ALBANY, NEW YORK

July 3, 1996

10:10 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, staff to find their places. Ask everyone to rise with me and join 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 Bruno.

SENATOR BRUNO: Mr. President, can we at this time call for an immediate meeting of the Rules Committee in Room 332.

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

Reading of the Journal.

THE SECRETARY: In Senate,

Tuesday, July 2nd. The Senate met pursuant to adjournment, Senator Kuhl in the Chair upon designation of the Temporary President. Prayer by the Reverend Peter G. Young, Blessed Sacrament Church, Bolton Landing. The Journal of Monday, July 1st, 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.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that there is a resolution at the desk by Senator Skelos.

ACTING PRESIDENT KUHL: There

is.

SENATOR BRUNO: I would ask that the title be read and we move its immediate adoption.

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

THE SECRETARY: By Senator Skelos, Legislative Resolution honoring His Eminence, Archbishop Iakovos for his 37 years of distinguished service as Primate of the Greek Orthodox Church of North and South America.

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 Bruno, that brings us to the calendar.

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

sial calendar.

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

THE SECRETARY: Calendar Number 554, by Senator Kuhl, Senate Print 2404-B, an act to amend the Public Officers Law, in relation to defense and indemnification.

ACTING PRESIDENT KUHL: 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 35.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 785, by Senator Stafford, Senate Print 6590-A, an act to amend the Tax Law, in relation to the distribution of the additional mortgage recording tax.

ACTING PRESIDENT KUHL: 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 35.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1181, by Senator Nozzolio, Senate Print 6114-A, an act to amend the Public Authorities Law and the Real Property Tax Law, in relation to authorizing the town of Sterling.

ACTING PRESIDENT KUHL: 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 35.

ACTING PRESIDENT KUHL: The bill

is passed.

THE SECRETARY: Calendar Number 1575, by Senator Larkin, Senate Print 7503-A, an act to amend the Highway Law, in relation to designating a portion of the state highway system as the 94th Infantry Division Memorial Highway.

ACTING PRESIDENT KUHL: 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 36.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1654, by Senator Johnson, Senate Print 6304-A, an act to amend the Public Health Law, in relation to excluding certain bodies of salt water.

ACTING PRESIDENT KUHL: 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 36.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the reading of the non-controversial and apparently the controversial calendar.

Have a little order in the house please, a little order in the house.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to reports of standing committees and I believe that there is a recent report from the Judiciary Committee, and I would ask it be read at this time.

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees. I'll ask the Secretary to read the

report coming from the Judiciary Committee. All of the members should have a list on their desks now of the nominees who are going to be considered with one exception, and that is one person's name is not on that list and that would be Judge Mega, but he will be the first person taken up. So the Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination: Reappointment to the New York State Court of Claims, Christopher John Mega, of Brooklyn.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

Once again we have five very worthwhile new appointments to the Court of Claims from the Governor and one reappointment. I would first like to thank the Minority for waiving official notice of the reappointment. It was a surprise on purpose this morning, and I'm happy to say that our former colleague, now

the Presiding Judge of the Court of Claims, whose term had expired on June 2nd, was indeed surprised and that the Governor has once again nominated him to a term expiring on June 2nd in the year 2005, and by that time we'll need some corrective legislation, if I can remember ages correctly, to make sure that he serves out that term.

I'm very privileged to stand up to move the nomination of Chris Mega. There are three -- three dynosaurs in this chamber from the class, the elected class of '78, myself, Chris and Charlie Cook. We were talking about that last night. Charlie and I are still in political life. Chris -- Chris went to the Court of Claims several years ago and epitomizes, quite frankly, that court. Governor Pataki, in his wisdom, made him the presiding judge of the Court of Claims, and judges of that court sitting in both the criminal bench and on the civil court have, to me, only words of praise for Judge Mega, for Chris Mega, as both a judge, an administrator and presiding judge of

that court.

It was absolutely no problem today for anybody in the committee to waive any kind of questions or statements they needed from Judge Mega. Those of us who have known him for the past 20-odd years, between his membership in the Assembly, this body and on the court, know he is of the highest character, a close, good friend and colleague to us all and, if there was ever a person who had the temperament to be sitting on the bench running the bench that he is, it is certainly Chris Mega.

I, Mr. President, can't think of anybody who I'm happier to stand up to move than my former colleague, former chair of the Senate Judiciary Committee, and I'll yield to Senator DiCarlo for purposes of a second.

ACTING PRESIDENT KUHL: The Chair recognizes Senator DiCarlo.

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

It is indeed an honor and a privilege to second the nomination of Judge

Mega. After all, the elevation of Senator Mega to Judge Mega made it possible for me to be elected to the Senate, and let me thank the Governor publicly for taking Chris and removing him as a possibility of a candidate to run against me. There have been those who have said they were going to bring Chris off the bench to run for the Senate again, and sometimes he jokingly said he was going to come back and run against me, and the only one that I feared was Chris Mega because one of the most loved elected officials that we've ever had in my Bay Ridge/ Bensonhurst community is Judge Chris Mega.

When he served for so many years in the Assembly and the Senate, I wasn't privileged enough to be here as a Senator when we confirmed him the first time, so I missed out on that. I was here as a citizen, but now I'm here as a Senator and it's a privilege to second his nomination.

I am lucky enough to have probably two of the finest judges anywhere as constituents of mine. Judge Mega and Dominick

DiCarlo, my dad, are both constituents, and my father, the chief judge of the U. S. Court of International Trade, and Judge Mega as the presiding judge of the New York State Court of Claims.

Chris Mega has always made our community proud. We were proud of him when he was our Assemblyman. We were proud of him when he was our Senator, and we are even more proud of Chris as a judge.

So, on behalf of the people of my district, the people of Brooklyn, I second his nomination, and this is a proud day for the people of Bensonhurst.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Cook.

SENATOR COOK: Mr. President, thank you.

I -- in seconding the nomination of my good friend Chris, I picked up on a couple of words that Senator Lack had used when he said he was a person of character, and I can attest

that he indeed is a character, and that it's a good character in every sense of the word.

When he said we'd been here 20-odd years, they certainly have been odd, and this has been perhaps the most odd of all; but three years ago when Senator Mega, then Senator Mega, was confirmed, it seemed to me that I had never heard in this chamber such an outpouring of admiration and support as we heard that evening from virtually everyone in the chamber, and they -- those words were sincere for a couple of reasons.

First was because of the Chris that we knew as a colleague, of the conscientious way in which he'd always done his job, of the insights that he brought into this chamber, of the way that he reflected not only the needs of his constituents but also the best interests of the entire state; and secondly, we were proud of him because we knew that when he got onto the bench he indeed would be an exemplary judge because he would take with him those same personal qualities that he had

demonstrated so often here, and we have not been disappointed.

When he was elevated then or appointed as presiding judge, it was another great milestone in his life and a milestone in the life of the state because again we knew that he would do an excellent job, and I don't remember during my years in Albany a presiding judge who has, in such a personal way, taken an interest in those who are being appointed to the court in terms of talking with them and helping them through the process and after their confirmation working with them.

Chris has really taken -- taken his responsibilities as a presiding judge as being a mentor for the new judges coming onto the court, and that is a very, very important task and one that I'm sure all of his present and future colleagues will appreciate.

So it is with an immense personal pride and satisfaction that I stand again to second the nomination of Judge Mega, knowing full well that the state of New York is going to

be so well served for many more years into the future until he reaches that golden retirement day that Madelyn is so anxiously awaiting.

ACTING PRESIDENT KUHL: Senator Gold, on the nomination.

SENATOR GOLD: Thank you, Mr. President.

First of all, with all due respect to the Majority, as long as I'm here I will never understand Republicans. Senator DiCarlo got up to speak on this and when you started to talk about candidates against you, I thought you were trying to convince some of us to vote no on this to make him a candidate and have him come back.

But at any rate, having seen the background, Senator Mega has done everything right. First of all, you know, while I've been a Queens kid for 59-some-odd years of my life, I did start in Brooklyn and starting in Brooklyn is always a good way to head for success, and the other thing that's in Senator Mega's background which we all know is a major moving

force to success is to start in the New York State Assembly but get out and come to the Senate and go from there, and he's done all those things right.

Senator Cook said something which I'm very impressed with because I had -- I've noticed it, and I think everybody has noticed it. You know, we talk about certain courts like they'll say, Remember the Burger court or whatever. Unquestionably, since Chris has left us and gone to the judiciary, particularly acting as the chief judge there and the administrative judge of that court, he has really been making it the Mega court, and a Mega court is a smart court. A Mega court is a gracious court, a polite court, a just court and, most of all, a fair court. There's just no way that the judges coming in and the judges who are there could not be impressed from the quality that's coming from the top.

We've said a lot of fine things about Chris Mega when he first got on the bench and what's most important to me is that Chris

Mega has fulfilled his obligation to me and everybody in this chamber because he has been absolutely an outstanding judge and that sense of humanity which we loved in him as a Senator has carried through to his work as a judge.

So I want to congratulate the Governor. I'm glad we did not leave this session without reappointing Chris Mega. It would have been a wrong thing to do. I'm particularly delighted that his family, who are very wonderful, gracious, lovely people as you would expect a Mega to be, are here, and we all should take a great sense of pride that Chris has lived up to everything we thought when we confirmed him, and God bless him in good health, and I know you'll continue in that way.

ACTING PRESIDENT KUHL: Senator Marchi, on the nomination.

SENATOR MARCHI: Mr. Chairman, the -- I was delighted to have chaired the Judiciary Committee at the time his name was presented to this body and the air then as now was redolent with great promise that he held.

Now we're at the point where we can measure performance against that promise and the conclusion is one of acclamation. One good turn deserves another, and one good term deserves another, and it's certainly merited richly in this case.

I've known him for all of the entire 20 years that he's been here, and the warmth that he has generated has preserved in this body, I think, his testimony and validates the judgment outside of this body that has found his service not wanting but richly fulfilling the promise that he held.

ACTING PRESIDENT KUHL: Senator Farley, on the nomination.

SENATOR FARLEY: Thank you, Mr. President.

I rise also to second the nomination of Chris Mega. You know, they talk about judicial temperament. They talk about how important that is to be a judge and also to be the chief judge. I think it's terribly important.

I don't think there's ever been anyone that has been more beloved by his colleagues and respected in this house than Chris Mega, and it's carrying itself over to the Court of Claims and, as Senator Gold said, I think it's reflected in the entire body of the people, the type of people we're confirming today and that are serving on the Court of Claims.

I'm pleased to support the nomination -- renomination of Chris Mega, one of the nicest guys that I've ever known and certainly one of the finest Senators and a great chairman of the Judiciary Committee when he was here, and a great chief judge.

I wish you well, Chris.

ACTING PRESIDENT KUHL: Senator Paterson, on the nomination.

SENATOR PATERSON: Thank you, Mr. President.

On behalf of the Minority Leader, Senator Connor, we always found Senator Mega to be extremely responsive to our Conference.

Personally he was of particular assistance to me when he was chair of the Judiciary here in the Senate and was always one that would go that extra yard or that extra little bit that would make the greatest difference to working with a colleague.

But I think that often a point is made that kind of resonates with its importance, and I think it was the one that Senator Cook made just a few moments ago with respect to Senator Mega's truncating the process and educating and, in many ways, enlightening members of the judiciary and prospective members of the judiciary of what the process actually is.

There is often a stigma that, unfortunately, the legislative body suffers from about the process and about the meaning of the process and Senator Mega, I think, has done a great deal to familiarize candidates for the judiciary and nominees with what their responsibilities are and what the New York State Senate and Assembly expect and what is really

the best service to the residents of New York State.

For that reason, he has already, in just a couple of years and particularly in his administrative role, moved to the same level in the judiciary as he did right here in this chamber standing right in the forefront and a beacon of light from which others may learn and may experience, and so with that we wish him the best and hope that we continue to confirm him as he moves up and serves the state in greater capacities.

ACTING PRESIDENT KUHL: Senator Abate, on the nomination.

SENATOR ABATE: Yes. I too rise to publicly acknowledge the great work of Senator Mega. Senator Mega, on a number of occasions, has come to my rescue, and I never thought I'd have the opportunity to publicly thank him.

When he was the Chair of the Committee on Crime Victims, Crime and Correction, I came before that committee to seek

confirmation as the Chair of the state Crime Victims Board. Probably it was one of the few hearings ever held on a nominee.

The hearing was impeccably fair. He was decent. He wanted to hear all the testimony, and the long and the short of it, I was confirmed; but in large measure I was confirmed because of Senator Mega's fairness, his willingness to hear the facts.

I will be forever indebted to you for the caliber of work that you have done in the Senate, as was exemplified in that hearing. You have a reputation not just within this Senate but outside the Senate for enormous intelligence and decency and caring for people. It's a pleasure to have worked with you on the outside. I would like to continue in that capacity, and it's a great honor to be able to applaud your good works again in the state Senate.

ACTING PRESIDENT KUHL: Senator Dollinger, on the nomination.

SENATOR DOLLINGER: Mr.

President, it's a pleasure to rise today in the bright sunlight of the early morning to talk about Chris Mega. As I recall, and I look over at the Senate Judiciary chairman because I wasn't at the committee meeting this morning, but as I recall, the last time we discussed Christopher Mega in this chamber, it was either the early morning or the late afternoon of the last day of the session. My hope would be that this is the last day of session as well, although I understand that that hope may be unfounded.

The good thing about Chris Mega is whether we approve him in the dark of night or in the light of day this July, as the state's judiciary continues to shine, and I think the bright sunshine here just brings a greater sparkle to this man and his contributions.

I'll conclude with one little comment. I could talk for a long time. In his capacity as the Senate Judiciary chairman, he was very good to me, but I'll simply pay you, Judge, what I think is the best compliment that

a lawyer can pay to another lawyer, that some day I would like the opportunity to try a case in front of you because I'd trust your compassion, I'd trust your fairness, I'd trust your understanding and judgment about legal issues, and I also know that if for some reason there is, as occasionally happens in the law, a crack in the law, an interstice that needs to be filled with good legal common sense and judgment, that you're just the kind of man who I would trust my clients and my own career as a lawyer in filling that crack with the proper common sense and legal insight.

