ALBANY, NEW YORK

May 6, 1997

3:06 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Would you please rise and join with me in the Pledge of Allegiance.

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

The invocation today will be given by Bishop Muriel Grant of the Mt. Olivet Discipleship in Christ from Brooklyn, New York.

Bishop Grant.

BISHOP MURIEL GRANT: Let us pray. May the infinite power of the Almighty God abide with us now. Bless our land, O God. Give us abundance of increase from labor and/or produce. So rule the hearts of Thy servants, the President of these United States, the governors of states and all others in authority, in so doing to affirm our covenant with You as it was so given at the inception of the Republic for which it stands. May we be so strengthened in Your mind as one nation under God, for in quietness and confidence shall be Your strength.

And now, most gracious God, I humbly beseech Thee as for the people of these

United States in general but so especially for this Senate here assembled, Republicans and Democrats, bless, O Lord, this, their counseling session. Heal their infirmities. Direct and prosper all Senate consultations, giving them wisdom of laws needed for effective leadership in their advancement of Thy glory, the good of Thy church, the safety, honor and welfare of Thy people, that things ordered and settled by the endeavor of this Senate will rest upon the best and surest foundation, that peace, happiness, truth, justice, religion and piety may be established amongst us for all generations, this being truly indivisible as a nation.

These and other necessities for them, for us, the whole church, I humbly beg in the name of Jesus Christ, my most blessed savior and Lord. By the power of God vested in me, the blessings of God, the Father, the Son, the Holy Ghost rest and remain with you now and forever. Amen.

THE PRESIDENT: Amen.

The reading of the Journal, please.

THE SECRETARY: In Senate,

Monday, May 5th. The Senate met pursuant to adjournment. The prayer by Rabbi Sholom Stern, Temple Beth-El, Cedarhurst, New York. The Journal of Friday, May 2nd, was read and approved. On motion, the 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.

The Secretary will read the report of the Finance Committee.

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

Member of the New York State Racing and Wagering Board: Michael J. Hoblock, Jr., of Loudonville.

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

SENATOR STAFFORD: Mr. President, I'm sure a number of Senator Hob... once a Senator, always a Senator -- Senator Hoblock's

colleagues will want to say some very supportive things for a very dedicated public servant.

We make a lot of friends in government, Mr. President. Mike Hoblock is always a gentleman. He's always a tireless worker and he's always a dedicated public servant. He served well. He served in the Assembly. He was out of the Assembly for awhile. He had the good judgment -- yeah, good judgment to come back to the Legislature and serve in the Senate. Mike Hoblock always has had time for everyone, everyone.

Mr. President, he didn't serve by press release. He didn't serve by looking busy. He's always been busy at anything that he does, whether he's practicing law, whether he's in the Assembly, whether he's in the Senate and he had, as I say, time for everybody.

Mike Hoblock made this Senate a better place. He made the Assembly a better place. Serving as County Executive in Albany, and when you're County Executive, the buck stops there and, again, he served with distinction, and from 1985 to 1991, he served on the Colonie Town Board, again with distinction, always

having time for everyone and, Mr. President, different than some of us -- and I'm including myself -- always a gentleman, always a gentleman.

The Governor certainly is to be complimented to appoint Mike Hoblock as Chairman of the Racing and Wagering Board, a very sensitive position, a position where we need someone who has the ability to handle very sensitive issues and we know he will. He will do it in fairness. He'll do it with distinction and he'll do it with a sense of decency.

So, Mr. President, it is my pleasure, together with many others here today, who will have, I'm sure, many things to say here and what I say deserves little more than a footnote.

Again, I say it's a pleasure to move his confirmation. I apologize to the Leader. I was called upon and my name was called. I didn't realize you were still here or I would not have spoken first but I just say, again, we're all very, very pleased to add this fine appointment before us and I might say that he passed the Senate Finance Committee and I

believe also the -- Senator Larkin's committee today with flying colors.

We're honored to have him before us and this state has been a better place because of Mike Hoblock and the state will consider -- continue to be a better place because of Mike Hoblock serving in this very, very sensitive and important position and, again, Mr. President, it is a pleasure for me to join my colleagues in this confirmation.

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

SENATOR BRUNO: Thank you very much, Mr. President and Senator Stafford, colleagues.

Senator Stafford certainly said the appropriate things and thank you for that. I just want to add my voice to Mike, Karen, to his family, in that Mike has been what all of us can look to as an individual who is committed, dedicated to public service in all of his offices, really, I think culminating his skills in elected office right here in the Senate.

The Governor is to be commended because this position, chairing the Racing and

Wagering Commission is critically important, especially now over these next several years, to all of the people in this state and we need someone like Mike, with his legislative experience, his executive experience, his experience in business, experience in dealing with very complicated and complex issues.

On the racing side alone, we have some huge decisions that will affect thousands of people and literally hundreds of millions of dollars as relates to the people of this state.

Gambling, charitable, casinos, a subject that's very, very sensitive, very involved, dealing with Native Americans, takes a person of Mike Hoblock's stature and commitment to deal and cope with issues like this.

So I'm very comfortable being here supporting Mike Hoblock, and I look forward to his expanded service on behalf of all of the people of this state, for all the good things that he will do to enhance the quality of life in this position for all of us.

Thank you, Mr. President.

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

SENATOR LARKIN: Thank you, Mr. President.

It's pretty hard to follow the Majority Leader and the Chairman of the Finance Committee, but I guess I can go back to my days joining the Assembly with Mike Hoblock when we came in in the '70s.

I've always found Mike Hoblock to be a person who knew how to negotiate and knew how to take up the concerns of somebody else and carry them forward to a successful conclusion for what the goals were.

Michael's whole career -- most of us will look around here at his career in public service, but some of us will also look beyond that to look at his career in the Armed Forces. Michael's tours in Vietnam were as an infantry officer in the Marine Corps and as a Judge Advocate. He'd come back home and did things that are community service and everything he did was to promote something good for the people.

The Governor's appointment of Mike Hoblock will be very significant for us not only in this chamber but in the other house because he has worked at both houses and so he

knows the members. He knows the trials and tribulations that we go through. He knows that there are certain things that must be done and he'll be a worker and a partner with us.

As the Senate Majority Leader said, Michael is coming in at a time when there's tremendous changes in racing and wagering. Years ago we never thought about the Internet. Last week in talking with Mike, we went over the problems that are there and what are facing us and his quick willingness was to say, "Well, you know, as soon as I get my feet under my desk for a day, I would like to come down and work together with both committees in both houses and to talk about how we address the issues as a group, not as a single person, not as how I see things that will be done." That characterizes Mike Hoblock, how he has always operated. He has operated to work as a team and to be something that we can all be proud of.

When we look at the issues that we started in January with casinos -- we look at riverboats, we look at every aspect of gambling -- this will be all laid at Mike's table and we sure are proud that Mike Hoblock will be leading

it and helping us to do the job that's important for all of us.

I congratulate you, Mike. I wouldn't want your heartache.

ACTING PRESIDENT KUHL: Senator Farley, on the nomination.

SENATOR FARLEY: Thank you, Mr. President.

I rise to support this nomination and congratulate the Governor on this outstanding selection.

You know, racing and wagering requires a person of stature, of impeccable integrity. You know, Mike Hoblock, Senator Hoblock, has served in almost every level of government, town government, county government, the Assembly, the Senate, and all through those years there hasn't been a scintilla of reflection on his character. He's a man of honor, a Bronze Star winner.

