business Advisory Board, William Hockenberger, of Penfield.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Commissioner of the Interstate Sanitation Commission, Gerard Kassar, of

Brooklyn.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Director of the New York State Environmental Facilities Development, Frederick G. Field, of Newtonville.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nominations:

Members of the New York State Hospital Review and Planning Council, Vincent Bove of Belle Terre; Lin H. Mo, of Bronxville and Richard Rahill of Corning.

ACTING PRESIDENT KUHL: The question is on the nominations. All those in favor -

SENATOR LAVALLE: Mr. President.

ACTING PRESIDENT KUHL: Senator LaValle, on the nomination.

SENATOR LAVALLE: Mr. President, I rise to speak on behalf of the nomination of Vincent Bove, who is currently the mayor of the village of Belle Terre. He's a personal friend and neighbor, a person who serves on our local hospital board at Mather Memorial Hospital and also commissioner on the Suffolk County Board of Health.

The Governor in selecting Mr. Bove for this position really has selected

someone who has not only business experience but also experience in the area which he must deal with, and that is health care.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the nominations?

(There was no response.)

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination:

Member of the state Council on the Arts, Linda E. Mondello, of Levittown.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could just stand at ease for a moment.

ACTING PRESIDENT KUHL: The Senate will stand at ease for a few moments.

(Whereupon, the Senate stood at ease momentarily.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Is there any housekeeping?

ACTING PRESIDENT KUHL: We have a couple of motions. We'll return to the order of motions and resolutions.

The Chair recognizes Senator Seward.

SENATOR SEWARD: Yes, Mr. President. I wish to call up Senator

DeFrancisco's bill, Print Number 6053-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1551, by Senator DeFrancisco, Senate Print 6053-A, an act to amend the Public Health Law.

ACTING PRESIDENT KUHL: Senator Seward.

SENATOR SEWARD: 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 52.

ACTING PRESIDENT KUHL: Senator Seward.

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

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Seward.

SENATOR SEWARD: Yes. On behalf of Senator Cook, I wish to call up his bill, Print Number 7206-A, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1262, by Senator Cook, Senate Print 7206-A, an act to create the Wallkill Public Library District.

SENATOR SEWARD: 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 52.

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

ACTING PRESIDENT KUHL: The amendments are received and adopted.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up Calendar Number 1680.

ACTING PRESIDENT KUHL: The Secretary will read the title.

THE SECRETARY: Calendar Number 1680, by Senator Bruno, Senate Print 7884, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR BRUNO: I move that we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1680. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The Chair recognizes Senator Bruno.

SENATOR BRUNO: Mr. President, by way of a word or two on this legislation, I stand really to commend many of the people that have been involved in helping us get to passage of this truly landmark legislation, and there were a lot of people involved.

The bottom line, the result will be that good things will happen to people in this state, women, children, families, many of whom have suffered throughout the years with breast cancer, the anguish, the pain, the suffering that relates. It's one of the most serious illnesses that can befall a woman or an individual in this state.

What we're doing here today really moves us forward in a bipartisan way to find the causes of breast cancer in this state,

create a registry for pesticides that are used in this state, to isolate the information, make it available in taking a medical, scientific approach to research and hopefully leading to a cure, a checkoff system that will allow people to donate to the research in reaching a cure towards breast cancer.

Things like this take the cooperation of a lot of people, and I want to just thank the Speaker for his leadership in that house, our chair of the Conference Committee, Senator Dean Skelos and the members, Senator Marcellino, Senator Kuhl and Senator Tully, Senator Tully who had the original legislation on this issue and the members in the Assembly that worked diligently to get us the passage of this important legislation.

A special word of thanks to Geri Barish who worked so hard with the One in Nine group, that helped recognize how important this issue was, and it's gone on. Her persistence, her dedication, her commitment is something that deserves the praise of all people involved in

any issue that they want to see resolved.

Also the Farm Bureau who had to take a step back through John Lincoln, their president, Rick Zimmerman, their representative, who worked with us in a cooperative way, worked with everyone.

