ALBANY, NEW YORK

June 18, 1998

10:05 A.M.

REGULAR SESSION

SENATOR CHARLES D. COOK, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S.

ACTING PRESIDENT COOK: The Senate will come to order. Please join me in the Pledge of Allegiance.

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

In the absence of clergy, please may we join in a moment of silence.

(A moment of silence was observed.)

Reading of the Journal. Secretary will read the Journal.

THE SECRETARY: In Senate, Wednesday, June 17th. The Senate met pursuant to adjournment. The Journal of Tuesday, June 16th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT COOK: 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.

Communication and reports from state officers.

Motions and resolutions.

Senator Meier.

ACTING PRESIDENT MEIER: Mr. President, on page number 21, I offer the following amendments to Calendar Number 788, Senate Print Number 6796-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT COOK: Amendments received and adopted. Bill will retain its place on the Third Reading Calendar.

Substitutions.

THE SECRETARY: On page 13, Senator DeFrancisco moves to discharge from the Committee on Rules Assembly Print 2378-C, and substitute it for the identical Senate Bill 477-C.

On page 24, Senator Velella moves to discharge from the Committee on Rules Assembly Bill 9888-A, and substitute it for the identical Senate Bill 6519-A.

On page 26, Senator Maziarz moves to discharge from the Committee on Rules Assembly Bill 4368-B, and substitute it for the identical Senate Bill 4989-A.

On page 32, Senator DeFrancisco moves to discharge from the Committee on Rules Assembly Bill 9533, and substitute it for the identical Senate Bill 6443.

On page 34, Senator Farley moves to discharge from the Committee on Rules Assembly Bill 8556-A, and substitute it for the identical Senate Bill 5556-A.

And on page 43, Senator Rath moves to discharge from the Committee on Rules Assembly Bill 7956-C, and substitute it for the identical Senate Bill 5383-C.

SENATOR SKELOS: Please make the substitutions, Mr. President.

ACTING PRESIDENT COOK: Substitutions are accepted.

Senator Skelos, you ready for the calendar?

SENATOR SKELOS: Mr. President, at this time may we please adopt the Resolution Calendar.

ACTING PRESIDENT COOK: All in favor of adopting the Resolutions Calendar say aye.

(Response of "Aye.")

Opposed say nay.

(There was no response.)

The Resolution Calendar is adopted.

SENATOR SKELOS: Mr. President, on behalf of Senator Bruno, on Resolution 4130-A, he'd like to open up the sponsorship on that resolution, so if anybody would like to go on it, please notify the desk.

ACTING PRESIDENT COOK: Resolution 4130-A is opened for co-sponsor ship by the entire house. Senator, would you wish to use the usual procedure on that?

SENATOR SKELOS: Yes, Mr. President.

ACTING PRESIDENT COOK: We will add all members except those who indicate that they prefer not to be on the resolution.

SENATOR SKELOS: Mr. President, I'd just like to say that with you presiding up there right now, I know that we are going

to have a very orderly day, a productive day, just as your career in the Senate has been, Senator Cook -- Charlie. All of the member ship here respect you for the fine work that you have done throughout the years and in particular as chair of the Aging Committee - of the Education Committee.

ACTING PRESIDENT COOK: I'm aging, Senator Skelos.

SENATOR SKELOS: I was chair of the Aging Committee. You have been a wonderful person to deal with in the Senate and certainly we hope that you continue to be active in government because certainly there's so much that we can still gain from you.

ACTING PRESIDENT COOK: Thank you, sir.

SENATOR SKELOS: Thank you for your wonderful career.

SENATOR MARCELLINO: Mr. President.

ACTING PRESIDENT COOK: Yes, Senator Marcellino.

SENATOR MARCELLINO: I, too, would like to extend my thanks to you as a

member of the Education Committee for all the courtesies you've extended to me. The fact that I have not been able to pass a single bill from your committee is a testament to your good taste and judgment, Senator.

I say this now, Charlie, it's been a pleasure serving with you. You are truly a gentleman in this business, and well respected, and deservedly so, and congratulations on whatever is before you, and long life and good health.

ACTING PRESIDENT COOK: Senator Saland.

SENATOR SALAND: Mr. President, I could not let this opportunity go by, since we are taking the time to thank you for your extraordinary service to this chamber and to your district and to the people of the state of New York. Your retirement to me is in part a personal loss. For a number of years, you and I have started our legislative days off joining over breakfast to discuss various and sundry issues, very few of which dealt with the operation of this chamber or the legislative business, which made it even that

much more of an enjoyable breakfast.

Charlie, you've been wonderful, kind and have really been a model in respect for me. You're extraordinary -- an extraordinary gentleman. You have been a tribute to this chamber, to your family. You've been a tribute, I think, to the human race. We would all be better served if there were more Charlie Cooks, whether they be Senator Cooks or just people in every walk of life doing their thing every day in every way.

I couldn't say enough kind things about you, and each and every one of them would be deserved. I'll miss you and hope that your departure from this chamber is not the end of our relationship, and I wish you nothing but good health and whatever it is I would want for myself at this stage of my career, were it yours for your career, I would wish for you.

God bless you and your family.

ACTING PRESIDENT COOK: Thank you. I'd like to remind the house that I have not yet died.

Senator Meier.