You know, Mike, as a Capital District Senator, we served together, you and I and Senator Bruno and I'll tell you, the job that you did for Albany County and for this district was remarkable and I'll tell you, in my

judgment, they made a dreadful mistake by not returning you because you were one of the finest Senators that ever served here.

Let me just say this. I wish you and your lovely wife a wonderful job -- a wonderful career, and I know that I asked you in the Racing and Wagering Committee whether you got her permission for this job and you assured me that you did, but we wish you well. We're very, very proud of you and it's with enthusiasm that I support your nomination.

ACTING PRESIDENT KUHL: Senator Libous, on the nomination.

SENATOR LIBOUS: Thank you, Mr. President.

I too want to rise and speak on the nomination and follow what Senator Bruno and my colleagues have said.

Mike Hoblock, who I had the pleasure of serving with and actually got to know a little bit when he was county executive, Mr. President, I am thrilled that the Governor made this decision. You heard a lot of things about Mike and you will hear more before this session is over, but I think the one thing that

I can say is that Mike has always treated me with respect and he's a gentleman, a gentleman in dealing with a number of different constituencies. When he served as county executive and spoke to those of us who were in the Legislature during times when we didn't always pass the right piece of legislation that gave counties the added assistance that they needed -- maybe sometimes we put an additional burden on the counties -- Mike would come in, present a very positive case to us; even though he was upset because he had a responsibility to the people he represented, he would still treat us as gentlemen. He would lay out the case and kind of smile and walk out the door.

Mr. President, I just want to again applaud the Governor. I think Mike Hoblock will be a tremendous addition and will serve as a fine chairman.

ACTING PRESIDENT KUHL: Senator Breslin, on the nomination.

SENATOR BRESLIN: Thank you, Mr. President.

I rise not as a Democrat but as someone who has known Mike Hoblock for 25

years. Mike and I are the same age and have practiced law in this community as friends.

Mike Hoblock has been a dedicated public servant for in excess of 20 years, and I think the Governor has made a very wise choice, and I know he will continue to serve the people of New York State as he has in the past, and I share with Mike and his wife Karen and his entire family in applauding the decision.

Thank you.

ACTING PRESIDENT KUHL: Senator DeFrancisco, on the nomination.

SENATOR DeFRANCISCO: I want to also rise and congratulate the Governor. You know, you meet a lot of people in this business, some people who really leave an impression with you, people of outstanding character and integrity and that's why I rise on behalf of this nomination. I think that there's no finer man that I've met in public service than the man who's being nominated for this position.

Mike, you're a credit to everyone that has touched -- that you have touched over these years. You are a credit to this state and you're going to be a great credit to the board

that you're just going on presently. It's a board which needs someone of unquestioned integrity and of the highest character and the Governor has appointed just the right person for that job.

Congratulations and best of everything to you.

ACTING PRESIDENT KUHL: Senator Nozzolio, on the nomination.

SENATOR NOZZOLIO: Thank you, Mr. President.

My colleagues, it has been an honor for me to serve in this great legislative body and in the great legislative body, the Assembly, but for ten years in the Assembly and two years here, that honor was magnified by having the opportunity to stand with, be a member of the same Conference as this nominee, Mike Hoblock.

There's an echo going around the chamber this afternoon, an echo that talks about integrity. It talks about leadership. It talks about a man of action. Well, I want to add to that echo because it should resound throughout this chamber that what Governor Pataki has put

before us in the nomination of Mike Hoblock is a vote that each and every one of us could look back on at the end of our careers and say that was one of the proudest nominations that we ever endorsed.

Senator Bruno said that the times require a person to be Chairman of the Racing and Wagering Board, to be a person of great integrity and one of action, one who understands issues and can work with all areas of government, all areas of the private sector and work out solutions to the number -- the numerous problems which come before this industry, an industry that as I can emphatically say is at a crossroads and there's no one better to deal with its problems and present solutions and work to build coalitions than Mike Hoblock.

Mike, it has been an honor to serve with you in the Legislature and I am just very grateful to the Governor for this nomination and grateful to you for giving up what you have had to give up in the private sector to be part of this government. Thank you very, very much.

My colleagues, I certainly

endorse wholeheartedly the nomination of Mike Hoblock.

ACTING PRESIDENT KUHL: Senator Waldon, on the nomination.

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

Rarely have I had the sense of good feeling internally about someone that we were going to support in terms of the Governor's recommendation than I have today and my feelings towards Mike Hoblock go way beyond professional recognition of how skilled he is.

One, when I was in the police department in the city of New York, I learned to admire and respect those from the Corps who, for the most part when I ran the Academy were the guys who were in charge of the various squads that I had to supervise; two, I watched the way he handled himself when we were both in the Assembly and here in the Senate, always with great dignity, always with great poise, always with a bright and incisive mind.

I like him on a personal level for a whole host of reasons. He's affable. He's warm. He's straightforward. He's always

dealt with me arm's length and in an honest fashion, and so I think that this is one of our proudest moments, to see someone who came up from the Assembly, to be an executive at the county level, to come back into the legislative process here in the Senate and then after a very difficult, I'm sure, experience in his last campaign, to come back to serve the people of the state of New York, and so I am awfully proud today to be able to say that I was one of those who seconded the nomination of a great person from New York State who will do, in my opinion, an exemplary job as our new commissioner/ director of racing for the state of New York, the Honorable Michael Hoblock, a Marine, a real man.

ACTING PRESIDENT KUHL: Senator Connor, on the nomination.

SENATOR CONNOR: Thank you, Mr. President.

Let me say on my behalf personally, and I know I speak for my Democratic colleagues who may not be available to speak today, that we are delighted to support this nomination, having served with Mike Hoblock,

some of us, for a number of years in the Legislature when he was in the other house and when he was a colleague here, that we certainly all learned to respect Mike Hoblock.

We respected his integrity, his honesty, his hard work, his straightforward demeanor and his -- you know, when we stress all these virtues, we sometimes leave out that someone is without humor and I know Mike is quite the contrary. He's someone who is also an enjoyable companion for conversation and good humor. I'm certainly happy to support his nomination. I'm confident he'll do a good job at Racing and Wagering.

Mike, if I can, you know the vicissitudes of partisan politics, no one worked harder than I did -- well, with one exception - to get you this higher paying job. We wish you well in your future endeavors and we certainly know you will do a fine job.

ACTING PRESIDENT KUHL: Senator Maziarz, on the nomination.

SENATOR MAZIARZ: Thank you, Mr. President.

Mr. President, when I was first

elected in a special election back in March of 1995 -- it seems so long ago -- one of the many people in this chamber who, I think, really went out of his way to make me feel welcome and to help me out during the hectic days of that first couple of months in the Legislature -- and I was elected on a Tuesday and took office on a Thursday -- was Mike Hoblock, and I just want to join in seconding this nomination, Mike, and congratulate you and your family. I know you're going to do a tremendous job.

I want to be among the first of my colleagues from Western New York to invite you to come out to Western New York, Mike, and meet with some of the volunteer fire companies and some of the bingo organizations to talk about the new bell jar legislation.

So thank you.

(Laughter)

ACTING PRESIDENT KUHL: Senator Tully, on the nomination.

SENATOR TULLY: Thank you, Mr. President.