Senator Al D'Amato has been working on this issue for the last seven or eight years keeping it in the forefront, helping pull the sides together and when we separated, helping us get back together.

So I really -- staffwise, we have Tim Collins here who had stayed with this many nights, many weekends when we talked, and Tim Collins was ably assisted by Pam Davis and by Bob Kent, and while many of us were doing a lot of other things, they were staying with this issue, working with all the parties, making sure that the detail was taken care of.

So I thank everyone that's been involved in helping us all take a major, a giant step forward in helping us determine the causes of breast cancer and other cancers in this state

and prayerfully and hopefully working us towards a cure.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, on the bill. This accord demonstrates that the reform process established by and recommended by Senator Bruno last year really does work.

Open government with public involvement from groups like One in Nine and so many of the survivor groups that are there and advocates, we thank you for your great work, the Farm Bureau, really has proven that together we can reach bipartisan accords in the state Legislature.

We can now allow scientists to go about finding a cure for breast cancer, a disease which has devastated so many families throughout the state of New York.

You know, many people spent many hours to reach this accord, one that will establish the most comprehensive investigation

into breast cancer in the history of the state of New York.

This final product will help scientists seek out the cause and hopefully the cure for this insidious disease.

ACTING PRESIDENT KUHL: Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, I - I am very, very thrilled to see this bill before us.

As most of you know, as a breast cancer survivor, this is the bill that I was hoping for. This is the bill that the farmers have agreed to and I am so, so pleased that they understand how much this means to not just women but also to the husbands and the friends of the women and the men themselves because this - this is not just a breast cancer issue. This is an issue of a variety of illnesses and birth defects, and I am just -- just very, very pleased that occasionally we all come together and we do the right thing and each of us, all of us are going to benefit from this bill.

So I thank you, Senator Bruno, and I thank the work that has been done to bring the two sides together.

ACTING PRESIDENT KUHL: Senator Waldon.

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

It is times like this and bills like this which cause people to say that perhaps this was one of the finest hours of the New York State Senate. So I applaud Senator Bruno and Speaker Silver and all those persons who had something to do with bringing this to fruition.

When I was a young police officer working in Spanish Harlem, I received a call from my mother's doctor asking for authorization to use cobalt, and that was a hell of a day, and so I applaud this work because this is good work. This is a day that the sun shines on the Senate and all of us can smile, understanding that what we've done and what this means is sustaining the life and making people - allowing people to hold onto those they love for

a little longer.

Thank you.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

Well, we've certainly come a long way, as my colleagues have said. Everyone involved deserves a great deal of credit: Senator Bruno, for his leadership, Senator - Assemblyman Silver, for his leadership in the other house, my colleagues in the Senate, my colleagues on the Conference Committee who worked so hard, the diligent staff that worked the many hours to put it together, the advocacy groups, One in Nine, good friends, everyone who gave of their time, their effort, to come together, especially also not to forget the members of the Farm Bureau, especially the representatives on Long Island who came together and gave of their time to put together a compromise, a piece of legislation that will work and can work and I consider to be the

crowning piece of legislation that has come out of this chamber this session.

I will proudly vote aye on this bill.

ACTING PRESIDENT KUHL: Senator Rath.

SENATOR RATH: Thank you, Mr. President.

I rise to congratulate the leadership in the Senate and in the Assembly and to congratulate Senator Marcellino on a good job well done and Senator Tully for early leadership.

Last year when I went home from session, there were three items that were on my agenda. I won't tell you what the other two are, but they haven't been completed this year. This was one of the items that I said has to be done next year. Hopefully a year from now I can stand before you and tell you what the other two are and they will have been completed, but I don't think quite so soon.

To have imagined that this one

would have come this well, this quickly is almost beyond belief. It means that a lot of people had a lot of commitment to move it.

When the bill was drawn up, the question was asked, Is there a message of necessity at the desk? I think the message is clear to everyone in New York State. This bill was a necessity. This bill is a necessity.