ACTING PRESIDENT MEIER: Mr. President, some time ago a school superintendent in my district told me that he thought there might be two people in all of Albany who understood the school aid formula, and I told him that I was proud to know both of them, and one is the director of your committee and the other is the chair of your committee, and I want to thank you for leading me through a normally eyeball-glazing explanation of a very complex system and explaining it to me, and I want to thank you for helping me dealing with the most difficult of all constituents, school superintendents.

A lot of people love to beat up folks who hold elected office and there are those out there who think that this is not an honorable profession and you, Charlie, are one of the people who remind everybody out there that this is an honorable profession. You bring credit to the career of public service and we're not going to miss you because we know you haven't died. We're going to stay in touch, and thank you so much.

ACTING PRESIDENT COOK: Senator Larkin.

SENATOR LARKIN: Mr. President, I had the distinct pleasure of serving with you during my first tenure in the Assembly. There's no member in either house could ever have a better friend, a friend that knew the ropes and was willing to share the ropes with them and share the pleasures that they brought back to the community.

Never when I was a member of the Minority in the other house, there was something going on in the districts that you and I were jointly serving, whether it was a grant or what not, you didn't make me a player. You could have just walked away and just said, It's my pot of money and it's for me, and that is the exact way that you treated everybody in your district when you were an Assembly member, and now that you've been in this Senate.

The distinction which you have carried on, the manner in which you have protected, guided and responded to the constituents you have has shown your true

character of life, the type of person you've been. The big district, God only knows who will fill -- try to fill your shoes, but I consider it an honor and a privilege that I knew Charlie cook.

ACTING PRESIDENT COOK: Senator DeFrancisco.

SENATOR DeFRANCISCO: I also would like to rise to say basically what everybody else has said, maybe in a slightly different way. In this business, there's a lot of tension, sometimes a lot of friction, sometimes ungentlemanly conduct, but in the six years that I've been in the Senate, I've never seen any of that negative behavior on your part.

On the contrary, you've always acted with dignity. People, you've shown respect to everyone, no matter what their point of view might be, and it's a guide that I'm going to try to follow through the remaining years of the Senate, my Senate life, how long that may be.

I also would like to piggyback on what Ray Meier said, and just beat me to

it, about the state aid formula, and I understand that you are going to give every one a sealed envelope with a one-paragraph explanation of the state aid formula so that we can act coherently with our constituents.

Thank you, Charlie.

ACTING PRESIDENT COOK: Senator Maziarz.

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

We all know Senator Leichter announced that he's retiring. Senator Gold has announced that he is retiring and you, Mr. President, have announced that you are retiring. Charlie, we're really going to miss you.

(Applause).

Mr. President, I, like Senator DeFrancisco, have been here a very short period of time but I just want to say that, as a relatively newer member of this body, I know that you've had a lot of history here, but you've always made me feel welcome. You were always willing and able not just to share your own knowledge, but also to share your staff.

Just this year we had a problem within my district that could have been, quite frankly, a personal problem for me, and you sent your staff out there and we had a town meeting, and things kind of cooled off a little bit, and I think it's very indicative of the way that you ran the Education Committee over the years and I think probably the finest tribute that one could say to you, Mr. President, is that the children of the state of New York are far bitter off with the leadership that you displayed during your chair as Education committee chairman.

Congratulations, and enjoy your retirement.

ACTING PRESIDENT COOK: Senator Maltese.

SENATOR MALTESE: Mr. President, I guess -- I guess, as Senator DeFrancisco said, any negative behavior that you would have exhibited you either kept to yourself or kept well hidden, so I was never aware of any, but I wanted to rise, as you said you're not past yet, and hopefully have a hell of a lot of life left in you to do the

things that you want to do, the things that are prioritized, the things that are really important to family and friends.

I know that, with your leaving, I'll -- I'll lose a good friend, good to see face, somebody that always kept me advised on what was going on in those few times that I was out of the chamber the -- stop laughing there -- Charlie, seriously, with your leaving a good deal of the gentility, the tradition of the Senate, I think, leaves with you. I think that's fair to say. The Senate will be a lesser place for that. I'll miss you.

ACTING PRESIDENT COOK: Senator Alesi.

SENATOR ALESI: Thank you, Mr. President, and I'm very happy to hear you personally say that you haven't yet passed on. However, in the short time I've been observing your career here, it's been difficult for me to tell the difference sometimes, but let me just say -- let me just say that I have, as one of the newer members observed the way that you've comported yourself, not only here on the floor, but with

the members who are all your friends, and I have admired the way you have done that and, in wishing you good luck, let me just say that this little matter that -- of the attendance in conference, because of your leaving and in honor of that, I will be very happy to destroy that.

ACTING PRESIDENT COOK: Senator, I'm not sure that -- that the transfer of anything of value within the chamber is really appropriate, so maybe you better retain that.

SENATOR ALESI: Senator, in anticipation of your never paying that any way, it had no value to begin with.

ACTING PRESIDENT COOK: Thank you.

Senator Leibell.

SENATOR LEIBELL: Thank you. I'm hoping that amnesty will extend to some of the rest of us also.