Mike, you know that all your colleagues miss you and we couldn't be happier

that you're getting this assignment.

I think you know that I'm opposed to gambling and wagering and you won't be getting any legislation or have to look at any legislation that I propose in that area, but I know for the people that I represent, that we can sleep comfortably at night knowing that someone of the great wisdom and intellect that you have and all of the things that have been said about you by my colleagues, primarily the fact that they can trust you and the people can trust you, I think my people can go to sleep and feel safely that someone like you is there and I wish you good luck and Godspeed.

ACTING PRESIDENT KUHL: Senator Gold, on the nomination.

SENATOR GOLD: Mr. President, I will be very brief, and I didn't really want to have to break into this but aside from the fact that we are confirming Senator Hoblock in this job, we are also showing some students from Queens County that all that happens in the Legislature is not necessarily adversarial and that there is respect that goes from one side of the aisle to the other and we have today 30

students from Queens who were brought here from the Queens County Bar Association, led by Judge Peter O'Donoghue and by Judge Daniel Lewis and president of the Bar Association, Stephen Singer and the executive director, Arthur Terranova and I am glad they are in Albany and we do do bills at some point, but this process is one by which the Governor proposes and we have the right to confirm and what you're seeing is the Minority Leader of the Senate, a Democrat, getting up and Senator Waldon, a Democrat, getting up and saying things which ought to be said about a former Republican colleague who is nominated by the Governor, and once we get away from some of the issues which can make some of us cantankerous -- certainly not me -- we -- or Senator Stafford -- we do try to respect the human being past some of the political ideas and if we can only break people like Mike Hoblock away from their political philosophies, we find a gentleman and a very decent guy, and I think that he will do a fine job in his new position and I hope he's there for a long, healthy period of time and that it brings joy and good things for him and his family.

ACTING PRESIDENT KUHL: Senator Meier, on the nomination.

SENATOR MEIER: Thank you, Mr. President.

I did not have the privilege of serving in this body with Mike Hoblock, but I did have the honor of calling him my colleague as a fellow county executive and during that time, Mike Hoblock set the standard. He set the standard for high personal integrity. He set the standard for working hard and he set the standard for being a tough-minded administrator, and I think all of that shows you why the Governor has nominated him for this position and why everyone in this body, I think, is so proud to support that nomination.

So as a former county executive myself, Mike, it's nice to see a kid from the old neighborhood doing well. God bless!

ACTING PRESIDENT KUHL: Senator Seward, on the nomination.

SENATOR SEWARD: Thank you, Mr. President.

One of the real pleasures of serving in this Legislature and in this Senate,

in particular, is getting to know both personally and professionally my colleagues and high on my list always will be Mike Hoblock as a colleague and as a friend.

It's already been said so well by so many of the members here today. Mike Hoblock is a man of integrity, a man of intelligence, conscientious, hard working, a true leader, a tough administrator. The bottom line is Mike Hoblock epitomizes what is best in public service and by bringing all of these attributes and qualities to the Racing and Wagering Board, there's no question in my mind that the racing industry will be better because of Mike Hoblock's leadership. All the other entities that come under the Racing and Wagering Board will be better because of Mike Hoblock's leadership and the people of this state will be better because of his leadership and activity on that board.

So, Mike, I simply rise to congratulate Governor Pataki on an outstanding choice, to congratulate you and Karen and the rest of your family. We wish you all the best, and Godspeed.

ACTING PRESIDENT KUHL: Senator Leibell, on the nomination.

SENATOR LEIBELL: Mr. President, I'm one of a number of people in this chamber who had the good fortune to serve with Mike Hoblock not only in this chamber, in the Senate but also in the other house, in the Assembly, and over the course of years, I can tell you I've built up a great deal of respect, respect for Mike Hoblock as an innovative legislator, as a man of great integrity and also as an individual with great energy.

Mike, I know you're going to have a very successful career. I congratulate our colleague and our friend, George Pataki, the Governor, for sending us a man of your stature to fill this very important position.

Godspeed, Mike.

ACTING PRESIDENT KUHL: Senator Maltese, on the nomination.

SENATOR MALTESE: I rise together with my colleagues to commend the Governor on this fine appointment.

A position of this sort requires the utmost in integrity and dedication as has

been indicated here, experience. Certainly if one were to search through the credentials or resumes of prospective applicants throughout the state and beyond the state, they would find no person more qualified than Mike Hoblock, as has been indicated especially by Ray Meier who has a unique vantage point as a former county executive and as a Senator to realize the potential and the experience and the depth of experience, depth and breadth of experience of Mike Hoblock. This is a position that cries out for the type of dedication, experience and background that Mike Hoblock has.

I too commend the Governor and congratulate Mike and his family and wish them Godspeed.

ACTING PRESIDENT KUHL: Senator Alesi, on the nomination.

SENATOR ALESI: Thank you, Mr. President.

As a relatively new member of this Senate, I remember my first few days coming here and knowing some of the people and not knowing some. As I stand here, I look up at Mike Hoblock. That's an easy thing for me to

do, not just here today presently looking up at you, Mike, but throughout the last year and a half that I have had the honor and privilege of serving here in the Senate.

Senators, as I arrived the first day in Conference, I had a hard time finding a seat, and it was Mike Hoblock that actually offered me his seat before the Leader let me for one day go over and sit next to him and I remember that, Mike. That's the kind of gentleman he is, the kind of Senator he is. It's the kind of person he is, and I watched throughout the last several months before Mike went on to now bigger and better things. You are the benchmark for me, Mike, and I applaud the Governor's selection and I'm sure that you'll do an exceptional job in your new endeavors just as you did in your previous endeavors, and it's a pleasure and a privilege to see you moving on.

ACTING PRESIDENT KUHL: Senator Lachman, on the nomination.

SENATOR LACHMAN: Yes. I also wanted to rise at this point to commend the Governor on the appointment of Senator Hoblock

to this important position.

I think the civility and the basic decency and intelligence that Senator Hoblock exhibited in his many years of public service not only continue but today serves as a prototype for the men and women of this chamber into the future because we have many, many difficult political issues that have not been resolved as yet, and I think the basic civility and decency of the remarks of Democrats and Republicans in your honor, Senator, can be a reflection of how we unravel some of the political problems that face us in the future.

ACTING PRESIDENT KUHL: Senator Holland, on the nomination.

SENATOR HOLLAND: Mr. President, I did not have an opportunity to work with Michael when he was in the Assembly but as Chairman of the Social Services Committee, I did have an opportunity to work with him when he was county executive and certainly had an opportunity when he was here in the Senate.

He's a very competent, capable young man. I know he will do an excellent job in his new job, and I want to congratulate

another former Marine, and it was nice to see Larkin choke when he said that about you, Michael.

Good luck.

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

Senator Johnson.

SENATOR JOHNSON: Yes. Mr. President, I certainly would like to add my words of commendation to the Governor for sending us this nomination. Mike Hoblock is an exceptional person and before Joe Holland got up, I wanted to say semper fi' to Mike; you're a great guy. I wish you the best of luck.

ACTING PRESIDENT KUHL: Senator Levy, on the nomination.

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

I'm delighted to rise with my other colleagues on both sides of the aisle and congratulate Mike Hoblock, who is a great Senator. He's going to just be the greatest chair of this organization that you're going to head. We miss you. We wish you well and the

Governor is to be congratulated on just an extraordinary appointment.