Christopher Mega is the complete package as a Court of Claims judge, and I'm proud to be supporting his nomination.

ACTING PRESIDENT KUHL: Senator Waldon, on the nomination.

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

I am very proud to rise to second the nomination of Christopher Mega. Very seldom in life do you meet someone who can be so

personable and so outgoing in a very understated way and that same person proves to be so efficient in an administrative capacity. Often times those of us in politics who are considered to be hail fellows well met, we do a lot of slapping of backs, laughing and telling of jokes and talking about each other a little bit, but not all of us have real substance, and I believe that Chris Mega is one of those people truly who has substance.

You hear about superstars being "megastars", hear about people having "mega bucks". We're very fortunate indeed to have as the chief judge of the Court of Claims a "mega judge" in Chris Mega.

I very warmly second his nomination.

ACTING PRESIDENT KUHL: Senator Maltese, on the nomination.

SENATOR MALTESE: Mr. President, like so many of my colleagues, I was thinking that all of us could say the same thing about Chris Mega, but I could not let the opportunity

go by to, one, congratulate the Governor on making this type of an appointment of a person who is so near and dear to our hearts.

I think if there's a word that exemplifies and categorizes Chris Mega, it's "heart," a person of great integrity and a caring, concerned person, just the type of person that should be in the judiciary in this state, should be in government in this state, and I'm proud to second his nomination.

ACTING PRESIDENT KUHL: Senator Saland, on the nomination.

SENATOR SALAND: Thank you, Mr. President.

Much like Senator Maltese, there's certainly enough adjectives and superlatives to describe Chris Mega. We've heard them certainly all today.

Some people are blessed with a gift of intellect, some are blessed with the ability to be fair and discerning. Some are blessed with a host of qualities, and in Chris Mega I think what we have is a combination of

all of these virtues in one person.

I'm reminded, and I just shared with Senator Maltese that some 16 years ago Chris and I and Dominick DiCarlo and Charlie Cook were breakfast buddies and Dominick and Chris have now acceded to a higher, higher level.

For those of us who have practiced law, and I was trying to figure out if Charlie would be leaving, and I said to Senator Maltese, Well, perhaps Charlie could be a town justice, and he said to me, No, perhaps he could go to the U. S. Supreme Court.

I'm planning on staying for a while, Chris, but I wish you nothing but the best. Madelyn, congratulations. Savor the moment; you enjoy it. May you have many more.

ACTING PRESIDENT KUHL: Senator Lachman, on the nomination.

SENATOR LACHMAN: Mr. President, though my 20 weeks in the state Legislature have sometimes seemed like 20 years, they have only been 20 weeks, so I've never had the pleasure of

serving with then Senator Mega and currently Judge Mega. However, my district intersects with the district that Senator DiCarlo now represents and Senator Mega used to represent, and I can tell everyone in the chamber that he is a beloved figure in the community, a non-partisanly beloved figure, Democrats and Republicans and Christians and Jews and old immigrants and new immigrants, and I think one of the great strengths of this outstanding judge is the fact that he nurtures his roots in terms of his community. He has never left his community and wherever he will go from his current position, his community will always be behind him.

So it is a great pleasure indeed to second the nomination and to congratulate Judge Mega.

ACTING PRESIDENT KUHL: Senator Bruno, to close on the nomination. Excuse me, before that, Senator Levy.

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

It's really such a pleasure to get up and join with my colleagues in seconding the nomination of Senator Mega as we -- we never forget serving with him and the friendships that we have with him, and I listened very, very carefully to what Senator Saland said, and he talked about adjectives, but I'd have to respectfully correct him because there are not enough adjectives to -- to describe the qualities of Chris Mega.

It was an old day school expression that nice guys finish last. Well, he certainly belies that. Nice guys finish first and he just did the most wonderful job as a chief judge of the Court of Claims and he did it in a nice way. I congratulate the Governor on this extraordinary appointment, and we look forward to seeing him and working with him.

ACTING PRESIDENT KUHL: Senator Hoffmann, on the nomination.

SENATOR HOFFMANN: Having had the pleasure of serving with Senator Mega for a number of years, including on the Crime and

Corrections Committee which he chaired, I too join my colleagues in complimenting the Governor on an excellent choice. This is a new definition to the term "judicial temperament", Senator Mega. Your leadership, your wit, your candor and your chief commitment to justice will bode well for the taxpayers of the state.

So, Mr. President, I too am very pleased to rise to second the nomination.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on the nomination before Senator Bruno closes? Hearing none, Senator Bruno to close on the nomination.

SENATOR BRUNO: Thank you, Mr. President.

It's a real pleasure to see our good friend, Judge Mega, here with his wife Madelyn who keeps making him look so good; his daughter Valerie who had the good judgment to marry a man named Joe, and his beautiful grand children Christopher and Victoria. We welcome -- she applauds herself with good judgment, and it's merited.

Everyone in the chamber would like to say something about Chris Mega and they would all say things similar to what we've already heard. He is a good guy. He is a friend. He is diligent. He always thinks on behalf of a constituency. He just does things right, and whether you're on the same side or the opposite side when he was in the Legislature you always knew that whatever was happening was going to happen in a fair way and for me in my personal life as we got to know each other, I want to just say that it has been a real pleasure and a great experience and I'm proud to be standing here speaking on your behalf as you go forward to serve the people of this state in a high capacity for another ten years. Those of us that run every two years can only wishfully think about how good that feels.

But this is well deserved, not just for Judge Mega but for all the people of this state who benefit by his public service.

I also want to commend the other judges to be confirmed here for your good work.

I have a meeting that I have to leave the chamber to attend, with the Governor and the Speaker and some other people trying to move the process forward so we can do a budget so that amongst other things we can all get paid -- and that will be recorded, I'm sure -- but I didn't want to leave before standing to say congratulations, very best wishes, and we thank you for the good work that you've done in the Legislature, and you will continue to do from the bench.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The question is on the nomination and reappointment of Christopher John Mega of Brooklyn, New York, to the New York State Court of Claims. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is unanimously confirmed.

We're very pleased to be joined

by Judge Mega and his family on the floor of the chamber here today. Judge, congratulations and good luck!

(Applause)

The Secretary will continue to read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination:

Judge of the New York State Court of Claims, Matthew J. D'Emic, of Brooklyn.

ACTING PRESIDENT KUHL: Senator Lack, on the nomination.

SENATOR LACK: Thank you, Mr. President.

I'm pleased to stand in the chamber and move the nomination of Matthew J. D'Emic as a judge of the Court of Claims. His credentials have been examined by the committee and have been found to be excellent.

He appeared before the committee this morning, who unanimously moved him for confirmation to the floor of the Senate, and I

would yield for purposes of a second to Senator DiCarlo.

ACTING PRESIDENT KUHL: Senator DiCarlo, on the nomination.

SENATOR DiCARLO: Thank you, Mr. President.

It's a pleasure to rise again to second a nomination for a judicial appointment, and let me say that the Governor has made an excellent choice in Matthew D'Emic. Matt D'Emic is a constituent of mine. Matt D'Emic is a graduate of Bavarian High School where I also graduated. Matt D'Emic is a person who is well known in my community. His family is well known in my community, and he and his family have the respect of my community.

Let me briefly present some of his credentials to you. He is presently, or was law secretary to Kings County Supreme Court, law secretary to the administrative judge, Second Judicial Department; a private practitioner, and let me read something and a list of a few things that I think say a lot about our nominee, and

that's community involvement, and that's giving of his time for the benefit of not only my community but the city of New York and the state of New York and the United States of America.

He's on the board of directors of the Cathedral Club of Brooklyn; the board of directors of the Guild for Exceptional Children; board of advisers to Mother Vincent Care Residence; board of advisers to the Salvation Army, vice-president, St. Anselm Youth Activities Council, charter member of the Ramon Institute, member of the Parent Education and Custody Effectiveness Program; vice-president of the Catholic Lawyers Guild, a charter chair of the Bavarian High School Alumni Bar Association; on the board of directors of the Bay Ridge Lawyers Association; charter committee member of the Voice of Bay Ridge Businesses; the board of trustees of Bavarian High School; a member of Community Board 10; committee member of the Ragamuffin Parade, a committee member of Our Lady of Angels Centenary Reunion; on the finance committee of St. Andrew the Apostle Church, and

he's an arbitrator for the American Arbitration Association.

He has received numerous awards and commendations for his endless giving to our community, our city and our state, and I think that says a lot about a person who we are confirming to become a judge. Not only is this individual highly qualified in the legal sense, but he is also qualified in the personal sense.

He is a person who gives of his time, cares about his fellow men and women, cares about his community and he is the type of individual that we should all be proud in sending to the bench, and I'd like to congratulate the Governor on an excellent choice.

I second his nomination.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of Matthew J. D'Emic, of Brooklyn, to the New York State Court of Claims. All those in favor of the nomination

signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is unanimously confirmed.

We're very very pleased to be joined by Judge D'Emic, who is in the gallery to your left, and his wife Rosemary, children Drew, Matt and Katie, and his brother Patrick. Judge D'Emic, congratulations and good luck!

(Applause)

Secretary will continue to read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination: Judge to the New York State Court of Claims, Alan L. Honorof, of Plandone Manor.

ACTING PRESIDENT KUHL: Senator Lack, on the nomination.

SENATOR LACK: Thank you, Mr. President.

Once again I rise to move the

nomination of Alan L. Honorof, of Plandone Manor, for a seat on the New York State Court of Claims. Mr. Honorof has been examined by staff of the committee. His nomination has been moved to the committee this morning. It was unanimously endorsed by the committee and sent to the floor of the Senate and I would -- I am pleased to yield for purposes of a second to Senator Tully.

ACTING PRESIDENT KUHL: Senator Tully, on the nomination.

SENATOR TULLY: Thank you, Mr. President.

I'd first like to congratulate Governor Pataki in nominating Alan L. Honorof to become a judge of the New York State Court of Claims. He's a constituent of mine, a friend for many, many years.

He's a very active person in his community. He's been very active in his bar association. He's a member of the New York, Pennsylvania and Florida bars. He's been an assistant district attorney and besides the

general practice of law, he's been town and village counsel for many of the fine villages in Nassau County, as well as the attorney for the city of Glen Cove.

He is eminently qualified, both academically and legally, and has what we think is very important for someone serving in the judiciary; that's judicial temperament.

I'd also just like to say hello, Mr. President, to his daughter Lindsay and congratulate her on her graduation from kindergarten, and I wish her good luck as she learns to ride her two-wheeled bike over the summer, and I'd also like to say hello to Alan Honorof's son Marshall, who will be going on to the fourth grade and be an expert on the subject of amphibians.

I'm pleased to second the nomination of Alan Honorof, and good luck on the bench and best wishes to your family and your mother and father, I know, are here with you as well.

ACTING PRESIDENT KUHL: Senator

Levy, on the nomination.

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

Likewise a privilege to join with Senator Tully in recommending Alan Honorof who's been a friend for many, many years, and being a friend we certainly know what a quality attorney he is. He's been a political colleague for many, many years that we've worked together with him. His dad was a highly respected and successful village judge. The great performance in the tradition and the legacy of the Honorof family has been judicial service.

He's going to make a fine judge of the Court of Claims, and I likewise congratulate the Governor on this outstanding appointment. All the best!

ACTING PRESIDENT KUHL: Senator Marcellino, on the nomination.

SENATOR MARCELLINO: Yes, Mr. President.

I also rise to second the nomination of Alan Honorof. Alan has been a

good friend for many years. He's a capable person and will show the proper judicial temperament and will be a credit to the Court of Claims, and I congratulate the Governor, like Senator Tully and Senator Levy, on this very fine appointment.

ACTING PRESIDENT KUHL: Senator Skelos, on the nomination.

SENATOR SKELOS: Mr. President, I too join with my colleagues from Nassau in congratulating the Governor on this fine appointment. I've had the pleasure of knowing Alan for a number of years both professionally and also politically. He's going to be an absolutely great Court of Claims judge.

Congratulations to you!

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of Alan L. Honorof, of Plandone Manor, to become a judge of the New York State Court of Claims. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is unanimously confirmed.

We're very pleased to have Judge Honorof, his wife Debbi, their children Marshall and Lindsay and his parents Gladys and Daniel Honorof with us in the chamber today in the gallery to your left.

So, Judge, congratulations and good luck.

(Applause)

Secretary will continue to read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination:

Judge to the New York State Court of Claims, Joseph J. Maltese, of Staten Island.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

It's my honor to rise once again to move the nomination of Judge Joseph J. Maltese to become a judge of the New York State Court of Claims. He has appeared before the committee, was unanimously endorsed to be moved to the floor this morning, and I would respectfully yield to Senator Marchi for purposes of a second.

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

SENATOR MARCHI: We have a very fine nomination, for which the Governor again should be complimented in submitting the nomination of Joseph Maltese.

He has been serving since 1992 on the civil court. He was elected to the civil court. Before that he had extensive experience, a graduate of Wagner College, with graduate work at New York university. He also takes time to preside over justice in the military court. I had a little experience myself of that nature, Judge, and he does that with distinction. He's done it as a prosecutor, as a judge, a rich

experience in that court as well.

He has been serving with distinction and shows certainly great promise on the burdens that he will be assuming. He is here with his wife Joreen, and his daughters - well, his daughters are here. His children are here, Julie, I believe, yeah, Julie, Jacqueline and Julie. They have deserve to be mentioned because they're a fine family, and I'm very happy to second that nomination.

ACTING PRESIDENT KUHL: Senator DiCarlo, on the nomination.

SENATOR DiCARLO: Thank you, Mr. President.

It is a busy morning for me and I'm very happy that it's busy because we've got some outstanding candidates and outstanding judges before us.

Judge Maltese, a resident of Staten Island, Richmond County, which I also represent, is a fine, fine judge and we're proud of his nomination here today.

