ALBANY, NEW YORK

January 28, 1997

11:10 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 take their chairs, staffs to find their places. I'd ask everybody in the chamber to rise and join with me in saying the Pledge of Allegiance to the Flag.

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

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

(A moment of silence was observed.)

Reading of the Journal.

THE SECRETARY: In Senate, Monday, January 27th. The Senate met pursuant to adjournment. The Journal of Sunday, January 26th, 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, can we at this time adopt the Resolution Calendar.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Resolution Calendar is adopted.

Senator Bruno, that brings us to the non-controversial calendar.

SENATOR BRUNO: And can we take that calendar up at this time, Mr. President.

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

THE SECRETARY: Calendar Number

6, by Senator Maltese, Senate Print Number 169 A, an act to amend the Penal Law, in relation to the use of an explosive or an explosive device during a robbery.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 1st day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 27, by Senator Kuhl, Senate Print 351, an act to amend the General Obligations Law, in relation to the liability for negligence of owners or operators of pools.

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 42.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 29, by the Committee on Rules, Senate Print 762, concurrent resolution of the Senate and Assembly, proposing an amendment to Section 9 of Article I of the Constitution, in relation to casino gambling.

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 45, by Senator DeFrancisco, Senate Print Number 484, an act to amend the Civil Practice Law and Rules, in relation to certain privileged information.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 49, by Senator Volker, Senate Print 521, an act to amend the Civil Practice Law and Rules and the Public Authorities Law, in relation to personal service.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 52, by Senator Goodman, Senate Print Number 419, an act to amend the Vehicle and Traffic Law, in relation to mandatory suspensions of Class E licenses.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect 30 days.

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno, that completes the non-controversial calendar.

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

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar beginning with Calendar Number 29, Senate Print -- Senate Print 762.

THE SECRETARY: Calendar Number 729, by the Committee on Rules, Senate Print Number 762, concurrent resolution of the Senate and Assembly, proposing an amendment to Section 9 of Article I of the Constitution, in relation to casino gambling.

SENATOR PATERSON: Lay aside.

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

SENATOR BRUNO: Mr. President, on the resolution, I believe all of the members in

this chamber understand that this resolution that's before us presently represents second passage which would move, if approved, this referendum to the voters of this state in November, and that's what is before us, the second passage to amend the Constitution.

According to the Constitution, this would then be a referendum if it passes. If it is approved in a referendum, any locality that is specifically mentioned in this resolution would then have a referendum vote on whether or not they would want a casino in their designated area. That is what is before us, a referendum, Mr. President, to take this issue to the voters of New York State.

Now, we will have a long debate on this issue, and there are very strong feelings on this issue and this is an issue that is not new. This issue has been before the Legislature a number of times. This issue has been debated since the middle '60s in this state and I say that because I've heard some criticism that we are moving this resolution early in the session and haven't had time to fully debate it.

Well, we have had nothing but time to debate whether or not we want a referendum on casinos in this state -- 30 years -- 30 years we have been debating this issue. Many of us in the Legislature, when faced with difficult choices, would rather not make them, but the moment is before us when we must make a decision and the decision will be whether or not we feel the voters of this state would have a right to vote on whether or not they want to legalize casinos in New York State in the designated areas.

I am going to, Mr. President, vote for this referendum. I had indicated two years ago, when we gave this resolution first passage, that the members in my Conference would make their judgments for second passage based on their feelings personally in representing their own interests and their constituents, and that's where we are. There isn't anyone that is feeling, hopefully, any pressure other than the pressure of their own conscience, of their own emotions, and of their own constituency and that's how this vote should be taken.

I would encourage you, and I say

encourage you, because most of the time when we come in this chamber, our minds are all made up. Very few times are any votes changed, as eloquent as we may think we are when we're on our feet. Rarely do we convince our colleagues of the position that we take if they had walked in feeling otherwise, rarely.

But I'm going to ask you all to listen, listen to the debate this morning and into this afternoon, and I would ask you all to then make your judgment when you hear it all together, review it all together, on how you feel you should vote and then vote accordingly, and I want to talk to the mechanics so everyone understands what will be happening.

If the referendum passes in this chamber, I am told by the Speaker they will take it up shortly; that means within the next week or two. Your reading, and the Speaker has indicated, that there are enough votes in that chamber to pass this resolution, which would take it to the voters in November.

If we don't have the votes to pass this resolution today, then we will be certain that, before we leave here, that this

issue is dead for this legislative session, not this year but next year as well. This resolution will not be taken up again if, after we debate it and after we deliberate and if the decision is that this will not have a majority of 31 votes, this issue will never be taken up again in this chamber this year or next, and I say that emphatically because we've discussed it in our Conference, and I am representing our Conference and sharing with you the majority opinion of the people in our Conference, and I believe in talking to Senator Connor that he shares that view, that once this issue is decided it will be decided for better or for worse depending on the outcome and depending on your own point of view.

I am not going to speak to the issue of casinos and whether or not they make sense. My position has been very clear, and it hasn't changed. I wish that we, in these United States, had never had a casino functioning in the United States. If I had a dream and it could come true, it would be that we never, ever legalized any form of gambling in the United States.

But we are way beyond that. We are an island in New York. We are surrounded by casinos. We in New York State have the lottery. We have OTB. We have Quick Draw, so we encourage, by our actions, people to gamble. So the issue before us now is whether or not we will allow the general public to vote on whether or not they want to participate in whatever happens in revenue from casinos.

Are there casinos in New York State? We can't debate that issue on the floor of the Senate or in the Assembly. That is an issue that has to be debated in Washington, and I'm very conscious of the fact that there are those that say, Let Washington decide the issue, and I wish that that could be the case, and I'd like to see that happen in my lifetime and I don't expect that it will, so it comes before us to recognize that we have a casino operating about an hour and 15 minutes from here. We have to recognize that there are casinos planned by the Native Americans all over this state. They're planned. They're on the drawing boards. There are discussions taking place, and I only say that as a matter of fact so the issue

before us isn't whether or not we will have casinos in New York State. We have casinos in New York State. There isn't anyone that lives in this state that can't get to a casino now in two hours or less, and most of the population can get to a casino in 45 minutes in this state -- 45 minutes -- take a hike out late in the morning, have lunch, be in the casino, be back for dinner, most of the population of this state. So the debate that takes place here ought to be focused on whether or not we move this to a referendum in November.

But the debate won't stay there. Debate will discuss, and that's appropriate because in this forum, Mr. President, in this forum, we deliberate as any elected legislator sees fit and that's appropriate and we will debate it and we will talk about it and we will vote.

So I will ask you only to participate and, if everyone takes as long as I have, then we'll run out of time. So I would ask you to be conscious, much more than I have been, of the time, in that I believe many of the members want to be heard on this issue and, if

you're listening, you won't repeat more than four or five times what's been said before and we can all be heard.

But we have a two-hour time limit in this chamber, Mr. President. I think the consensus would be that we not adhere to that strictly, with your indulgence, because if there are people that want to be heard they ought to be heard on this issue because we've waited a while to talk about it. So I share that with you at the beginning, but I would ask you to be conscious of the fact that some time today we'll conclude the discussion and take a vote.

Thank you, Mr. President.

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

SENATOR CONNOR: Thank you, Mr. President.

Mr. President, I've come to a personal decision with respect to this issue which I will share with my colleagues in a moment, but with respect to the process I want to thank Senator Bruno for moving this issue to the floor. I think it's a good idea that we engage throughout the session important issues

rather than following the past practices that we've fallen into of everything suddenly being linked at 11:30 at night, everything from the budget to how much paper the Legislature is going to buy or consume, and it's good that we approach these issues untied, unattached.

Senator Bruno has been a person of his word on this issue, and I know we meet not alone Senators but a somewhat skeptical audience facing us right now with pens in their hand, but there have been no deals, negotia tions, talks about that, attempts to link or whatever. We're here on the merits of this issue and each member will vote his or her choice.

I am going to vote no on the resolution, and it's not because -- and this debate sort of operates on several levels. I know there are members, and I understand that, who have strong convictions about the moral rightness of casino gambling. We have certainly been lobbied by people. As I said to someone last night, I've been lobbied by everyone from archbishops to arch-villains in this, at least if you read the press. But I'm -- we have

before us a specific proposal that I have a great deal of problems with.

It's, in a lot of ways, a blank check. It doesn't limit or specify the number of casinos that would be in the Catskills. It leaves it to the tender mercies of a future Legislature to do what we call the follow-up legislation. That means that all these folks who have a concern will be back at this institution year after year after year.

I have grave institutional concerns about that, the fact that we may indeed put into place enabling legislation should this pass the voters and only to find that every time they want a rules change to build an additional casino in the Catskills or whatever, people who deal in large amounts of investment money who look to reap large profits will be back lobbying the Legislature. Just let us have one more casino, just let us have one more casino. Just change the rules a little bit. Just change the way whatever commissioner or body will regulate it, and we don't know who will regulate it because we don't have enabling legislation before us. There are models we can adopt from

other states, but it's always been my position that before we pass along an amendment to the people, we ought to have in place contingent enabling legislation so everybody knows what they're -- the voters know what they're buying into.

Who will regulate it? How will it be done? Will it be strictly regulated or kind of loosely regulated? Both models exist elsewhere in this country. It's a major concern to me that that's not before us, that we don't know what it is, that we're in effect operating in the blind on that.

Another major concern I have - and I've not spoken to the Mayor of the city of New York. I've spoken to the hotel and theatre owners, for example -- is there's nothing in this for New York City. New York City can't have casinos under this and, second, and I know it's been suggested, well, if this were to pass the people, we could do another amending process to place on the ballot three or four years down the road including New York City.

Well, I can't believe the public wouldn't laugh us out of this place if we

confronted them with referenda after referenda over casino gambling; and secondly, obviously, suddenly the people with an interest in the Catskills would become opponents to protect their own economic interests.

We have in New York City a vibrant tourist industry. We have more first class hotel rooms than anywhere, I suspect -- I know -- and we have an enormously successful theatre industry. We have occupancy rates that are very high. We helped do that when we repealed that hotel tax. The owners of those businesses are very, very concerned about what impact they believe that this measure would have, a deleterious impact on that status in New York City as a convention center, as a place where large conventions locate. They would - they fear they would lose that business and that's a legitimate concern.

I think to say, well, let's - all we're doing here is passing it on to the people, is to deny the judgment the Constitution vested in us. We have to make a judgment about whether we believe in the rightness of the specific measure we're passing on to the

ballot. That's our responsibility.

Indeed, think about it in other contexts, my colleagues. There are many, many people out there who favor term limits for us and I dare say in this Legislature there probably are not very many people who think term limits is a bad idea who would casually say, I think it's a bad idea but let's pass it on and let the voters decide, and I'm not prejudging where anyone is, but that would be a Constitu tional Amendment. So I think we clearly have a responsibility to use our judgment, and we ought not fall into that trap of, let's pass it on to the voters. We do that enough, and the voters may get the idea they don't need us sitting here making judgments.

The other concern I have, frankly, about this is that there's been a lot of talk about we have casinos already, we have casinos already. We have one Indian reservation casino. Now, as Senator Bruno rightly points out, the Indian Gaming Act, we have nothing to do with. The fed's passed it, but I think we ought to be mindful of a few things.

The casino we do have on the

Oneida reservation was done through a compact between the Governor and that tribe without any legislative approval or referral. There is a case, I believe, emanating out of New Mexico where, in fact, the federal courts are saying, Whoa! Wait a minute. The federal government can't tell a state, that the Governor speaks for the state, the state has a Legislature. If, under state laws, laws are made by the Legislature and the Governor, the Department of the Interior, the Congress either, can't cut the Legislature out. I happen to have believed this was so as well.

There is a section of the federal Constitution that guarantees to every state a republican with a small "r" form of government. I'm not referring to the unwritten portion of the state Constitution which seems to guarantee a big "R" Republican Senate, but in the federal Constitution that's there.

I wrote a letter last summer. I wrote a letter to the Department of the Interior, Secretary of the Interior, and said, There's a lot of talk about more Indian compacts, Indian casinos, and you know, I

believe the Legislature ought to have a say in this, so on and so forth.

I got an interesting letter back which said, in effect, that the Secretary of the Interior takes its bent from the chief executive. They don't look into how a state government operates but, because of my letter, they went ahead and called the Executive Chamber in New York and were assured that this Governor has no intentions of entering into any Indian gaming compacts without submitting it to the Legislature.

So we -- we're going to end up with the responsibility one way or the other should there be any attempt to expand on Indian gaming in New York. That's my firm belief. So I don't think we ought to hold that out, well, it's here anyway and the litany of gaming and gambling and Quick Draw, et cetera, et cetera, that we have in New York and that, in fact, we seem to encourage our residents to engage in, I don't know if that's anything to point to and emulate. I'm sure we'll hear later from Senator Padavan about how that's the wrong road and we shouldn't go from marching down the wrong road

to running down the wrong road.

All that said, speaking for myself, on this amendment which leaves out New York City, which has no enabling legislation, no ability from this to tell what, if anyone, will regulate casino gambling; how many; will it be limited or unlimited casinos can go in the Catskills because, under this amendment, it appears to be open ended and unlimited, and indeed do we want to create that kind of open ended situation where casino interests are constantly coming back to this institution, the people's Legislature, constantly seeking changes, expansions, amendments, and so on.

I think that's a bad idea. It's the wrong way to go. I don't pre-judge any future proposals, but this one that's before us today I can't vote for.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The Chair recognizes Senator -- excuse me. Senator Bruno.

SENATOR BRUNO: Mr. President, I understand that the EnCon Committee has some pressing business and would like to ask for an immediate meeting in Room 332, and I understand

that it will be very short.

ACTING PRESIDENT KUHL: Be an immediate meeting of the Environmental Conservation Committee, immediate meeting of the Environmental Conservation Committee in the Majority Conference Room, Room 332.

The Chair recognizes Senator Waldon on the resolution.

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

Would the sponsor of this bill yield to a question or two?

ACTING PRESIDENT KUHL: Senator Waldon, there is no sponsor. This bill came directly out of the Rules Committee.

SENATOR WALDON: But wouldn't Senator Larkin speak on the bill?

ACTING PRESIDENT KUHL: Senator Larkin will speak on the bill. He's on the list. Do you want to wait until he speaks?

SENATOR WALDON: No, no, I apologize for not recognizing, Mr. President. Let me just speak on the bill.

ACTING PRESIDENT KUHL: Senator Waldon, on the bill.

SENATOR WALDON: Philosophically Senator Waldon supports casino gambling. That's legend up here. You all have known that for a long, long time, my colleagues, but as this proposal is crafted, I can not support casino gambling.

If this were to go to the people of the state of New York and pass, then every act necessitated to build casinos would have to come back to us. There would be a decision made, is it Warren County or Saratoga County where the casino will be built, not far from where we are? That would be our decision. It will be determined at some later point, if this goes to the people and is passed by the people, that New York City will not have any possibility of casinos, whether it be a riverboat which would work in Far Rockaway or a riverboat which might work on the West Side of New York City. None of that will happen if this goes to the people as crafted.

There's nothing in this proposal which says that this percentage of money will enure to the benefit of the people of the city of New York. Last year in this state, $3.6

billion were spent on lottery tickets, $2 billion went to winnings, 1.6 billion was left over. About 1.4 billion went to the schools of the state of New York. A similar amount, but much diminished amount of money in terms of percentages, might enure to our benefit, to the schools or where else -- wherever else in terms of the coffers of New York State, if casinos were to become a fact. But there's nothing written in this which says that this percentage or that percentage will enure to the benefit of the people I represent.

The Rockaways are being treated like a motherless child under this proposal, a long way from home, no benefit, no consideration, no possibility of the best strip of sand in New York State which is the best place to build casinos having a possibility of a casino.

I can't support it as proposed. But there are some other considerations that you in the gallery and those here who are my colleagues may not be as cognizant of as I. There's nothing here which says who will watch the casinos. We have no commission proposed.