Thank you very much, Mr. President.

ACTING PRESIDENT KUHL: Senator Stachowski, on the nomination.

SENATOR STACHOWSKI: I too would like to rise and congratulate the Governor on the selection of Mike Hoblock. I think that with all the racing questions that are coming up, the fairer treatment for horsemen by the OTBs, better treatment for the tracks by OTBs and some of the other gambling issues, I think that Mike will be the kind of guy that will be open and we will be able to talk to with our concerns, as well as the concerns of constituents, and I would like to say that although I didn't serve in the Assembly with Mike Hoblock, when Mike Hoblock was in the Assembly, he and I were two of the few guys that used the gym when nobody else wanted to go into it when all that fancy equipment wasn't in there, if you want to call what we have fancy. So we have a different kind of relationship, and I would just like to congratulate the Governor

and say that I think Mike will make a great commissioner.

ACTING PRESIDENT KUHL: Senator Onorato, on the nomination.

SENATOR ONORATO: Mr. President, I rise to join my colleagues in congratulating the Governor on a wonderful selection. I served with Mike Hoblock on the Veterans Committee and I can assure you, Senator Hoblock knows exactly where the finish line is, and I'm going to send him the latest book that I just finished writing, "How to Limit Your Losses at the Track."

Congratulations, Mike, and good luck to you.

(Laughter)

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

Senator Marchi.

SENATOR MARCHI: I just can imagine how Mike Hoblock is reacting to all of this. Here on a bipartisan basis with genuine empathy, they're all professing the consideration they want extended to you while

you are here with us in this chamber, and that even included your old opponent, Senator Breslin. So that really it's a universal voice in this setting.

Does he have the honor? Does he have the expertise? Does he have the capability of handling a situation? Well, he's proven that time and time again.

One day I was asked to go before a women's group up in Albany. They were having a national conference and you, Senator, were - had legitimate reasons for not being there. You had some circumstances that had arisen. Well, I was asked to substitute and, you know, I revisited that splendid career that characterizes him.

Mention, I think was made by Senator Farley about the combat star. He was a Marine captain. He's a combat veteran and that's how he got his Bronze Star. He was willing to -- or available to putting his life on the line in the defense of freedom.

So with an individual like that, I believe the past is prologue and it was proven by his service in this chamber but it also

suggests to me -- and I hope you're listening, Mike -- you're not like me. You're a young fellow. So I don't believe that things will stop there. I wish you better and better things as time moves on because you've got the quality. You've got the commitment, the patriotism. You've got all of those characteristics that make for a splendid performance at even higher levels and I'm sure they're going to come your way.

So with that, Mr. President, I know that we are approaching a unanimous expression of our feeling for this great person, and I hope that he treasures this moment since it grew out of primarily his service here. It was so much more beyond his own participation in our work, going back decades, and I know that this will be reflected in future performances.

So I do hope that we come through with a unanimous verdict.

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

(There was no response.)

Is there any other Senator

wishing to speak a second time on the nomination?

(There was no response.)

The question is on the nomination of Michael J. Hoblock, of Loudonville, to become a member of the New York State Racing and Wagering Board. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is unanimously confirmed.

We're very, very pleased -

(Applause)

Michael, congratulations on behalf of Senator Bruno and all of the members who have spoken and those who have not spoken. As you can see, everybody is looking for slots in their district.

All kidding aside, we have all had a tremendous experience with you in the past. We know that you're going to do a terrific job. Certainly welcome you here to the chamber, your wife Karen. We're very, very

pleased, as I'm sure your father is, as he sat and listened to this, knowing full well that he had a part in your upbringing certainly and the state is in good hands and certainly the Racing and Wagering Board.

So congratulations and good luck. Godspeed.

(Applause)

The Secretary will read.

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

Member of the Industrial Board of Appeals: John M. Hekker, Esq., of Thiells.

ACTING PRESIDENT KUHL: Senator Stafford, on the nomination.

SENATOR STAFFORD: Mr. President, together with Mike Hoblock, the Governor has other excellent nominations before us today. We will be going through them. All were unanimously confirmed, as was Mike Hoblock.

We compliment the Governor and all those who were unanimously approved by the Senate Finance Committee and, as you say, the next is Jack Hekker, and I yield to the good

Senator Holland.

SENATOR HOLLAND: Rockland County.

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

SENATOR HOLLAND: Jack Hekker is from Rockland County, and I have known him for many years, and I would like to tell you a few things about him.

He has been practicing law for more than 35 years, specializing in real estate, construction, zoning, environmental law, estate planning, commercial litigation. He has also represented theatrical and publishing concerns.

Certainly a senior partner in the law firm of Granik, Silverman, Sandberg, Camp bell, Hekker & Berger in New City, he has donat ed his time and legal expertise in providing pro bono -- that means free -- services to the Irish Repertory Company in New York City and the Helen Hayes Tappan Zee Performing Arts Center in Nyack.

He resides in Thiells. He's the father of five and the grandfather of six. It's not too bad. He served more than 20 years as a

village and town justice, adjudicating criminal and civil cases, ranging from dog bites to felony hearings for attempted murder.

He has extensive experience in initiating and securing large scale planning and zoning approvals, negotiating contracts and financial commitments.

Jack Hekker is a recognized community leader who has demonstrated the ability to effectively interact with business and government leaders of both sides -- of all sides and the public at large.

He spent his youth in North Arlington, New Jersey, where he's still remembered as a member of Our Lady Queen of Peace High School Hall of Fame for his athletic prowess. His success did not end with his accomplishments on the football field or on the basketball court. He's told me about them many times.

Young Jack Hekker found the time to devote much of his time to academic pursuits. He graduated from Georgetown, where he majored in economics and received a basketball scholarship. He went on to graduate

from Georgetown Law School and, of course, he was a first lieutenant in the United States Marine Corps.

He has a strong record of community service. Serves on the Board of Trustees of Nyack Hospital. Serves as President of Rockland County Magistrates Association and vice-president of the Nyack Chamber of Commerce, Chairman of the Nyack Waterfront Development Committee and many, many others.

It is my privilege to nominate - or second the nomination of the Governor of Jack Hekker.

Best of wishes, Jack. I know you'll do a great job.

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

Senator Dollinger, on the nomination.

SENATOR DOLLINGER: Mr. Hekker, correct, Mr. President? Is this Mr. Hekker for the Industrial Board of Appeals?

ACTING PRESIDENT KUHL: That's correct.

SENATOR DOLLINGER: Mr. President, I saw this candidate in front of the Finance Committee. I rise just to add one - actually a note about Mr. Hekker's predecessor.

Kurt Hain was from Brighton. Kurt Hain was a man who served on the Industrial Board of Appeals for more than 20 years. He was from my district. He was a Democrat but, quite frankly, as I know Senator Alesi, Senator Nozzolio and others who have known Kurt -- or did know Kurt prior to his death would know that for Kurt, there were no party lines. There were just people. Kurt did a wonderful job in the 20-plus years that he served in the Industrial Board of Appeals and, as I told Mr. Hekker in the Finance Committee, Kurt's shoes are sizeable. He made a sizeable contribution to this state.

I have every confidence that Mr. Hekker's credentials qualify him to adequately, if not even better, fill those shoes, but I couldn't let this appointment go without just reminding the members of this chamber, Kurt Hain was approved a number of times. He was a fixture of the Rochester community and a

wonderful man. I miss him terribly, and I hope that the Industrial Board of Appeals will continue to progress without him.