I remember campaigning with Judge

Maltese a number of years ago in the Brooklyn section of my district and he was an outstanding campaigner, and he's an outstanding judge, but if the truth be told, he is a dynamic individual, but the most dynamic individual in his family is his lovely wife Joreen, and we welcome her, and congratulations to you, Joreen, and to you, Judge.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of Joseph J. Maltese, of Staten Island, to the judgeship of the New York State Court of Claims. All those in favor of the nomination, signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is unanimously confirmed.

We're very very pleased to have Judge Maltese with us, his wife Joreen, their children, Jacqueline, Julie and Megan, and also

he's brought along his law clerk Matthew.

So, Judge, congratulations and good luck.

(Applause)

Secretary will continue to read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nomination:

Judge to the New York State Court of Claims, Victor M. Ort, of Oyster Bay.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to move the nomination of Victor M. Ort, of Oyster Bay, to be a judge of the New York State Court of Claims. The staff of the Judiciary Committee has examined his credentials, has found them to be eminently satisfactory. He appeared before the committee this morning, was unanimously endorsed and was moved to the floor of the Senate for confirmation, and it is my pleasure to yield at

this time for purposes of confirmation to Senator Marcellino.

ACTING PRESIDENT KUHL: Senator Marcellino, on the nomination.

SENATOR MARCELLINO: Mr. President, I rise with pleasure to nominate Vic Ort, a friend and neighbor for many years from the lovely town of Oyster Bay on the North Shore of Long Island in Nassau County, vacation home to many, resort community to all. We invite all tourists to come in. We'll let you tour Vic's home. I'm sure his wife Judy is home now or going home immediately to prepare the house.

Vic will be a fine addition to the Court of Claims. He's got all the professional credentials that you could want and expect of a jurist of this quality and his high stature. He's got his service to the community. He's a Kiwanian. I forgive him for that as a Rotarian. We'll nominate him anyway.

He's well qualified, will do an excellent job. He's a superb individual, and I also want to congratulate the Governor again on

this very, very fine appointment to the Court of Claims.

Congratulations!

ACTING PRESIDENT KUHL: Senator Tully, on the nomination.

SENATOR TULLY: Thank you, Mr. President.

Once again, I want to congratulate Governor Pataki on the nomination of Victor Ort. He is probably the most happy person I have every met. He always seems to have a happy smile and seems to love what he's been doing. He's been a village attorney, an acting police justice, and an assistant to perhaps the best jurist ever to serve on this or any other bench for that matter, the Honorable James Niehoff of the Appellate Division.

In the case of Mr. Ort, I believe he will continue to love the law. I believe he will serve us well, and I congratulate the Governor again and am pleased to second his nomination.

ACTING PRESIDENT KUHL: Senator

Levy, on the nomination.

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

It's likewise a pleasure to rise to second this nomination. We really have an outstanding bench in Nassau County, and Vic Ort will be a quality addition to an extraordinary bench. He was an outstanding attorney. He's had a brilliant career in the judiciary as a judicial public servant.

I also want to congratulate the Governor for a very fine appointment and great addition to the Court of Claims.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos, on the nomination.

SENATOR SKELOS: Mr. President, again I want to join my colleagues from Nassau in congratulating the Governor on this fine appointment. When I was in law school at night I served as a personal officer to Judge Hogan, who was the presiding judge of the appellate

term at that time, and one of the individuals that I had the pleasure of working with was Vic Ort. Learned an awful lot about the law from both Judge Hogan and Vic, and this is just a marvelous, marvelous appointment and congratulations to you.

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

Hearing none, the question is on the nomination of Victor M. Ort, of Oyster Bay, to become a justice of the New York State Court of Claims. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The nominee is unanimously confirmed.

We're very, very pleased to have Judge Ort and his wife Judy with us in the chamber to your left in the gallery. Judge Ort, congratulations and good luck.

(Applause)

Secretary will continue to read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following domination:

Judge to the New York State Court of Claims, Stephen J. Rooney, of Staten Island.

ACTING PRESIDENT KUHL: Senator Lack, on the nomination.

SENATOR LACK: Mr. President, I rise once again to nominate Judge Stephen J. Rooney as a judge of the New York State Court of Claims. His credentials have been examined by the committee. He's here before the committee this morning. He was unanimously endorsed and his nomination moved to the floor, and it's a very, very great pleasure since Senator Marchi has been asking me about this nomination for a long time, to yield the floor at this time for purposes of a second to Senator John Marchi.

ACTING PRESIDENT KUHL: Senator Marchi, on the nomination.

SENATOR MARCHI: Mr. President,

again I'd like to restate my admiration for the Governor personified in the nominations that have been submitted to us and also to echo to some extent what Senator Levy said, the pride that he takes in the quality of the bench in this county, and we enjoy that same feeling, Mr. President, in the county of Richmond.

The two nominees that we've had are people who have served as judges, have not been found wanting. In the case of Stephen Rooney, he has a -- a tremendous, tremendous background, serving him very well, given the nature and quality of the service that he has rendered.

A very cultured, scholarly individual, he has served in both the district attorney's office in Manhattan and in Richmond County, has been Chief of the Major Offense Bureau, has tried to verdict over 50 cases during his period as a -- in his service with both Bob Morgenthau and the district attorney of Richmond County and since 1989 he was appointed to the Criminal Court, serving with distinction

there, and in recent years has been designated to serve on the Supreme Court of the state of New York.

So that there is a wealth of experience. It bears well to -- to reflect, I think, as we have -- as this is the last nomination, I take it, that's being presented to us today -- of the importance that a quality bench means, a coordinated branch of government, and it's so important since they share in many ways a creative, and exercise a creative impact even on the question of law making in its own way without certainly not impinging on the prerogatives of the legislative body.

He has a fine family, and again I am certainly delighted with this nomination and if the past is prologue, by virtue of his service on the bench and his gifted service as a prosecutor, I believe that he will give an excellent account of himself on the bench.

ACTING PRESIDENT KUHL: Senator DiCarlo, on the nomination.

SENATOR DiCARLO: I thank you,

Mr. President.

For the fourth and final time, I rise to second a nomination of a Staten Islander. Senator Marchi gave his credentials, so I won't do that. Just to say that he is a qualified person, a respected judge, and will do us proud on Staten Island and the state of New York, and to say one thing about his wife, I've worked with her. She is a dynamic lady like Judge Maltese's wife, and Kate Rooney, we're proud of you also, and what you do for Staten Island; and congratulations, Judge.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the nomination? Hearing none, the question is on the nomination of Stephen J. Rooney, of Staten Island, to become a justice on the New York State Court of Claims. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response).

The nominee is unanimously

confirmed.

We're very, very pleased to have Judge Rooney, his wife Kathryn, their children, Mary Kate and Elizabeth, with us in the chamber in the gallery to your left. Judge, thank you for being with us. Congratulations and good luck.

(Applause)

Senator Holland.

SENATOR HOLLAND: Mr. President, may we please return to reports of standing committees. I believe there is a report of the Rules Committee at the desk.

ACTING PRESIDENT KUHL: There is a report of the Rules Committee at the desk. We will return to the order of reports of standing committees. I'll ask the Secretary to read the report of the Rules Committee.

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

Senate Print 6736-B, by Senator Hoblock, an act to amend the Transportation Law;

6328, by Senator Cook, an act to amend the Retirement and Social Security Law;

6900-A, by Senator Marcellino, an act to amend the Environmental Conservation Law;

7887, by Senator Libous, an act to amend the Education Law;

7903, by Senator Bruno, an act to amend Chapter 721 of the Laws of 1994;

7909, by Senator Bruno, an act to amend a chapter of the laws of 1996 as proposed in Legislative Bill Numbers 7903 and Assembly 11260; and

By the Assembly Committee on Rules, Assembly Print 11179, an act to amend the General Obligations Law.

All bills ordered directly to third reading.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: 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 report is accepted. Bills will go directly to third reading.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we take up the non-controversial reading of the Supplemental Calendar Number 1, please.

ACTING PRESIDENT KUHL: For the benefit of the members, there is a supplemental calendar, Supplemental Calendar Number 1, on your desks. I'll ask the Secretary to read the non-controversial Supplemental 1 Calendar.

THE SECRETARY: Calendar Number 636, by Senator Hoblock.

SENATOR GOLD: Lay it aside, please.

THE SECRETARY: 6736-B -

ACTING PRESIDENT KUHL: The bill is high. The bill will be laid aside.

THE SECRETARY: Calendar Number

1696, by Senator Cook, Senate Print Number 6328, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT KUHL: 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 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Marcellino moves to discharge from the Committee on Rules Assembly Bill Number 10696-A and substitute it for the identical Third Reading Calendar 1697.

SENATOR LEICHTER: Lay aside.

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

THE SECRETARY: Calendar Number

1697, by the Assembly Committee on Rules, Assembly Print 10696-A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Senator Libous moves to discharge from the Committee on Rules Assembly Bill Number 9785 and substitute it for the identical Third Reading Calendar 1698.

SENATOR PATERSON: Lay aside.

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

THE SECRETARY: Calendar Number 1698, by member of the Assembly Crouch, Assembly Print 9785, an act to amend the Education Law.

ACTING PRESIDENT KUHL: Bill is before the house. Lay the bill aside.

THE SECRETARY: Calendar Number 1699, by Senator Bruno, Senate Print 7903, an act to amend Chapter 721 of the Laws of 1994, authorizing the city of Troy.

ACTING PRESIDENT KUHL: There is

a home rule message at the desk. Secretary will read the last section.

THE SECRETARY: Section 23. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1700, by Senator Bruno, Senate Print 7909, an act to amend a chapter of the laws of 1996.

ACTING PRESIDENT KUHL: There is a home rule message at the desk, but the bill is high. Lay the bill aside.

THE SECRETARY: Calendar Number 1701, by the Assembly Committee on Rules, Assembly Print 11179, an act to amend the General Obligations Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This

act shall take effect on the same day as a chapter of the laws of 1996.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we do the controversial reading of Supplemental Calendar Number 1, please.

THE SECRETARY: Secretary will read the controversial calendar. Again this is Supplemental Calendar Number 1.

Senator Holland.

SENATOR HOLLAND: Mr. President, there will be an immediate meeting of the Finance Committee in Room 332.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Finance Committee in the Majority Conference Room. Immediate meeting of the Finance Committee in

the Majority Conference Room, Room 332.

Secretary will call the controversial calendar beginning with Calendar Number 1698, by Senator Libous, Senate Print 7887.

THE SECRETARY: Calendar Number 1698, substituted earlier today, by member of the Assembly Crouch, Assembly Print 9785, an act to amend the Education Law.

ACTING PRESIDENT KUHL: Senator Lachman.

SENATOR LACHMAN: Yes. Will the distinguished Senator from Greater Binghamton, the home town of the Press and the Sun Bulletin, please explain the intent of this legislation?

ACTING PRESIDENT KUHL: Senator Libous, an explanation of Calendar Number 1698 has been requested.

SENATOR LIBOUS: Thank you, Mr. President and Senator Lachman.

Basically what we discovered - my Assemblyman discovered that there's a quirk in the law and that some of the school board

elections, various types of elections in school districts, that absentee ballots cannot be used and basically this allows us to move forward so that people can vote by absentee ballot, which I think is something that is appropriate.

ACTING PRESIDENT KUHL: Senator Lachman.

SENATOR LACHMAN: Will the Senator yield for one question?

ACTING PRESIDENT KUHL: Will the Senator yield?

SENATOR LIBOUS: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR LACHMAN: I assume, but I'd like to have this in the record, that this applies only to LEAs, Local Education Authorities and, therefore, precludes any of New York City's community school boards from participating in this endeavor.

SENATOR LIBOUS: That is correct, Mr. President.

SENATOR LACHMAN: Thank you.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak on Calendar Number 1698? Hearing none, 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 54.

ACTING PRESIDENT KUHL: The bill is passed.

Secretary will now read Calendar Number 1697.

THE SECRETARY: Calendar Number 1697, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 10696-A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT KUHL: 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 -

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 53, nays 1, Senator Maziarz recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, is there any housekeeping?

ACTING PRESIDENT KUHL: Senator Holland, we do have a privileged resolution by Senator Connor at the desk that we could take up at this time if you'd like to.

SENATOR HOLLAND: Take up the resolution, please.

ACTING PRESIDENT KUHL: We'll return to motions and resolutions. I'll ask the Secretary to read the title of the privileged resolution, by Senator Connor, which is at the desk.

THE SECRETARY: By Senator Connor, Legislative Resolution commending Angela Battaglia upon the occasion of her appointment to the New York City Planning Commission.

ACTING PRESIDENT KUHL: Any Senator wishing to speak on the resolution? Hearing none, the question is on the resolution by Senator Connor. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

The resolution is adopted.

Senator Holland.

SENATOR HOLLAND: Mr. President, may we stand at ease awaiting the result -- the report of the Finance Committee, please.

ACTING PRESIDENT KUHL: The Senate will stand at ease awaiting the report of the Senate Finance Committee.

(Whereupon at 11:19 a.m., the Senate stood at ease.)

(The Senate reconvened at 12:08 p.m.)

ACTING PRESIDENT KUHL: Senate will come to order.

Chair recognizes Senator Skelos.

SENATOR SKELOS: Mr. President, return to reports of standing committees. I believe there is a report of the Finance Committee at the desk.

ACTING PRESIDENT KUHL: There is a report from the Finance Committee at the desk.

SENATOR SKELOS: I ask that it be read.

ACTING PRESIDENT KUHL: We will return to the order of reports of standing committees.

The Secretary will read.

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

Member of the Board of Trustees of the City University of New York, Anne Paolucci, of Beachurst.

ACTING PRESIDENT KUHL: The question is on the nomination of Anne Paolucci, of Beachurst, to become a member of the Board of Trustees of the City University of New York. All in favor, signify by saying aye.

(Response of "Aye.")

Those 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 Metropolitan Transportation Authority, Ernest J. Salerno, of Pearl River.

ACTING PRESIDENT KUHL: The question is on the nomination. All 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 Board of Directors of the New York Convention Center Operating Corporation, Robert E. Boyle, of Croton-on Hudson.