As crafted, we can't come back in the fall, we can't come back next year and say, we're going to clearly do what's right in terms of controlling this factor.

I think what we've created here if this were to go to the people and be passed, is an opportunity for organized crime to come in to this "cash cow" and milk it until the milk becomes cream. This is dangerous for us. I don't know if you're aware -- you are aware, I should say, of what happened in Louisiana. Not only were the legislators in hot water and indicted, but even the son of the governor was involved in some situations of a nefarious nature. We can not build casinos without an oversight commission.

In New Jersey, not one, not two, but it is my understanding that three mayors lost their office because no one was watching the casinos sufficiently to ensure that organized crime or other people with a vested interest could not spread the money around. Somebody said, Show me the money, and it was shown and therefore, they got themselves in a lot of hot water.

I think we're better than that. I think that this state can revisit this issue at a later date, can include the Rockaways, can include the city of New York, can make sure there's a fair distribution of whatever monies enure to the state of New York. I believe that we can craft a commission to watch who is doing what with the money generated by the casinos. I think that people in the Rockaways deserve a casino. Those who live in that area would have a chance for jobs other than McDonald's. Maybe some of you would not be so worried about Work fare versus welfare. You deny people the opportunity to receive public assistance, and by this you're denying them the opportunity to have a meaningful job which would eliminate the need for public assistance in the Rockaways.

My colleagues, I would encourage you to do as Senator Bruno said, to listen to the debate and to make a considered judgment before you cast your vote and to make it in what is my opinion what he was trying to state to us, in the best interests of the people of the state of New York.

As I understand this proposal,

the only best vote today is a no vote, so that we can come back and do this right, so that we can come back and do it in a just fashion, in an equitable fashion, so that we can come back and ensure that all of the people of the state of New York would benefit equally from the construction of casinos in this land.

There's another little concern, and then I'll sit, Mr. President. As this is crafted, every time down the road, when someone wants to build a casino, they will have to come back and see us. They will have to come back here and touch the palm. They will have to come back here and dip their beaks in the well of the Legislature. I think that portends too many ominous possibilities of bad things happening to members of this Legislature.

I would encourage us not to do that, to not build a slippery slope that some of us may fall down. I would encourage us to go up the rough side of the mountain in terms of equity for all of those who are people and citizens of the state of New York.

I'm not going to beg my colleagues to vote no, but I can tell you that

there are 100,000 people in the Rockaways which would ask that you really consider the possibilities of disenfranchisement, of treating people differently if you pass this and that you would all vote no on this issue.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Chair recognizes Senator Gold on the resolution.

SENATOR GOLD: Thank you, Mr. President.

First of all, I want to agree with Senator Bruno, as I said in the committee, that I think getting this out and dealing with it was right, but I agree with him on another point and I think this is our own conscience and what's good for our constituents, and I want to start off by affirming my belief in the honesty of everybody in this chamber and in the other chamber, and I say that looking every one of you in the eye, and I know that when you're at cocktail parties it's considered chic to make fun of legislators and of lawyers and doctors but, believe me, they come around for the press quick enough. But I have a great faith in our

honesty.

There was a story today which I thought was interesting in the Albany Times Union by Tom (not so) Precious and, for some reason, he spends about -- most of this article, four columns, on a Democratic function and it takes about two and a half columns to find out that there were two Republican functions, very large ones, right next door to the Democratic function. He also mentions that there was a donation by somebody named Donald Trump to the Senate Democrats, and interestingly enough he doesn't mention that there was also money given from that source to Republicans. Interesting way to report.

But he mentions in this article, and this is the part I thought was wonderful. He says, and I'm quoting him: "Curiously no lobbyists for Atlantic City casino owner Donald Trump was seen at the Democratic event." Well, Mr. Precious, you should have checked page 6 of your Albany Times-Union where they came out against casino gambling. Maybe they were with your editorial board editor last night. Maybe that's where they were active. If they weren't

there, maybe Mr. Trump's lobbyist was with the New York Times editorial board. I mean I assume that, if the Times-Union came out against casino gambling, it had to be the hand of Donald Trump. That's what you imply in your words; I guess that goes for the New York Times, it goes for Saratoga County. Interesting to know that Mr. Trump's people are dealing with the Catholic Conference and with the Conservative Party of the state of New York, et cetera. You see how foolish that story is, and how foolishly some reporters are stretching to find something that ain't there.

I know the members of this Legislature, and I don't know how everybody is going to vote, but I believe, Senator Bruno, Senator Connor, and that is that people are going to vote for what they think is right for their constituents, and if there ever was such an issue, I think this is the day and that is the issue.

Speaking for myself, I won't repeat what Senator Waldon said or Senator Connor, but I adopt their remarks. I will say that it's important to point out that we are not

voting on a label and, with all due respect to Senator Farley, who once said to me, "Manny, you're wrong, we do vote on labels," we are not voting on a label because, as was pointed out, casino gambling is not the issue. It is what's going to happen to the Catskills, or Saratoga or New York City under this bill, this resolution, and while somebody naively says to you that, well, we'll throw in a little bit of an amendment and we'll take care of New York City, it's not a little amendment. It's -- we're talking about the Constitution. We're talking about a process that's not -- going to happen not so quick if you don't insist on it now, and somebody said to me, "Well, Manny, you know, down in the city of New York, you have people going out on boats." Well, I want to tell you something. If I were an individual who wanted casino gambling under this proposal, the one thing I wouldn't do right now is challenge the boats that are leaving New York City, and I would use that argument. New York City, you got your gambling, let us have it, but I guarantee you, if this were to go to the people and if this were to pass and if casinos were to be

built in the Catskills, the day after that you would see a lawsuit on the constitutionality of running boats out of New York City that are coming back into New York City and that aren't headed to some place else past the three-mile limit; and who's kidding who. The answer is "nobody's kidding nobody" on that issue.

I must repeat something I told to our colleague, Mr. Finnegan, of the Daily News because up until the last few days I can tell you I was not approached by lobbyists in the - in the technical sense of the people we think as lobbyists on this issue, but I did have a group come to see me from Niagara Falls and there were about five of them there from the Chamber of Commerce, and it was wonderful because one of them said to me that Niagara Falls needs this because they've got to compete with Canada and Robert Moses destroyed Niagara Falls, and I said, "He destroyed Niagara Falls? How did Robert Moses destroy Niagara Falls?" He said, "He destroyed it because he told us there would be no more development in Niagara Falls unless we got rid of the honky-tonks and the whores. We did it. They went over to Canada. Their

business is booming." I looked at him -- I looked at him, and I said, "Are you suggesting that, if we don't pass casino gambling, that we ought to pass a law to give you back your honky-tonks and whores?" I said, "Personally I'm not putting in that bill, but is that what you're asking for?" There was never an answer to my question.

My concern, and I'll finish with this, is the bottom line, and that is that when Senator Bruno says he has his wishes and he has his druthers that we didn't get involved in this, I say to myself, I remember back to one of our dear, dear colleagues, God bless him, Al Lewis, who voted, who debated against the lottery and what have you, and he says "Lookit," he says, "I'm telling you, it's not a question of the lottery being out there and getting the small bookies and the numbers people," he says, "you're going to see what happens," and he was right. They have it so that people who never did play the lottery will play the lottery.

I can't believe that in our society, the only way to create jobs, the only way for economic development is to bring in

gambling, to bring in the lottery. We can't - we find no obligation in our hearts to support the education of our children except by selling lottery tickets in the poorest neighborhoods of the state. I mean it gets to be a silly thing and I think society at one point has to grapple with that issue.

As to whether or not we're throwing up our hands and saying, Look, Native Americans have it, it's here, it's there, and we got to create jobs, and I had hoped that my son would go to college, be a computer genius but if he's going to be a dish washer, at least there'll be a casino and he can do that and sweep floors. I just think that that is not the answer for society.

The bottom line is, the mayor of my city -- Senator Waldon said it very well, Senator Connor said it very well -- has asked us not to do this. There is nothing in this for us. There is no enabling legislation. I don't know whether there will or will not be a commission. I don't know whether they will or will not take the proceeds that we make in the state and help New York or help Nassau County or

help Suffolk County that have great property tax concerns. Is there a plan to give some of that money so that Senator Skelos' area can be helped in property taxes? I don't know, but I sure as heck think we all ought to know.

We ought to know where we're going, and the back -- the bottom line of this is that I cannot vote for this bill hoping and praying that, in the future, somebody doesn't bring a lawsuit against boats leaving New York and that, in the future, somebody will put in an amendment that will then have to go to a statewide vote and then a city vote so that 17 years down the line New York may or may not get relief for the Rockaways.

The answer is that there are two processes. The process that brought it out here by Senator Bruno sending it out I agree with and I'm voting today. The process that puts this bill out without the inclusion of areas like New York and without enabling legislation, I do not approve of, and I will vote no.

ACTING PRESIDENT KUHL: Senator Larkin on the resolution.

SENATOR LARKIN: Mr. President, I

don't want to reiterate a lot of things that have been said by Senator Bruno, Senator Waldon or Senator Gold. But I think it's very impor tant for us to recognize that what we have to day is an issue that's been around for over 30 years. We have told the people we will give you an opportunity, if you tell us or show us that there's a need to assist in the economic growth of certain areas.

This legislation is very specific. It cites six areas in the state, Niagara-Buffalo, Saratoga-Warren, and the three counties in the Catskills, Greene, Ulster and Sullivan. It's not the panacea of anything. It just says that we are willing, in conjunction with that, to at nine tracks -- to allow slots at nine tracks. We are competing with other states for that piece of the pie, of the gambling dollar.

Having said all of that, I go back to the basics of what this is all about. I heard Senator Connor say, throw it out to the people. I think there's nothing wrong when you look at the Constitution and the Constitution says that we have the right, two consecutive

sessions of the Legislature and then it goes to the public. We shouldn't be afraid.

I heard stories that say this will go down to the public 48 to 43. I have never seen a poll; I have never taken a poll. I've heard stories say, Well, New York City is not involved in it. Last year there were meetings of people who wanted to include New York City and they were told, go to New York City and get the Mayor, get the City Council, get the Speaker to say -- excuse me -- "I want New York City included in it." Nothing ever happened. Why didn't it happen? We all know. Maybe we're afraid to say it. Some people don't want casinos in New York City. I'm not a casino man. I've been to a casino once, and I was at a meeting, Manny.

But having said that, everybody that will talk to you will tell you that we're losing -- we're losing $2.3 billion a year that are going out of this state to facilities that have gambling. The mayor of Buffalo says to us the other day, to me, "20,000 people are going across and taking money from my businesses and spending it on the north side of this city."

Ladies and gentlemen, as Senator Bruno said before, most of us have made up our minds, but I personally believe that we ought to sit back and think, why wouldn't we allow the public in this state to vote on how we should address an issue?

People will say, Well, gambling is an addiction. Last year the Governor put money into it. There's money into it this year to address that issue. That's not the real issue.

I heard someone say casinos are like dogs. They bring fleas. Go back to the basics. We just saw another casino open up in Connecticut. In the past 19 months since we've addressed this issue, casinos have opened up, they've expanded. As a matter of fact, bingo licenses have expanded, and all the other forms of government have expanded, and it goes back to the basics.

You have criminal justice people have told us something; the business community. I saw an article that said the horsemen were against it. Well, not only the horsemen are for it, so are some banks because they understand

that, if this doesn't get an opportunity by the public, we will have banks let alone race tracks. We have hotels that have 18 and $20 million in real property tax that can't pay it because nobody wants to go to them because their facilities are outdated, they're not up to date, and they can go to Atlantic City or Las Vegas or Puerto Rico and they can capitalize on the benefits. We are denying our people those opportunities.

The Constitution, as everybody was saying here, has certain restrictions. It also has certain rights, and the public in this state, yes, I've heard people say, I don't like casinos, but I want the opportunity to vote my conscience whether it's yes or no, and I appreciate the Majority Leader bringing this out early to get -- to get it here and let us make a decision.

But remember, you were sent here by people and the Majority Leader or the Minority Leader said to exercise our judgment. We allowed the people to exercise judgment last November. They passed a bond issue. That bond issue will tax our grandchildren, but we had no

trouble placing it before the public.

All we're saying here is that forget about the influence from the pro's and the influence from the con's. Stand up and say to the public that you represent, I'm giving you a chance to make a decision on how this state will operate in the future.

We have casinos. We have casinos that are operated by the Indians, the Oneidas. We have the Shinnecocks on Long Island who are talking to the fed's, their lawyers. We have them in Senator Cook's area in Sullivan County, and they will proceed and we will have casinos and, Senator Waldon -- I wish he was here - Senator Waldon talked about we don't know about how we'll arrange for the enabling legislation. I answered that to him off in a private conversation, that if this were to pass, we would finalize enabling legislation. We've looked at the 11 gaming states and the three major states, Nevada, Connecticut and New Jersey, but I think it's premature to say how many square feet you'll have for crap tables or how many square feet you'll have for slot machines when you haven't even decided if you're

going to have them.

But if this Legislature passes, this proposed amendment, we will, within a month, finalize material that we've been looking at and we would hold public hearings across this state in the six locales and any other areas that would like to have it; but when people start to say we don't know enough about it, it's this, it's that, it's always an excuse.

But I served for 12 years in the other house, and I always heard people talk about initiative and referendum and, yes, somebody is going to get up here today and say, well, it is an initiative, it didn't do this, it didn't do that, but it's a referendum on what we might want our people to make a decision on.

I, for one, am not afraid to put this on the ballot and let the people that I represent make their decision and, if they vote it up or down, they have had that choice. That's provided for them in the Constitution, and it doesn't talk about gambling and it doesn't talk about economics and it doesn't talk about how much money.

You want to talk about the

economics of it? Just yesterday the slot machine operators in the two facilities in Connecticut said, just the slots will raise $200 million for the state of Connecticut. That's not the issue. The issue here before us is, do we trust the people of this state to make a sound judgment on what they would like to see with regard casinos?

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Spano, on the resolution.

SENATOR SPANO: Mr. President, I'm not going to get into any particular detail. Senator Bruno and Senator Larkin have, to a large degree, spoken on the main specifics of this issue. What I think is, it should be said that it was all said two years ago when, it was then, the Senate Finance Committee Subcommittee on Gaming and Wagering conducted public hearings across the state. We heard from people all across the state where we examined the impact of casino gambling and we took a look at the expanding role that an Indian nation played on racing and gambling in the state. We spoke to representatives from race tracks and

the harness tracks, the communities across the state.

We had an opportunity to talk to people who represent the other side of the coin, people who were concerned about the issue of compulsive gambling, which is an important issue. I know that Senator Padavan no doubt will speak about that, and it's one that I have felt strongly about as the chairman of the Mental Health Committee in this house for seven years, which is why we put specific language in this resolution to make sure that a portion of the money set aside would help people with a problem with the compulsive gambling disorder.

We're talking about stringent licensing procedures. We'll be talking about organized crime and, as I said on the floor here when we had first passage of this resolution, we should not ignore the fact that that's not a serious issue. (probably should read that's a serious issue).

The problem of keeping the bad actors and organized crime out of New York State is one that we should hit head-on and take a look at the licensing procedures that exist in

Atlantic City that have kept those bad players out of the process, take a look at other states that have passed inadequate licensing procedures that have gotten a lot of people into trouble, and learn by their mistakes.

So I think we shouldn't ignore it and we should also recognize that it's organized crime today that does benefit from the lack of casino gambling in New York State because people are going to gamble, whether it's legal or not. They're going to gamble on race tracks or OTB or they're going to gamble, as many people did last week end on a football game, on the Super Bowl, or get a bookie and put some money on the games.

So what's happening there, they're going to gamble in some areas of New York State where we do see illegal gambling parlors that do exist. And who do you think is benefiting from that?