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

(There was no response.)

Hearing none, the question is on the nomination of John M. Hekker, Esq., to become a member of the Industrial Board of Appeals. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

We're very, very pleased to have John Hekker with us. He's seated in the balcony to your left in the center row.

Congratulations, Mr. Hekker. Good luck.

(Applause)

The Secretary will read.

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

following nomination:

Member of the Industrial Board of Appeals: Mark S. Perla, of Tonawanda.

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

SENATOR RATH: Yes, Mr. President. I would like to move the confirmation of Mark S. Perla from the town of Tonawanda, one of the communities that I represent, to serve as a member of the Industrial Board of Appeals.

Today, as all days, when we have a confirmation, it's a wonderful day in the Senate because we get a perspective of who we are, where we've been and where we're going, but let me tell you a little bit about Mark Perla and who he is and where he's been and where I think he's going and why I think it's wonderful that Mark is going to be serving and has been recommended for that position.

Mark graduated from the University of Buffalo Law School, which, of course, is a plus for all of us from Western New York. He entered private practice in the late '70s, served recently for a short time as an Erie County Court judge, served for quite some

time in the U.S. Attorney's office in the Buffalo area, the D.A.'s office, but there are some special kinds of things about Mark that I want to tell you about because he is a professional, and yesterday we had a group here called We the People, and I think when we stop and recognize perspectivewise who we are in this chamber, we represent we the people but sometimes government gets a bad name. We're like the enemy for the folks out there, but Mark Perla has made a concerted effort and a real commitment to making sure that government is not the enemy and that government has an opportunity to be on an equal footing, as it were, and because sometimes we don't have that opportunity.

He was one of three Assistant United States Attorneys in the nation to head a unit dedicated exclusively to investigating frauds against the government and bringing civil lawsuits to recover losses and penalties. I think that's a noble effort, Mark, and I congratulate you on the successes that you had.

Let me note some of the awards and honors that Mark had because of the

successes in making sure government had an opportunity to have an equal -- be on an equal playing field: The United States Attorney's Award for sustained superior performance, United States Attorney's Award for outstanding performance of duty for handling a case which resulted in felony convictions of fraud against the government and a recovery of $7.5 million, the largest civil recovery in the history of the office -- I think that's a moment to be very, very proud of -- a Department of Defense Award for criminal investigative service, U.S. Naval Investigative Service.

We have a man here who is a professional's professional, who is about to serve the state of New York in another professional capacity. We are very fortunate. We wish you good luck and we are very happy to have you here as a nominee, Mark.

ACTING PRESIDENT WRIGHT: Senator Maziarz, on the nomination.

SENATOR MAZIARZ: Thank you, Mr. President.

I too want to join my colleague, Senator Rath, who very ably pointed out all the

qualifications. I consider Mark Perla to be one of the most capable attorneys in all of Western New York, and I want to join my colleagues in seconding his nomination and in congratulating the Governor for a fine appointment.

Thank you.

ACTING PRESIDENT WRIGHT: Senator Volker, on the nomination.

SENATOR VOLKER: Mr. President, very quickly. I too want to commend the Governor on the appointment of Mark, who I've known for a number of years. He comes from one of the most prominent legal families in Western New York. He was one of the top prosecutors in the federal attorney's office, as well as the District Attorney's office. He did a super job. I have no doubt that he'll do just a super job with the Industrial Board of Appeals.

Good luck, Mark.

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

(There was no response.)

If not, the question of the confirmation of the nomination of Mark S. Perla

is before the house. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The confirmation is approved.

Mr. Perla, congratulations on behalf of Senator Bruno and the members of the Senate.

(Applause)

The Secretary will read.

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

Sheriff of Steuben County:

Walter M. Delap, of Beaver Dams.

ACTING PRESIDENT WRIGHT: Senator Kuhl, on the nomination.

SENATOR KUHL: Yes, Mr. President.

It's my pleasure to rise in support of the Governor's nomination of Walter Delap to become the sheriff of Steuben County and while this is a rather localized issue and it only involves the sheriff of one of 62

counties in New York, I would you like to take just a moment to explain to the members of this body the importance of this particular appointment to the constituency in my district and the residents of Steuben County.

We in Steuben County have been essentially without a sheriff because of health problems and other problems for a number of months and that's caused a tremendous amount of disruption in the law enforcement of that county.

Fortunately, we are blessed today to be in a position to confirm the nomination of a young man who is actually giving up a career in law enforcement. Walt Delap currently is the -- or I should say as of about four days ago, retired from a position as a captain in Troop B of the State Police, where he was in charge of the BCI and oversaw a grouping of about 300 individuals and did obviously numerous investigations. So here's a young man who is really looking at a tremendous career with the State Police of this state, potentially rising through the ranks at one time to the position of superintendent. He carries that kind of

capability, certainly that kind of educational experience and that kind of motivation but he gave that all up to come home to Steuben County to serve in the position of sheriff, a needed position, certainly a worthy position and one that the people in the county of Steuben are waiting anxiously for him to appear and fulfill those duties.

So it's my pleasure, Mr. President, to rise today and support the nomination of the Governor of this state, of Walter Delap of Beaver Dams, New York to the position of sheriff of Steuben County and hope that my colleagues will join in supporting this nomination.

Thank you.

ACTING PRESIDENT WRIGHT: Is there any further members wishing to speak on the nomination?

(There was no response.)

The question before us is the confirmation of the nomination of Walter Delap as sheriff of Steuben County. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The "ayes" have it.

Congratulations, Sheriff Delap. You have been confirmed by the New York State Senate.

(Applause)

The sheriff is joined with us by his wife Elaine and his father Walter. We would also recognize them. We all appreciate your dedication to the people of New York.

(Applause)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT WRIGHT: Senator Skelos.

SENATOR SKELOS: With the consent of the Minority, if we could just move temporarily to motions and resolutions. I'd ask that the titles be read on Resolutions 1140, 1141 and 1181 and that you then recognize Senator Maziarz.

ACTING PRESIDENT WRIGHT: Thank you, Senator Skelos.

The Secretary will read - motions and resolutions -- titles only on 1140

and 1141 and 1181.

THE SECRETARY: By Senator Leibell, Legislative Resolution 1140, commending Christopher Deane upon the occasion of his designation as Senior Citizen of the Year.

ACTING PRESIDENT WRIGHT: Senator Maziarz.

SENATOR MAZIARZ: Mr. President, I'll yield to Senator Leibell on this resolution.

SENATOR LEIBELL: Thank you -

ACTING PRESIDENT WRIGHT: Senator Leibell.

SENATOR LEIBELL: -- Mr. President.

Today has been a special day for many of us in Albany. Throughout the year we're visited by many constituent groups and have the opportunity to recognize contributions by our fellow New Yorkers to this great state. Well, as I'm sure all of my colleagues are aware, today is Senior Citizen Day in this great state of ours.

This resolution that I have had the pleasure to sponsor and which has been

sponsored by my colleague in the Assembly also, Will Stevens, who is here with me today, is a recognition of the contributions of all of our seniors throughout New York State but, in particular, this resolution points out and identifies our selection as Senior Citizen of the Year and this year it is Christopher Deane, who is with us here today in the chamber. He is someone who has provided great help, assistance and comfort to seniors and residents throughout my home county of Putnam.