Mr. President, I'm just going to echo the comments you've heard from so many others this morning. I look back on our many, many conferences we have held in the Majority

over the course of the last few years and whether I was here or in the Assembly, I have to say your presentation in the areas of presentation are unsurpassed; they are the best, and I have a great deal of trepidation, you know, I think into the future who's going to brief us on these education issues because they certainly are mind-numbing to most of us, complex and difficult, and you imparted to us masterfully and fully, the knowledge you have in this area, but equally significant is the manner in which you have conducted yourself here throughout your long and distinguished career. It is a role model for all of us.

Your deep friend, and our mutual friend Steve Saland says it's just the beginning. We hope to see you many, many times over the years.

ACTING PRESIDENT COOK: Senator Lachman.

SENATOR LACHMAN: As a member of the Minority, I owe a great deal to Senator Cook because it's only been two and a half years since I entered these chambers, and I've learned a great deal in terms of how a chair

can run a meeting in complete fairness and objectivity even though there might be some verbose members of the Minority present.

Charlie Cook is one of the most unusual people in character, integrity and intelligence, and he really represents the total educational community in the state of New York. He's told me so much about his community that he represents that Susan, my wife, and I are thinking of changing our trip from New Delhi to Delhi in the near future.

Congratulations, and good luck and a very active retirement.

ACTING PRESIDENT COOK: Senator Rath.

SENATOR RATH: Mr. President, if central casting were to call for a Senator for a very important role in a very important movie, they would have chosen Charlie cook because, first of all, Senator, you not only look and have the bearing of a Senator, but you could pull off the role and be totally and a hundred percent believable, no matter which committees you were representing.

However, as chairman of the

Education Committee, since I've been here and it's -- you were a former chairman of Local Government Committee, you have borne with me and been patient in instructing me what I really needed to know in order to pick up some of the meaning and the credibility to carry the continuity forward on the issues that you cared so deeply about, and I've truly appreciated that and everyone in the education community, of course, has recognized that, and Senator Lachman, having been so involved in that for so many years, his words were particularly pointed.

So good luck, Charlie, and as I'm looking for your phone calls the next year when you tell me that these are turkeys I'm considering, I will call you back instantly.

Good luck.

ACTING PRESIDENT COOK: Senator LaValle.

SENATOR LAVALLE: Mr. President, as one of the members of the Education Committee, I've witnessed along with other members of the committee and of this body the enormous job that you've done as

chairman of probably one of the most difficult committees. The stakeholders sometimes come at you with enormous gusto, but you probably of any of the chairs in modern time, have handled those responsibilities with enormous grace, intellect and fortitude, and the changes that we've made in the Education Law in your watch will be recorded in history as some of the most significant that we have made -- we literally have made a sea change in so many areas in the formula, in the way people vote on school budgets and many, many other things, and you should be congratulated in this body and the citizens of this state are in deep debt for the job that you've - the professional job that you have done.

ACTING PRESIDENT COOK: Senator Volker.

SENATOR VOLKER: Yeah. Let me just say and, Charlie, I know we will see you. I think the one thing everybody should understand, anybody that really believes that we're not coming back, I don't think there's anybody who doesn't believe that we're coming back, perhaps several times this year. But

let me just say to you, Charlie, and you and I came to the Assembly a number of years ago as we talked last night. There's almost none of our colleagues left in the Assembly. They've gone on either to bigger or better things or whatever, but the fact that we were just talking about the education formula, Senator LaValle doesn't like to admit it, but actually he's the one who devised the formula back when he was a staff person to Senator Leon Giuffreda; I happen to know that way back in the late '60s and '70s.

And, Charlie, you've been a friend of mine for a long, long time. We're graduates of another house that I believe now represents a majority of this house, if I'm not mistaken, or very close to it, former Assemblymen who are now Senators, but not only have you always been a gentleman and a top flight legislator with a -- what I call a first class conscience, but you've always been a very good friend of mine and a gentle man, and I certainly will miss you as all of us will, and I certainly wish you the best of luck, but I expect to see you later on in the

year again, and good luck.

ACTING PRESIDENT COOK: Senator Wright.

SENATOR WRIGHT: Mr. President, unlike some of my colleagues who came in at the same time, I want to show you the proper respect, as you've always shown that to us since we've been here.

One of the -- one of the key issues that I think any representative of a rural area has to deal with is the funding of its school systems. In our instances, those school systems are not only important to the education of our children, but in many instances they, in fact, are the single largest employer in the community. They are, in fact, the heart of our small rural communities.

We've had the decided advantage of your leadership, not only as chair of the Education Committee and as has been mentioned service as the chair of the Local Government Committee, but also the leadership that you've demonstrated as the chair of the bipartisan Rural Resources Commission, and many of us

throughout upstate New York in those rural communities have benefited by the efforts of the commission, the work that it has done, and that commission truly has been successful because of the leadership you've provided and the bipartisan relationship that you've lent to that commission.

So, Charlie, I think everyone truly recognizes what you've done in your tenure here in the Senate, what you've done not only to the people of your district but more importantly what you've done for the people of this great state.

I want to say thank you very much.

ACTING PRESIDENT COOK: Senator Gold.

SENATOR GOLD: Thank you, Mr. President.

Firstly, before I make my remarks because I do want to thank Senator Maziarz for acknowledging that I do my job. And you do your job too. I remember one conversation where I -- I had a bill in your committee, and you sat over there and you let

me tell you about the bill and tell you the merits of the bill and you said, "Manny, I'm going to look into in this, and I'll get back to you," and you did, and you said, "Yes, you're right, it is in my committee." That was the end of it, unfortunately.