We've heard a lot about the city of New York, and it should be said that we did reach out during these hearings to our representatives of the city of New York, both to the mayor, both to the Assembly representative and to his people, and it's clear in my opinion

that the Assembly leadership was not interested in including the city of New York or we did not hear, although we reached out on a couple of occasions, any interest from the city of New York on being included in this resolution.

So we're here today not to look at rewriting history. We can't start by taking a look at this resolution and saying, Let's throw it out and start from scratch, because then we would be in 1999 and some estimates are we'd lose $100 million a year in additional revenues in New York State for every year that we do not pass casino gambling. We are seeing those New York State license plates going across our borders to Atlantic City, to Connecticut, to the new casino in Connecticut, Mohegan Surf, that I had an opportunity to visit a few weeks ago, as I'm standing there after parking the car watching one out-of-state license plate after another of people pulling up.

Why aren't we getting a portion in New York State of those 25-cent quarters going into those slot machines right here in the state of New York?

So, my colleagues, there's been a

lot of -- a great deal of debate, and this is an issue that I think whatever is said, one of those few issues that we could probably look at now and probably -- I have no idea how it's going to turn out at the end of the debate today because it's clear that it's an issue that many of us have said, Let's present it to the voters. I'll take it a step forward and say that I think it's something that we should step -- we should present to the voters and present it in a favorable light that it represents not only to thousands of people and contributes millions of dollars to people in Yonkers and Westchester and New York State.

The failure of this amendment today would be a death knell to Yonkers Raceway, a death knell to racing in New York State and also would be a surrender to the Native Americans, to say that they should continue to have a monopoly on casino gambling in New York State. If that's what you want, then you vote against this resolution. If you feel that it's only the Indian nations who should benefit from casino gambling, vote against the resolution. If you are not interested in helping an ailing

racing industry in New York State, vote against the resolution, and if you are not interested in bringing the type of total entertainment center that you would see in the Catskills created by bringing those conventions back to New York State, by bringing those families back and in New York State spending their money, then you vote against this resolution.

I think that you can look at it two ways. You can say, I support it and vote for it because I feel strongly about it. I feel it is right for New York State, or I'm going to vote for it and give the people an opportunity themselves.

Either way, if it gets this resolution passed through this house over to the Assembly so that we can continue the debate there and then there will be ample opportunity between now and November for us to take a look with the leadership of Senator Larkin and his committee, take a look at the enabling legislation.

I know Senator Waldon last year had a number of concerns about the specifics that he wanted included and wanted excluded here

and Senator Dollinger came up with his reasons last year why not to support casino gambling. I know people will say there are not specifics in this resolution, but while we hark back to those times when we amended the Constitution for legalized gambling in New York State starting back in 1939, when we started the mutuel phase and then went to bingo and the state lottery and then expanded the games of chance for not-for-profit agencies, all it included was that one line, and the specifics were handled under enabling legislation subject to additional hearings that we would have across the state where there would be ample opportunity for people to have input into the process before this is presented to the public for their approval or disapproval in November.

I think there's been a lot of time since this was presented through this resolution. It's time to start. I'm glad that the leadership has decided to take this issue up early in the session so that people will have an opportunity to vote for or against this issue and not link it to anything else that has become a pattern around this Capitol, and also I'm glad

the leadership has said we're going to deal with it today and, remember, if we deal with it today and defeat this, the death knell would ring not only for legalized gambling in this legislative session, but it will also sound the death knell for thousands, tens of thousands of jobs and hundreds of millions of dollars in additional revenue that we can benefit from all across the state.

ACTING PRESIDENT KUHL: Chair recognizes Senator Cook on the resolution.

SENATOR COOK: Thank you, Mr. President.

With the advent of railroad transportation during the last half of the 1800s and the first half of the 1900s, the Catskills became one of the premier vacation destinations in this whole nation. Families, trying to escape the heat of the summer in the City, would come to the Catskills for a week or a month, enjoy the fresh cool air. What started as farm vacations became boarding houses, bungalow colonies, and finally fine rural class resort hotels offering comfort and recreational opportunities.

After World War II, as residential air conditioning became widespread, people's vacation habits changed. No longer did they have to leave the city to escape the heat. They still came to the Catskills for recreation and fresh air, but their stay would be for week ends or for a few days and as there were differ ent modes of transportation easily available, they tended to vary their vacations from year to year instead of annually returning to the same place.

This has necessitated a change in the business practices for the hotels. They've concentrated more on attracting conventions, the statewide sporting events. They've opened facilities for non-guests. They have tried to offer a variety of special attractions, but to this point they have not been able to offer the one thing which is luring substantial numbers of their potential market to other states: the opportunity to spend an evening or a day at a casino.

For those who have concerns about gambling, I'd only point out that people, often by the bus loads, are traveling to other states

to participate in gambling which is currently illegal in New York State. The impact on our resort industry is not inconsequential. Millions of dollars have been invested in expansive facilities, many of which have already closed and others which are in severe financial distress. The mere loss of these capital assets is staggering.

Furthermore, these hotels have provided employment for thousands of people in a region where employment opportunities are at a premium. For those concerned with the human impact of casinos, I can only point out that the human impact of massive unemployment on these thousands of families goes far deeper than the immediate jobs. It affects the ability of those families to provide for the future of their children and will have an impact which will carry many years ahead.

The "echo" effect is also profound. The store owners, the service companies, the contractors who have been part of the hotel economy will also face major devastation. Also to be considered is the impact on community infrastructure. The hotels

are major generators of sales tax which supports county human services. Severe cutbacks in those services will be required if this revenue source is lost. The hotels are major property taxpayers. Their taxes support the schools, the police departments, the fire protection and a whole range of local services. In one case one hotel constitutes half of the property value of a particular sewer district. Loss of that hotel will probably force that district into bankruptcy.

So it's no trivial thing of which we speak. People may have legitimate concerns over the various negative impacts of casinos, but it's clear to me that the negative impacts of the loss of our resort economy is much deeper. It's not merely a matter of protecting the investments of these family-owned businesses which have been built up over a century. It's a matter of protecting the financial security of the thousands of families who depend on that industry for their livelihood and for their future, and it's in behalf of those families, Mr. President, that I ask the members of this house to approve this Constitutional Amendment,

approve sending it to the voters this fall.

Thank you.

ACTING PRESIDENT KUHL: For the benefit of the members, we do have a list running, and I'll give you the order: Senator Padavan is up next, Senator Volker, Senator DeFrancisco, Senator Goodman, Senator Dollinger, Senator Lachman, Senator Abate, Senator Mendez and Senator Hoffmann, in that order, and Senator Marchi now.

So the Chair recognizes Senator Padavan on the resolution.

SENATOR PADAVAN: Thank you, Mr. President.

Only because Senator Cook was the last one to speak, I'd like to reflect on some of the comments that he just made, and let me preface that by saying no one in this chamber has a greater respect for the Senator and the people that he represents.

But I love the Catskills. I remember the first two years of my life being brought there and going there ever since. I've probably fished every creek and stream in the Catskill Mountains, hunted there, spent time in

one of your hospitals, and own property there and when I retire, Senator Cook, up there in that log cabin, I hope you're still there to be my Senator.

But there are three things that I know, three things I know about the Catskills. All the friends that I've made there over the years, people who live and work there and raise families, casinos are not the answer to the economic problems in the Catskills no more than they're the answer to the economic problems of any region, rural or suburban.

The people in the Catskills need economic improvement. They need a resurgence of their tourist industry, but instead of looking to casinos, they should look to the Berkshires. They should look to Saratoga County. They should look to other areas that have elevated the attractions that bring families, individuals, that come with beautiful pristine areas such as the Catskills.

But as we will discover here in a little while when I talk about some of the other areas of this country, while this would be no panacea, the only people who are going to make

money in the Catskills are the large property owners, and you've touched on that. But the average individual, the average family, the farmers and those who live and work there, they won't benefit. They'll suffer, however, in a variety of ways which is why probably the Farm Bureau has come out in opposition to this particular proposal.

Mr. President, between the years of 1976 and 1986, I chaired the Senate Committee on Mental Hygiene and Addiction Control. Today we have two separate committees that deal with those issues. On that side of my responsibility dealing with the problems of addiction, I came face to face with the problems of the people of this state as it related to drug addiction and alcoholism, which I have some knowledge of, but the one area that I learned a great deal about was the problem of gambling addiction, and I came face to face with people and individuals whose lives had been ruined, families destroyed, as a result of getting into the gambling way of life, losing their businesses, their resources, going into hock, and it was a problem then and we tried to do some things to address it over

the period of the years, but without much success I must admit.

Along the way, we created the New York State Council on Problem Gambling, and recently we gave them some funds to open up a Hot Line and most importantly to do a survey of the magnitude of the gambling problems in New York State.

In the middle of the latter part of last year, they presented the results of their work to us and, if you haven't read it, I urge you to do so, because what's in this study, if we took it alone and no other issue, no other argument, we would stand squarely in opposition to any more gambling, because this report tells us that New York State is now the worst state in the nation with regard to problem gambling, with over a million people being touched by it and a half a million seriously involved in it, with great social costs to individuals and families and some very real economic costs that we are all paying the price for.

Why in heaven's name do we feel that, when we ask for a study and we get the information, should we then ignore it? And what

is significant about this study beyond the things that I've said is that it is a replicate study. There was one done similar to this, if not identical to this, in 1986 and what they've demonstrated here is a 75 percent increase in the magnitude of the problem, putting us right to the top of the list.

I'd like to go back to the beginning of this debate relevant to the issue of the Constitutional Amendment. As has been said, and properly so, we do not have an issue with the referendum. In this state we are the gatekeepers of the Constitution. We decide by our own good judgment in both houses what should be a Constitutional Amendment placed before the voters and we have been very, very careful about that, and year after year, dozens -- and I looked at the index yesterday -- there are 30 Constitutional Amendments proposed by members of this house and 40 in the Assembly, 70 proposals and, I doubt any of them -- by the way, it includes the one before us -- any of the others will not see the light of day because we will look at them individually, collectively through the committee process and we will say to

ourselves, This is not the right thing to do and, as our responsibility dictates, we reject it. That's the way it is, and that's the way it should be.

The fact is that, when we put an issue on the ballot as we did last fall with the Environmental Bond Act, it has our stamp of approval. We are saying to the voters, We think this is a good idea, but we need, by virtue of our Constitution, your concurrence, your approval. People will view it that way and, if they don't, the casino interests out there will certainly make them view it that way.

Secondly, if we look at some of the other states where there have been referendums -- Florida is an example -- $16 million dollars spent in that state of reported hard money, how much more than that is anyone's guess, by casino interests trying to convince the people of that state that it was the right thing for them. 8 million in the state of Arkansas.

How much would be spent in New York State? Anyone's guess, but probably more than 16 million. It would probably be more than

was spent on the last gubernatorial race. There will not be a level playing field. Fortunately in Florida, Disney -- Disney did invest money in trying to present the other side of the argument, through the media and TV, and it prevailed. The people rejected it as they've done in some other states recently.

But we don't have a Disney. The coalitions that have formed, the people who have come to us here in the Capitol seeking our support in opposing this amendment are not people of vast resources that can be committed in that fashion; and so we will be "outgunned" to say the least.

So for those reasons, anyone who stands here and says, "Why not present it to the voters? Let them decide," is ignoring the Constitution, is ignoring our responsibility, is ignoring the extreme clout in terms of dollars to be spent by the casino interests, is ignoring the moral position, and it's actually exercising a cop-out of that position, in my view.

Now, a year or so ago, we had a proposal before this house that dealt with a Keno game that we call Quick Draw. The

Legislature was opposed to it; at conference after conference and meeting after meeting members said so. They thought it was a bad idea, would produce problems. And how did it finally get through? And for those of you who were here and those of you who were not, let me refresh your memory. It got tacked together with an income tax cut in the same bill and the legislators stood up and said, "I'm against this video crack game but I certainly am in favor of a tax cut and so I have to vote for it." They knew better because, if they had said no, we'd have had the tax cut and we wouldn't have Quick Draw.

I stay at a motel here outside of the Capitol. There's a restaurant and then next to the restaurant is a sports bar, and you walk into the restaurant and the first thing you hit face-on is the vending machine with the lottery tickets, and then if you go from the restaurant into the sports bar, you're faced with the Quick Draw machine and you watch these people sitting there filling out that card, and every five minutes they can wager up to $100, and they're doing it all over the state in 2500 outlets -

bars, taverns, convenient stores, and the Hot Line that we created is bouncing off the hooks by people calling in, telling those individuals on the other end of the line, "I got hooked," and 28 percent of them are saying, "I got hooked as a result of Quick Draw," and keep in mind this survey that I referred to a while ago was done with Quick Draw only being on line for seven months, and I will venture a guess that the problem today is even worse.

Anyone who says that, if we add another layer of gambling opportunity on top of the ones we already have will not exacerbate the problem, I just can't respond to that because it boggles the mind. The writers of this report tell us very directly, the more gambling oppor tunity, the more the problem increases. It's an axiom. It's irrefutable.

And Senator Bruno says you can go to gamble within an hour and 15 minutes of the Capitol, 45 minutes or whatever, but within 10 minutes, you can step outside of this Capitol and go to one of these mini-casinos and you can gamble.

Do we simply answer that problem

by saying let's have more of them? Let's have slot machines and casinos at race tracks all over the state of New York, and when the announcer says five minutes to post time he will follow up by saying, and after the race feel free to take advantage of our slot machines and you can lose money that way too?

Slot machines are the most addictive and the most profitable parts of any casino operation. They'll be all over this state. Instead of being the Empire State, we'll be the gambling state.

Now, there have been a number of economic studies and I've tried to share all of that with you over a period of time and the most recent study I sent you was done in the state of Illinois where two economists studied the five casinos in that state for a period of a year and people who were sold casinos in that state heard the very same argument you're hearing today. It will improve the economies in these small towns and villages that are suffering. It will make revenues for the state of Illinois that can be used for other purposes. But these economists tell us really what has happened.

The state is not making any money. It's losing money, and the localities collectively are losing over $300 million in one way or the other, and the problems of people who have been getting involved unwisely in terms of casinos in those regions, in those communities, is going forward by leaps and bounds.

Now, are we going to say New York is different than Illinois? What's happened there is not going to happen to us. If you say that, we're kidding ourselves. Economists from Massachusetts, Professor Goodman, Illinois and all the way from Illinois to Nevada and across this country, who have been analyzing this issue without exception, without exception, are telling us that there is no gain to the economy of any state as a result of casinos, and they go even further to say unless you can entice more than half of the people coming into your casinos from other states and other regions, you're going to lose money.

Now, I just can't see the state of New York with planes flying in from all over the country and all over the world, again. It may be true in Las Vegas, but certainly is not

going to be true here. It certainly is not true in Illinois. It's certainly not true in Louisiana.

One of our colleagues mentioned before the issue of corruption. There have been state legislators in California, four mayors - not three -- in Atlantic City, elected of ficials, appointed officials in Louisiana, from one part of this country to the other, who have gotten caught up in the political corruption associated with the gambling industry, and we could listen to D. A. Morgenthau of the city of New York, or the F.B.I. director, tell us chapter and verse about political corruption, how organized crime follows casinos as sure as night follows day.

Even before Atlantic City opened up, the mob was trying to figure out -- by wire tap conversations, this was determined -- how they could infiltrate. That will be a fact. No matter what anybody says and no matter what anybody thinks, criminality will be involved and while I impugn the integrity of no one in this chamber or anyone anywhere, the fact of the matter is it is a part of this whole mosaic of

issues that we have to consider: Crime and criminal corruption as it relates to the gambling industry.

Now, the economic issues that have been cited, I think by Senator Spano, that tell us that people are leaving New York State and they're going to other places and they're gambling money that they should gamble here. The fact is they are leaving New York State and they are going other places and they are gambling money that, in part, if we had casinos they would gamble here. But when you look at the pluses and minuses, add the costs as opposed to the gains, we're far better off. Let 'em go. Let 'em go. There are more people who go to Disneyworld from New York State than perhaps go to Las Vegas and maybe we ought to have a Disneyworld in New York State, I mean if you want to carry that logic in a proper direction.