He has filled a leadership role for many, many years in the town of Kent Senior Citizens Club, a club which I have had the good fortune, as has Assemblyman Stevens to visit many, many times.

He has served on the advisory board for Putnam County Office of the Aging. He served as an advocate for the special needs of senior citizens throughout our state and region. His many volunteer efforts have especially reached out to those seniors who have found themselves in their advanced years in a state of isolation.

Most significantly, he has

encouraged our seniors to reach out and to share their many wonderful gifts, their experience, their talents, yes, their energy. He is someone who I would describe, as I know Assemblyman Stevens would, as a great personal friend.

He is joined here today by his wife Theresa, as well as three daughters, Christine, Dolores and Barbara, granddaughter Susan and son-in-law George Durseley.

Mr. President, it is for me a great honor at this point in time to propose this resolution and, as I said, to recognize the efforts of all of our seniors but, in particular, our Senior of the Year, Christopher Deane from the town of Kent, Putnam County, New York.

Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: Senator Farley.

SENATOR FARLEY: You know, as a former chairman of the Committee on Aging - actually the first one and Senator Skelos who was also a chairman -- let me congratulate you on this outstanding award.

You know, to be Senior Citizen of

the Year for all of New York State is a remarkable accomplishment. You have served humanity. You have served your fellow persons and we're very, very proud of you and let me please rise to congratulate you, to wish you well and good health and we're very, very proud of what you've done and what you've done for the seniors of this state. That's a great award and best wishes to you.

ACTING PRESIDENT WRIGHT: Is there any other member wishing to speak on the resolution?

Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

As chairman of the Senate Aging Committee, I too want to congratulate Christopher Deane on being chosen as a Senior Citizen of the Year to represent, as Senator Leibell said, the tens of thousands of seniors across the state of New York.

I have had the pleasure of working with many of the county Offices of the Aging and several of the groups throughout the state and Mr. Deane really exemplifies that type

of senior who, after he retires, goes out and continues to work on a daily basis to help out his fellow seniors.

Mr. Deane has a great history. He's worked on some of the major construction projects, the tunnels and bridges in the city of New York and his family who is here in the gallery is extremely proud of him, as well they should be, Mr. President, and I sincerely appreciate their efforts in leaving home early this morning to get down here.

We had a great day this morning. We were over at the Governor's mansion and celebrated along with Mr. Deane and also with Dan Mowers for the -- of Madison County as the outstanding senior contributor of the year and many of the other counties of the Office of the Aging, congratulating them for the work that they have done to help the senior population of this state.

So, Mr. President, I congratulate Mr. Deane. We also, I should note, had a great tour of the Maltese art gallery on the 8th floor of the Legislative Office Building which is very interesting, should any of you have any extra

time to go up and see that.

I certainly want to thank my staff and the Assembly office, Chairperson Barbara Clark, for their efforts today and also to the former Senate chairs, Senator Farley and Senator Skelos, for their help in putting this day together.

Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: Any further members wishing to speak on the resolution?

(There was no response.)

If not, the question is on Resolution 1140. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed?

(There was no response.)

The "ayes" have it.

The resolution is adopted.

Mr. Deane, congratulations on behalf of Senator Bruno and my entire colleagues of the New York State Senate. Very well done, sir.

(Applause)

The Secretary will read Resolution 1141, the title only.

THE SECRETARY: By Senator Maziarz, Legislative Resolution 1141, memorializing the Honorable George E. Pataki, Governor, to proclaim May 6th, 1997 as Senior Citizen Day in New York State.

ACTING PRESIDENT WRIGHT: Senator Maziarz, on the resolution.

SENATOR MAZIARZ: Thank you, Mr. President.

I'm not going to repeat myself. Just to thank the Governor for proclaiming today as Senior Citizen Day and May as Senior Citizen Month, to recognize the outstanding contributions of gentlemen like Mr. Deane and Dan Mowers of Madison County for all the volunteer work that they do the other 364 days of the year.

Thank you, Mr. President.

ACTING PRESIDENT WRIGHT: The question is on Resolution Number 1141. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees and continue with the confirmation process.

ACTING PRESIDENT WRIGHT: We'll return to reports of standing committees, order of business, confirmation process.

The Secretary will read.

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

Member of the Rochester- Genesee Regional Transportation Authority: Daniel E. Bailey of Fairport.

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

SENATOR ALESI: Thank you, Mr. President.

It's a pleasure to stand today and support the nomination and move the nomination of Dan Bailey to the RGRTA.

I've had the pleasure of knowing

Dan Bailey for several years, in fact, representing him not only here in the Senate but in the state Assembly prior to this and even before that in the Monroe County Legislature.

Dan is a native Rochesterian and knows the area very well. He graduated from McQuaid Jesuit High School, Le Moyne College, Rochester Institute of Technology, where he pursued his educational degrees in business administration.

20 years prior to becoming President of Rochester Gear, he started out in an entry level position, working his way up to president, as I have said, and gained valuable business experience and knowledge of the community and its needs as well.

As far as activities in the community of Monroe, he has served on the Board of Directors of Preferred Care, the Rochester Primary Care Network and the American Gear Manufacturing and Tool Association, where he served as the president of that Washington-based outfit for a couple of years.

He's also involved in the Rochester Chamber of Commerce, the Industrial

Management Council and has served as vice-president of the Rochester Chapter of the National Tooling and Manufacturing Association, gaining valuable experience, experience that he'll be able to use serving the community of Monroe on the RGRTA.

Dan, as I said, is a personal friend. He lives in Perinton, my home town, with his wife Sharon and three daughters, and if you had the pleasure as I did of listening to him not only in the Transportation Committee earlier this month but in the Finance Committee this morning, you would have heard him reiterate his dedication to increased ridership in a troubled bus company, to redirect the route so that they would better serve those people coming from welfare to work and using the reverse commute process to help improve Rochester Regional Transit Authority.

Dan is the kind of business person that's actively involved in the community that we need to have serving on this board. I wholeheartedly support his nomination on behalf of Senators Maziarz and Nozzolio and those others who represent the Greater Rochester

area. It's my pleasure and privilege to support the nomination and congratulate the Governor on this selection.

Thank you, Mr. President.

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

(There was no response.)

Hearing none, the question is on the nomination of Daniel E. Bailey, of Fairport, New York, to become a member of the Rochester Genesee Regional Transportation Authority. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

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

Member of the Niagara Frontier Transportation Authority: Vivian Turner, of

Buffalo.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT KUHL: The question is on the nomination of Vivian Turner to become a member of the Niagara Frontier Transportation Authority. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

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

Member of the Ogdensburg Bridge and Port Authority: Connie Grandy Augsbury, of Ogdensburg.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT KUHL: The question is on the nomination of Connie Grandy Augsbury, of Ogdensburg, to become a member of

the Ogdensburg Bridge and Port Authority.

Senator Wright, on the nomination.

SENATOR WRIGHT: Thank you, Mr. President.

I rise to endorse and second the nomination and commend the Governor on his choice.

Connie Augsbury has been serving the community of Ogdensburg and the Greater St. Lawrence County for a number of years, both in her capacity and private life as an entrepreneur and a business woman who has been very successful in that area of the North Country but also in her commitment to the public service and not-for-profits in various capacities throughout the North Country. She brings a diversity that will only help improve the efforts of the Ogdensburg Bridge and Port Authority and I'm very pleased to second her nomination and encourage my colleagues to support that nomination.