Actually -- actually, Charlie, you are -- you are one of the people who I've admired because you knew, in all of your dealings with the Minority that, day in and day out, no matter what we did, you had at least 31 votes and there are people who understood that in a pleasant way; some people who were a little bit ruder about it, but certainly as somebody who has been in the Minority all these years, you have been a delight to be with. People have been talking to me and others, you know, you're going to miss this place, you're going to miss this place, and I can only speak for myself. I don't know whether I'll miss the place. You miss people; that's what it really is. You miss people, and you are one of those people that I will miss.

If anybody has a dictionary and

you pull it out right now and you look under the word "class" you'll see a picture of Charlie Cook because that's really what the summation of what people have been saying is. Your service in this Senate has really honored all of us. People meet you and they learn that you're a Senator, and then I meet somebody I think I've been raised up the rung once or twice because Charlie Cook is a Senator, and that must be what a Senator is.

The word has been said that you're a gentleman; you're gentle, you're gentle. Well, the fact of the matter is, Charles, that you are gentle in manner but, if the truth be told, very firm in your conviction, and that is, I think, why everybody admires you.

Your dedication is unwavering and the gentle manner in which you have done your job just made you a delight. I wish you good luck in the future. Most of all, I certainly wish you good health, Charlie. Please enjoy it.

ACTING PRESIDENT COOK: Senator Leichter.

SENATOR LEICHTER: Mr. President, since I find myself sitting in this chair, I can speak not only for myself but also for the Minority in thanking you not only for your service in this chamber for the people of your district and the people of the state of New York, but to thank you for your courtesy, your decency, for your collegiality to us here in the Minority.

You really brought, I think, some very special qualities to this chamber in a body -- not only the Senate but the Assembly -- where sometimes egos among so many of us get a little inflated. I think one of the things that we can say about you is that you always kept your cool, you were calm, you were mature. I think it's fair to say that you were really very self-effacing.

The annals of laws of the state of New York are full of Cook laws, and really have contributed and bettered the lives of the people of the state of New York, but I've never seen you go around and preen and crow about it, and so on. You've been really a delight to work with as a colleague, and I

just want to say, Charlie, you -- you and I, we were both in the Assembly. I think I came to the Senate before you did. You've served here many years, and it's really been for me a privilege to have served with you.

Thank you for what you've done for all of us and for the people of the state of New York. Good health!

ACTING PRESIDENT COOK: Senator Mendez.

SENATOR MENDEZ: Charlie, some -- all of us here do, in fact, love you. All of us here do, in fact, we're going to miss you very much, and as I was sitting here and hearing the expression of affection and respect that has been expressed here today, I must say this, that yes you have been excellent in terms of filling the constituents' needs and helping all the residents of New York State through your able legislation, but I think myself that you have honored this chamber as well as the profession of politics because of two things:

You have been very honest and you have a word and the politician who doesn't

have a word does not belong in that field, we all know it, and secondly because you have always been a loyal friend, and loyalty we also know is a priceless commodity in the area of politics.

I am your neighbor, you know, my little country, living in your county, Delaware County, and I hope to see you. I wish you well as my other -- all the members here wish you the very best healthy life and a life of joy without the pressures of office, and I know that you're getting drawn into other things to achieve, and I also know that we shall see you around, and we will be delighted to do so.

Thank you.

ACTING PRESIDENT COOK: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

As you know, Mr. President, because our -- not only our Senate Districts adjoin but our home counties are adjacent to each other, and I've already attended some tributes to Senator Cook, and I suspect before

the year is out I will be attending more locally, but nothing gives me greater pride or satisfaction than to stand here on this floor of this Senate and to express my feelings about Senator Charlie Cook.

I've known Charlie in a variety of different ways, certainly as a friend, a neighbor, as I've said. In a previous life, I was one of Charlie's county chairmen. He had my county in his district. I worked on Senator Cook's staff for four years and for the last 12 years I've been very honored to call him a colleague here in the Senate as a member myself.

Back in the district, I can tell you that Charlie is known as a people person. His style is to -- when the Senate is not in session, to be out there in his district spending time with his constituents, having office hours in the little fire... the town halls around his district, talking to people one on one.

That's something very, very special about Charlie Cook, that closeness that he has with the individual people of his

district. Of course, in this Capitol, and throughout this state and throughout this country, I would say, Charlie Cook has the reputation of being a real leader, an expert in such areas as rural health, education, other issues that are so vitally important to not only the people he represents but every person in New York State.

I have chosen a path of public service for myself and, when I think of people that I would hope to emulate, the name of Charlie Cook is at the top of the list. He's a stand-up guy, a principled guy, intelligent, and always does what he feels is in the best interests of the people.

He emulates the very best in public service and, Charlie, we're going to miss you in this chamber, but I hope that the closeness of our homes will mean that we'll be together often in the future. It would be my honor to meet with you.

Thank you.

ACTING PRESIDENT COOK: Senator Markowitz.

SENATOR MARKOWITZ: Mr.