We should be doing things to bootstrap those industries that bring positive gains -- positive economic development into New York State and not become preoccupied with the fact that others are going -- some people are going elsewhere to gamble. The fact of that

does not justify the ills that we will be beset with.

Now, one of the arguments we hear and I'm sure we'll hear again before this debate is over, is relevant to the Indian gambling issue. The Indian Gaming Act was, in my view, misapplied throughout this country; but thank fully that has come to an end.

In a case brought by the Seminole Indians against the state of Florida where they insisted that they be given the right to enter into a compact with that state to open up a casino, the Supreme Court spoke and spoke very clearly. They said very directly that no non casino state has to enter into a compact with any Indian nation and they, in effect, took a chunk out of the Indian Gaming Act.

This state need not enter into any more compacts. As a matter of fact, we could go after the one in Oneida and repeal it, as in one state -- I think Senator Connor mentioned it, in New Mexico -- where a group of state legislators are suing their Governor who entered into a compact without their involvement and that case is going to be heard by the

Supreme Court as well.

So the Indian gaming issue is no longer a reason, if it ever was, and when individuals bring it up, they do so either because they're not aware of what I just said or they choose to ignore it.

Keep one other thing in mind, however. Should this Constitutional Amendment prevail, the Oneidas now will put slot machines in those casinos, which they're currently prohibited from doing. Now, we've gotten some reports out of Oneida County, and they're all bad. Problems abound, from suicides to family upheaval to increases in need for social services, with no economic development. Letters to the county executives up there and the local Assemblymen are all saying that is so; there's been no gain. There's no gain to the county or the surrounding area.

But equally important to you, I believe, should be the fact that 90 percent of the people going to that casino are from a 75 mile radius, spending money on their own flesh. The money is going out of the pockets of people who can least afford it into the pockets of the

casino operators, in this case the Oneida Nation. It's not benefiting the community. It's not benefiting the people in it and that's exactly what will happen in the Catskills, Senator Cook, and that's exactly what would happen in any other community that bites into this apple.

I don't want to belabor the day because I'm sure that many others have some of very significant things to say. But when you add the economic studies that have been made - and I've got a whole list of economists here; I won't read them to you, including some financial institutions like Salomon Brothers, Federal Reserve Bank of Boston -- and you look carefully what they're saying, casinos and slot machines at race tracks are not the answer to any economic problem. Far from it.

If you look at the study done by our own Council and other studies as well, you see the great harm we've already done to the people of the state with the lottery advertising at the rate of $41 million a year, telling people, Come on and wager, it's for everybody's benefit, and Quick Draw at 25 (probably should

read 2500) locations around the state, if you read that study you'll know we've made a big mistake, and some day we'll have the guts to undo it, and you can look at the Indian gaming issue, you'll know that's a phony argument at the very outset.

If you study everything that's been said on either side and analyze it very carefully, we come to one inescapable conclusion, that this is the wrong thing to do and that it could be the biggest mistake we will have made in the state of New York in modern history, if we go forward with it.

Abe Lincoln put it very well when he addressed a group of people and said we should be listening to the "better angels of our nature" as we consider this action, and I would commend that point of view to all of you.

THE PRESIDENT: Thank you, Senator Padavan.

Senator DeFrancisco. Is he - well, that's it.

Senator Goodman.

SENATOR GOODMAN: Madam President, we have read in recent days of a

situation involving the seductive poison mushroom. It's a very appealing looking growth and it has lured people into its consumption and they have consumed it and they have died.

Gambling in the state of New York and gambling wherever it appears is a gigantic poison mushroom. The effects of it may not be immediately apparent, but over time it takes a dreadful deadly toll, and it's time that the problems related to this are amply exposed.

Let me share with you several thoughts that I had over recent days and, in fact, recent years on this matter, because this is a complex question and it's one which I've said is seductively appealing.

The fact of the matter is that this is predicated on one gigantic moral assumption, and that is that a society can have a major portion of its economy predicated on the idea that you can get something for nothing - something for nothing. The land of opportunity, the land of Horatio Alger, where success is built on diligence and hard work and self-boot strapping, is now being superseded by a very different kind of image. It's a land where you

can get something for nothing by just rolling the dice, stepping up to the blackjack table and using the fabulous one-armed bandit with its seductive graphics which lure you in and charm you into a situation where you actually see little old ladies with baskets of quarters spending hour after hour seated at slot machines, hoping for returns which they can never hope to get. The odds are stacked against you, and it's the biggest sucker bet imaginable.

I condemn this on the grounds that it seeks to expand the notion of something for nothing, which is precisely contradictory to our basic values as a society. The discussion of the economic development fallacy of gambling has been amply filled out by my distinguished colleague, Senator Padavan, and I commend him on the extensive study that he's made of this and on the expertise he's developed.

I want to share with you some perspectives that are based on my own personal experiences at casinos. As best I recall, I have visited casinos in New Jersey, Monte Carlo, Cannes, Las Vegas, Reno, Macao, and the Palm

Springs Desert. There may be others; I don't recall them.

If you go at night, in some of these areas you see tuxedo-clad "glamoratti", jet setters, creating an atmosphere of excitement and passion. If you go during the day you see threadbare little people who are obviously impoverished, who have dreams of getting rich quick, who have dreamed of getting something for nothing and who invariably are going to be frustrated and disappointed, and you have the side effects of the great poison mushroom.

Gambling is addictive. It is ruinous to our moral laws. We know that mari tal discord is increased in areas where we've opened casinos because husbands and wives have used credit cards to seek the credit which will enable them to gamble at length and ultimately to destroy themselves. The sucker bets are everywhere in gambling. There is no way in which you can possibly win, and they say that the best game is blackjack, but then you get the experts in blackjack, the people with photographic memories who sit down at the table

and are able to memorize the cards as they're peeled off the deck, and as soon as the casino management spots these people it disqualifies them from participating because they might break the bank. In other words, don't dare to come into the casino with the thought that you can develop a system and win because that is a fool's bet, and it cannot be done.

Crime: I'm waiting at this moment for a FAX from New York from District Attorney Morgenthau's office. I don't know how many of you in the Senate -- Here it is. It's just been placed in my hands. Mr. Morgenthau came up here and was invited into the Senate conference and, to sum his views very succinctly, he said that gambling brings on crime wherever it is tried and has sounded the clarion call of great caution and said, Don't do it because if will do nothing but enhance the criminals' opportunities to function in many different ways.

In a letter that he wrote at that time, he said: "With this letter I'm forwarding my statement. The experience of other states has demonstrated that the economic benefits of

casino gambling will be outweighed by the inevitable infiltration of organized crime and political corruption. In addition, casino gambling will raise funds from compulsive gamblers and others who should not be encour aged to gamble under state sanction. It is quite simply the wrong way to raise revenue."

"In sum," said District Attorney Morgenthau, one of our best D.A.s, "I believe that casino gambling will result in increased crime, increased corruption and diminishment of the quality of life in New York. Please make my position known to your colleagues in the Legislature," and he amplified this at length, and anyone who is interested in seeing his statement is welcome to have it. I won't share the whole thing with you, but I do just want to take one or two selected paragraphs for your awareness.

He says that "proponents of casino gambling argue that casino gambling means additional growth in tax revenue. While the proponents acknowledge that the casinos have 'many problems'" in quotes, "they maintain that these problems can be overcome by licensing and

regulatory provisions. They are dead wrong. The experience all over the country in states and municipalities which have had casino gambling demonstrates that the benefits at best are ephemeral and are far outweighed by the cost to society in increased crime and political corruption. Casino gambling breeds crime. Casinos attract patrons carrying cash who make easy marks for street criminals. Las Vegas has the highest per capita crime rate in the United States. In the third year of Atlantic City casinos, the Atlantic County Prosecutor's office and the New Jersey State Police report a 70 percent increase in felonies in Atlantic City."

Now, let me tell you about a little visit I made to Atlantic City. As chairman of the Senate Committee on Investigations and Taxation, I called the New Jersey Attorney General and asked to have a guided tour of their facilities.

First of all, you drive up to Atlantic City and the first thing you notice is something rather bizarre. It is a "Potemkin village". Remember the village with the facade of buildings behind which is indemic poverty?

That's what Atlantic City is, a classic case of the facade behind which there is nothing but rot and strain and obvious economic decline. So that this whole notion that the Atlantic City casinos have brought prosperity to that area is utterly fallacious.

Moreover, several of the last mayors in Atlantic City have been convicted on gambling-related offenses and, in fact, we know that there have been convictions of elected officials in Missouri, Louisiana and Pennsylvania.

So let's sum up where this is taking us, my friends. Obviously when Senator Cook, for whom we have the highest regard, tells us, "I need this for my district," that's a stopper, and we say, What can we do to help Charlie Cook's district? What can we do to achieve economic development?

The answer is that the poison mushroom won't work. It's beguilingly seductive but once it is eaten, it will kill you and that's not an exaggeration because if you study the long-term effects of gambling, you will note that it does eat away at the economic core of

society.

Why does it do this? To mix a metaphor, through a gigantic Electrolux which sucks money out of what is now a $5 billion industry in the state of New York -- excuse me. That's the wrong number. Let me check it -- a $1 billion business of lottery and horses in New York State. Just stop to think of the absurdity of sucking money out of the lottery and horse business, which casino gambling would do, and it would take twice as much in the way of individual losses in order to achieve the same revenue to the state.

Much as casino gambling sucks the money out of other forms of gambling, it would simply cause an increased diminution of the revenue available in New York. This is moving backwards and going down on the up escalator.

So I think that's enough for the moment. Let me just say that I think that this is rotten to the core. I think that there are some good people involved in furthering it. Certainly our colleagues who have spoken of it have my highest regard for their motivation. They want to develop their communities, but I

hope I've persuaded in having brought to the attention of some of you who might be undecided, the fact that this is deadly stuff.

Beware of the poison mushrooms because they can kill.

THE PRESIDENT: Thank you, Senator Goodman.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you very much.

I rise to support the proposal. This is probably the most interesting group of individuals I've ever seen combine together to oppose a measure, that could possibly combine together, from religious leaders to Donald Trump to environmentalists worried about the water shed in New York City, to cities who have not been part of the process and, therefore, can't have a casino so they don't want it, OTB who doesn't want to lose the handle, the horse racing that doesn't want to lose their competitive advantage.

It's just absolutely amazing, but all with a common thread that says basically not to expand gambling for either good moral reasons

or because you are going to, in some way, affect us in what we gain from gambling in the state of New York.

Now, those who oppose it on - for the right because they simply oppose the concept of gambling, I can understand that, but to listen to a group of individuals who just want to increase their -- and keep their competitive advantage doesn't make any difference to me as far as my vote is concerned, especially if we suck money out of OTB or suck money out of the race tracks. So what? The people should have an opportunity to choose what their field -- their area of recreation will be, and if it happens to be casinos as opposed to another form of recreation, so be it, but the individual should make that decision, and similarly the individual should make that decision at the polls and weigh all of these factors come November and that's what this - this bill would do.

To those who are morally opposed to this particular issue, I can understand that, but we have to be realists as well, in understanding it. Some of the religious groups

that are opposed to this desperately, have bingos on a weekly basis and those same little old ladies who bring in their quarters over at the casinos also bring in their dollars to buy the "early bird specials" and whatever else that the -- the bingos will allow.

In addition, we have gambling in the state of New York in many different ways that have already been discussed. We have advertising for gambling not only in the state of New York but also right across the borders. The new casino in Niagara Falls on the Canadian side has just undertaken an $8 million advertising campaign. You know how much we spend all year long for "I love New York" by my committee, the Tourism Committee in the state Senate? $11 million dollars.

Now, if you don't feel that that's going to be an effect on tourism in the state of New York, a campaign like that, to draw people who want to gamble over their borders, then I think you've got another thing to think about, because it's not true. That will draw people there and that will compete with whatever other attractions there may be in western New

York.

We spend this year, this year on Lotto, pick three, win four, take five, I don't know, there may be a take six by now, Quick Draw, $29 million dollars in advertising and $11 million on the "I love New York" campaign.

There is a group of individuals who would choose to gamble and they have already been provided that opportunity and to suggest that we are going to stop gambling by not giving someone another choice which choice is already available either in Connecticut or in -- in Canada or right smack in the middle of the state, so for those reasons, I think it's extremely important that we in this Senate look at reality and what the reality of the situation is right now and the reality is we have substantial gambling, we have substantial groups that are against gambling because they don't want to have their particular area hurt in any way economically because they've already got a monopoly on this particular activity that people want and we've got to look at the reality that if this vote is so close in this house, should the people of the state of New York make their

own decision on this particular issue and, if the people in one of the areas that was designated to have casino gambling if this bill passes and if the people statewide agree with it and pass it by referendum, then their localities have to again pass on it by public referendum. So there are many safeguards in this particular bill and, looking at reality, I think we should allow the voters to decide on this important referendum and vote yes on this bill and bring it to the voters in November of 1997.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

Senator Padavan, I think, made many of the points that I would like to make. What I would like to do is talk about some of the things I've heard said today and comment on them, perhaps place them in a context and then talk about what I think this really means for the future of this state.

I think it's instructive in this debate, however, to go back to the start. How did we get where we are today on casino

gambling? And I suggest to you it's because we did a bad thing for a good reason. What did we do? Many years ago, before I came to this Legislature, the charities came to us and said, We would like to run casino nights. We'd like to run games of chances for prizes so that we can have this little play gambling with fake money and we can all gamble and send people in and raise money at these blackjack nights for charity, for churches, for charities, and we can take that and give people prizes for the best gambling.

This Legislature said, O.K., we will allow not-for-profit groups to engage in these play games of chance. We decided to do a bad thing to allow some gambling because it was going to be rigorously controlled. It wasn't for real money; it wasn't for real prizes, and it was to help churches and charities that were in need.

What happened? It came back to bite us. This bad idea that we promoted was used by the Indians under the Indian Gaming Act to bring casinos to this state. The little tiny bit of bad that we thought was going to be

developed for good ended up a bad idea that got worse and the problems of gambling came about and today we're on the precipice in this chamber of taking that bad idea that we had for a good reason which got worse and we are about to make it worse still.

What has been said in this debate today? Senator Bruno said that this was an idea that we've been debating 30 years. Isn't it fascinating how the bad penny keeps popping up time after time again. What was a bad idea 30 years ago is still a bad idea. He also said, and I guess I find this in my history, my history in this chamber, to be an amazing statement when he said there's been no pressure on the conscience of the members.

Senator Bruno, I've got to do you a favor. You and I are going to go to the movies, because you and I got to go see Jerry Maguire, because what did Jerry Maguire say? What's the famous line from Jerry Maguire? Everybody knows if you've seen that movie when his athlete shows up with his agent and says, "Show me the money, Jerry, show me the money. Say it with your heart."

Look at what's happened in this debate alone. Look at the money that's fallen all over this debate on the pro-con -- on the side side -- on the con side. The money is everywhere, and I'm not going to stand here and righteously say that we're absolved from it, but there's money all over this. It's the money that taints the process. It taints us. It taints our public credibility, and that taint is going to eat away at our credibility among the people right in this chamber and they will be properly looking askance at us and saying, What about all that money that you all took on both sides of this issue?

If we pass this, I predict that is only going to get worse. The corruption that Senator Padavan talked about is going to come into this house. It's going to eat its way through the doors and it will infect all of us. If it doesn't affect us individually, it will affect this group in its ability to lead.

What about the issues that were raised by Senator Larkin? He properly said we have to compete for those gambling dollars. Since when was competing for a bad thing a good

idea? If other states had things that were addictive, if other states had things that cost their communities money, would we go out and compete for those? I don't think so. Since when is it a good idea to compete for a bad thing?