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

(There was no response.)

Hearing none, the question is on the nomination of Connie Grandy Augsbury, of Ogdensburg, to become a member of the Ogdensburg Bridge and Port Authority. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

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

Members of the Board of Trustees of the New York State Higher Education Services Corporation: Stephen C. Biklen, of Pittsford and Christopher Walsh, of Jamesville.

ACTING PRESIDENT KUHL: The question is on the nomination of Stephen C. Biklen, of Pittsford, New York and Christopher Walsh, of Jamesville, New York to become members of the Board of Trustees of the New York State Higher Education Services Corporation. All those in favor of the nomination signify by

saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The Secretary will continue to read.

ACTING PRESIDENT KUHL: Senator Stafford, from the Committee on Finance, offers the following nomination:

Banking member of the State Banking Board: Salvatore Marranca, of Little Valley.

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

(There was no response.)

Hearing none, the question is on the nomination of Salvatore Marranca, of Little Valley, to become a Banking member of the State Banking Board. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will continue to read.

ACTING PRESIDENT KUHL: Senator Stafford, from the Committee on Finance, offers the following nomination:

Member of the Genesee State Park Recreation and Historic Preservation Committee -- Commission: Howard Payne, of Arcade.

ACTING PRESIDENT KUHL: The question is on the nomination of Howard Payne, of Arcade, to become a member of the Genesee State Park Recreation and Historic Preservation Commission. All those in favor of the nomination signify by saying aye.

(Response of "Aye".)

Opposed, nay.

The nominee is confirmed.

The Secretary will continue to read.

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

Members of the Lake George Park Commission, Anthony P. Reale, of Ticonderoga and Margaret Stewart, of Lake George.

ACTING PRESIDENT KUHL: The question is on the nominations of Anthony P. Reale, of Ticonderoga and Margaret Stewart, of Lake George, to become members of the Lake George Park Commission. All those in favor of the nominations of the members signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: On behalf of myself, would you please place a sponsor's star on Calendar Number 690 and 691.

ACTING PRESIDENT KUHL: Calendars Number 690 and 691 are starred at the request of the sponsor.

Senator Farley.

SENATOR FARLEY: Also, Mr. President, on page 38, I offer the following

amendments to my bill, Calendar Number 681, Senate Print 2545-A, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 681 are received and adopted and the bill will retain its place on the Third Reading Calendar.

Senator Farley.

SENATOR FARLEY: And on behalf of my distinguished colleague at my left, Senator Tully, I wish on page 39 to offer the following amendments to Calendar Number 312, Senate Print 2625, and I also wish you to remove the star from that bill.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 312 are received and adopted and the star will be removed at the request of the sponsor.

Senator Farley.

SENATOR FARLEY: Thank you.

On behalf of Senator Holland, on page 14, I offer the following amendments to Calendar 310, Senate Print 32... 322-A, and I ask that that bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 310 are received and adopted and the bill will retain its place on the Third Reading Calendar.

Senator Farley.

SENATOR FARLEY: I already did this one. That's it.

ACTING PRESIDENT KUHL: Thank you, Senator Farley.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could have the title read on Resolution 1181, and I move its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to Resolution Number 1181.

THE SECRETARY: By Senators Hoffmann and Maziarz, Legislative Resolution 1181, congratulating Daniel Mower upon the occasion of his selection as recipient of the 1997 New York State Outstanding Contribution by a Senior Citizen Award on May 6th, 1997.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Move the resolution.

ACTING PRESIDENT KUHL: The motion is to adopt the resolution, Resolution 1181. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

SENATOR SKELOS: I believe there's a privileged resolution at the desk by Senator Larkin. I ask that the title be read and move its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read the title to the privileged resolution by Senator Larkin.

THE SECRETARY: By Senator Larkin, Legislative Resolution congratulating the Newburgh Free Academy at Stewart Airport as it becomes a satellite school representing another facet of the Newburgh Enlarged City School District.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, I move at this time to adopt the balance of the Resolution Calendar.

ACTING PRESIDENT KUHL: The motion is to adopt the Resolution Calendar which is on all 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 Skelos, we do have a little housekeeping, four substitutions.

SENATOR SKELOS: Let me just announce there will be an immediate meeting of the Aging Committee in the Majority Conference Room.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Aging

Committee, an immediate meeting of the Aging Committee in Room 332, Room 332, the Majority Conference Room.

The Secretary will read the substitutions.

THE SECRETARY: On page 4, Senator Farley moves to discharge from the Committee on Civil Service and Pensions Assembly Bill Number 4217 and substitute it for the identical First Report Calendar 700.

On page 4, Senator Velella moves to discharge from the Committee on Housing, Construction and Community Development Assembly Bill Number 2164 and substitute it for the identical First Report Calendar 705.

And on page 4, Senator Velella moves to discharge from the Committee on Housing, Construction and Community Development Assembly Bill Number 2300 and substitute it for identical First Report Calendar 706.

ACTING PRESIDENT KUHL: The substitutions are ordered.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: If you would recognize Senator Marchi for an announcement, please.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Marchi for an announcement.

SENATOR MARCHI: Thank you, Mr. President.

This year, as they have done through the years, we have a rather scintillating group of individuals who at one time or another have really imparted great - made great contributions to the welfare of the people of this state and their names are far flung. I don't know how many there are here in this chamber and at one time we had governors in both New York and California, both St. John's. So St. John's really strikes a resonance that I feel very good about, but with us during the course of the afternoon we have the Dean, Rudy Hasl, Allen Hodish, Judge Milton Mollen, who is head of the Appellate Division in the Second Department, Honorable Rinaldo Rivera, Moira McLaughlin, Pete Piscitelli -- that's not an unusual name to a lot of us -- Father Kehoe, Peter Roach, Gloria Rivera, Jim Castro-Banco and

Richard Kane. They're here and there are many other people out there in the area that will be guests at an appropriate lunch -- breakfast - what am I saying -- at an appropriate reception just about an hour from now.

So I would hope you recognize their presence, Mr. President. It would be appreciated by them, I'm sure.

ACTING PRESIDENT KUHL: Thank you, Senator Marchi, for bringing that information to our attention.

On behalf of Senator Bruno and all of the members of the chamber, I would like to wish -- welcome these distinguished alumni from St. John's University to the chamber.

Thank you for taking the time to spend a couple of minutes with us. We hope you enjoy your stay while you're at Albany.

Senator Skelos.

SENATOR SKELOS: At this time if we could take up the non-controversial calendar.

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

THE SECRETARY: On page 15,

Calendar Number 326, by Senator Levy, Senate Print 928-B, an act to amend the Railroad Law and the Penal Law, in relation to trespass upon railroad premises.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 475, by Senator Rath, Senate Print 255, an act to amend the Family Court Act, in relation to the age of runaway children and persons in need of supervision.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 476, by Senator Saland, Senate Print 490, an act to amend the Family Court Act, in relation to judicial notification of child care agencies.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 479, by Senator Skelos, Senate Print 3208, an act to amend the Criminal Procedure Law, in relation to extending temporary orders of protection in situations where a defendant has

either escaped or failed to appear.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 484, by member of the Assembly Genovesi, Assembly Print 4052, an act to amend the Business Corporation Law, in relation to the books and records of a residential cooperative corporation.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 507, by Senator Leibell, Senate Print 3580, an act to amend the Private Housing Finance Law, in relation to increasing the amount of bond and note authorization.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 515, by Senator Lack, Senate Print -

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 518, by member of the Assembly Weprin, Assembly Print 6487, an act to amend the Surrogate's Court Procedure Act, in relation to persons to be served in probate proceedings.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 537, by member of the Assembly John, Assembly Print 7045, an act to amend the Mental Hygiene Law, in relation to receivership authority.