SENATOR GOLD: Mr. President.

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

SENATOR GOLD: Thank you.

Mr. President, I try to listen very carefully and learn from our distinguished Majority Leader, Senator Bruno, and on more than one occasion he has told us, advised us, even lectured us on this side as to the importance of process. He has had comments to make when we wanted to amend the rules to do certain things we thought would be right, and he told us how important the rules were.

To begin with, I think that we owe a public apology to Senator Dollinger.

About a month or so ago, there was quite a to-do on this floor as to whether or not he properly followed our rules to request someone to appear before a committee. We owe him that apology because, according to Senator Stafford, distinguished Chairman of Finance, there was an acknowledgment that I, in a timely way, had requested that this nominee, Mr. Boyle, appear before the Finance Committee. I asked whether he had been asked, and Senator Stafford indicated, in his own truthful way, that the request "had been considered," quotes/unquotes. But it was an acknowledgment there that he had not asked or no one had asked the nominee to appear. I felt that the nominee should have been asked and the nominee could have said yes or no, and at least we would know that the nominee said yes or no.

Why is there an issue here? When we have people who are nominated by the Governor for positions which pay money, apparently we have them come before our committees, but we have a process which says that if people are not

paid money then we would not have them appear.

Now, we know that there are a lot of positions which, while important, are ceremonial or don't carry with it huge administrative responsibilities, and these people are not asked to appear. But there are positions such as the Board of the New York Convention Center where no one receives money, but the position is extraordinarily important.

Everybody in this room knows that there was a problem with the Convention Center. Everybody in this room was involved in trying to correct that problem, and it's important that people who serve on the Board of Directors of the New York Convention Center be above question and certainly available to questions when properly requested. My request of the Finance Committee was a proper request.

Senator Leichter, in his usual candor, pointed out to the committee that in the short period of time that Mr. Boyle has been working with the Convention Center he seems to be doing an okay job, and maybe that is not the

basis why we wanted to see him. I indicated that I do not like to throw out bombs when people's names and reputations are involved and that I felt that there was good cause in my mind to have him there and have him discuss questions. The area of inquiry dealt with the Governor's campaign, his role as the treasurer, his role with the inauguration, and the questions were such that I'm sure if Mr. Boyle were here we could have cleared the air and it was an area where the air should be cleared.

In spite of my request, timely made, the committee, controlled by the Majority, decided to go forward. There is one other quote that I would like to put on the record from our distinguished Chairman of Finance, Senator Stafford, and that was his gracious acknowledgment that the Minority in this house has done its constitutional job and has been cooperative in handling appointments from the Governor.

Now, Governor Pataki has sent up a lot of nominations which you can well imagine

if it were my choice or your choice might be different. The law doesn't permit me to vote yes or no based upon what I would do or what a Democrat would do, and I have, I believe, lived up to my constitutional obligation and voted to confirm nominations of a Republican Governor that I might not agree with, but people who were qualified and, therefore, were deserving of my constitutional obligation to vote yes, even though they were not mine.

So what happened today was not an attempt to injure the system. It was not an attempt to hold back the system from operating. It was a properly made request, made timely, to have a nominee to a position of great responsibility appear before the committee. I think that the request should have been honored, not as a senatorial courtesy, not that we walk in here with our togas and bow to each other but because governmentally it was the right thing to do. Governmentally, until December 31st, you have a majority in this house and, on the other hand, every one of us, Majority or Minority, are

elected to come here and participate, and showing the kind of muscle that was shown today in the Finance Committee does not do honor to the Finance Committee.

We know that there are a majority of Republicans on that committee and, in spite of right or wrong, you can do whatever you want to do. I do not think you did Mr. Boyle justice. Mr. Boyle is entitled to the opportunity to answer the questions. The innuendoes that you are hiding him, that you are protecting him, which were made by some people at the committee do not do justice to Mr. Boyle, and it's your fault. If Mr. Boyle had been asked to attend and did not attend, then it's his fault, or at least you could say that he was given an opportunity, but the Majority in this house has denied him the opportunity to even make that choice, and I think you did the man an injustice, and I think you owe Senator Dollinger an apology for remarks which were made a month ago, and you owe Mr. Boyle an apology for not giving him the opportunity to say whether or not

he would appear.

ACTING PRESIDENT KUHL: Senator Leichter, on the nomination.

SENATOR LEICHTER: Yes.

Mr. President. I am really saddened and disappointed at the action of the Majority and what occurred in the Senate Finance Committee, and I think Senator Gold in his characteristic moderate and very modest way, I think, maybe didn't really fully portray what happened here.

What happened is that somebody who is being appointed to an extremely significant, important position as a member of the board of directors of the Convention Center and who has been acting, will continue to act as the chief operating officer of a center that we know has been poorly run, has maybe been run in a way that has fostered and furthered illegal activities, denied the City and the state of New York needed revenue, that that person did not appear to answer questions, one, about his stewardship as the chief operating officer, his

plans, his policies -- and there is a lot of dispute right now involving legislation as to how that Convention Center is to be run; and putting aside all of the other issues, that we would confirm somebody for such an important position and not have that person appear is, I submit to you, an abdication of responsibility by the committee.

Now, then you've got to ask yourself, "Well, wait. Why is that happening?" And you look and you realize and you understand that some very serious questions have been raised about Mr. Boyle, questions about a contribution that his campaign committee made to Governor Pataki, I think when the Governor was a Senator, that were repaid by "Friends of Pataki" in 1995. There is the whole question of the inaugural committee and how that money was raised, how that money was spent, and we know that the Pataki administration has stonewalled on that.

So why would a person who is responsible for this important position and,

secondly, whose role in campaign financing and the inaugural committee is very central to public issues that have been raised -- why doesn't he appear? And I think I can only draw one conclusion, that this is part of the stonewalling, of an effort to keep the public from knowing what has happened to monies in the inaugural committee and whether the law was complied with, whether there were activities that, even if they were legal, raise a lot of serious policy questions, and Mr. Boyle is right at the heart of all those questions, and he should have appeared.

I think we had an obligation to the people of the state of New York to have him appear and, if nothing else, you had the ranking Minority member of the committee make a request, followed the procedures that some weeks ago Senator Stafford pointed out, when Senator Dollinger raised some questions about why somebody hadn't appeared, and Senator Stafford said, "We have a procedure. Ask for it in writing."

I want to say Senator Stafford has always been extremely courteous. Earlier this year, I asked to have somebody appear. He made every effort to have that person appear, so I don't blame Senator Stafford on this. But I just question, is there a policy here by the Republican Party of this state and by the Pataki Administration not to have Mr. Boyle and other people who are connected with the inaugural committee, who raised money for that committee, who were otherwise involved in raising monies for the Pataki campaign and for the Governor previously -- to keep them from appearing and answering questions?

Mr. Boyle should have been here. He should have answered questions as to those activities. He should answer questions as to what is happening at the Convention Center and his not appearing, to my mind, makes it impossible to act on his nomination.

I just want to say that, while I was very critical when he was first appointed as chief operating officer, I want to say in all

fairness, that the impression I have is that he has done a good job; but that's not the issue. The issue is that I shouldn't have to rely on newspaper stories. The issue is that he has to appear because of the position he holds. He has to appear because the ranking Minority member asked that he appear, and that's the procedures of the committee, and he has to appear because some of the questions relate to the financial campaign matters that I have mentioned before.

Not appearing, I don't think that his nomination is ripe for us to act on.

ACTING PRESIDENT KUHL: Senator Dollinger, on the nomination.

SENATOR DOLLINGER: Mr. President, I rise to urge my colleagues to vote in the negative on this nomination. Let me explain why.

First of all, I appreciate Senator Gold suggesting that I'm owed an apology. I don't believe I am, but I believe he is entitled to an apology because, as everyone knows, a month ago in the Finance Committee when

two nominees came forward and I wanted to raise a question with one of the nominees about the fact that they had contributed money in excess of the $5,000 corporate limitation that the law of this state limits corporate contributions, I wanted to find out the extent of that nominee's complicity in making that donation and find out whether the person who was nominated had actually knowingly violated the laws of this state, to determine his fitness to sit on the Greater Rochester Regional Transportation Authority.

I was told by the chairman of the committee that we wouldn't hold that appointment because there was an unwritten rule in the Senate Finance Committee that unless there was a designation "to appear" next to the names of nominees they would not appear. I apologized to the chairman at the time and said I wasn't aware of that rule. But I have now raised what I believe is a question about this nominee's fitness for office and I would like -- as a matter of senatorial courtesy at that time and

because it affected my community and because 70 percent of the people who ride on the Transit Authority live in my district, I asked that it be delayed.

Following the rules of the Senate Finance Committee, the unwritten rule, I was told, "You didn't ask ahead of time; therefore, there is no need for them to appear," and because I didn't have the facts I needed to determine the fitness of the candidate for that job, I voted no. I later had a conversation with that candidate in which I apologized to him and said, "Had I known, I might have voted yes."

Today, another injustice is being done because Senator Gold -- who followed the unwritten rule of the Senate Finance Committee. When he noticed that Mr. Boyle had no designation next to his name, Senator Gold acting on behalf of this Conference asked the chairman of the committee to invite Mr. Boyle to come. What I understand happened based on my hearing in the Finance Committee is that the chairman of the committee and the committee

majority decided not to even bother to ask Mr. Boyle to appear.

So, apparently, there is no rule in the Senate Finance Committee about who appears except one rule which is also unwritten. If the candidate who is nominated could have to answer questions that would embarrass George Pataki, he will not appear. That's now the rule. It's almost like Animal Farm. Remember? Four legs is good, and then it went to two legs is good, then two legs that are pigs are good.

Well, apparently, we're evolving a rule here, which is, you don't have to appear unless you are asked. If you are asked, you still don't have to appear because we won't ask you if we know that your appearance would embarrass George Pataki.

And, Senator Gold, please take this in the spirit it's offered. I will apologize for the breach of the rules. Why did I want to talk to Mr. Boyle? I understand from Senator Leichter that he may be doing a good job

in his current position, but I'm more concerned in determining his fitness about his role in what I believe has become the cancer that is eating away at the credibility of the Governor, and that is, his failure to disclose the money that was received in contributions from the inaugural corporation and the money that it paid out. It's eating away at his public credibility and, unfortunately, it's eating away at the credibility of his administration.

It starts with Dr. DeBuono and the Health Committee. She refused to answer questions about payments she had received from the inaugural committee. I can't understand why. I was disappointed she wouldn't answer the question. It appears as though the cone of silence, the agreement of silence, the code of silence, is going to bind everyone on the second floor and everyone beholding to anyone on the second floor to prevent public disclosure of this important information.

Also impacts Mr. Boyle, and I would like to contrast my reaction to Mr. Boyle

and to Commissioner DeBuono with Mr. Steinberg. You remember Mr. Steinberg, nominated by Governor Pataki to be the chairman of the Thruway Authority. I asked Mr. Steinberg in his appearance before the committee, "Did you or your corporation, Reliance Insurance Company, give a contribution to the Governor's inaugural corporation, New York Inauguration 95, New York Transition 95? Did Reliance Insurance Company give a contribution?" He said yes. I asked him whether that contribution violated the $5,000 corporate limit that Reliance would have given to other candidates during 1995. He said he didn't know. I think that was a fair answer. I think it was an accurate answer. That's all we needed from Mr. Boyle, fair, accurate answers about his conduct in the operation of the inaugural corporation.

I continue to maintain -- I have maintained it in public. I have maintained it on this floor. I have maintained it even back in Rochester, New York. In my judgment, the inaugural corporation solicited gifts to benefit

Governor Pataki that were in excess of $75 that could -- could -- may -- I won't say will, but they could violate a law passed by this chamber, passed by the Republicans in this chamber, passed by the Democrats in this chamber, which made it a rule in this state that you can not accept a gift in excess of $75 from any entity.

Why did we pass that rule? To do the one thing that the Governor's failure to disclose is eroding away, the public confidence in government.

And it seems to me that that cancer has spread today to Mr. Boyle and, unfortunately, by not allowing him to appear, by not allowing him to answer questions, the complicity in walking out on that political plank of the inaugural committee now comes to this chamber and to the majority in this chamber.

I think it's really a travesty we have come to this point. I would urge the Governor to immediately disclose where he got the money from, disclose how it would be spent,

disclose who got contributions, and I would simply ask that the Governor do it now.

It seems to me -- and I hate to put Mr. Boyle's public integrity at stake, but he should have been here. He should have been answering questions. He should have done - followed the procedures in the Senate Finance Committee to make sure that the truth -- the truth -- was known.

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

SENATOR STAFFORD: Mr. President, just very briefly.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: This morning I think it is very fortunate for us that we do have these members -- excuse me -- these nominees for members of the Board of Directors of the New York Convention Center Operating Corporation. I might add very quickly that it's a bipartisan effort, and I would commend the

leaders of the Legislature, all who were involved in these nominations, both Minority and Majority.

Having people appear for these nonpaying positions -- people are busy. People almost always are leaders. People almost always are involved in what we would say are the issues, are their professions, their businesses, in their communities, and there is a very extensive B.C.I. investigation.

We then have the opportunity, which we do and we take it very seriously -- we have the opportunity to review those investigations, the results, the reports from those investigations, and we say at the meeting that we have reviewed the reports and we have found nothing which would interfere or would make it impossible or nothing that is there that would indicate this person should not serve in this capacity.

I compliment the Governor, the leaders of the Legislature that are involved in these nominations. I think they are good

nominations. I do have to emphasize that the person who has been mentioned the most and, frankly, the one we are considering at this time has done an excellent job in a very, very difficult situation. It was our Majority Leader who asked that we have hearings concerning this issue. These hearings were held in New York City. The Majority Leader himself was there. I assure you they were extensive because I was there.

I would say, Mr. President, that Mr. Boyle is capable. He is doing an excellent job, and I certainly am honored to move his confirmation.

ACTING PRESIDENT KUHL: The question is on the nomination.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Yes, I will be brief, but, Senator Stafford, some of your comments, although obviously said in good faith, just don't cut it with me. You say people are

busy, and these are nonpaying jobs.