What about the notion that Senator Spano talked about? Gambling addiction, a big problem Senator Spano knows it, Senator Padavan is well familiar with it. What's the solution that's proposed to gambling addiction? Give 'em more gambling. Tell me how that solves the problem. All the cash in the world won't solve the problem. One way to solve the problem is to reduce the opportunity to gamble. It seems to me it's sophistry at best to say that we're going to somehow resolve the gambling problem with some cash when what we're doing is encouraging it by bringing it closer to home.

I'm also astounded by Senator Spano's comment about going to Connecticut and seeing all those New York license plates, all those license plates that were disappearing from the state of New York. I'll tell you what's disappearing from the license plates in the state of New York is the Statue of Liberty and

if we pass this resolution, I've got the perfect thing to put on it. Just put on two little dice that'll make New York a form of "pair o' dice", maybe not the paradise that we want it to be, but maybe the pair o' dice that is on it if we pass it that ought to be on our license plates.

We can all go to Senator DeFrancisco's committee, just change and scrap the whole "I love New York". Just put "I gamble in New York," it has the same jingle. We can do the same advertising campaign. We can match what they're doing at the casino in Niagara Falls. Does it make it a good idea? Doesn't seem so to me.

Senator Spano also used a term that unfortunately I disagree with. He talked about a total entertainment center right there in the Catskills. We will make it a total entertainment center. Seems to me that that's just the kind of euphemism that loses the whole nature of the debate of gambling. When we make gambling into entertainment, it seems to me we've already lost the battle as to whether or not it's a good thing.

I commend the people in the

casino industry. They've done a wonderful job in taking gambling, a process by which people give their monies to casinos and turning it into the concept of total entertainment centers.

The other thing and I -- Senator DeFrancisco talked about this as a form of recreation. It's a perfect form of recreation. You can lose your money if you want. It seems to me that that same kind of logic could apply to legalized drugs. After all, drugs are a personal choice. They're addicting as well. They don't hurt anybody. Why don't we just legalize drugs and give everyone a chance to use drugs? We could make money off that in taxes. Same idea, right? Same victimless use of your own money. Why not? It seems to me it logically follows if you buy the notion of casino gambling.

I've taken a strong position against this. Most of the members of this chamber know, but my final reason for avoiding this whole issue is I think critical to the future of New York State. We face many tough decisions in the future. The future road for New York has got a series of door posts every

couple feet. Behind each door lurks a critical problem -- the creation of new manufacturing jobs, the creation of new high tech' jobs, solving the problems of addiction to drugs, solving the problems of under-performing schools, resolving welfare and dependency, creating a transition from welfare to work. All of those problems are enormous ones that we face, but yet as we walk down that road and open up those doors over in the corner, over in the corner is a guy with a little table and what he says to the people in this chamber and the people of this state is, Hey, Buddy, you want to make a fast dollar? Hey, Buddy, come on over, you win. He's got three little shells with a little pill or a little ball underneath them, three little thimbles, and he puts the ball under the thimbles and he moves them quickly with prestidigitation right in front of the bemused and now fascinated person who suddenly becomes distracted from the problems that we face at all the doors in New York.

If we buy into the concept of gambling, we've already been distracted from our problems. We will be distracted from our

solutions, and it seems to me this will get us further and further away from what we really need to do in New York, to tackle our problems head-on and find real solutions.

This is not a solution for New York. This is part of a growing and continuing problem. It's time for New York and people in this chambers to say to the people of this state gambling is a bad idea. We ought to stop it here in its tracks. Vote no.

THE PRESIDENT: Thank you, Senator Dollinger.

Senator Lachman.

SENATOR LACHMAN: Madam President, first I would like to state that it is a pleasure to be debating such an important issue at 1:00 p.m. in the afternoon rather than 1:00 a.m. in the morning. I hope it's a precedent that will be followed in the future as it is today.

Secondly, as a sophomore Senator, I'm proud of the fact we are debating this issue without any control and without any direction from leadership as to how to vote. This is truly a vote of one's conscience and, for that

we have to thank the respective leaders, my leader, Senator Connor, and the leader of the Republican Majority, Senator Bruno.

Now, before going on to the issue, let me state that a process has been developed over this particular issue that is somewhat unique on a social issue that has been debated in various state legislatures and in Congress.

The process has united groups to an extent where other social issues such as physician-assisted suicide, partial birth abortion and same sex marriage have divided groups. Not only have Protestant, Catholic and Jewish leadership come together in opposition to this issue, but for the first time in two generations -- and this I predict will be one of the most important outcomes of our vote, regardless of what the vote will be -- for the first time in two generations Protestants have come together, from liberal mainline Protestants to the Christian Coalition, from progressive to conservatives, and this is a power to be reckoned with, not only for the present but for the future, and I'm told that these groups will

be sitting down again in the future to discuss other issues, to see if there is any commonality of purpose for agreement on other important issues that have proved divisive in the past.

Now, the issue at hand, Senator Bruno in his opening remarks spoke very well and eloquently about his own personal feeling regarding gambling in the state of New York and the reality of what exists regardless of one's personal feelings as it relates to the economy of the state and the viability of the state when it is fighting for an existence alongside of states that do have casino gambling such as the state of New Jersey or the state of Connecticut.

Now, my problem is that the image is blurred and the image is not clear. When I ask myself, what is the impact of what we're doing on anticipated revenues, taxes and otherwise, I have to admit I don't know.

When I ask myself what is the impact on economic and urban development, I have to admit I don't know.

When I ask myself what is the impact on the increase in crime, I have to admit

I don't know.

When I ask myself what is the impact on gambling addiction which Senator Padavan calls problem gamblers, and its economic and social consequences which may or could eliminate any economic advantages we have from this purported amendment, I honestly don't know, even though Senator Padavan very clearly brought to our attention the fact that there are currently a half a million problem gamblers. These are people who are addicted to gambling, as people are sometimes addicted to alcohol, and this might grow to over a million.

Even the federal government, the divided federal government, the Republican Congress and the Democratic Congress -- and the Democratic President do not know, which is why they are setting up a federal gambling commission to look into this, to analyze what happened in Mississippi and in Illinois and in New Jersey and in Nevada which, as you know, has the highest suicide rate of any of the 50 states, and I don't think that suicide rate is based upon the fact that the Nevadans are fearful that Southern Californians are moving

into their state in record numbers.

There are problems here that we have to address, and we have to analyze, even more adequately than we have over the last 30 years. An issue has been raised to trust the people. Each of us are elected officials. We wouldn't be sitting in this chamber if we didn't trust the wisdom of the people in electing us to our positions; but when we say trust the people, we have to ask ourselves, trust the people for what?

Do they know who would regulate what will happen? Do they know what the enabling legislation or regulations will be? No, they do not and, as Senator Connor and Senator Gold and Senator Padavan and Senator Waldon have pointed out, New York City with over 40 percent of the population of this state, is not included.

Now, all that the mayor of the city of New York wants is the opportunity for New York to be included so that New Yorkers can vote whether they should have this or not have it.

So we have the situation where we have all the counties in the state and all 18

million New Yorkers voting for an amendment that would impact at the most on six or seven counties, when the five counties with the greatest population of the state of New York are not included.

Ladies and gentlemen, with the information on hand, with the contradictory data that I have read and with my conscience as a guide, I will have to vote no.

Thank you.

THE PRESIDENT: Senator Seward.

SENATOR SEWARD: Yes, Madam President. I would ask that the Committee on Energy and Telecommunications will be meeting in Room 332 immediately.

THE PRESIDENT: There will be an immediate meeting of the Energy and Telecommun ications Committee in Room 332.

Senator Abate.

SENATOR ABATE: I will attempt to be heard. I will speak as long as my voice endures, but this is such an important issue, and I have such a strong opinion on this issue that I do rise to give a statement.

This whole plan is based on the

assumption that the more casinos we bring to New York State, the more revenue will be produced and the better our economy. If that were true and I wholeheartedly believed it, I might vote for this Constitutional Amendment. However, there's no report, there's no analysis. There's nothing that I've seen first hand to support this notion.

To the contrary, what we hear and what I see and what I understand to be the truth is that there is no net gain, that when you look at the potential for economic gain and compare it to the losses that will be incurred, whether it's through the losses occurring in the Quick Draw and other competing gaming, whether it's the racing industry, lottery, if you take away those losses and also add to it the human and social costs to gambling, it is not a win/win for this state. It becomes a lose/lose.

And there are a lot of other reasons, and I want to compliment Senator Padavan. He has shown extraordinary leadership, entrepreneurial leadership, in the sense he's done a number of studies. He's been out front on this issue for a long time and I think we

should look to his studies for guidance on this issue.

There are lots and lots of other reasons why this amendment is flawed. One that I want to highlight because others too have highlighted it, is the absence of state control, the absence of any discussion of a control commission so we can assure that organized crime does not infiltrate more within this state, and to ensure there's not a corruption attendant to these casinos.

I understand, I think everyone in this chamber are sympathetic to the hotels in the Catskills and the need for additional aid to the Catskills. We should instead be talking in this chamber what can we do for tourism in the state? How can we help the Catskills? What economic incentive plan can we sit down with the hotels in that community to bolster that community in a meaningful long-term way?

As I say this about the Catskills, I was part of the Catskill community in the 1960s. I grew up in a community called Margate which is 20 minutes from Atlantic City and during the '60s, and I grew up hearing over

and over again until I was tired of my parents talking about you should have seen Atlantic City in its heyday, when Atlantic City had wonderful restaurants and hotels, and the beaches were filled with people, and it was an economic hub for the Northeast, and also brought into the argument, we need casino gambling in Atlantic City to keep manufacturing, to bolster our retail, our commercial interests, and to keep Atlantic City alive. Everyone bought into that notion looking for casino gambling to be the salvation, the panacea for that community and many people today have talked about it.

The reverse occurred. It is a virtual wasteland. Many of the people I knew who lived in that community moved away. The crime soared. The manufacturing jobs closed. The movies, the restaurants, the small commercial enterprises closed. A few, yes, got rich, and not only did they get rich, a few got very, very rich.

The jobs, the money, the entre preneurial spirit left the community and entered some very large buildings. It entered the casinos. The economic activity went within the

four walls of those casinos and there's nothing in Atlantic City other than those casinos today.

So I, too, sympathize, whether it's Niagara Falls or whether we're talking about the Catskills or New York City, we need to do something real in terms of economic development. I just read an article in Times talking about -- Times magazine talking about the economic growth around the country, all the new jobs, meaningful jobs, high paying jobs.

We, in the Senate and the leadership from both aisles, need to put together regional task forces with the best minds in this state sharing the experiences around this country, around how other states have done it to attract new industries, to retain jobs, to create new jobs.

We should be bringing together the best in business and labor to do that. What we're saying is we don't have the capacity to do that. Well, I think that's ridiculous. We have the capacity to do something for the economy of this state and not give in to the interests of casino gambling to think that's the only way we

can bring a turn-around to this state to increasing tourism and to increase jobs.

So from my limited experience, but it's one where I grew up, I saw a city I loved destroyed. I do not want to see other communities who are relying on casino gambling as their panacea to be totally disappointed, to see their communities destroyed.

I want to see what happened to my community not happen to them, and I urge all of you to vote against this amendment.

THE PRESIDENT: Thank you, Senator Abate.

Senator Volker.

SENATOR VOLKER: Madam President, I have a feeling, and I did not hear the vast majority of the debate involved in the negotia tions with the Governor's office, and so forth, but I was listening to the debate here, and I think -- I have to say that I think -- I hope people realize that what you've heard today is not just politics as some of the print media would have you believe, but it is a very serious discussion on an issue that has been around for many, many years and something on which the

people in this chamber feel extremely strongly. As I laughingly said, that's why, of course, they pay us this incredible salary that they pay us which, by the way, let me point out to the press, we haven't passed a pay raise since 1986 and we have to make decisions that affect every person in this state and maybe in this country because I happen to believe that this decision today is much more significant than many of us believe.

You know, after my colleague next to me, Senator Padavan, probably I have been the biggest opponent of casino gambling in our conference, and I think those of you who have been around here for a few years know that I have made some rather, shall I say blunt and emotional speeches in our Conference over the years as this house has defeated casino gambling time after time after time over the years. It has happened many times. I once had to make a speech in favor of casino gambling, and I hesitate to tell this story because a colleague of mine from Western New York was running for the Senate and needed -- this was first passage, by the way, keep in mind, first passage -- and

he wanted it very badly and it was part of his campaign, and I made the pitch that his city would be involved in the casino gambling bill and immediately said "Now that I've spoken for him, let me tell you what I think" and then, you know, made a speech and that, of course, got a lot of laughter from some of the people in the Conference.

Let me make it very clear that as the leader of a delegation in Western New York, I realized that it was incumbent upon me when this issue came up several years ago to try to make sure if there was going to be a casino gambling resolution that both Buffalo and Niagara Falls at least were in the mix because I felt and I knew that there were people who felt very strongly about that.

We also knew -- and I'm going to touch on that -- what was happening with the Indians. We also knew what was happening with the Canadians and since then, by the way, both of those things have come to fruition with the Indians and the Canadians. The Canadians now have a casino in Niagara Falls, Ontario which, of course, is getting all kinds of publicity

because in the initial stages it is getting a lot of people and the real test will come this summer, by the way, all that nonsense aside, as far as they're concerned, but let me just say this, what I believe, and I say this and I know I'm going to make mad everybody on both sides because I have a rather low opinion of casinos, and I know some of my friends who support casinos are not going to like it.

First of all, let me say that my father voted against the lottery. I wasn't here when the lottery was voted on. It was before I was here. He voted against it. If I had been here, I would have voted against it too, but I want to tell you something. If I were here today I wouldn't because this year, as I understand it, $1.4 billion is going to go to education and unless we can find some way to replace that, we would have a huge problem without the lottery.

The reason I'm mentioning that is because one of the interesting issues in casino gambling is we can generate a ton of money from casinos, but if it impacts on the lottery and if it impacts on the tracks and if it impacts on

OTB, we could end up easily as losers and trying to figure out how to shift some money in the budget over education, which gets such a huge amount of money to start with, and that's one of the factors that I want to put into place but, my colleagues, I believe, and you can debate this if you want, this issue would not even be on the floor of this Senate today if it wasn't for one event that occurred a few years ago.

I remember one time Senator Padavan and I were sitting in the conference room years ago after we had finished the session and casino gambling was defeated the last time, and I said, "You know, I wonder how those people are going to figure a way to get around this Senate because we are the biggest stumbling block to casino gambling in the Northeast. There's got to be some way", and I'll admit to you that I mentioned some people who I used to deal with somewhat when I was a police officer who always lurk around casino gambling -- and don't ever kid yourself that there isn't any mob involvement. If anybody believes that there isn't any in Atlantic City and Las Vegas and - well, I won't mention some of the other casinos,

but you can be sure, unfortunately, that's not true.

Without the Indian Gaming Act - and when I saw that, I said, "Christ, this is it" -- excuse me for -- "this is how it's going to happen. This is how they're going to get around us." If you think for a moment that if we vote down this resolution today that that votes down casino gambling, that would be great. I doubt, by the way, if there were a vote in this house straight out on casino gambling that it wouldn't get a lot of votes. I can tell you how many I think it would get because I have a pretty good idea what it would get. It wouldn't get much. If we could in this house kill casino gambling today, I think we'd vote it down.

The fortunate part of it is, do you know since 1995 when we passed the first resolution, first passage -- and I had a conversation with the Majority Leader at that time, and I don't think he minds my giving this privileged communication because it wasn't exactly privileged -- we both talked about what should be done and why he was doing it in '95

because it didn't have to be done then, because it didn't have to be passed at that time. We could wait another year. His logic related to the movement of Indian casinos, in particular, and the fact that there were other people around who are lurking in this Capitol today -- not lurking but are around this Capitol today -- who are opposing this resolution, by the way, big casino people. That's the different kind of thing here, and he felt if he did it early, first of all, he would get the issue out of the way and secondly he would hold in place a lot of those people who wanted to move other casino interests, number one, out of New York, that is, money out of New York and, number two, would hold the Indian gambling interests in abeyance.