To Geri Barish and the advocates, congratulations. You have set a very high standard for advocates as they move forward to realize how important their work is. It was tough. There were dark days. You didn't give up. You got the bill, and that can be a message to people who are caught up in many areas of advocacy with this and other legislatures.

And so congratulations goes all around but congratulations to the people of the state of New York, the men, women and children who will live longer, happier lives and the old saying really, really holds true on this one, Here, an ounce of prevention is going to be worth many, many pounds of cure.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

In the interest of brevity, I would ask that the record reflect and incorporate into my remarks the names of all of those persons mentioned by Senator Bruno for congratulations and for thanks for what they've done to generate this particular piece of legislation.

Without a doubt, it could not have been before us today if it were not for the singular efforts of our leader, Senator Bruno, whose zeal and tireless efforts led to this conclusion, and I know that all of those who are survivors of this dreaded disease and all of our wives and sisters and daughters in this state will be forever grateful for this progressive step in legislation that's most meaningful.

ACTING PRESIDENT KUHL: Senator Leichter.

SENATOR LEICHTER: Mr. President,

there are really two achievements that are represented by this bill. One of them is that I think in a very productive, a very effective and a realistic way we have dealt with what I think all of us wanted to do, which is to advance the fight against breast cancer and other ailments and to set up an effective database that would enable important medical and scientific research to proceed, but the second thing we've done is that we've shown that even in the highly charged political atmosphere of Albany, that problems that seem intractable because of the partisan nature can be resolved when people of good will get together and when we put some of the politics aside.

I had the honor of being appointed by Senator Connor to the Conference Committee, and I must say I found it a very beneficial experience, and I want to thank all of the members who served with me.

I particularly want to pay tribute at this time to Senator Tully and Assemblymember Englebright, not to say that

there aren't others who have been part of this fight, but for many years they really made it their point to see that the Legislature addressed this problem, and I think that really ought to be recognized, but I just want to share with you just some observations on the Conference Committee.

I can't say in all honesty that this Conference Committee worked the way one envisions Conference Committees to work where a real exchange of viewpoints and efforts and solution among the members itself -- not to mean that the members didn't work or that there wasn't some effort at this -- at this interchange. A lot of the work really was done by the staff and somebody can say, Well, I mean, is this any different than what you guys did before, you know? The Majority leader's staff and the Speaker's staff, they'd get together and sometimes work out things, but I think that the Conference Committee was really the forum and in some ways the -- the initiative or the stimulus to an agreement being reached, and I think that

the agreement that was reached, as I said before -- and I think it deserves to be repeated -- it shows that people of good will can come out with good, sound resolutions to problems that we all recognize exist, and that I think the public looks to us to show the maturity, to show the leadership and the wisdom to try to resolve, and I think we certainly did that in this particular instance.

I'm very pleased that we have this bill before us and maybe it harbors other good things and other resolutions that may come this session on other so-called intractable problems.

ACTING PRESIDENT KUHL: Senator Mendez, on the bill.

SENATOR MENDEZ: Mr. President, indeed, today is a great day for all cancer survivors in the state of New York and for the future of many, many women who will undoubtedly -- will be suffering from this disease that at this point in time, the issue containing this bill to what an extent, pesticides, are

responsible for higher incidence of breast cancer in certain areas of the state that will be answered.

I really, with great gratitude in my heart, congratulate the leadership of Senator Bruno, Senator Tully that has been involved in this area for awhile, and all these group of individuals here, both in the Senate and in the -- in the Assembly that made this very comprehensive bill a reality, and one thing about the bill that is very dear to my heart is that the women and the people of the state of New York will be able to benefit from the best scientific minds after -- in researching this issue and that a very truly ample database will be furnished.

I'm also glad, Mr. President, that the farmers do not have any liabilities as it relates to their groundwater.

So it's a very comprehensive bill. All the different interested parties were able to come to an agreement for the benefit of the women and the people of the state of New

York, and we are all very thankful for that.