Well, Senator, if they are too busy then they shouldn't take any job, and part of the job is answering to the Legislature. Part of the job in running this convention center is making sure that whatever the scandals were in the past that people have confidence today and, Senator, part of our procedures on the committee is to give the individual a chance to say whether he or she is too busy to come. So I don't think that your answer is at all adequate, and I don't think your answer does Mr. Boyle justice.

ACTING PRESIDENT KUHL: The question is on the nomination of Robert E. Boyle to become a member of the Board of Directors of the New York Convention Center Operating Corporation. All those in favor of the nomination, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

The nominee is confirmed.

Secretary will continue to read the report of the Senate Finance Committee.

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

Members of the Board of Directors of the New York Convention Center Operating Corporation, Lloyd Constatine of New York City; Ronald Goldstock, of New York City; Eric M. Javits, Esq., of Woodbury; Paul O'Neil, of New York City; and Joseph E. Spinnato, of Muttontown.

ACTING PRESIDENT KUHL: The question is on the nomination of several members to become members of the Board of Directors of the New York Convention Center Operating Corporation. All those in favor of the nomination -- Senator Waldon, why do you rise?

SENATOR WALDON: I would like to ask the Chairman of Finance a question or two, if I may, on the nominations.

ACTING PRESIDENT KUHL: Senator Stafford, do you yield to a question from

Senator Waldon?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR WALDON: Thank you, Mr. President.

My colleague, Senator Stafford, the distinguished Chairman, I won't be long, but I was sitting here looking at these names, and I looked back through my mind's eye over the names of the people we have approved recently, going back even to those appointed to the Court of Claims and I was wondering how many of the Governor's recommendations during this session have been people who have been traditionally entitled "minority", meaning Latinos and/or African-Americans, if you know that; and, if you don't, if you could get that information to us, it would be appreciated.

SENATOR STAFFORD: Certainly will.

SENATOR WALDON: Thank you, Mr. President.

ACTING PRESIDENT KUHL: The question is on the nomination of several members to become members of the Board of Directors of the New York Convention Center Operating Corporation. All those in favor of the nominations, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

The nominees are confirmed.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Is there anything else at the desk that requires our attention at this time?

ACTING PRESIDENT KUHL: We have one motion, Senator Bruno.

SENATOR BRUNO: Take that up at this time.

ACTING PRESIDENT KUHL: Return to motions and resolutions.

The Chair recognizes Senator

Farley.

SENATOR FARLEY: Thank you, Mr. President. On behalf of my colleague who's sitting beside me, Senator Seward -

I'm doing your work for you?

SENATOR SEWARD: Thank you. Thank you.

SENATOR FARLEY: I wish to call up his bill, Print Number 5206A, which was recalled from the Assembly which is now at the desk.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 637, by Senator Seward, Senate Print 5206A, an act to amend the County Law.

ACTING PRESIDENT KUHL: Senator Farley.

SENATOR FARLEY: I now move to reconsider the vote by which this bill passed.

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

(The Secretary called the roll on

reconsideration.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT KUHL: The bill is before the house.

Senator Farley.

SENATOR FARLEY: Mr. President, Senator Seward now offers the following amendments.

ACTING PRESIDENT KUHL: Amendments are received and adopted.

That takes care of all the housekeeping, Senator Bruno.

SENATOR BRUNO: Mr. President, I would suggest that we presently stand at ease, and I would ask for an immediate conference of the Majority in Room 332.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR BRUNO: My estimation would be that we will probably be about 20 minutes, and then we can resume and hopefully conclude session for this day.

ACTING PRESIDENT KUHL: Senator

Paterson.

SENATOR BRUNO: Senator Paterson.

SENATOR PATERSON: Mr. President, there will be an immediate conference of the Minority in the Minority Leader's Conference Room exactly when this session ends -- no, exactly when this recess begins.

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

There will also be an immediate meeting of the Minority in the Minority Conference Room, Room 314. An immediate meeting of the Minority Conference in the Minority Conference Room, Room 314.

And the Senate will stand at ease for about 20 minutes.

(Whereupon, at 12:36 p.m., the Senate was at ease.)

ACTING PRESIDENT NOZZOLIO: Senator Skelos.

SENATOR SKELOS: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT NOZZOLIO: There will be an immediate meeting of the Rules Committee in the Majority Conference Room.

SENATOR SKELOS: The Senate will stand at ease.

ACTING PRESIDENT NOZZOLIO: Senate stands at ease.

(Whereupon, the Senate continued at ease until 2:26 p.m.)

ACTING PRESIDENT NOZZOLIO: Senator Skelos.

SENATOR SKELOS: Mr. President. If we could return to reports of standing committees. I believe there's a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT NOZZOLIO: Secretary will read the rules report.

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

following bills:

Senate Print 4428B, by Senator Lack, an act to amend the Judiciary Law and the State Finance Law;

6024, by Senator Saland, an act to amend the State Finance Law;

7894A, by the Senate Committee on Rules, an act authorizing the city of Canandaigua;

7897, by the Senate Committee on Rules, an act to amend the Public Authorities Law;

7904, by Senator DiCarlo, an act to amend the Civil Service Law; and

7913, by Senator Holland, an act to authorize the lease of property.

All bills ordered directly for third reading.

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

ACTING PRESIDENT NOZZOLIO: All in favor of accepting the report of the Rules

Committee, signify by saying aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we can take up the Supplemental Calendar No. 2, noncontroversial.

ACTING PRESIDENT NOZZOLIO: Secretary will read.

THE SECRETARY: Calendar Number 1702, by Senator Lack, Senate Print 4428B, an act to amend the Judiciary Law and the State Finance Law.

ACTING PRESIDENT NOZZOLIO: Read the last section.

THE SECRETARY: Section 5. This act shall take effect April 1.

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Senator Saland moves to discharge from the Committee on Rules Assembly Bill Number 8743 and substitute it for the identical Third Reading Calendar 1703.

ACTING PRESIDENT NOZZOLIO: Substitution ordered. Secretary will read.

THE SECRETARY: Calendar Number 1703, by member of the Assembly Schimminger, Assembly Print 8743, an act to amend the State Finance Law.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number

1704, by the Senate Committee on Rules, Senate Print 7894A, an act authorizing the city of Canandaigua.

ACTING PRESIDENT NOZZOLIO: There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

THE SECRETARY: Calendar Number 1705, by the Senate Committee on Rules, Senate Print 7897, an act to amend the Public Authorities Law.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT NOZZOLIO: The bill is laid aside.

THE SECRETARY: Calendar Number 1706, by Senator DiCarlo, Senate Print 7904, an

act to amend the Civil Service Law.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, on Calendar Number 1704, I believe the bill is high, so I would like to move to reconsider the vote by which the bill passed.

THE SECRETARY: Calendar Number 1704, by the Senate Committee on Rules, Senate Print 7894A, an act authorizing the city of Canandaigua.

SENATOR SKELOS: Lay the bill aside.

ACTING PRESIDENT NOZZOLIO: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT NOZZOLIO: The bill is before the house. The bill is laid aside.

THE SECRETARY: Calendar Number 1707, by Senator Holland, Senate Print 7913, an act to authorize the lease of property at the Letchworth Developmental Center.

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

ACTING PRESIDENT NOZZOLIO: Yes, there is a message.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT NOZZOLIO: Motion to accept the message.

All in favor, aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

THE SECRETARY: Section 5. This act shall take effect immediately.

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, on Supplemental Calendar No. 1, can we take up Calendar Number 1700. We now have a message.

ACTING PRESIDENT NOZZOLIO: Secretary will read.

THE SECRETARY: Calendar Number 1700, by Senator Bruno, Senate Print 7909, an act to amend a chapter of the Laws of 1996.

ACTING PRESIDENT NOZZOLIO: Senator Skelos.

SENATOR SKELOS: Is there a message of necessity at the desk?

ACTING PRESIDENT NOZZOLIO: Yes,

there is a message.

SENATOR SKELOS: Move we accept.

ACTING PRESIDENT NOZZOLIO: The motion is to accept the message.

All in favor, say aye.

(Response of "Aye.")

Opposed, nay.

(There was no response.)

Message is accepted.

There is a home rule message at the desk.

The Secretary will read.

SENATOR GOLD: What is the number?

ACTING PRESIDENT NOZZOLIO: Calendar Number 1700, Supplemental Calendar No. 1.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as a chapter of the Laws of 1996.

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

SENATOR SKELOS: Mr. President. If we could just stand at ease, Mr. President.

ACTING PRESIDENT NOZZOLIO: Senate will stand at ease.

(Whereupon, at 2:33 p.m., the Senate stood at ease until 2:55 p.m.)

ACTING PRESIDENT NOZZOLIO: Senator Skelos.

SENATOR SKELOS: Mr. President, 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, for Senator Paterson.

ACTING PRESIDENT NOZZOLIO: Secretary will read.

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

Senate Print 7915, by the Senate

Committee on Rules, an act making appropriations for the support of government; and

Senate Print 7916, by the Senate Committee on Rules, an act to amend Chapter 905 of the Laws of 1986.

Both bills ordered directly for third reading.

SENATOR SKELOS: Mr. President, move to accept the report of the Finance Committee.

ACTING PRESIDENT NOZZOLIO: The motion is to accept the report of the Finance Committee.

All those in favor, say aye.

(Response of "Aye.")

Opposed, nay.

(Response of "Nay.")

The report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time, if we could take up Senate 7915.

ACTING PRESIDENT NOZZOLIO: Secretary will read.

THE SECRETARY: Calendar Number 1708, by the Senate Committee on Rules, Senate Print 7915, an act making appropriations for the support of government.

SENATOR SKELOS: Mr. President. Is there a message of necessity and appropriation at the desk?

ACTING PRESIDENT NOZZOLIO: Yes, there is.

SENATOR SKELOS: I move to accept the message.

ACTING PRESIDENT NOZZOLIO: The motion is to accept the message.

All in favor.

(Response of "Aye.")

Opposed.

(There was no response.)

Message is accepted.

Senator Hoffmann.

SENATOR HOFFMANN: On this bill, Mr. President.

I have raised the issue in Finance, and Senator Stafford did his best I

think to explain a rather incomprehensible situation. In the scheme of things around here this may not be a real big deal to some people, but it puts a number of us in a somewhat awkward situation because, for the first time, we now have two separate pay bills, known as extenders, incorporated into one bill.

The state employees, the general operations of the state, are now being included in a bill that also continues to pay for legislators. Now, these last many weeks in which we have been extending pay to other state employees and to ourselves, some of us have taken the position that members of the Legislature should not be paid when we have not done the people's work and have not yet concluded a state budget. I am among that number.

Today, however, I am in the very uncomfortable situation of having to vote either against paying all state employees or voting for continuing pay to legislators who are doing a less than adequate job in the eyes of many

people in this state. So I would just like the record to reflect that in the past I stood with several colleagues and voted against extending pay to legislators in the absence of a budget, and I would like to be able to do that today.

I wish there were an adequate explanation. No slight intended to the chairman who I think did try to explain this situation, but there must be some other reason why these two bills have been jumbled together into one bill today than saving printing costs. God knows, we spend enough on printing around here putting together legislation that's not likely to go any place. One-house bills are the order of the day most days in both the Senate and the Assembly.

So I just can't believe that the primary motivation of combining the extender for all state employees with combining the extender to legislators was to save on the cost of printing.

But I have no alternative except to do what I think is best for the rest of the

employees of the state of New York, so I will reluctantly vote in favor of this measure.

ACTING PRESIDENT NOZZOLIO: Senator Gold.

SENATOR GOLD: Mr. President, I have no idea, obviously, why we have one bill instead of two, and I sympathize with Senator Hoffmann, who would like to be able to clarify that vote. On the other hand, I respect Senator Hoffmann's right to make her own interpretations of her job.

I want it clear that in voting for this bill I would vote for this bill if it were separated into two bills. I think that the record indicates that I and others have absolutely done our job. Our job, as I see it, was to make sure that the budget filed by Governor Pataki in December did not become law. My obligation to the people was to make sure that the budget as amended by Governor Pataki in January did not become law. My job was to see to it that the amendments made by Governor Pataki, even though they were an improvement in

March, did not become law and to fight to see that perhaps the legislative agreement -- which unfortunately we haven't seen in bill form - might become law because I believe that the original budget would have meant the death of people. I believe that the original budget was cruel and did some terrible things.

Now, lest anybody misunderstand, I don't think George Pataki is cruel. I think he is a fine gentleman, and I say that not tongue in cheek. I say that very seriously. But the product was such that it was my job since it was filed, until today, and continuing until we get a budget, to fight for a proper budget, and the concept that some people have that we should pass a budget on March 31st even if it's bad for the people is a concept I will not buy.

The concept that in order to get myself paid I should pass any budget and put my own paycheck over that interest of my constituents is something I do not buy. Now, I know there are people here who feel that if we

don't pass a budget we haven't done our work. I respect their intellectual right to come to that conclusion. I just want the record clear on my intellectual right to feel that I am doing the right thing by my people by fighting the budget until it's right.

ACTING PRESIDENT NOZZOLIO: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I have been just reading the bills just to clarify the issue of legislative pay, and I concur with Senator Hoffmann that this practice of bringing these two formerly separate bills together -- I'm not satisfied.

I wasn't at the Finance Committee, and I apologize for not being there, but it seems to me -- we have done it in the past that we've had a chance to vote on our own pay as well as the pay for the other members of this state work force, and it seems to me by combining them we're doing ourselves a disservice and the people of this state.

I join in Senator Hoffmann's

appraisal of this that I would vote against payment for ourselves, and yet I'm not going to punish the rest of the state work force by voting against this bill.

ACTING PRESIDENT NOZZOLIO: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I don't often rise to agree with my colleague, Senator Gold, but in this particular case I tend to agree that a late budget if it's the right budget is the way to go, and I think at this point in time we are negotiating. Leadership is in the process of negotiating a budget. I disagree with some of the editorials that I've seen around the state in various newspapers that say we should pass any budget by April 1. It has to be the budget that the Legislature and the Executive can concur and agree is the right budget for the state of New York, and in that process, we are engaged right now and that process should go on as long as it takes to come up with a budget that will deliver the services at the right price for the people

of this state and not just any budget for any budget's sake.