By the way, he was absolutely right. There has not been a new Indian casino seriously proposed since the amendment passed in '95, not seriously except in Buffalo and that -- the fellow who was the lawyer for that, by the way, I had a nice chat with him. He's a friend of mine, and I said, "If this is going to happen, I want you to know, so that you're prepared, I may lead the lawsuit against it

because the last thing in the world we need is for casinos to happen that way. If they have to happen, they should be state run."

So that everybody understands, by the way, I hope, that Indian casinos do not benefit tribes. They really benefit individual entrepreneurs. I mean, if you think that, you're really wrong. It's not the way it works. The trouble is, I happen to believe - and I thought about this long and hard, and this is not just politics to me. This is very, very personal because there are a lot of people who are very close friends of mine in law enforcement, in the churches -- in fact, I had a nice chat with the bishop -- Bishop Mansell, who is the bishop of Buffalo -- Friday. We had a nice chat. I said, "Bishop, the ironic part of this is that you're in the same position with the Christian Coalition, the Conservative Party, Donald Trump, Indian gambling interests, the Canadian gambling interests, some guy around here who supposedly has a $20 million interest in casinos is running around lobbying against us." We're not even sure -- I've been told by a number of people who he is -- who, of course,

doesn't want this resolution because, of course, all these people feel as if they'll be adversely impacted by it. So I thought about, what do we do? What does New York do to deal with this issue, because I know that there are still people representing these Indians who are ready and still willing to try to put more casinos in this state, and the answer is there's probably only one real way to send that message and to, in effect, either deter or slow down lotteries -- or casinos, and that is for the people of the state of New York to go out to the polls and defeat it.

Do you know the impact of that on casinos across this country if a major state like New York has a vote on casinos and votes it down? It would be enormous, and my colleagues, very honestly, as much -- and I've heard this silver bullet theory about casinos in Buffalo and there's a lot of businessmen who are convinced of this, the silver bullet theory that you put a casino in and everything's going to be wonderful, and for the short time, by the way, I think it'll help and in Niagara Falls -- and, by the way, if you put one in Niagara Falls

opposite the casino in Niagara Falls, Ontario, they'll compete with each other for a couple of years and they'll kill each other, in effect. In my opinion, that's what will happen, but it seems to me that this is truly an issue -- and I'm not one of those people that believes necessarily in initiative and referendum and the farce of California with its 250 propositions which no one could possibly pay any attention to, but I want you to know if this resolution gets on the ballot, people are going to pay attention to this one, and if you think for a moment that all the money is going to be on the side of casinos, think again because there are a lot of people opposing this who are willing to spend a good deal of money because they're worried about their own business interests, but in the long haul it seems to me that -- and the only saying I say to my compadre here, Senator, what do I know?

All I know is that I do not believe in the long haul in casinos. I do not believe that it's a good idea. My personal opinion is if it's got to be done, then it should be done by state run casinos so it's

strictly overseen, but I still think it's a bad idea, but I also believe that if we are going to really deter and to maybe stop casinos in this state, the only way to do it is to go to the polls and have the voters do it. If anybody in this chamber really believes that this issue is going to die if it's defeated today, I'm sorry. I just don't see it that way.

I know the Majority Leader and our conference has determined that this issue is going to -- is going to die and we're going to do the best we can.

By the way, on a New York City issue, I think we all realize and Al certainly has been a big proponent and his predecessor was a big proponent, and so forth, but the reason that New York City is not in this is because the New York City people as a general rule didn't want it. Of course, they could have been in it. They didn't really want it. The mayor made it very clear he wanted no part of it and the Speaker didn't want it. That's why they're not in the bill. It's not as if somebody just decided to do this without New York City. Of course, the problem is if you're going to vote

statewide without New York City in there, it's going to be a problem. It really is, and I know that.

It's another reason why I think if you are truly going to deal with this issue, the way to deal with it is to put it on the ballot, let the people vote for it and let a lot of us campaign against it.

THE PRESIDENT: Thank you, Senator Volker.

Senator Cook.

SENATOR COOK: Madam President, can I announce an immediate meeting of the Education Committee in the Majority Conference Room.

Thank you.

THE PRESIDENT: There is an immediate meeting of the Education Committee in the Majority Conference Room.

Senator Mendez.

SENATOR MENDEZ: Madam President, I rise to speak against allowing the voters in New York State to decide whether or not we should have casino gambling in this great state of ours.

I know that strong arguments both for and against the issue has been stated here, and I am more than anything else concerned with the social issues surrounding gambling.

Statistics show that from the year 1992 to 1994, crime increased 640 percent in Foxwood and about the third year that casinos had been in operation in Atlantic City, the crime increased three times over. So that there are some social maladies that could, in fact, become a general rule in our state if we do go for casino gambling.

I am very happy that the referendum, if it gets to the voters in November, will not have New York City. The reason why most people from New York City do not want casinos there is because we all know that it would be so close to people that shouldn't be gambling, they would be gambling. Secondly, the services in terms of police protection would be increased tremendously and the City could not handle it. Prostitution would be all over the place, and these are the kinds of things that do occur as a by-product of casino gambling.

I understand that the situation

has been changed nowadays. I remember very well the first time here in the Senate that the issue came, and I have consistently voted against it. That time the push was to have it in the city of New York and after the situation had changed because we know that we have over, let's say 1.7 million people -- New Yorkers -- who take their buses to go to Atlantic City or to Foxwood or to any other casino in Connecticut. So should a public policy be one of saying, Look, since these people are gamblers and they're going to gamble anyhow, let's put the casinos there so they will be closer to them so they would keep gambling? Should we do that as a public policy? It's the same thing like if a person is suffering from a terminal disease and that person in desperation because of pain says, "I want to die. I want to die." Should we go and say, "You want to die? Boom! Boom! Boom!" and please her? So there is an element of personal responsibility when we establish social policy, governmental policy.

I truly believe, Madam President, that if we institute gambling in New York State, we will be gambling with the social fabric of

people residing in our state.

So, therefore, this kind of situation, this Senate that has traditionally voted down every single instance the idea of establishing a casino gambling in the state of New York should keep on that marvelous record and vote this one down.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Mendez.

Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I'm pleased that I have the opportunity to speak after Senator Padavan's excellent arguments in opposition to this resolution, and I'm also pleased to have the opportunity to speak after Senator Volker's very insightful analysis of the procedures and the politics that govern a lot of our decisions here. I'm not sure if Senator Volker had realized that he was providing a virtual primer in how policy is formulated in New York State government, but I do hope those in the gallery and those listening on the boxes and certainly

members of the press were taking careful note because Senator Volker really did characterize the worst of our policy procedures in this place.

The only thing that he really left out that I would just want to add for the record, we are talking today about a resolution initially passed 18 months ago tomorrow and we're discussing it -- many members are discussing it as though it was considered in some significant fashion prior to coming for that initial vote.

Let me just state again for the record that that measure was drafted and put on our desks as a finished product with virtually no opportunity for most of the members of the New York State Senate to review in advance. It had only four or five hours in print form for us to see.

So as Senator Volker characterizes negotiations, it's important for the people of this state to understand that negotiations are generally private, somewhat secretive and they are governed by people who wield political power in this state, those

elected and those unelected, such as the people who are lobbying on both sides of this issue right now, but please remember that many of us were forced to vote virtually in a vacuum, including some members who had had no prior experience with the issue of casino gambling, and the record was quite clear and the press did a scathing review of some arm twisting on the other side of the aisle that occurred in that initial passage.

It's nice today to hear the Majority Leader of this august body, Senator Bruno, state that people are free to vote their own conscience. Oh, if we would be free to vote our own conscience all the time. It hardly seems like it should be major news, but if the record is clear that we are voting our own conscience today, then I would like to just offer a little bit of anecdotal information as one member who has lived with casino gambling and kind of gone through a whole exploratory, then discovery process over the last couple of years.

For the first eight years of my tenure, I represented the town of Oneida -

excuse me -- the town of Verona in Oneida County and at that time and today I still represent the city of Oneida in Madison County. Now, let's not be too confused about that. The important distinction here is that the Oneida Indian Nation of New York State has its nation lands, its sovereign lands, a paltry 32 acres -- all they are left with after some unscrupulous land deals 150 years ago -- they have their 32-acre reserve or nation lands in Madison County. Just over the county line in Oneida County in the town of Verona is the famous Turning Stone Casino, and I have watched and experienced some of the discussion and seen what happened as this Turning Stone Casino came into being.

Initially there was a great flurry of excitement among the people in Oneida County and particularly in the town of Verona where the casino was to be located, anticipation of great economic impact, a wonderful spin-off, economic development, the expectation that there would be full hotels and lots of people buying, shopping, dining, staying overnight and otherwise stimulating the county in an area where the economy had been badly hurt by the

loss of an Air Force base, by the loss of major manufacturing jobs and a difficult, extremely difficult economy in which to make a living.

Now that the Turning Stone Casino has been in operation for several years, there are a few indisputable facts that are quite clear. The casino has, in fact, been very good for one type of business in particular, and that is the law business because there are so many people entering bankruptcy or encountering divorce proceedings as a result of gambling behavior that the legal community in Madison County and Oneida County and further away even in Onondaga County has seen a marked increase in gambling-related activities.

I believe Senator Padavan also made reference to some of the other sad personal aspects that have sometimes fallen to people who went down on their luck, looked to some of the most terrible choices to end the dilemma from which they believe that there is no escape.

If it's not terribly good for the economy, why is this particular casino and the entire concept of Indian gaming being used as an illustration or an example of why the rest of

the state should get into it? We have seen no clear evidence that there's anything terribly positive from the Turning Stone Casino to benefit the rest of the region. Why then would we suddenly be looking at ways to spread this type of activity across the state?

I think that there really has to be a much more thorough analysis of what casinos do to a community, how they change and shape the social fabric.

Yes, as Senator Abate describes, some of us have a personal experience with a community that goes wholesale into casino operation and her eloquent recounting of what happened in Atlantic City has been documented by the media in many other situations.

In fact, I recall reading a very detailed analysis a couple of years ago describing how the minority community living in Atlantic City had been particularly hard hit because of the sudden change in the economic climate there, the increased cost of housing. People who were poor before became poorer after the casino operations entered Atlantic City.

When I spoke on the floor 18

months ago tomorrow on this issue, I voiced my objections largely on the procedural matter, the fact that we had not had time to review, that this was a document crafted once again in secrecy, and I also voiced my reservations on the fact that it omitted from even taking part in this opportunity that huge area of Central New York. Clearly, for my constituents, there would have to be something seen as a net loss. If Turning Stone is the only show in town, then hopefully some limited amount of economic opportunity might inure from it some place, but if you suddenly have competition to the west in the Niagara Frontier, to the south in the Catskills, to the north in the Adirondacks, then some of the people who are going to Turning Stone possibly buying gas some place along the way, maybe stopping for dinner on their way to or from the location would, in fact, no longer have the incentive to go there.

So there is a potential job loss for some of the people employed in Turning Stone Casino, and I felt that I needed to enter that into the record, but I must say that in these 18 months, I have an entirely different view on the

whole subject of gambling itself, and I think it's only fair to put on the record how I have seen gambling change the character of some of my constituents. I have watched people become angry with Native Americans with whom they once enjoyed a warm, personal relationship or enjoyed a sense of mutual respect.

I would hope that we would analyze the entire Indian gambling compact as a separate issue at another time, and I and the Governor of this state, along with one or two other members of this house, have publicly stated that this compact negotiated between Mario Cuomo and a representative of the Oneida, New York Nation is quite possibly invalid and should be examined by the courts much as other states have examined and seen their compacts thrown out.

Now, one of those states is New Mexico, and I have journeyed to New Mexico several times in the last year to see their operation and specifically to monitor the process of the Indian gaming expansion in that state.

In that state, I watched casinos

jump up along the highway -- it's a north-south corridor that runs up and down the state of New Mexico with Indian Pueblos on either side. They are a sovereign nation as much as our six nations in the Iroquois Confederacy exist east and west across New York State, but many of the Pueblos opted to utilize a compact now ruled illegal but they have utilized their compact and put together casinos in a string across the state making casinos very accessible for virtually any resident of the state of New Mexico, and I watched the initial flurry of excitement when these casinos opened and I saw people just like those of us in this room, just like our constituents going to spend an afternoon or an evening doing a little bit of gambling.

A few months later I observed some of those same people going to do a little bit of gambling on a Sunday evening and not coming home until dawn and not coming home with the ability to pay the mortgage or the rent that was expected of them, and then a few months later there were situations which floored me, but I saw them happening where people would go

to visit a casino and leave the baby in the car just for a few minutes and come out hours later.

Now, many of us have debated in this chamber about whether we can or should enter the idea of legislating morality, and there are people in the gallery who believe very fervently that that isn't one of our higher responsibilities. I don't know if we can legislate morality. I don't know what we can do to shape individual behavior, but the facts are really indisputable that gambling does not enhance the social fiber of a state, can cause severe economic damage to certain areas, has a ripple effect in terms of negative activity that is difficult to measure but becomes costly all across the spectrum in criminal activity, declining employment opportunities, job loss.

If we take a good, long look at this particular issue, we have to conclude that there are some moral questions here and while we may not be in the business of legislating morality, we should at least recognize that there is no good purpose served by making casino gambling so accessible that everyone can do it and just drop in leaving the baby in the car.

We have Atlantic City. We have Las Vegas. There's Foxwoods. There's Turning Stone. There are opportunities for people who want to gamble in casinos to go and do that in this country. They have to plan it a little bit. It has to be premeditated. They have to know and hopefully they do budget appropriately to lose whatever their family can reasonably afford to lose. It becomes a fun experience. It's like going to Broadway. It's like going to Europe. It's like going on a cruise. It's something that you spend money that you can afford to spend engaged in an activity that's pleasurable with no serious economic consequences, but if it is something that is enticing, is too convenient and is suddenly next door everywhere you go, then there is a real risk that people who have a problem with self-control will hurt themselves and will hurt others and will create a societal cost which we must then come back and analyze. I don't think that we want to get into that situation.

I think that we owe it to the people of this state to be much more thoughtful on how we analyze this, and I believe that we

owe it to Native Americans everywhere to not accuse all Indians of promoting gambling. This issue of the gaming compact has torn apart Native American communities in this state and in other states as well.

For the record, the casino operation that is run by the New York Oneidas is not run by traditionalists and the other proposals for Indian gaming in New York State come from people who are not traditionalists. They are referred to as the business interests and most of them have a strong outside non Indian force behind them. The traditionalists whose faith keepers still keep alive their traditions on the Onondaga Nation for the entire six-nation confederacy have prophesied for decades that there would be -- come a time at approximately this point in their culture when something terrible would happen to them, something that would really attack their culture, their sovereignty and their history. They didn't have a name for it, but the people who have kept the traditions alive believed that it was something that looked and sounded like gambling.

So among Native Americans this is a painful time. Yes, there have been great success stories by some of the nations who have entered gambling operations. There have also been terrible tragedies, cases in the far west of Indian casinos that run amok where family members have taken arms against each other because of the enmity caused by casinos.

Now, we are not here to debate the future of native gambling -- Native American gambling in this state. That is a subject for another day, but please recognize it is not a good example on which to base the casino gambling activities and the potential for casinos across the rest of this state.

Do not cite Turning Stone, please, as something that looks good for New York State, looks good for America or even looks good for Indians because that is truly not the case. There is much more to be learned from that before we are in a position to make a case for wholesale casino gambling across New York State.

So I, with great sadness, will vote against expanding this to the rest of the

state because I always like to support economic development opportunities. I like to support tourism, but this is not the way for us to go. If we are ever going to do something about casinos, we must do it in a much more thoughtful and a much safer way.

THE PRESIDENT: Thank you, Senator Hoffmann.

Senator Marchi.