Thank you.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I'll be brief. I know there are lots of congratulations that should be passed around. I'll just single out my colleague, Senator Tully, for a long-term perseverance on this particular issue.

I speak today as a representative of one of the five counties that has the highest rates of breast cancer, but I would just like to share with you a personal observation. The father of a 14-year-old girl that just graduated from grammar school could never imagine that she would ever have breast cancer but as her father, I worried that some day it might happen.

What I take from all of this and the accomplishments of many who deserve thanks is that, because of what we do today, it will be a little less likely ever to happen, and to all

of you from her father, I thank you.

ACTING PRESIDENT KUHL: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President.

As one who also represents Monroe County which has a very high instance of this terrible disease, I rise in complete support of this measure.

It's particularly important to me in the last couple of months since in that short period of time, an immediate member of my family has been stricken by this terrible disease and someone else who's very close to me, and as a man, perhaps I cannot understand the full impact of breast cancer, but as someone who is so close to two people who are stricken with breast cancer, I can do no more but join with my colleagues here in the hopes that this legislation, which is the product of tremendous insight and cooperation by our Leader here, the leader in the other house, by our colleagues, that this legislation will some time some day

provide us with the information that certainly will not bring about a cure for the two people that are so close to me but perhaps some day, provide us with some kind of preventative method that will give hope to those people who might otherwise be stricken.

On that basis in offering those comments, I thank everyone involved in putting this compromise piece of legislation together, and I fully support the legislation.

ACTING PRESIDENT KUHL: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I'm pleased also to add my support and congratulations to those who were involved in the negotiation of this very arduous piece of legislation. There have been fewer issues that have raised more emotional concern around this Capitol over the last two years than the pesticide notification bill.

But my perspective may be somewhat different from a few of my colleagues

in this chamber today because I cannot help but feel a twinge of sadness that it took us this long and it took the unique Conference Committee operation which has only recently been in place in this Legislature to devise what is an eminently common sense solution to a problem that brought several very divergent groups together with a mutual concern.

I am the ranking Minority member on the Senate Agricultural Committee. I'm also one of only two working farmers in the New York State Senate. So perhaps I'm a little bit more sensitive to the issue that is raised by farmers on this concern.

I'm also, quite obviously, a woman who is at risk as is every other woman in this state to a disease that we all hope we can get a handle on, whether it's through documenting pesticide use or through other medical research or a combination of all of the above, and I'm in a unique high risk category. I've lost a mother and a sister and a mother-in-law to breast cancer.

So I feel very, very strongly about the need for us to do anything in our power to track any conceivable substance that could be a contributing factor to breast cancer or any other form of cancer.

However, throughout the debate on this issue around this Capitol, I have been saddened to see the lack of understanding by so many people in the Legislature and so many of the environmental and -- environmental groups and the breast cancer organizations themselves about the actual imposition of record keeping problems, record keeping responsibilities on farmers and how this was an onerous burden wholly out of place for that industry and one which would have very limited benefit to the general public because clearly there are better ways that the information could be tracked than by forcing farmers into yet another onerous burden that is not inflicted on any other industry and very, very important to remember, a burden inflicted only on farmers in New York State, and I must remind my colleagues again

that agriculture is our number one industry in this state, and when we are addressing an issue that will create a business burden on our number one industry of this state, we must be sensitive to the issues raised by that industry.

Farmers never opposed a pesticide notification concept. They merely opposed being selectively targeted for record keeping not demanded of any other industry in New York State and not demanded of farmers on a national level, and what is wrong with that position?

Today we have before us a proposal that recognizes the concerns of farmers.

Let me read briefly, because it is very brief, the statement by Farm Bureau, and I thank the representatives of the Farm Bureau, Mr. Zimmerman and Mr. Hooker, who are with us today for condensing into the shortest possible language, a very valid sentiment that we should remember, not only today but in the future, and it says: "Farm Bureau trusts that this legislation will provide the public with the

same confidence we have, that the judicious use of agricultural crop protectants are not a threat to human health. We believe that this legislation addresses the practical concerns raised by the agricultural industry."