ACTING PRESIDENT NOZZOLIO: Senator Mendez.

SENATOR MENDEZ: Yes, Mr. President. I do rise also to concur with Senator Gold and Senator Marcellino. I voted for all the 200 legislators to be paid last time that we had that bill before us, and I intend to do so in this instance.

Today, yes, there's only one bill rather than two. I feel, and I am sure my colleagues do feel the same way, that we have earned the money. In our efforts on the community level and doing the constituent work and informing our voters of what's the process that takes place here and informing them about the issues, that is important also. Just doing the budget alone, on time, as it was mentioned before, is not the way to go if that budget is going to be penalizing to any group of citizens of the State of New York.

So, therefore, I will gladly -- I

wish I could vote a hundred times for this one bill in this instance, because I think I, as well as my colleagues, have earned the money, budget or no budget.

Thank you.

ACTING PRESIDENT NOZZOLIO: Senator Oppenheimer.

SENATOR OPPENHEIMER: I think my question has been answered because aside from - well, I concur with my colleagues who said that in the past when we had two separate bills many of us voted against the legislative piece funding for our salaries, but, of course, this time, I would be voting in favor because I certainly don't think we should penalize the people who work for us.

But I had noticed that we had also in this bill -- I guess I should ask this question, if the sponsor will yield for a question?

SENATOR STAFFORD: By all means.

ACTING PRESIDENT NOZZOLIO: Senator Stafford will yield.

SENATOR STAFFORD: Yes.

SENATOR OPPENHEIMER: We have, which we haven't in the past had -- we have the income maintenance, the medical assistance.

SENATOR STAFFORD: Senator, it's my fault. I can't hear.

SENATOR OPPENHEIMER: Okay. Also, it's not pointed at me. It's pointed up. It should be pointed sideways.

We also have in this bill income maintenance and medical assistance and community development. I don't believe that was in our past bills, but it is in this bill also.

These are things that we haven't had combined into one bill in the past. Is that not correct?

SENATOR STAFFORD: It has been in the past. Again, this I think shows the responsibility of the Executive and the Legislature that there are specific areas or specific items that should be included at this time that have been in the past, and, of course, they are this time.

SENATOR OPPENHEIMER: In the past -- if I can clarify?

SENATOR STAFFORD: Yes.

SENATOR OPPENHEIMER: They were separate, but now they are in this one bill.

SENATOR STAFFORD: They have been in various bills, and they have usually been together.

SENATOR OPPENHEIMER: Yes. Thank you.

ACTING PRESIDENT NOZZOLIO: Senator Nanula.

SENATOR NANULA: Thank you, Mr. President.

I, too, plan to vote for this bill although under duress, and I didn't plan on addressing the issue of legislative pay, but since it has been brought forward to this body today and, of course, it is in the bill, I'd like to extend some of my thoughts on it.

A couple of points were made, and I certainly respect the individuals who made them and also respect their positions in terms

of this being a democratic process, one where we all can stand regardless of what our position is and bestow our position. Since we're doing that on this issue, I would like to bestow a few of my positions in regard to this. I have been quite vocal on this issue historically, and a couple of points were made, one being, "Well, we should take as much time as needed and deliberate over the various differences we have in regard to a budget, whether they take a week or two weeks or three weeks or four weeks or three months or four months."

Well, the last I recall, there was a deadline, at least one that is always discussed, called April 1st. There is a deadline that we're supposed to be, as a legislative body, working together with the Governor to achieve, and, certainly, there were some good points made by Senator Gold in regards to some of our opinions that the Governor's budget wasn't one that we would want to support. But that doesn't mean that we should just open-ended, without any kind of time line

be on a path in a responsible fashion to pass a budget, and Senator Mendez, who I have tremendous respect for, talked about our labor and that we should be compensated for it.

Well, so should the various companies that have done business with the state that aren't being paid, so should the various municipalities that are going to bond short-term that aren't getting money from the state because we haven't passed a budget and, beyond all of that, what kind of image does this process give to corporations and give to bond raters and others that are involved in looking at this state as a place to conduct business, as a place to rate in terms of the way in which we conduct business?

I agree wholeheartedly with my colleagues that this budget process in terms of not passing a budget that is not good for the people of New York is appropriate, but to not have any sensitivity or to not understand what this process means, what the delay in this process means to the people of this state, I

think, is really shortsighted, and I'll tell you something else. It's a scar on all of us to the electorate because people are losing faith in government as a result of the way in which we're handling ourselves up here.

Again, I'm voting for this bill. I'm very dissatisfied that the Legislature pay was included with the various other necessities that are going to be passed in this bill, and I wish it wasn't and, again, I wanted to simply explain my position and bestow some of my additional positions in regards to the process itself.

Thank you.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT NOZZOLIO: Senator Gold.

SENATOR GOLD: Yes, I will be very, very brief but Senator Nanula reminded me of something, and I wanted to throw that out.

There was something in the paper recently, last few days or last week, about the bond raid... -- raters. Actually, maybe raiders

is a better word. But it's interesting.

The one thing we did do on time -- and I'm proud that we did it -- was the debt service bill and, since the beginning of time, this state has always paid its debts, and yet we pay people like Moody's. We pay them to look at our material and give a rating, and they decide what they're going to rate it, and that rating costs us money. If that isn't the silliest process I've ever heard of -- and I'm putting in legislation, I'm telling you now, to change that.

I think we should be able to give them information, whatever information they want, and let them rate it for whoever wants to listen, but we should stop paying them, number one, and there isn't any reason in the world that the State of New York should have anything other than the finest credit rating. Because what's the issue? We pay our debts. What's the issue this year? On time, we passed a debt service bill. So anybody who rates us other than the finest is a phony, and they are playing

to a market which is a phony market.

The issue is, "Do we pay our debts?" and we pay them and we pay them on time. So that part of this ought to be cleared away, and if there are municipalities or school districts or the state that are losing percentage points in their rating, that is phony baloney.

SENATOR STAFFORD: Good point.

ACTING PRESIDENT NOZZOLIO: Senator Hoffmann.

SENATOR HOFFMANN: Mr. President, I was impressed with the comments by my colleague from Buffalo, Senator Nanula, and I too have to respond to something that Senator Gold alluded to and he just elaborated on it somewhat further.

We are hearing -- those of us maybe in the upstate area hear a little bit more than some of you in the New York City area because there is a difference in the way the media reports the activities of the Legislature. It's a little different. I think

the best analogy would be, those of you in the New York City metropolitan area are reported in a sporting event in terms of color; we are covered on a play-by-play basis in the upstate media and over a period of many months now, one repeated fumbled ball after another has led to a tremendous diminishing of respect not only for us as individuals but for this entire legislative body and for government in general, as Senator Nanula so eloquently said.

But there is a real element of pain in our constituency. One of my BOCES superintendents approached me the other day. He had just returned from the bank where he had borrowed $15 million for the nine school districts that he covers, $15 million of debt service that he will have to absorb, that the taxpayers of that district will have to absorb, that is caused by our failure to put together a budget and to have a state aid formula in place before our April 1 deadline. Those are real costs incurred by people at the local level and we are responsible for them.

For us to continue to provide our own salaries in this abdication of our responsibility is a shame, is a disgrace, and causes great, great lack of respect for the entire legislative process in this state. So, of course, I want to vote against extending the salaries to legislators. It's a small thing to do, but it's symbolic to some people, and it shows that a few of us are honestly trying to make this place a little bit better.

But, today, we saw a bill put on the floor that allows no opportunity to cast that vote and stand on the principle that legislators should not be paid because the budget is late. We don't have that opportunity to do that because somebody very cleverly crafted a bill that now lumps together all state employees with the Legislature.

I only wish that whoever it is working behind the scenes in some back room some place who came up with that idea was putting the same kind of energy into coming up with a budget for the State of New York. This kind of

devious, clever trickery that this Legislature is all too famous for is what is causing us to have our wheels turn so terribly slowly. These gears just don't even come close to meshing, let alone turning and moving the machine forward.

Two houses posturing and people trying to figure ways to embarrass legislators instead of allowing us to get together, put our heads together, and collectively determine what it is that the taxpayers of this state need. It is high time that we all took the position that this is a disgrace and we are embarrassed at the way this government conducts this shameful process that we call a budget.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT NOZZOLIO: Senator Stafford.

SENATOR STAFFORD: I can't believe that I am going to stand up here, when we're all getting ready to leave, and speak. I could say this is the first time ever.

(Laughter.)

SENATOR GOLD: It's always the

first time ever.

SENATOR STAFFORD: But it isn't.

We have fought wars so we can do what's been done here the past few days and weeks. You know, when you run for cover -- when you run for cover and it sounds good and you want to make the press and you want the headlines and you want to look like you're the big deal, what do you do? You attack, and then go home and do nothing and then come here and do nothing.

This is a complex state, and for those that do not know that, I suggest that they travel around the state a little. I can be quite provincial. My area isn't the most cosmopolitan in the world. It's the northeast corner of the state. It is upstate. But I know that there are various agendas, and I use the word "agenda" advisedly. This isn't any other state. This is New York, where we have the capital of the world in Plattsburgh -

(Laughter.)

-- and we have some real, real

difficult questions, issues, and I think it's a credit to the people that serve that they do stand firm and they do their best.

Now, this date that everybody talks about, I would be pleased if we could have an artificial date and say this is when we're going to do it and it's going to be done, but when you have -- What do we have, 211 legislators?

SENATOR GOLD: 211.

SENATOR STAFFORD: -- 211 legislators, we have an executive branch, and when you see the various compromises that have to be made, and I use the word "compromise" advisedly and in the good sense of the word, I think that it's a credit that we can do this in this state even though it's not maybe at the exact date that someone thinks it should be done.

Now, the Governor and the leaders will each owe me a dollar, but I think it's so unfortunate that we read those names and we hear pounding, pounding, pounding on those people

and, "Oh, it's so terrible! It's so terrible!"

You know, someone said to me the other day, "Well, how in the world do you solve this?" I said, "Elect a Republican Assembly," and they didn't want to write that. It makes too much sense.

Thank you.

ACTING PRESIDENT NOZZOLIO: Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, I could explain my vote, yes.

Or the contrary to our eloquent prior speaker, we could elect a Democratic Governor and a Democratic Senate.

But I -- I -- I -- I want to paint a small positive note on something, but also say that I don't believe that there are 209 legislators up here that are pleased. I think there are 209 legislators up here who are grumbling a bit because we don't see this as the finest hour, and we think there is a better way, and I think we have to face the issue that this year we had something different happen, and that

something different was very major non-budget policy items were brought into the budget discussion, and I think that is what has caused so much angst this year and, had we not done that, had it not been handled that way, I think we could have had certainly a more timely budget.

I happen to think that we have the capability in this great government of ours to bring in an on-time budget. I think it's a question of focus and concentration and working maybe more days and more full time in the first few months of our sessions.

So I can't say that that's an inevitability that the longer and the later we are that it just produces a better and better document. I can't subscribe to that.

I would also like to note something that I had heard buzzing around, and I'm not sure if this will come to pass, but it was, I thought, a way of assisting those communities, those municipalities, and those school districts that are experiencing some very

serious difficulty now, particularly in my area, and they are not only now paying the money to borrow from the bank but they are also losing interest payments that they might have were our funds given to them on time, deposited in a bank and collecting interest, and there was some discussion that perhaps state government would be interested in compensating those school districts and municipalities for the loss of that interest income which they will be experiencing as well as for the increased cost to borrow the money and that the state is having that money that much longer, the cash float is with us; we are getting that interest income and that perhaps it would be appropriate and the right thing to do to pass it on to the municipalities and the school districts. I think that is one way that they would be able to at least survive and not be too seriously impacted by what is happening up here. I offer that as a recommendation.

ACTING PRESIDENT NOZZOLIO:

Senator Mendez.

SENATOR MENDEZ: Mr. President, I'm going to be very brief. I just want to put the whole situation in perspective. I feel, Mr. President, that the 211 legislators in this state feel very bad that April the 1st came and went and we didn't have a budget for all of our constituents in New York State. We all -- I think we all feel or the ones that have spoken, that they feel very bad about it.

But the issue here is -- whether we do not have a budget, the issue here is that it is totally unacceptable to me at the personal and the collective level as a legislator. The implication that this bill whether in a -- in one bill or in two bills shouldn't be voted on, and the reason for not voting for it is that we legislators have not done our job. Mr. President. That is such, in my view, an irrational statement that I shouldn't even be placing so much attention to it, but for the record I wanted to clarify it.

Thank you, Mr. President.

SENATOR CONNOR: Mr. President.

ACTING PRESIDENT NOZZOLIO:

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. I would urge all my colleagues to support these emergency appropriations because we've certainly seen in Washington what happens when extremists close down the government. It doesn't inure to the people's benefit nor to the political benefit of the extremists.

I agree with some of what has been said here. I quibble and quarrel with some of the nuances of what we've heard.

I would remind all of my colleagues that it doesn't take 211 legislators to bring about a budget; that there are 212 people involved; that there is someone on the second floor -- the chief executive of this state -- who, frankly, in my opinion, should have declared victory about four or five weeks ago when both houses on a bipartisan basis agreed upon a budget, submitted it to the second floor. It spent less money than last year. It preserved the tax cuts, and it restored needed

funding for things that we care about like education, like health care, like support for our elderly and infirm.

I don't understand what was wrong with that budget, and I think we have to put the proper focus on it. As of that moment, agreed they were late, but the 211 members of the Legislature had, in effect, brought about the process that resulted in a budget, and it was the Governor who decided for a variety of reasons to say no, and that was well reported in the press, as we know; and in doing that, it seems, from what I have been reading and hearing, the drive was the linkage of a lot of unrelated programmatic, nonbudgetary matters at the insistence of the Governor of this state, and that's why I think all fair-minded New Yorkers believe that its George Pataki's fault that we have broken the record.