SENATOR MARCHI: Thank you, Madam President.

I believe there's an abundance on the record of statements both for and against which certainly doesn't bring on any sense of embarrassment or shame to those who made the statements because it's not that easily clear cut.

I'm glad that Senator Hoffmann brought in the question of we're not dealing with morality but depending on the circum stances, it can become an immoral action if you go overboard. It does not necessarily become one, and she ended with the conclusion that she did.

This is the hazard that we face

when we try to impute to some of these shadow figures such as gambling a mal in se, an evil in and of itself, when it comes to application, and our history is replete with experiences that sometimes have led to great grief.

Many years ago we ushered in the Seventeenth Amendment -- or the Eighteenth Amendment on alcohol, that alcohol was an inherently dangerous, addictive -- and I don't know what "addictive" is. If you're addicted to sugar and you're a diabetic, it becomes almost a process of self-abuse unless discipline, as you mentioned, Senator, is exercised, but we adopted the noble experiment and the result was that we had organized crime. There was no organized crime in this country before we got into the noble experiment, and finally when it was repealed, the organized crime remained with us and it's with us today and it's with us on this issue both on one side and the other, and that was on the consumption of alcohol.

I remember being in Italy once as a youngster, as a teenager, and I went to a seminar and there were 16-year-old children and they had little cruets of wine on their table,

which might have been viewed by many people in this country as not quite moral, but there was no abuse and, indeed, the latest statistics that we've had on the subject, the lowest rates of alcoholism in the world are in Italy and Israel. When they came to this country, we started to see a steady march up the grade where people were not quite that different after several generations.

So we don't -- we can't draw these hard and fast conclusions. When we go to Off Track Betting and some of the other forms of gambling -- I remember Congressman Fino -- I don't know how many of you remember Congressman Fino, but he promised us that we would have a 25 percent drop in income tax if we only adopted, I believe it was Off Track Betting at that time. Well, it turned out to be patently untrue and that element, that type of inducement that was thrown out really didn't do anything.

We know that it's not always good policy to make it promiscuously available, gambling, and we're not totally coherent on this because no one is introducing legislation to repeal anything that we've ever done in the past

on this subject simply because we need the money, I guess, but we haven't started that process, but I submit that what Senator Cook offered here for our consideration -- I think this is the classic case, and maybe we defined a few more areas where we might have chosen to do otherwise on further reflection, but what Senator Cook said, as he described the evolution, the evolution of gambling from being a local exercise by local patrons to families who came in and then coming into these growing palatial hotels to the point now where they are experiencing in the evolution of these host hotels for national conventions -- international conventions that in Sullivan County he finds that there is economic dislocation, a very serious effect on these people and they're losing them out to areas where they do offer, among other recreational factors, the option of some casino gambling.

Now, we know that he can't - they said there must be better options. Well, he can't dismantle billions of dollars of infastructure. So suddenly we develop that they can be developing a better way to make widgets.

It will be a long time and many people will starve to death before that process is completed. So he's not offering us something here, I think, that enters into the classical considerations that we have raised. He's talking about people coming in from around the country and, in fact, around the world to what is now the fulsome development of these large establishments who offer employment now contracting and are threatened with very serious economic dislocations unless they also meet that competition.

I don't think it portends nor does it suggest that we will be experiencing any of the dire cataclysmic effects because of the special circumstances that undergird an industry in his county which offers a wide array of alternatives and will continue to do so but become marginalized because of this one item.

I think we can vote for this move and not put the state into peril, and I would hope that we can find our way to vote for this because the circumstances are very circumscribed and are addressed to circumstances that are very special and unique in terms of the competition

and the world in which they live in and draw from.

So I hope this prevails, Madam President. It certainly -- no one has suggested anything other than there must be better ways. As I say, you can't destroy billions and bil lions and billions of dollars of infrastructure which is their outcome, which is going to be the inevitable outcome if they are left unable - incapable of competing with other centers around the country and the world.

THE PRESIDENT: Thank you, Senator Marchi.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

We're over three-quarters of an hour over the two-hour time limit. Bearing that in mind, I'm going to waive my time and explain my vote during the roll call.

THE PRESIDENT: Is there anyone else who wishes to speak on the resolution?

(There was no response.)

On the resolution, the Secretary will call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Slow roll call, Madam President.

THE PRESIDENT: A slow roll call, please.

THE SECRETARY: Senator Abate.

SENATOR ABATE: No.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: No.

THE SECRETARY: Senator Breslin.

SENATOR BRESLIN: No.

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: No -- I'm sorry -- yes. (Laughter)

THE SECRETARY: Senator Connor.

SENATOR CONNOR: No.

THE SECRETARY: Senator Cook.

SENATOR COOK: Yes.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: No.

THE SECRETARY: Senator Farley.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: As I was saying, I would like to explain my vote.

Early on I have come out against casinos in New York State. I don't think they add anything to our society. As a matter of fact, I think they -- they're a detriment to our society but, you know, this keeps coming before us and has for the 20 years that I have been here, and I presume it will be back again some day and, as far as I'm concerned, I think that we could do a lot better things than have casinos in New York.

I was quoted all over the state by saying something about a dog. Basically I said that with this dog comes a lot of fleas, and I believe that, and I think it's something that we do not need, and I'm confident that this resolution is going to be defeated.

So, consequently, I urge my colleagues to vote no.

THE PRESIDENT: Please continue.

THE SECRETARY: Senator Gentile.

SENATOR GENTILE: No.

THE SECRETARY: Senator Gold.

SENATOR GOLD: No.
THE SECRETARY: Senator Gonzalez.
SENATOR GONZALEZ: Yes.
THE SECRETARY: Senator Goodman.
SENATOR GOODMAN: No.
THE SECRETARY: Senator Hannon.
(There was no response.)
Senator Hoffmann.
SENATOR HOFFMANN: No.
THE SECRETARY: Senator Holland.
SENATOR HOLLAND: No.
THE SECRETARY: Senator Johnson.
SENATOR JOHNSON: Aye.
THE SECRETARY: Senator Kruger.
SENATOR KRUGER: No.
THE SECRETARY: Senator Kuhl.
SENATOR KUHL: Aye.
THE SECRETARY: Senator Lachman.
SENATOR LACHMAN: No.
THE SECRETARY: Senator Lack.
SENATOR LACK: No.
THE SECRETARY: Senator Larkin.
SENATOR LARKIN: Aye.
THE SECRETARY: Senator LaValle.
SENATOR LAVALLE: No.

THE SECRETARY: Senator Leibell.
SENATOR LEIBELL: Aye.
THE SECRETARY: Senator Leichter.
SENATOR LEICHTER: Madam President, to explain my vote.
I didn't enter and engage in the main debate or reflect the fact that I have been very torn on this issue, and I really didn't have any overwhelming strong feeling about it.
I think there are arguments for and against it and, as I've considered them over the past few weeks, I'm torn between my dislike of gambling as a way of raising money and my feeling that, was I just being King Canute telling the tide not to come in because, as has been pointed out, of course, gambling is all around us, but the more I thought about it, the very idea that if gambling as a way of raising money for government is wrong -- and, yes, we have it with the lottery and we have Keno and we have other games, but it's still wrong -- why should we make more of that available?
It's really a regressive tax. It creates with it great social ills. There are ways to help communities throughout this state

like the Catskills without buying into something which is going to add to the social burden of many families, which is going to cause domestic turmoil in many families, which is going to create great problems for communities that have it.

It is not in the interest of the state of New York. I feel that quite strongly now and maybe in this instance King Canute will be able to stop the tide.

Certainly this house today as this vote is going is able to stop this tide of growing gambling throughout the United States. We will not have legalized gambling or legalized casinos in New York State, and I think in doing so we serve the people of New York.

Madam President, I vote in the negative.

THE PRESIDENT: Thank you.

Continue the slow roll call, please.

THE SECRETARY: Senator Levy.

SENATOR LEVY: No.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Madam President.

THE PRESIDENT: Senator Libous.

SENATOR LIBOUS: May I explain my vote?

THE PRESIDENT: Yes, please.

SENATOR LIBOUS: I heard the debate go back and forth today. I heard a lot of good points for and against the issue.

I've had a very difficult time with this issue. I said to one of the media this week that I can give you ten good reasons why I should support it and ten good reasons why I shouldn't support it.

After listening to the debate, thinking about it, sharing concern with our constituents, I think maybe the issue has to be one where we need to really examine what we want for economic development in the state, whether casinos are the way we want to go or maybe the way we want to go is to continue cutting taxes, generating good jobs, manufacturing jobs, high technology jobs.

You know, I said to a reporter the other day, my son is in his second year at SUNY-Albany and my goal is hopefully that he'll come back, maybe even come back home to Broome

County and get a good job or at least stay in New York State. I'm not sure I want him to come back to New York State and say that he's a blackjack dealer in a casino. I'd rather him say that he has a good job.

At the same time, I recognize that when this resolution was drafted that we have racetracks in this state that are hurting and maybe the real issue is to look at that entire system. Why is it that racetrack - racing is successful in other states but it's dying in New York? I'm not so sure that putting slot machines in every one of those tracks is going to be the simple answer. Maybe the better answer is for us as a body to get together and make some drastic changes to that entire industry so that they can do better and they can compete because they are suffering.

As I said when I first stood up, Madam President, this is a very, very difficult vote for me but at this point in time, I have to vote no.

THE PRESIDENT: Thank you.

Continue the slow roll call, please.

THE SECRETARY: Senator Maltese.
SENATOR MALTESE: No.
THE SECRETARY: Senator Marcellino.
SENATOR MARCELLINO: No.
THE SECRETARY: Senator Marchi.
(There was no response.)
Senator Markowitz.
SENATOR MARKOWITZ: To explain my vote briefly.
I want to first off say I'm going to be voting against this proposal but, Senator Cook -- Senator Cook, if I can -- I really want to reach out to Senator Cook. The Catskills, to me and for many generations before me and God willing many generations to come, will continue to look at the Catskills as an area that we want to visit, and I would hope that if this legisla tion does not -- is not passed this afternoon, that it should accelerate Governor Pataki, local officials in the Catskills and our Legislature, both the Assembly and the Senate, regardless of where we live in the state of New York, to really focus in on the redevelopment of the Catskills. I think it's important not only for

the folks in your area, but I think it's important a lot of us that reside in the city of New York will always have a very warm and special feeling about the Catskills, and I for one would love to work with you or anyone else to help with the redevelopment of that precious area of the state of New York.

Regretfully, however, on this issue, I vote no.

THE PRESIDENT: Continue the slow roll call, please.

THE SECRETARY: Senator Maziarz.

SENATOR MAZIARZ: No.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Yes.

THE SECRETARY: Senator Mendez.

SENATOR MENDEZ: Madam President.

THE PRESIDENT: Senator Mendez.

SENATOR MENDEZ: Madam President, to explain my vote.

The overriding -- the overriding reason why I vote no is because I am totally convinced that casino gambling in New York State will, in fact, destroy the social fabric of the state.

I vote no.

THE PRESIDENT: Continue the slow roll call.

THE SECRETARY: Senator Montgomery.

SENATOR MONTGOMERY: No.

THE SECRETARY: Senator Nanula.

SENATOR NANULA: Madam President, to explain my vote.

THE PRESIDENT: Senator.

SENATOR NANULA: Today there's been much debate and much discourse for and against this issue in regards to the state, in regards to overall policy, but I rise in regards to this issue, very frankly, with a very parochial and provincial dynamic in regards to this issue.

Of course, many of us know in this proposed amendment, in this bill the cities of Buffalo and Niagara Falls, New York each are designed to have one casino land-based, and for those of us who don't know, right now as we speak, there is a -- quote-unquote -- temporary casino, a $100-plus million facility that is in operation as we speak in Niagara Falls, Ontario,

no more than a stone's throw away from Niagara Falls, New York and, very frankly, even if we are to agree with some of those arguments in regards to the woes of casino gaming, our community, Niagara Falls, Buffalo, Western New York is already going to experience that, but let me tell you what we're not going to experience, the $800-plus million in revenue that is projected which I'm already hearing is designed -- or is projected to exceed that amount from this temporary casino in Niagara Falls, Ontario and, by the way, it has been promoted by the Ontario government that this casino is going to derive 80 percent -- 80, 8-0, percent of its revenue from the United States, from specifically a four-hour radius of that area which includes Buffalo, which includes Niagara Falls, which includes other upstate communities. This cannot go unrecognized, and again, I understand some of the arguments. I understand some of the debates, but my issue is a very parochial and a very provincial one.

We have now in our midst casino gaming and understand this as well. This is again a temporary casino facility. The

permanent facility that is being designed is designed to be of a cost somewhere in the range of $1 billion that is going to do several times, of course, what this temporary casino is doing and already exceeding in terms of the actual revenues coming in, the $100 million, by the way, in projected payroll that is going to be drawn from this casino facility.

Again, for me as a Senator representing Buffalo and Niagara Falls, having a casino in our midst, this is an issue that can't go unnoticed, and I am stating today for the record that if this amendment -- if this bill is voted down, I plan to introduce a new bill, a bill that would only provide for a casino for the city of Niagara Falls and for the city of Buffalo and hopefully as that bill finds its way onto this floor, it would be my hope if this initiative does not pass today, given the nature of what we're experiencing in Buffalo and in Niagara Falls and the damage that is likely to come from this casino facility already being in our midst, I can have the support of this body.

On this bill, I vote aye.

THE PRESIDENT: Continue the slow

roll call, please.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Aye.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: No.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Explain my vote, please.

THE PRESIDENT: Senator Oppenheimer.

SENATOR OPPENHEIMER: Well, like many people in this chamber, I have been very conflicted by this issue, and I said I was going to quote Ron Stafford who said, "Half of my friends are for this. Half of my friends are against this and I'm for my friends."

(Laughter.)

If I could also quote what Senator Libous said. I have very serious concerns about racetracks and particularly one that's in Westchester County, and we really have to settle down and figure out a way how we are going to help these racetracks because we are up against a very hard wall now and we have to do

something, but I don't think this is the "something".

I also want to comment on the process that we have gone through with this amendment. I think the amendment is very flawed. I think something could have been done in the one year that went past since we originally passed this amendment. There was a great deal of time for us to look into the enabling legislation and to have defined ourselves better, to have known if some of this money might go to education. That might be a very important factor for us. If we could lay down some strict regulations about the environment in the Catskills so that perhaps we would have even stricter law than the watershed agreement for that area when we put down -- when we created these casinos.

As far as the independent regulatory agency, wouldn't we have all liked to have known that that was in place and that there would be some qualified, competent, independent, bipartisan people watching over this operation because we hear from every corner of this country that influences that we may not like in

this business find their way into the business.

So these are things that we could have talked about and that could have been put in enabling legislation and might have given us some more meat, but there is really nothing here. It's bare bones. Excuse the connection there.

I find another thing very distressing, and that is the unlimited development that would have been permitted in the Catskills. Perhaps if we had limited it to one, but to have in a watershed area unlimited numbers of casinos, I think can lead to severe damage to our sewer system and to our waters.

So I think this is something that, as I said, we are all very -- many of us are conflicted on. The federal government has created a nine-member bipartisan commission to be studying gambling in America and they are going to come back with a report in two years. I think it's wise at the very least for us to wait for that two-year period to be up to see what the results are.

I'll be voting no.

THE PRESIDENT: Thank you.

Continue the slow roll call, please.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Madam President.

THE PRESIDENT: Senator Padavan.

SENATOR PADAVAN: I'm taking this moment to explain my vote. I would like to express my personal gratitude to the Leaders of this house, particularly the Majority Leader, in allowing this debate to come forward in the manner that it was done.

I almost wish that every student in the state of New York could be in the galleries today watching what went on here. It was a classic exercise in democracy. People spoke carefully on either side of the issue, and I hope that the media will report this event in that fashion.

I vote no.

THE PRESIDENT: Thank you.

Continue the slow roll call, please.