The practical concerns raised by the agricultural industry should be a matter of paramount concern to this Senate, to the Assembly and to the administration of the state of New York. I hope that in the future when an issue which divides environmentalists and agriculturalists occurs, that we will have a more sympathetic approach where the issues of farmers are raised, not the arrogance, not the dismissive attitude that has been all too prevalent in discussing the issue of pesticide notification.

So let us take this as an important lesson and make sure that in the future we do not come to loggerheads, we do not experience the name calling and the distortions that we experienced on pesticide notification and we do not take years to come up with a

common sense solution which should have been available to us virtually months or years ago.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Mr. President, this issue has been growing. The breast cancer issue has been growing in magnitude year by year.

In my district, I've worked very closely with some people who formed their own coalitions in West Islip and in town of Babylon in the county of Suffolk. I'd like to mention some of their names because they helped to put a lot of pressure behind this bill: Lorraine Pace, Virginia Regnante, Joan Hudson, Suffolk County Division of Women's Service and Diane Nannery, the young lady whose picture was in the paper recently that got a breast cancer stamp issued by the post office, been very active in my area.

I took a personal interest in several aspects of this myself which I'm pleased to see are incorporated here. The tax checkoff

for donation which would help to provide funding for the programs we want to do and, of course, which I believe is Senator Bruno's biggest contribution, the Health Science -- Research Science Board which essentially says, Let's get the information together but let's use that information for some purpose.

And, of course, I can't say enough about Senator Tully who brought the concept first to the floor in the form of legislation, Senator Skelos, all the other legislators mentioned on this bill whose names are on here and even those whose names are not here and the other party certainly deserves a lot of credit for working together cooperatively to bring about this which I feel is a great advance in breast cancer research that will inure to the benefit of our families and our friends hopefully in the future, and I'm very proud to say that Senator Bruno put extra effort into this knowing how important it was, and I think it was his -- his pushing and his cajoling and his encouraging that got all the parties to

really work together cooperatively,. It's a wonderful bill and I encourage everyone, of course, to support it.

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

(There was no response.)

Hearing none, the Secretary will read the last section.

THE SECRETARY: Section 8. This act shall take effect in 90 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR LIBOUS: Mr. President.

ACTING PRESIDENT KUHL: Senator Libous, why do you rise?

SENATOR LIBOUS: Some housekeeping.

ACTING PRESIDENT KUHL: We'll return to the order of motions and resolutions.

The Chair recognizes Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Kuhl, I wish to call up his bill, Print Number 7294, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1662, by Senator Kuhl, Senate Print 7294, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT KUHL: Senator Libous.

SENATOR LIBOUS: 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 54.

ACTING PRESIDENT KUHL: Senator

Libous.

SENATOR LIBOUS: Mr. President, I offer up the following amendments.

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Mendez, why do you rise?

SENATOR MENDEZ: Mr. President, I want to announce that there will be a Minority Conference in Room 314. It's a closed conference, a closed Minority Conference, Room 314, right after session.

ACTING PRESIDENT KUHL: Immediately following session, there will be a Minority Conference in Room 314, a closed Minority Conference in Room 314, immediately following session.

SENATOR BRUNO: Mr. President, is there any other housekeeping at the desk?

ACTING PRESIDENT KUHL: There is none, sir.

SENATOR BRUNO: Then, Mr. President, there being no further business to come before the Senate, I would move that we

stand adjourned until this coming Sunday at 7:00 p.m., intervening days to be legislative days, and the 7:00 p.m. call being subject to the call of the Majority Leader if there is business to be done by the Senate before Sunday at 7:00 p.m.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Without objection, the Senate will stand adjourned until this following Sunday at 7:00 p.m. However, you'll be subject to the call of the Majority Leader between now and then, all intervening days to be legislative days.

(Whereupon, at 2:37 p.m., the Senate adjourned.)