President, Senator Cook, a Republican with soul. You are definitely -- you are definitely -- you are definitely the last of the Mohicans, very few on that side, but the last one perhaps. But I really want to say that all of us will miss you so very, very much, and I'm sure that I can share with my colleagues how Senator Cook joined me in my - in my district and was kind enough to visit some of the best schools in Brooklyn and some that need some greater attention, and he spent the whole day not only meeting with parents, students, teachers, faculty, administrators, workers in the schools, and I have to tell you, quite frankly, that you not only did your party proud because you were one of the first Republicans that ever walked into any of these buildings, believe me, in the lifetimes of most folks that you met, but also you showed a rare intellect and a complete knowledge and sensitivity towards people that you know and still know need the attention and awareness of the state Legislature, and so I'm indebted to you for years.

I know you're going to be

missed here because you have that rare display of being genuine, being genuine, really caring, really caring, and having the intellect to make it all possible.

Good luck, Charlie.

ACTING PRESIDENT COOK: With the -

SENATOR STAFFORD: Mr. President.

ACTING PRESIDENT COOK: Senator Stafford.

SENATOR GOLD: Late again.

SENATOR STAFFORD: Right. I would suggest that it's been very, very fortunate for us to have a person who had the ability to put John Wesley's teaching into government. We all know it's needed. I wish some of the rest of us could do as well as you have done.

All the words that have been used -- decency, conscientiousness, civility and, again, I wish we could do as well.

Now, Senator Leichter touched on this, and I also would point out that, as one who has had a bit of experience and been a

bit objective about it, I can say that you and Senator Gold and Senator Leichter certainly have shown very sound judgment. I would say this, that Senator Leichter mentioned I would use the word disarming. If anyone doesn't think that it's true, I suggest a few years ago you should have challenged Senator Cook in a primary. That's just an example. Nothing against anybody, but I suggest that the very kind, gentle man knew how to take care of himself extremely well.

Now, don't scowl. Don't scowl, it's a compliment but, you know we can't have all this gentleness; we can't have this gentleness overdone. That's my point, but with that, again, everything that's been said I second and, as I say, we're shifting gears, and on a very, very personal point, you and I shared some things in common and you have been very, very helpful, and certainly have given me a good bit of courage, and they're going to wonder what that is and we aren't going to tell them, but on a personal basis, it means a great deal because health really is where it all is.

With that, I think Dale mentioned we're just shifting gears here. We all take various roads. And I won't quote Robert Frost, but I woo say this: I think you have made as much of an imprint on your fellow man as Robert Frost and many others.

ACTING PRESIDENT COOK: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I was recently elected when one of my former legislative colleagues told me it's nice to be important, it's always important to be nice. The past three months I've been here you certainly have observed that, and I've observed difficult situations and good situations and you taught me a valuable lesson. I've always watched you. You've always treated everybody with dignity and respect, and for that I thank you and I wish you the best in your retirement.

ACTING PRESIDENT COOK: Senator Kuhl.

SENATOR KUHL: Yes, Charlie. You know, it's been interesting to listen to some of the members here talk about their

memories of you, and I wanted to tell you that you will have forever a picture in my mind and it's not because of your tremendous leadership in the educational committee or your statesmanlike approach on the floor.

It has to do with a video where you -- and I learned in watching that video never to use a live prop. I know you remember the video I'm talking about. That's the one where you're trying to promote agriculture and the dairy industry and there's a cow that wants to nestle very close to you.

But in any case, I think it's just wonderful that you're able to sit and share memories with members here and certainly all of us wish you very well, as I do. You've been a wonderful friend, certainly a great colleague to work with, and I wish you good health always.

ACTING PRESIDENT COOK: Thank you.

With unanimous consent, hopefully, I'd like to suspend the rules and assume the privilege of the floor, if I may, for just a moment.

The first thing is -

SENATOR SALAND: You don't have it.

ACTING PRESIDENT COOK: Oh, I don't have it?

The first thing is, I apologize, it's awfully early in the morning and I hope all this syrup doesn't make you sick to your stomach, but we will pass out some Tums later on.

But I could not be more honored than the comments that I've heard this morning from everyone in all places. It has been an experience that -- of a lifetime, and I hope that none of us in this chamber ever forgets what a unique privilege it has been to serve in this house. That certainly applies to me. I consider that it has been a very special privilege, and it has particularly been a special privilege because I've had the opportunity to get acquainted with the people in this room, and you are people -- and I thank you, Senator Gold, for saying "class" but I think that the people in this room are people of class.

The abuse that is heaped on us as a group, of, quote, "politicians" is certainly unwarranted, given the kind of dedication that I have seen in the individuals who have served in this house, and I just having had the opportunity to be with all of you is just more than I could ever have expected out of life.

Senator Gold, Senator Leichter and I are going to be heading on to other things very shortly, and I certainly wish them well along with everyone else. I don't know why I was given this privilege of standing here and you weren't because certainly these things could have been said about you as well, but I mean -- on an individual basis, I certainly want to return everything that's been said and to wish all of you well personally as well as in your continued life in the Senate.

Thank you.

(Standing ovation).

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Finance Committee in the Majority Conference

Room.

ACTING PRESIDENT COOK: Immediate meeting of the Finance Committee in the Majority Conference Room.

You ready for the non-controversial calendar, Senator Skelos?

SENATOR SKELOS: Yes, if we can take up the non-controversial calendar.

ACTING PRESIDENT COOK: Non-controversial calendar.

THE SECRETARY: Calendar Number 90, by member of the Assembly Dinowitz, Assembly Print 1829-A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT COOK: The

bill is passed.