ACTING PRESIDENT KUHL: The Secretary will read the last section -- lay the bill aside.

SENATOR SKELOS: Lay it aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 539, by Senator Levy, Senate Print 102, an act in relation to requiring the Commissioners of Motor Vehicles, Transportation and Education to develop a uniform definition.

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

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 552, by Senator Levy, Senate Print 3915, an act to amend the Vehicle and Traffic Law, in relation to leaving the scene of an incident without reporting.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 557, by Senator Saland, Senate Print 1786, an

act to amend the Family Court Act, in relation to procedures for the temporary removal of a child with consent.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 573, by Senator Leibell, Senate Print 3646, an act to amend the Public Authorities Law, in relation to indemnification by the state of the members, officers and employees of the state of New York Mortgage Agency.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos, that completes the reading of the non-controversial calendar.

SENATOR SKELOS: If we could take up the one bill on the controversial calendar.

ACTING PRESIDENT KUHL: The Secretary will read the controversial calendar, beginning and ending at Calendar Number 507 by Senator Leibell on page 36.

SENATOR LEICHTER: Mr. President, would Senator Leibell yield for a question?

ACTING PRESIDENT KUHL: Senator Leichter, we would like to get the bill before the house. I appreciate your kindness but we would like to get the bill before the house before we entertain any questions.

The Secretary will read the title.

THE SECRETARY: Calendar Number 507, by Senator Leibell, Senate Print 3580, an act to amend the Private Housing Finance Law, in relation to increasing the amount of bond and

note authorization.

ACTING PRESIDENT KUHL: Senator Leibell, an explanation has been asked for by Senator Leichter.

SENATOR LEICHTER: I'm just going to ask a question.

ACTING PRESIDENT KUHL: Do you yield to a question, Senator Leibell?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR LEICHTER: Senator, this bill increases the authorization of the Housing Finance Agency from 3,400,000,000 to 3,800... I guess ...880,000,000.

SENATOR LEIBELL: It's an increase of $480 million.

SENATOR LEICHTER: Right. My question to you is have you been advised as to any specific project that the HFA intends to make a mortgage commitment for; and I'll tell you afterwards why I asked the question.

SENATOR LEIBELL: They have a number they're looking at but your question, I think to me was have I been advised? I have not

discussed any specific project with them.

SENATOR LEICHTER: If you'll be so good as to continue to yield.

ACTING PRESIDENT KUHL: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR LEICHTER: Have you heard whether any of this money is to go for a mortgage for Donald Trump's Riverside South project?

SENATOR LEIBELL: Do you have an address, Senator? What would that be listed as an address? I wouldn't know -

SENATOR LEICHTER: It would be listed -- I don't know whether there's an address as such. It's the Penn yards on the west side of Manhattan. It doesn't have an address. It's known as Riverside South.

SENATOR LEIBELL: Counsel advised me no.

SENATOR LEICHTER: If you'll be so good as to continue to yield.

ACTING PRESIDENT KUHL: Senator

Leibell, do you continue to yield?

SENATOR LEIBELL: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR LEICHTER: Can you assure me that none of this money will be used for Riverside South development?

SENATOR LEIBELL: I couldn't do that, Senator. I could not assure you of that. I have had no comment and I deal with the head of HFA on a continuous basis, but I have had - we've had no discussion about that at all. Actually it's never come up, but for me to say that I could assure you that something at some point in time in the future would not be used for that, I couldn't do. I don't know how they would base that decision.

SENATOR LEICHTER: Again, if you would continue to yield.

ACTING PRESIDENT KUHL: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: That's an authority that I would not have as Chairman of the Committee. It would be something their

board would determine.

ACTING PRESIDENT KUHL: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR LEICHTER: Senator, in other words, you can -- the list that you have of potential borrowers or people that might receive a mortgage, you say does not include Riverside South but you're telling me that nothing would keep the Authority from deciding that some of this $480 million would, indeed, be used for Donald Trump's Riverside South.

SENATOR LEIBELL: That would be something, as I said, would not be a decision for me as a legislator. It would be for the board, and I realize it's -- you're asking the question, Senator, but if you have any information that that is something that's occurred, I'm not aware of it, certainly.

SENATOR LEICHTER: Mr. President, on the -- on the bill.

ACTING PRESIDENT KUHL: Senator

Leichter, on the bill.

SENATOR LEICHTER: And I thank Senator Leibell, and I understand obviously as chairman of the Housing Committee, you're not in a position to say how the HFA is to use its monies. I thought they might have made some statement to you which would give me comfort in knowing that none of this $480 million would be used to subsidize what is essentially a luxury project. I certainly support the work of the HFA when it is for affordable housing and I have voted in the past for increases in their authorization.

The problem with this particular authorization and this specific bill is that there is pending before the HFA an application that's been made by Mr. Trump who is developing a major project in an area known as Penn yards, which is the West Side of Manhattan between 59th and 72nd street along the Hudson River. It's in my district. Whatever you consider the merits of that development of Mr. Trump, the issue really is whether we want to commit state monies -- and this is a state subsidy -- to what is essentially a luxury project.

Now, the answer to that may be somebody will say, Well, isn't this going to be what's known as an 80/20 project, 80 percent luxury or market rentals and 20 percent affordable housing, which would be the case if the HFA loaned any money but, nevertheless, it still is a subsidy that benefits the developer and if we -- I have no objection to benefiting anybody as long as there's a greater public benefit. I don't see that public benefit in building housing that's probably going to rent at 5-, 6-, $7,000 a month. That's what the expected rental is going to be. Great. Let's have luxury housing but let it be pure market rental, no subsidies whatsoever.

I know there's a lot of discussion in this chamber, throughout the Capitol, throughout the state, what is a subsidy and what isn't a subsidy. Some people on the other side of the aisle primarily claim that rent regulation happens to be a subsidy to the people of the state of New York. I think we can show it isn't, but there's no question that if a mortgage was granted to Riverside South, Mr. Trump's development company for this project,

would be an enormous subsidy, and I just don't think that's how we ought to be spending the money.

Now, if the HFA can come back and say none of this money will go to Riverside South, I'll support the bill, but in the absence of that, I will not and I just think that all of you, as you vote on this bill, ought to consider whether, in fact, this is going to end up providing an enormous benefit and subsidy to Mr. Trump for luxury housing. If that's how you want to spend public monies, if that's how you want to make a commitment, that's your decision. It's certainly not the way that I want to go.

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

(There was no response.)

Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes 57, nays 1, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

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

ACTING PRESIDENT KUHL: There is none, Senator.

SENATOR SKELOS: There being no further business, I move we adjourn until Wednesday, May 7th, at 11:00 a.m. sharp.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, Wednesday, May 7th, tomorrow, Wednesday May 7th, at 11:00 a.m.

(Whereupon, at 4:35 p.m., the Senate adjourned.)