THE SECRETARY: Senator Paterson.

SENATOR PATERSON: No.

THE SECRETARY: Senator Present.
SENATOR PRESENT: No.
THE SECRETARY: Senator Rath.
SENATOR RATH: No.
THE SECRETARY: Senator Rosado.
SENATOR ROSADO: No.
THE SECRETARY: Senator Saland.
SENATOR SALAND: No.
THE SECRETARY: Senator Sampson.
SENATOR SAMPSON: No.
THE SECRETARY: Senator Santiago.
SENATOR SANTIAGO: No.
THE SECRETARY: Senator Seabrook.
SENATOR SEABROOK: No.
THE SECRETARY: Senator Seward.
SENATOR SEWARD: Madam President, to explain my vote.

Madam President, we have had a very lengthy debate on this issue this afternoon. Many points both pro and con have been brought out very eloquently. In fact, the debate concerning casino gambling has been going on for years in the halls of the Capitol and across the state. It seems to me that we need to bring this issue to closure one way or the

other.

I believe the answer is to let the people of this state decide the fate of this issue in an open election with both sides making their case to the electorate of this state, to have the kind of debate we've had today all across this state involving the people of New York.

I support letting the voters of the state make the final decision on this constitutional amendment, but I must tell you that if this amendment ever reaches the ballot, I personally will be voting no because I personally do not support the legalization of casino gambling in our state, but I do support letting the people of the state make their own decision and decide their own fate on this issue.

So, therefore, Madam President, I vote aye.

THE PRESIDENT: Thank you.

Continue the slow roll call, please.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: No.

THE SECRETARY: Senator Smith, excused.

Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

SENATOR STACHOWSKI: Madam President, to explain my vote.

THE PRESIDENT: Yes, Senator.

SENATOR STACHOWSKI: I suppose at this point I could see the votes and take the easy way out and be on the winning side, but I decided I was going to make up my mind during the debate, and I did, how I'm going to vote on this.

I'd first like to say that I don't like casinos. I spent a week in Reno once and never gambled, and I was staying in a casino and I just really don't care for them and that's that, but the fact is in the area that I represent, we have the Niagara Falls, Ontario casino that people are rushing to daily and for those groups that I respect tremendously that are opposed to this, including the Christian Coalition and the Catholic bishops, the fact is

we already have those problems and we have the potential for those problems to get much greater and whether New York ever does a casino, we are going to have to deal with those problems in the Buffalo area and Western New York.

So to base the vote on the fact that those problems are either going to be here or not, I would be burying my head in the sand to say these problems won't exist if I vote no on this bill today. These problems do exist. It would be like me saying people in poor communities in inner cities don't play the numbers. I think that still happens. I checked with some people. They say they still play the numbers.

Saying in working communities like I grew up in that people there don't go to bookmakers to bet horses and sporting events, they don't go to OTB, they never go to the racetrack, they don't get on buses in droves grabbing senior citizens and go to Turning Stone -- and now they have a shorter trip because they can go to the Niagara Falls casino -- those people go whether they can afford it or not and they do all those aforementioned things whether

they can afford it or not.

So all of those things are there and the resultant divorces that won't happen if we don't vote for this bill, those gamblers are going to find a place to gamble and if that's the reason for the divorce, those divorces are going to happen. So to say that those things aren't going to happen if we don't vote for this bill, that's not reality, at least not in the community that I grew up in.

In my area, I don't know about a lot of proposals, but I know that the mayor of the city of Buffalo, who I happen to know quite well, had at least one presentation that would give him if he got his casino a tourism piece that would take -- that would fit into downtown Buffalo and fill in an area of somewhat empty buildings now. There's no businesses in them because all the retail has left to the suburbs and probably some of the offices that were located up above, those businesses that are gone, they've located in IDAs and they attract now office buildings because that's the new IDA practice. Let's take the offices out of the cities because they can't have them park for

free and we can put surface parking and take those offices in new IDA office buildings - which isn't exactly what I thought that law was for but that's what we're using it for in some communities -- and that would fill in that area and now downtown Buffalo, for example, would have a piece that would fit in in the entertainment package and the tourism package that they present, to fill in what is now empty between the theatre community and the sporting venues. It made a lot of sense to me. The mayor made a big plea and said this is not going to be the economic generator for Buffalo but it would help with the tourism package.

Listening to that pitch again today reminded me that I heard it before. The fact that all those woes are still there and hearing people talk about it today in the debate wasn't that they don't believe that those things would get greater. It's just that they believed that -- it seemed to me that I was getting the impression that some of the people believed those things won't happen if we don't pass this bill, and the fact is that in a community like mine where there's a casino just over the

border, where the thing is that they ask you, "Where were you born?" "United States." Boom! You're across the border and you're there to gamble, if that's what your intention is.

So the fact is those things are going to take place in my community. I can't speak for the people that don't have a casino right within a stone's throw, but I do, and I know that the local harness track does believe and based on numbers that you see in tracks that have slot machines or video display machines, they do help attendance, and I don't think those changes that were mentioned that we should do for the harness industry which were mentioned time and time again in the years I've been here, we've never done those changes to help that industry do better. So to think that that's going to happen now, I think that's a little nuts too. The fact is that this is a way that we could help those harness tracks also.

So with all those things in mind and the fact that all that money is going out of Western New York now to Canada, I vote aye.

THE PRESIDENT: Continue the slow roll call, please.

THE SECRETARY: Senator Stafford.
SENATOR STAFFORD: Aye.
THE SECRETARY: Senator Stavisky.
SENATOR STAVISKY: No.
THE SECRETARY: Senator Trunzo.
SENATOR TRUNZO: Yes.
THE SECRETARY: Senator Tully.
SENATOR TULLY: No.
THE SECRETARY: Senator Velella.
SENATOR VELELLA: (Affirmative indication.)
THE SECRETARY: Senator Volker.
SENATOR VOLKER: Yes.
THE SECRETARY: Senator Waldon.
THE PRESIDENT: Senator Waldon.
SENATOR WALDON: Madam President, to explain my vote.
I had a good experience here today. I truly saw the leadership of this house, both Majority and Minority Leader do what was righteous. Those of us who work in a place like this understand that the Leader can exercise certain power, pressure, but on this issue on both sides of the aisle, it's very apparent from the vote that we were released to

vote our conscience.

Today I saw in its purest form perhaps since I have been here in these seven years democracy in the Senate and for that, I applaud Joe Bruno. I applaud Marty Connor. I'm privileged to serve in this house.

I vote no.

THE PRESIDENT: Continue the slow roll call, please.

THE SECRETARY: Senator Wright.

SENATOR WRIGHT: No.

THE PRESIDENT: The Secretary will call the absentees.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: No.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE PRESIDENT: Announce the results, please.

THE SECRETARY: Ayes 19, nays 41.

THE PRESIDENT: The resolution is defeated.

Senator Bruno.

SENATOR BRUNO: Madam President,

I want to thank my colleagues for the dialogue, the discussion, the debate and this chamber has now spoken on this issue and as I had indicated as we opened debate, if this resolution were to fail, it would fail for this legislative session.

It's my understanding since this is in the form of a resolution that this vote stays in this chamber for three days and according to the rules of the Senate, during those three days, this can be recalled for reconsideration one time before this issue is truly out of this house.

So, Madam President, I move now to reconsider the vote by which Senate Resolution 762 was lost.

THE PRESIDENT: A no vote on the motion to reconsider the vote confirms the previous no vote.

The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 60.

SENATOR BRUNO: And, Madam

President, a no vote on the resolution for reconsideration will kill this motion to reconsider, and I would move that the same vote be taken on reconsideration as was taken on the previous resolution.

THE PRESIDENT: Without objection, record the same vote.

SENATOR BRUNO: Thank you, Madam President. Thank you.

THE PRESIDENT: Senator Bruno, that completes the controversial reading of the calendar.

Senator Bruno.

SENATOR BRUNO: Madam President, is there another issue to come before the house?

THE PRESIDENT: Yes, one more bill.

SENATOR BRUNO: Can we take it up at this time, Madam President?

THE PRESIDENT: Read the last section, please.

SENATOR BRUNO: Thank you.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 45, by Senator DeFrancisco, Senate Print 484, an act to amend the Civil Practice Law and Rules, in relation to privileged information.

SENATOR LEICHTER: Madam President, if Senator DeFrancisco -

THE PRESIDENT: Senator Leichter -- order, please.

SENATOR LEICHTER: Senator, I know you and I have been waiting all afternoon to get these housekeeping things out of the way so we could really get to work on something of great interest and significance, like your bill, but in all seriousness, this does raise some - for me at least some troubling issues.

What Senator DeFrancisco does is to provide, as I understand it -- you may then wish to correct me -- but as I understand it, provides an exception to the confidentiality that we accord to doctors and other health care professionals in the instance of drug use or alcoholism in civil cases where the issue of the drug use or the alcohol use might be an issue in the case and where a prima facie case has been made that such use, such alcoholism or such drug

use occurred, and I'm really trying to under stand why we want to breach that confidentiality in -

THE PRESIDENT: Can we have some quiet, please, so we can hear Senator Leichter.

SENATOR LEICHTER: -- this particular instance, Senator DeFrancisco.

SENATOR DeFRANCISCO: What's the need for it?

SENATOR LEICHTER: Why are we doing this in this particular instance because -- and I just want to mention, and I think you'll agree with me, the reason that we have this confidentiality is we want people to be free to discourse with their doctors, tell them what their ailments are, their conditions are, their problems are, even their addiction and wouldn't under this bill, somebody goes to his doctor and says, you know, "I'm an alcoholic. Last night I drank two bottles of gin." If that becomes an issue in a lawsuit, that confidentiality now can be breached. The doctor could be forced to testify on that conversation.

THE PRESIDENT: Senator DeFrancisco.

SENATOR DeFRANCISCO: This isn't a bill that would broadly open up records of any individual who was involved in a civil lawsuit.

First of all, it relates to a specific civil action and where an issue of whether the individual was intoxicated or acting under the influence of drugs at the time of the act which is the basis of the civil lawsuit.

What brought it to my attention is situations where there would be automobile accidents and someone charged with driving while intoxicated would be in a position not to disclose the fact that at the accident he was - a Breathalyzer test was taken at the hospital - not a Breathalyzer but a blood test was taken at the hospital and it's clearly relevant if this act or occurrence -- that whether the person was intoxicated or not to determine negligence or not. So it's not a broad event where since there's an act that a civil lawsuit surrounds - it's dealing with, that all of a sudden all your records are opened up. It's a specific record at the time of the incident which results in a civil action.

THE PRESIDENT: Senator Leichter.

SENATOR SKELOS: Madam President, if I could just interrupt for a moment.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Would you please recognize Senator Levy.

THE PRESIDENT: Senator Levy.

SENATOR LEVY: I apologize to Senator Leichter and Senator DeFrancisco. There will be an immediate meeting of the Senate Transportation Committee in the Senate Republican Conference Room. Excuse me for interrupting.

THE PRESIDENT: There will be an immediate meeting of the Transportation Committee in the Senate Conference Room.

Continue, Senator Leichter.

SENATOR LEICHTER: If Senator DeFrancisco would continue to yield. Wouldn't it be possible to write a bill that provides that the results of a blood test or Breathalyzer would be made available under the circumstances provided in your bill?

Your bill, unfortunately, I think is a lot broader. So somebody that goes to a doctor and says, you know, Doctor, I have a real

problem with drinking and last night I drank a lot and I was in an accident, and so on, in that instance, as I read that bill, that information could be disclosed, and I just think that we ought to keep in mind the main reason for the privilege, which is that we want people to speak freely to their health provider, to their doctor and since we want them to feel free if they're talking to their priest or to their rabbi. If you limited the bill just to the blood test and the Breathalyzer, I would have no problem, but I think your bill is drafted more broadly than that and that's the difficulty I have.

SENATOR DeFRANCISCO: I understand, but I think the same rationale would apply, if there's a civil action, someone's charging someone with an assault and seeking damage for injuries, I would think under those circumstances if there was a hospitalization and a determination whether or not the individual was intoxicated at the time would be relevant in that lawsuit as well or whether they were on drugs at the time. So I think it is -- even though it was brought to my attention because of a ruling in the Dillenbeck case, I just think

the logic behind it calls for an expanded bill.

SENATOR LEICHTER: Thank you.

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

(There was no response.)

Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Ayes 59, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT KUHL: We'll

return to the order of standing committees.

The Secretary will read the reports.

THE SECRETARY: Senator Hannon, from the Committee on Health, offers up the following bills:

Senate Print 324, by Senator Johnson, an act to amend the Public Health Law and the Penal Law;

336, by Senator Skelos, an act to amend the Public Health Law, the Criminal Procedure Law and the Family Court Act;

1436, by Senator Hannon, an act to enact the Continuing Care Partnership Demonstration Act of 1997;

1437, Hannon, an act to amend the Public Health Law, in relation to disposition of human remains.

Senator Cook, from the Committee on Education, offers up the following bills:

Senate Print 179, by Senator Skelos, an act to authorize the payment of transportation aid to the Baldwin Union Free School District;

305, by Senator Stafford, an act

to legalize, ratify and confirm the acts and proceedings of the Board of Education for Bolton Central School District;

506, by Senator Marchi, an act to amend the Education Law, in relation to the establishment of a Staten Island Borough School District;

731, by Senator Wright, an act to legalize, ratify and confirm the acts and proceedings of the Board of Education of the Mexico Central School District.

Senator Seward, from the Committee on Energy, offers up the following bills: Senate Print 375, by Senator Seward, an act to amend the Public Service Law, in relation to removal of telephonic blocks to certain area codes;

377, by Senator Seward, an act to amend the Public Service Law, in relation to telephone blocking services;

398, by Senator Seward, an act to amend the Public Service Law, in relation to restricting access to telephone messages.

Senator Marcellino, from the Committee on Environmental Conservation, offers

up the following bills: Senate Print 121, by Senator Stafford, an act to amend the Environmental Conservation Law, in relation to non-hazardous landfill;

124, by Senator Stafford, and act to amend the Environmental Conservation Law, in relation to increasing the criminal penalties;

1391, by Senator Marcellino, an act to amend the Environmental Conservation Law, in relation to the join-off of water.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: I believe all bills are reported to third reading.

ACTING PRESIDENT KUHL: Without objection, all bills will be reported to third reading.

We do have the Transportation Committee report.

SENATOR SKELOS: Mr. President, the Transportation Committee meeting is in Room 328. Is there any other housekeeping at the desk?

ACTING PRESIDENT KUHL: Nothing else other than accepting the report.

SENATOR SKELOS: The Senate will stand at ease pending the report of the Transportation Committee.

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

(Whereupon, the Senate stood at ease from 2:43 p.m. until 2:50 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

Senator Skelos.

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

ACTING PRESIDENT KUHL: There is. We'll return to the standing order of - reports of standing committees.

The Secretary will read the report of the Transportation Committee.

THE SECRETARY: Senator Levy, from the Committee on Transportation, offers up the following bills:

Senate Print Number 400, by

Senator Levy, an act to amend Transportation Law;

440, by Senator Goodman, an act to amend the Vehicle and Traffic Law, in relation to requiring motor vehicle repair shops to be registered;

734, by Senator LaValle, an act to amend the Vehicle and Traffic Law, in relation to traffic control signal indicators;

918, by Senator Levy, an act to amend the Public Authorities Law, in relation to requiring the Metropolitan Transportation Authority to make public, and;

925, by Senator Levy, an act to amend the Transportation Law, in relation to establishing a demonstration program.

All bills directly for third reading.

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

Senator Skelos.

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

ACTING PRESIDENT KUHL: There's

nothing at the desk, Senator Skelos.

SENATOR SKELOS: There being no further business, I move we adjourn until Monday, February 3rd, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, the Senate stands adjourned until Monday, February 3rd, at 3:00 p.m., all intervening days to be legislative days.

(Whereupon, at 2:54 p.m., the Senate adjourned.)