I hate to see us break the record because records always seem to be the goal the next time out, and every record seems to fall, whether it was the four-minute mile or any other

record, consecutive hits, or whatever, and I hate to see us set such a record as we're doing, but I don't think -- I think we have to remember back a few weeks and realize it's not just that we, the legislators, haven't done our job. The Legislature presented the Governor with a budget proposal and he said no.

Did he say no about the numbers in that budget? Not from what I can divine - and I say divine because we've all seen a Governor who ran on a program of opening up the process, opening up the budget process, who coined the phrase "three men and a budget," now revert to the most secretive process we've ever seen in this capital. For all his predecessors' faults in this area, he has not only broken the record on time, he has broken the quality record in terms of the secretiveness of this, because in his budget negotiations are programmatic issues that really aren't budget items, and the attempt to link them has delayed this budget to the disadvantage of our localities, of our school districts and will put even more pressure

on the local property taxes which we, certainly on this side of the aisle, stand foursquare against shifting any of the responsibilities of the state to the local property taxpayers.

But make no mistake about it, Mr. President. We are here on the eve of Independence Day because George Pataki -- who made an on-time budget, who made doing away with three men and a budget in secret, who made an open process the hallmark of his campaign and carried it forward in his first "State of the State" address -- that's why we're here, because he has forgotten what his agenda was for opening up this process and reforming this state government.

So, Mr. President, we in the Legislature have been here. We have been working with all of our various responsibili ties. If we have been prevented from dis charging all of them, it is because the process is rotten. The process is secretive and the process excludes in many important respects the people's elected representatives; and if we

don't have a budget today, it's because George Pataki didn't know when he had a winner when the two houses presented him with an agreed-upon budget.

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT NOZZOLIO: Senator Stafford.

SENATOR STAFFORD: Everybody is being so brief here, so I will be very brief. But I was just saying, in negotiations, you do have the Assembly, the Senate and the Governor. That makes three parts. Now, I don't suggest that what was said was gall, but -- but it's three parts, and, Mr. President, I don't want this debate to end without suggesting that there were other areas where suggestions were made and where there were problems in getting together, and that was in the Legislature, and I do have to say I wouldn't be doing my job as everyone is doing their job very well here today if I didn't suggest that it was not in this house, but I do think I should make that point.

Thank you.

ACTING PRESIDENT NOZZOLIO: Read the last section.

THE SECRETARY: Section 38. This act shall take effect immediately.

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

SENATOR SKELOS: Mr. President, at this time, if we could call up Calendar Number 1709.

ACTING PRESIDENT NOZZOLIO: Secretary will read.

THE SECRETARY: Calendar Number 1709, by the Senate Committee on Rules, Senate Print 7916, an act to amend Chapter 905 of the Laws of 1986.

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

ACTING PRESIDENT NOZZOLIO: The

message of necessity is at the desk.

SENATOR SKELOS: Move to accept the message.

ACTING PRESIDENT NOZZOLIO: Motion to accept the message.

All in favor, say aye.

(Response of "Aye.")

All opposed, nay.

(There was no response.)

The message is accepted.

Secretary will read. Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time, on Senate Supplemental Calendar

No. 2, would you please call up Calendar Number 1705.

ACTING PRESIDENT NOZZOLIO: 1705, Supplemental Calendar 2. Secretary will read.

THE SECRETARY: Calendar Number 1705, by the Senate Committee on Rules, Senate Print 7897, an act to amend the Public Authorities Law.

ACTING PRESIDENT NOZZOLIO: Home rule message is at the desk.

Call the roll.

Senator Paterson.

SENATOR PATERSON: Mr. President, might we have a brief explanation on that? Senator Leichter had a question or two and he's left the chamber temporarily.

ACTING PRESIDENT NOZZOLIO: Explanation is asked for.

SENATOR PATERSON: Senator Leichter is back. Very temporarily.

ACTING PRESIDENT NOZZOLIO: Senator Hannon.

SENATOR HANNON: Yes, Mr.

President. This bill establishes a public benefit corporation in Westchester County, we call it the Westchester County Health Care Corporation, and a public benefit corporation in Nassau County to be called the Nassau County Health Care System, both of which are charged with delivering integrated health care.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT NOZZOLIO: Senator Leichter.

SENATOR LEICHTER: Yes. Would Senator Kemp Hannon yield, please?

ACTING PRESIDENT NOZZOLIO: Senator Hannon, will you yield?

SENATOR HANNON: Yes, Mr. President.

ACTING PRESIDENT NOZZOLIO: Senator Hannon yields.

SENATOR LEICHTER: Senator, I'm always concerned when at the end of the session we see major bills that apparently have been introduced very recently and when there may not have been opportunity by the affected

communities to be involved, to be heard, to consider. Certainly, there has been very little opportunity by the members of the Senate to really give consideration to what seems to be a very major change in the law affecting health services in Westchester County and Nassau County in the way local hospitals are going to be operated.

But before I get back to the - well, maybe we ought to do that first. Can you tell us -

SENATOR HANNON: Mr. President, is there a question that's being directed to me?

ACTING PRESIDENT NOZZOLIO: Senator Leichter, is there a question?

SENATOR LEICHTER: Indeed there is, Mr. President.

Could you tell us, Senator, when this bill first came into being, have there been any hearings held on it, what the purpose of bill is?

SENATOR HANNON: Both of these

measures are supported, Mr. Leichter -- Senator Leichter, by home rule messages. In order to pass a home rule message, the local government affected must have a public hearing, must have a vote by their local legislative body, have that message signed by their chief executive officer. So each of these are subject to the hearings of their localities.

SENATOR LEICHTER: Was this bill considered by the Health Committee, your committee or the committee in which you are chairman?

SENATOR HANNON: It was considered by myself and the staff. It was introduced by Rules, put into Rules, and the fact that I am carrying it means that it has our support.

SENATOR LEICHTER: But, Senator, you make it sound like, you know, "I am the Health Committee." My question was whether the Health Committee -- not in any way denigrating your very important role in that committee, but you are not the only member of that committee.

ACTING PRESIDENT NOZZOLIO: Senator Hannon, do you continue to yield?

Senator Hannon continues to yield.

SENATOR HANNON: Senator, as you well know from the rules of this house that committees are closed down. When bills are introduced, they are introduced through the Rules Committee. The bill was considered by the Rules Committee and reported to this floor. To the extent that the rules have been complied with, you now have the extent if you have questions on the substance part of this to direct them at me.

If you want to direct them in regard to the procedure, I mean I can only tell you that every procedure that is applicable has been followed to the exact detail.

SENATOR LEICHTER: Senator, if you would continue to yield then.

ACTING PRESIDENT NOZZOLIO: Senator Hannon, do you continue to yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT NOZZOLIO: Senator Hannon yields.

Senator Leichter.

SENATOR LEICHTER: Then the answer is it was never considered by the Health Committee as such but was considered by you, your staff and the Rules Committee.

SENATOR HANNON: Senator Leichter, if I give an answer, that's my answer. If you want to characterize it -- don't characterize it. Just say it's your opinion that it hasn't. Staff has looked at this. We have consulted with people who are familiar with health care systems. We feel that we have tried to lend the expertise as best possible.

SENATOR LEICHTER: Okay. Senator, was any hearing held by any legislative committee, whether yours or in the Assembly on this measure?

SENATOR HANNON: As we have not had hearings in regard to many of the other important issues such as the whole hospital reimbursement system, no, it wasn't held on

this, either. It's been the subject of considerable articles in each of the localities. It's been subject to considerable scrutiny. Both of the legislative bodies that gave home rule messages, I believe, are bipartisan. People have had ample opportunity to have input on this.

To the extent that this meets all of what I would think to be the desired opportunities for people to comment, that has taken place, shaped it. These are not the proposals that came up here originally. They were shaped by different parts of the legislative system for input for better ways to do it, et cetera. I think we have come out with a product that will meet what needs to be met in each of the communities which is that as we move forward into a different system of health care delivery, we find that the municipal framework that they are subject to no longer allows them to have the flexibility to compete, no longer allows them to have the same level playing field that other hospitals that may be just miles way

have and, without these changes, they would be literally left in the dust.

SENATOR LEICHTER: Mr. President, if Senator Hannon would continue to yield.

ACTING PRESIDENT NOZZOLIO: Senator Hannon, do you continue to yield to Senator Leichter?

SENATOR LEICHTER: Senator, let's put the process aside. Certainly to my satisfaction, unfortunately, the answer that I elicited from you was that the process was, at best, a very closed one, possibly a hurried one, and certainly not the openness that I would like to see that we consider important pieces of legislation.

But let's turn to some of the substance and since the first time I saw the bill was maybe a half hour ago -- it's a bill of some 40 pages -- I can't say that I'm expert on it. In fact, I really have a need to know much more about it, but the one thing that struck me, Senator, and I want to ask you about, why the difference between the way Nassau is treated and

the way Westchester is treated and specifically why in Nassau are the members of the board of directors of this new health care corporation appointed by the county executive? In Westchester, I believe eight out of the fifteen members of the board of directors are appointed by the Governor. Why that difference?

SENATOR HANNON: Those are the ways the bills came to us as were shaped by the various channels that they went through; namely, for Nassau, that's the way that the county government submitted it to us and this is the way for Westchester that both the county in the process -- they have been heavily involved with Assemblyman Brodsky in the Assembly in regard to shaping this, and I had asked that very same question as regards to, Why do you have a majority of the members of the board in Westchester appointed by the Governor? and the answer to me was, "It was Assemblyman Brodsky insisted upon that"; and in speaking with the folks from the Westchester Hospital, in the course of the conversation -- I didn't bring it

up -- they said, "Well, we would love to have the procedure in Westchester that is in the Nassau portion," but that the -- I said, "No, if you have gone through the whole process and Mr. Brodsky wanted it that way, we're not going to interfere with that whole process," and as a result -- when they did do the home rule, that's the way they sent us the home rule. So we have two different entities for -- I don't think there's many other differences -- have picked out just that difference and are supporting that.

SENATOR LEICHTER: Mr. President, again through you, if Senator Hannon will continue to yield.

Well, Senator, that is why I think the process is so important and that's why I started out on process because if there had been hearings, if the Health Committee had been involved, maybe you wouldn't have found yourself in a situation where I think, very uncharacter istically, as I hear you say it, you sort of had to act as a rubber stamp. Well, Nassau wanted

it this way -

SENATOR HANNON: Excuse me, Mr. President. I -- first of all, I resent the innuendo of rubber stamp. I resent the innuendo that there has not been a sufficient amount of time. This bill has been in a week. If you haven't looked at your introductions and read the bills as they are introduced -- we have had a sufficient amount of time. I have passed a score of bills on this floor this session within the last two weeks that have gone through the exact same process. Would I have liked to have had more time? I'd like to have more time on all of them, but there are important issues to deal with, and this is one of many of the important issues we have to deal with.

The bill is before you. If you would like to talk about the substance, I would be highly desirous to do that here on the floor, in private. No one is withholding anything from you, and so the innuendo that there is something flawed with the process is a highly great one to do if you are in the minority. I was in your

shoes exactly for many years, had the position that Senator Paterson has. But it doesn't work, especially when you have someone as feisty as me willing to say it.

SENATOR LEICHTER: Mr. President, if Senator Hannon will continue to yield.

ACTING PRESIDENT NOZZOLIO: Senator Hannon, do you continue to yield?

SENATOR LEICHTER: Senator, let me make it very clear.

ACTING PRESIDENT NOZZOLIO: Senator continues to yield.

Senator Leichter.

SENATOR LEICHTER: Let me make it very clear. There is no innuendo at all. There is a direct, clear, explicit statement that the process is very flawed, and I was just trying to point out that you had somewhat confirmed it by saying, well, Nassau came up with this proposal, Westchester with this proposal and, you know, within a week, and so on, and this is how we accepted it.

I want to say I think that is un

characteristic of what I know is not only the great intelligence that you bring to your position -- I say that very sincerely -- but your activism and your understanding of the issues.

But, Senator, let me continue by asking you this. The fact that the Nassau board, as I understand it, would not be a state board because you don't have any appointments by the Governor, and so on, would that mean that that board, for instance, and that corporation is not subject to the state Ethics Law whereas, in Westchester, because it is a state board, it would be subject to the state's Ethics Law?

SENATOR HANNON: The local ethics laws -- well, first of all, the Westchester board would be directly subject to the state law but the Nassau board would be indirectly subject to it, because the locality must pass a local ethics law that is in conformance with the state law. They have done that. It is the same as the state law, so as a practical effect, the disclosure and the rules are the same for both

members.

SENATOR LEICHTER: Again, if you'll continue to yield.

ACTING PRESIDENT NOZZOLIO: Senator Hannon, do you continue to yield?

SENATOR HANNON: Yes.

ACTING PRESIDENT NOZZOLIO: Senator Leichter.

SENATOR LEICHTER: If I understand what you are saying, is that Westchester is automatically subject to the state Ethics Law; Nassau was not, but that the county legislature has passed or incorporated for this purpose or made this corporation subject to the state Ethics Law?

SENATOR HANNON: My answer is, based on the best memory that I have, based on the 1987 statute that we passed, that we required local governments to have an Ethics Law that is substantially the same as -- and there's very tight bands around it -- as the state, and the County of Nassau has passed such a law. So, therefore, as a practical effect, they have the

exact same provisions. These are, by the way, unpaid boards of directors, members of the board of directors.

SENATOR LEICHTER: If you would continue to yield.

Unpaid or not, when you carry out an important public function, I know you agree with me that we want people subject to the highest ethical standards.

But let me ask you, for the Nassau Health Care Corporation, are there any provisions in there for minority and women business as I believe there are applicable to the Westchester corporation?

SENATOR HANNON: I'm not aware of any specific set asides or formulas like that.

SENATOR LEICHTER: Let me just ask you, is there a difference between Westchester and the rules that apply to the Westchester corporation and that would apply to the Nassau corporation?

SENATOR HANNON: In terms of procurement?