THE SECRETARY: Calendar Number 123, by Senator Holland, Senate Print 5918-A, an act to amend the Vehicle and Traffic Law, in relation to exempting.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 157, by member of the Assembly Lafayette, Assembly Print 1357-A, an act to amend the General Business Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 187, by member of the Assembly Brodsky, Assembly Print 6754-C, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

SENATOR LAVALLE: Lay that aside.

ACTING PRESIDENT COOK: Beg your pardon?

SENATOR LAVALLE: Would you lay that bill aside.

ACTING PRESIDENT COOK: Lay the bill aside.

THE SECRETARY: Calendar Number

326, by Senator Wright, Senate Print 6247, an act to provide for transfer of funds.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 339, by member of the Assembly Crowley, Assembly Print 6685, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 405, by Senator Rath, Senate Print 6013, an act to amend the Public Health Law, in relation to -

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT COOK: Lay it aside.

THE SECRETARY: Calendar Number 445, by Senator Wright, Senate Print 6477, an act to amend the Vehicle and Traffic Law, in relation to extending.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 487, by Senator Wright, Senate Print 6479-A, an act to amend the Tax Law, in relation to disclosure.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 488, by Senator Wright, Senate Print 6481-A, an act to amend the Tax Law, in relation to applications.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 516, by the Assembly Committee on Rules, Assembly Print 7624-A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 685, by Senator Nozzolio, Senate Print 7113-A, an act to amend the Correction Law and the

Public Health Law.

SENATOR LEICHTER: Lay it aside, please.

ACTING PRESIDENT COOK: Lay it aside.

THE SECRETARY: Calendar Number 687, by Senator Rath, Senate Print 1745, an act to amend the Education Law, in relation to requirements.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of January.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 716, by member of the Assembly Glick, Assembly Print 4790-A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 720, by member of the Assembly DiNapoli, Assembly Print 6875, an act to amend the Civil Service Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The

bill is passed.

THE SECRETARY: Calendar Number 729, by Senator Trunzo, Senate Print 6758-A, an act to amend the Retirement and Social Security Law, in relation to benefit calculations.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 784, by Senator Spano, Senate Print 2821-A, an act to amend the Labor Law, in relation to authorizing.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 4. This act shall take effect in 60 days.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 794, by Senator Spano, Senate Print 6991-A, an act to amend the Workers' Compensation Law, in relation to permitting.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 802, by Senator Spano, Senate Print 7096-A, an act to amend Chapter 596 of the Laws of 1994.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 848, by Senator Balboni, Senate Print 7150-A, an act to amend the Criminal Procedure Law, in relation to authorizing.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the first day of November.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 884, by Senator Spano, Senate Print 6035, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 886, by the Assembly Committee on Rules, Assembly Print 10690, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT COOK: Read the last section.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT COOK: Lay it aside.

THE SECRETARY: Calendar Number 899, by Senator Spano, Senate Print 7242, an act to amend Chapter 666 of the Laws of 1990.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on September 1st, 1998.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 904, substituted earlier today, by member of the Assembly Greene, Assembly Print 9888-A, an acted to amend the Banking Law and the Insurance Law.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 2.

This act shall take effect immediately.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 909, by Senator DeFrancisco, Senate Print 6444-B, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 910, by Senator Johnson, Senate Print 7327, an

act to amend the Vehicle and Traffic Law, in relation to limiting.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 43, nays one, Senator Kuhl recorded in the negative.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 911, by Senator Wright, Senate Print 7355, an act to amend the Vehicle and Traffic Law, the Environmental Conservation Law, and the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT COOK: Read the last section.

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

November.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 924, by the Assembly Committee on Rules, Senate, Assembly Print 11185-A, an act to amend the Public Health Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 930, by Senator Stafford, Senate Print 5488-B,

an act to amend the State Finance Law, in relation to authorizing.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 954, by Senator Velella, Senate Print 3632-A, an act to amend the Education Law, in relation to establishing.

ACTING PRESIDENT COOK: Read the last section.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT COOK: Lay aside? Is there a lay aside on it?

SENATOR LEICHTER: Lay aside.

SENATOR COOK: Lay aside.

ACTING PRESIDENT COOK:

Calendar Number 999, by Senator Saland, Senate Print 5163, an act to amend the Criminal Procedure Law and the Family Court Act.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 3. This act shall take effect in 90 days.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1057, by Senator Alesi, Senate Print 6501-A, an act to amend the General Business Law, in relation to courier pick-up.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 2. This act shall take effect July 1st, 1998.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1093, by Senator Goodman, Senate Print 7317-B, an act to amend the Tax Law and the Administrative Code of the city of New York.

ACTING PRESIDENT COOK: Read the last section.

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

SENATOR LEICHTER: Would you lay that aside for me.

ACTING PRESIDENT COOK: Lay it aside.

THE SECRETARY: Calendar Number 1246, by Senator Skelos, Senate Print -

SENATOR SKELOS: Lay aside. Lay aside for the day.

ACTING PRESIDENT COOK: Lay it aside for the day.

THE SECRETARY: Calendar Number 1276, by Senator LaValle, Senate Print 2464-C,

an act to amend the General Obligations Law.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 90 days.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 44.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1280, by Senator Maziarz, Senate Print 4492-B, an act to amend the General Municipal Law.

ACTING PRESIDENT COOK: Last section.

THE SECRETARY: Section 2. This act shall take effect on the 60th day.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The

bill is passed.

THE SECRETARY: Calendar Number 1316, by member of the Assembly Weinstein Assembly Print 5116-A, an act to amend the Administrative Code of the city of New York.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1345, by Senator Fuschillo, Senate Print 7579, an act to amend the Vehicle and Traffic Law, in relation to criminal history check.

ACTING PRESIDENT COOK: Read the last section.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT COOK: Lay

aside.

THE SECRETARY: Calendar Number 1382, by Senator Skelos, Senate Print 2007-A, an act to amend the General Municipal Law.

ACTING PRESIDENT COOK: Home rule message is at the desk. Read the last section.

SENATOR LEICHTER: Lay aside.

ACTING PRESIDENT COOK: Lay aside.

THE SECRETARY: Calendar Number 1414, by Senator Balboni, Senate Print 7614, an act to permit the sale or lease of Pond View Homes.

ACTING PRESIDENT COOK: Read the last section.

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT COOK: Lay it aside.

THE SECRETARY: Calendar Number 1420, by the Committee on Rules, an act to amend the Public Authorities Law, in relation to extending the authority.

ACTING PRESIDENT COOK: Read

the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1431, by Senator Trunzo, Senate Print 7700-A, an act to amend the Criminal Procedure Law, in relation to peace officer status.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1436, by Senator Maltese, Senate Print 3180-B, an act to amend the Administrative Code of the city of New York.

ACTING PRESIDENT COOK: Home rule message at the desk. Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 180th day.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes forty...

ACTING PRESIDENT COOK: The bill is passed. I'm sorry; I'm sorry.

THE SECRETARY: Ayes 45, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT COOK: The bill is still passed.

Senator Padavan.

SENATOR PADAVAN: Yes, Mr.

President. Can I be recorded in the negative on Calendar Number 784.

ACTING PRESIDENT COOK: Without objection.

Secretary will read.

THE SECRETARY: Calendar Number 1440, by Senator Spano, Senate Print 6028-A, an act to amend the Vehicle and Traffic Law, in relation to authorizing.

ACTING PRESIDENT COOK: Home rule message at the desk. Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1446, by Senator Larkin, Senate Print 6781-B, an act to amend the Penal Law, in relation to misrepresentation.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1451, by Senator Holland, Senate Print 7483-A, an act to amend Chapter 436 of the Laws of 1997.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on January 1st, 1998.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1460, by Senator Hannon, Senate Print 7699-A, an act to amend the New York Medical Care Finance Agency Act.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1464, by Senator Seward, Senate Print 7722, an act to amend the Economic Development Law and the Public Authorities Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1466, by Senator Balboni, Senate Print 7731, an act to amend the Economic Development Law.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1470, by the Senate Committee on Rules, Senate Print 7768, an act to amend the Tax Law, in relation to net operating losses.

SENATOR LEICHTER: Lay it aside, please.

ACTING PRESIDENT COOK: Lay the

bill aside.

THE SECRETARY: Calendar Number 1475, by Senator Stafford, Senate Print 1342-C, an act to amend the Family Court Act.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1477, by Senator Goodman, Senate Print 3311-C, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1478, by Senator Marchi, Senate Print 3449-C, an act to amend the Navigation Law.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1483, by Senator Skelos, Senate Print 6046-A, an act to amend the Navigation Law and the State Finance Law.

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT COOK: Lay it aside.

THE SECRETARY: Calendar Number 1484, by member of the Assembly Farrell, Assembly Print 9428-A, an act to amend the Local Finance Law, in relation to the sale of bonds.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

SENATOR LEICHTER: Lay that aside. Would you lay that aside, please.

ACTING PRESIDENT COOK: Withdraw the roll call, lay the bill aside.

THE SECRETARY: Calendar Number 1505, by the Senate Committee on Rules, Senate Print 7783, an act to amend the Social Service Law.

ACTING PRESIDENT COOK: Read the last section.

THE SECRETARY: Section 2.

This act shall take effect in 120 days.

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

THE SECRETARY: Calendar Number 1506, by the Senate Committee on Rules, Senate Print 7795, an act to amend the Insurance Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT COOK: Oh, Senator Leichter.

SENATOR LEICHTER: Yes, Mr. President. 1484 was laid aside in error. If you want to call that bill up, we have no objection to it.

ACTING PRESIDENT COOK: Secretary call the roll on 1485 -

SENATOR SKELOS: '84.

ACTING PRESIDENT COOK: -- '84, I'm sorry.

THE SECRETARY: Calendar Number 1484, by member of the Assembly Farrell, Assembly Print 9428-A, an act to amend the Local Finance Law, in relation to sale of bonds.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

Senator Skelos, that completes the non-controversial calendar.

SENATOR SKELOS: Mr. President, would you, on the controversial calendar, call up Calendar Number 886.

ACTING PRESIDENT COOK: Secretary will read.

THE SECRETARY: Calendar Number 886, by the Assembly Committee on Rules, Assembly Print 10690, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 46.

ACTING PRESIDENT COOK: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT COOK: Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar 1382, Senate 2007-A.

ACTING PRESIDENT COOK: Secretary will read.

THE SECRETARY: Calendar number 1382, by Senator Skelos, Senate Print 2007-A, an act to amend the General Municipal Law.