SENATOR LEICHTER: My understanding is that the Westchester board, by virtue of the gubernatorial appointment, is subject to provisions of state law whereas Nassau would not be, and one of those would be the laws that we have relating to minority and women business enterprises.

SENATOR HANNON: Well, I can see your logic of the question. I'm not so sure I agree with its relevance. We have made Nassau subject to the same procurement statutes as in Westchester. It's certainly subject to many of the public bidding things, but I'm not so sure that in terms of level playing field for its competition with hospitals nearby that I would want that type of provision in there when you are buying syringes and medical equipment and oxygen tanks and things like that, Senator. That's a discussion that I think is not one you would want to really pursue down the road. I mean it just doesn't seem to me to make sense.

SENATOR LEICHTER: If you would continue to yield.

Really what I'm trying to do, Senator, with your help, is to show to our colleagues and try to understand if there is any rationale or any valid public policy reason for treating Nassau and Westchester differently, and we've pointed out -

SENATOR HANNON: What is it - well, look. We put these bills together because we want both to pass. We're talking the policy making decisions of the process from both, and if there are differences, so be it. But they are not -- they do not go to the essence. The essence is to create integrated delivery systems in both counties. That is the essence.

To the extent you want these people to operate as if they're a Dormitory Authority or facilities construction authority, I think they have different missions, and the point you raise about minority and women business enterprises, I don't think really are applicable. What does that have to do when you are dealing with medical equipment?

SENATOR LEICHTER: Mr. President,

again, if Senator Hannon will continue to yield. I think the difference is to try to understand why, again, a health corporation that's being established in Westchester is so radically different from one being established in Nassau, and I don't -- I don't know whether it's an answer, Senator, to say, "Well, they both have the same mission." If they both have the same mission, why don't they have the same terms?

Let me ask you about another difference.

SENATOR HANNON: Well, then your point is -- first of all, it was -- in your question, you try to summarize up and again mischaracterize my answer by using the phrase "radically different". I would beg to tell you that that's your characterization. That's not mine. I think 99 percent of the terms are exactly the same.

The next point is, in terms of getting an answer to this, is that these are both patterned off of the Health and Hospitals

Corporation of the city of New York, but they are not the same, mainly because the world of health care changed, and they are not the same also because there are just different geographical things. We don't make all local governments fit into ticky-tacky boxes that are identical, because they are not. They have different needs and different concerns.

So we pass a whole panoply of laws that allow for vast differences. These don't happen to be vast differences. They are minor points that the localities wanted, so I don't think that you are going to be successful in trying to establish a point that somehow one or the other should have been the same. We did make them the same for some things such as dealing with labor so that the individual labor unions would not have any objections to these, but there are other points that we allow for variety.

SENATOR LEICHTER: Mr. President, through you, if Senator Hannon will yield.

ACTING PRESIDENT NOZZOLIO:

Senator Hannon, do you continue to yield?

SENATOR LEICHTER: If you will continue to yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT NOZZOLIO: Senator Hannon continues to yield.

Senator Leichter.

SENATOR LEICHTER: Maybe your definition and mine of "significant differences" -- and even "radical differences," are somewhat at variance with mine. But I would say -- if in one you have a board where the Governor appoints eight of fifteen and in the other one the Governor makes no appointments, I would say that's a pretty big difference.

But let me ask you about another difference, Senator. I understand that the Westchester board for the transfer of property that requires the two-thirds vote of the local legislative body, that -- two-thirds of the county board of legislators. I am advised there is no similar provision for Nassau County. Why that difference?

SENATOR HANNON: The ordinary model public benefit corporation -- if you can say there's a model, but the general one doesn't have that in. But the board of legislators of the county of Westchester said that they did want that in, so it was included.

SENATOR LEICHTER: Well, Senator, if you will continue to yield. I mean shouldn't we try to have uniform laws when we set up these sort of new corporations? They certainly are new, and we appreciate how much is changing in the health care field, and maybe this is the direction to go. But why have these widely differing approaches?

I just don't understand it. If you are saying to me that's what the local legislative body wanted, I mean -- again, I don't mean to say you are a rubber stamp. Far from it. But we certainly look at what the localities request of us, and maybe it makes sense, and maybe it doesn't. But why make this difference between Westchester and Nassau? I still don't understand it.

SENATOR HANNON: Senator, despite your use of value-laden, politically-charged words, your question really shows an unfamiliarity with what's going on in health care. Some place later on in this session as a stand-alone bill or as part of a health care reform act of 1996 is a successor to the NYPHRM act. I hope to see provisions in there with regard to provider service networks, and one of the things that we have had to hammer out is what type of provider service network are we going to dictate be present, and we found out that there is in the states such a wide variety of different networks, such a wide variety of different combinations that we ought not to lock them in. So that when we're trying to take these two localities, take their hospitals, unfetter them and unshackle them from municipal rules, still keep them within the grounds of regulation by the Insurance Department and the Health Department of this state so they can move forward but do so in a reasonable way, in a way that we can be assured that both the public

trust and the public goals will be met, no you don't lock them into some type of straitjacket but you do it within a regulatory framework that can give us as legislators and our constituents as patients the assurance that what is going to take place will be reasonable and good health care.

SENATOR LEICHTER: Mr. President, again if Senator Hannon will be good enough to continue to yield.

ACTING PRESIDENT NOZZOLIO: Senator Hannon, do you continue to yield?

Senator Hannon continues to yield.

SENATOR LEICHTER: Senator Hannon, I have no problem with that particular formulation, and I think most members would agree as long as we can understand and see a reason for these differentiations. But unless I have missed it, I don't think you have explained to me what it is about health care in Nassau as distinguished from health care in Westchester which justifies the differences in the

approaches of the two corporations we've seen, particularly one which I consider is a very great difference, and that is gubernatorial appointments. Can you tell us what it is about the nature -

SENATOR HANNON: The local governments each, respectively, decided that they wanted those items, and I think in their judgment -- we're not to supercede the judgment, the collective judgments of the executive branch, the legislative branch, of those two large sophisticated counties and that, to my mind, after they have had due deliberation of that, is a good enough recommendation.

We have made sure that they are within the framework of the state. We have made sure that they are only going to stick within the bounds of this legislation. We have made sure they have to adhere to the Health Department rules. We've made sure they have to adhere to the Insurance Department rules. I think that we should not go farther.

To you extensive major

differences are simply looked upon to me as reasonable changes and reasonable variations that people can look on and have.

SENATOR LEICHTER: Okay. Thank you very much, Senator Hannon, and I appreciate your answering these questions, but I must say I remain unpersuaded about supporting this bill, and I am concerned about process. I think process is very important. I think process has a direct relationship with a work product.

I think for bills of this significance, of this importance, to come up this late in the session -- in point of fact, they came to this house after the Majority Leader said we're finished. In fact, you and I -- this may be illusory because, if my memory serves me, we finished on June 18. The Majority Leader summed up the accomplishments of the session; the Minority Leader spoke about the accomplishments of this session.

So to come up with a bill that is an extremely important bill -- not only for Nassau and Westchester, it's important for the

entire state because of -- as you appreciate probably more so than anybody else -- the interrelationship of what various localities do with what happens statewide and how it serves as a model in the rest of the state. So I'm concerned when I see these major bills come up and, Senator, unlike you, who -- as you indicated, you look at the introductions and read every bill that's introduced at the end of the session. I don't. Maybe I should. I wish I had the time to read them and study it, but I don't know which bill is going to be moved, and so on.

The point is that as a body here we don't know what's in a major bill and that disturbs me. At least if I knew that the bill went through the Health Committee, was considered, was aired, was heard, was discussed, that's a safeguard to see that the democratic process works to bring out the best possible legislation. That didn't happen in this case.

Then, when I find such differences that I can not understand or explain

and it's not sufficient for me to say, "Well, Nassau made this proposal; Westchester made this proposal" -- I mean either we're going to have gubernatorial appointments or we're not going to have gubernatorial appointments. But to have such a -- and I consider it radical -- I use that word intentionally and advisedly - approaches, I think there has got to be some reason and understanding for it.

Now, I am told that the Assembly is not going with your bill because they have the same problems that I have. They don't see any reason why Nassau ought to be treated so differently from Westchester County and, frankly, given the histories of the counties and things that happen raises the question whether this is really just a political matter, a political approach that drives this and not any differences in the health care of the two counties which justifies a different approach.

I am also told that all the Democrats in the Nassau County Legislature voted against this. I don't know whether it's so or

not. It's certainly not determinative of the view that I'm going to take of the bill, but I think it tends to show the political nature that seems to have driven this particular approach for Nassau and how it differs from the approach that we have for Westchester County.

I certainly have a lot of unease about these bills, and I think at this time in our legislative session is not the time to pass these sort of bills, not when we can't understand these variations between two counties.

ACTING PRESIDENT NOZZOLIO: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Hannon would yield for just a quick question. Of course, I want to thank the other members of the staff for their patience.

Senator Hannon, there seems to be a distinction between the Westchester public benefit corporation and Nassau County with respect to constraints on the transfer of property. Can you explain that for us?

SENATOR HANNON: You will have to point out -- Senator Paterson, you will have to point out to me the sections you're referring to.

SENATOR PATERSON: Okay. What I'll do is while I'm trying to find that, perhaps I just have this question. Wouldn't it have displayed more foresight to have the public benefit corporations from two different areas, two different counties, to have, as Senator Leichter suggests, been consistent with respect to gubernatorial appointments? And even if there isn't a chance that there will be much of minority or women's business enterprise in the transfer of hospital supplies and perhaps even if there is an ethical system that would mirror the state ethics system, wouldn't it -- at least in terms of the formulation of legislation with respect to events that may occur in the future -- wouldn't it have been more foresighted to have created a kind of scrupulous fairness in drafting of the legislation with respect to that of public benefit corporations that already

existed?

SENATOR HANNON: No.

SENATOR PATERSON: Page 12, Senator Hannon, I think speaks to the Westchester public benefit corporation; page 34 is the comparative information for the Nassau County public benefit corporation. There is a two-thirds vote required in the Westchester for the transfer of property, and there's no constraint in the Nassau County version.

SENATOR HANNON: It's what each of the local governments wanted.

SENATOR PATERSON: But that's my point. As a state and in a situation where there could be ramifications that would have far greater results or harm depending on whether or not there is a constraint on the transfer of property, I would just wonder why as a state we would be granting the status of public benefit corporation with such a divergence of ramifications?

SENATOR HANNON: Senator Paterson, I think you and Senator Leichter have

the advantage of coming from the great city of New York but also the disadvantage of not understanding the county government laws of this state.

Westchester, Nassau, along with Suffolk are the three counties in this state that have very peculiar charters. They were charters passed by this Legislature, put to referendum of each of the counties, approved, respectively, separately by each of the voters. So we have created in essence by state statute their charters.

We have recognized vast differences in terms of power, vast differences in terms of how they procure things, vast differences how they go about organizing, having a vote, who gets to which board. We have set those down in 1930 and 1940, so that for over 50 years we have recognized vast changes.

These little things here are now coming out of those local bodies. I view them in total harmony with the types of differences that we have already recognized and many times,

by amendments to those respective charters, ratified. To the extent that there is any difference, I think that they are totally understandable. We do, after all, go for home rule. We do, after all, face charges from your side of the aisle if we are interfering in the home rule powers in one of the counties.

What we're trying to do here is simply say to people when you have made that determination and it is a reasonable determination, we will go along with that.

SENATOR PATERSON: Thank you, Senator.

If the Senator will continue to yield for just one last question.

ACTING PRESIDENT NOZZOLIO: Senator Hannon, do you continue to yield?

SENATOR HANNON: With the promise that it's the last question.

ACTING PRESIDENT NOZZOLIO: The last question, Senator Paterson?

SENATOR PATERSON: This is the last question.

ACTING PRESIDENT NOZZOLIO: This will be the last answer.

Senator Hannon.

SENATOR PATERSON: Senator, with respect to constraints on the transfer of property, I would say that you could probably convince me and, as a matter of fact, since you can't have two deputy minority leaders from the same district, that's one of the reasons I moved out because, like Senator Leichter, I have the advantage of being from the great city of New York but, like yourself, I have the advantage of having grown up in Long Island, so I do know a little bit about the Nassau, Suffolk and Westchester County local governments, and I can understand that.

But on the issue of minority and women business enterprise and state ethics standards, I would tend to think that they would be more universal and that we would not want to delegate to the local governments the option of adhering or not adhering, even if we don't know the relevant criteria, for fear that some event

in the future will come up, and we as a state are not protected because we did not write this into our legislation, and it looks a little inconsistent when you come to those more principled areas.

When it relates to the type of situation that you just described in your last answer, I accept it where it comes to the transfer of property. But on certain issues that have plagued individuals in the state for long periods of time or other issues such as ethics, which really should be the standard equally in all jurisdictions, I don't know that I do agree, and so I just wanted you to explain to me how the issues of ethics and of trying to establish equality in business opportunity would be the same as the transfer of property which you just described?

And that is my last question and with that, I also wish you, Senator, a happy Independence Day.

SENATOR HANNON: We have subjected everybody in Nassau to the Public

Officers Law for all purposes and make them public officers and employees for all purposes. Page 30, that subjects them to the Ethics Laws. That subjects them to the exact same provisions in actuality that the people in Westchester get subjected to, and I don't see that there is any difference.

SENATOR PATERSON: Thank you, Senator.

ACTING PRESIDENT NOZZOLIO: Read the last section.

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

ACTING PRESIDENT NOZZOLIO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56.

ACTING PRESIDENT NOZZOLIO: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

ACTING PRESIDENT NOZZOLIO:

Senator Leichter.

SENATOR LEICHTER: May I have unanimous consent to be recorded in the negative on Calendar 1705, please.

ACTING PRESIDENT NOZZOLIO: Without objection.

Senator Skelos, there appears to be no housekeeping.

SENATOR SKELOS: Mr. President, there being no further business, I move we adjourn subject to the call of the Majority Leader, intervening days to be legislative days.

ACTING PRESIDENT NOZZOLIO: Senate stands adjourned.

(Whereupon, at 4:03 p.m., the Senate adjourned.)