ACTING PRESIDENT COOK: A home rule message at the desk. Read the last section. Call the roll.

(The Secretary called the roll.)

SENATOR SKELOS: Senator Leichter would like an explanation.

Mr. President, this would grant New York City correction officers and members a heart presumption similar to that currently adopted -- afforded to the New York City police and firemen. This has been requested by the city of New York.

ACTING PRESIDENT COOK: Senator Leichter.

SENATOR LEICHTER: Yes, Mr.

President, just very briefly, speaking in my own capacity, certainly not on behalf of the Minority, but I've opposed heart bills for public employees on the, I think, very sound basis that there's no medical proof that this employment actually leads to heart disease or certain other diseases that we've made a presumption that the service is likely for the -- for the members to incur, and while I certainly appreciate the work that correction officers do and without question, it's stressful work, but there's so many factors that go into heart disease. There's genetic factors, there's your life style and it's extremely difficult once a presumption is established to show that somebody who, upon retirement, claims that they have a heart disability to show that it didn't come or that it came in some other way.

Really, this is a medically fallacious bill and, for this reason, I'm going to oppose this bill as I oppose other heart bills, but without in any respect denigrating or not -- or certainly don't want anybody to think that I don't appreciate the

work of the correction officers. It's important work. It's tough work, but to give that sort of presumption that when they retire if they have a heart disease, that it was caused by their work there is just no medical evidence to sustain that.

ACTING PRESIDENT COOK: Senator Gold.

SENATOR GOLD: Mr. President, very briefly, I -- my recollection could be wrong because while Senator Skelos has been on the Aging Committee, I'm the one that's aging, but I believe that when we first had some of these bills, the City was opposed. That's my recollection. I may be wrong, but I think it's important that I'm told now that it's a City bill and, if we're doing equity with these people and we do have a lot more medical evidence I think today than we did years ago, I'm going to support the bill.

ACTING PRESIDENT COOK: Read the last section.

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

ACTING PRESIDENT COOK: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT COOK: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT COOK: Senator Skelos.

SENATOR SKELOS: If we can return to reports of standing committees. I believe there's a report of the Finance Committee at the desk.

ACTING PRESIDENT COOK: Yes, Senator Skelos. We do -- excuse me just a moment.

(Acting President Cook passed the gavel to Senator Gold.)

SENATOR CONNOR: Mr. President.

SENATOR MARCELLINO: Point of order.

ACTING PRESIDENT GOLD: This isn't any old joke any more.

SENATOR MARCELLINO: As chairman of the Rules Committee -

ACTING PRESIDENT GOLD: Senator Connor.

SENATOR CONNOR: I would point out it's not the first occasion Senator Gold has had the gavel. On a couple of occasions he's stolen it on me.

ACTING PRESIDENT GOLD: Senator Skelos.

SENATOR SKELOS: Mr. President, I think it's appropriate at this time as we bring up the report of the Finance Committee which will be ably handled by our Chair, Senator Stafford, just to say to you also thank you for all the contributions that you've made to this great institution.

I know personally, I've learned a lot from you, probably not as much as you would like me to learn from you, but I have appreciated our friendship. I have appreciated some of the tips you've given me on the golf course. I wish I was a little bit

more adept at it, as you and Senator Onorato but you have been an important part of this great institution, and I personally salute you and thank you for your friendship.

ACTING PRESIDENT GOLD: Thank you. Senator Connor.

SENATOR STAFFORD: Mr. President. No, go ahead.

ACTING PRESIDENT GOLD: Don't leave it up to me.

SENATOR CONNOR: If I can't go me first. Give him real difficulty. He knows he's supposed to be with the Majority.

Mr. President, just let me say I'm delighted to see you up there. Now, - now, shall we do what we have planned on. Move a few things.

Seriously though, just let me say, Mr. President, I'm delighted to call you that; you have these many years been not only a friend but an inspiration. When I first came here and sat over there and took the Honorable Carol Bellamy seat in the middle of the session, I ended up seated next to you. She had told me I could rely on Manny Gold, he

really knows what's going on; he's a good legislator. And my first day I sat here rather confused and people are putting their hands up and people snapped their fingers to vote, and you don't really know what's going on, and Manny said, "Come over here in my office, Kid. This is a calendar and what you do is you mark on it how you're going to vote," and that's how only -- only the very very first thing that I learned from Senator Manny Gold.

I've learned many, many more things from him, some, many of them about substance, about being a legislator, but more importantly, I've learned some very, very important lessons that I shall never forget about other things, like friendship, loyalty, courtesy, gentlemanliness and sincerity.

Thank you, Mr. President.

ACTING PRESIDENT GOLD: Senator Stafford.

SENATOR STAFFORD: Mr. President, I first would say we all have highlights, we all have times when we've had various experiences here. I would say that a

statement that is delivered with class, with understanding, yet objectivity, is a statement you stood here and made on the floor when your predecessor passed on. I've never seen anything done any better. Some of you think back, it was rather difficult to handle as well as I've ever seen anything handled.

Also things don't change. As close friends as Joe Zaretzki and Earl Brydges were, I saw Earl Brydges go right across the floor and point his finger at Joe Zaretzki and say, "Look, I never interrupted you," and it was meant and directly with as much feeling as anyone can do. Things don't change. Things don't change.

We had counterpart jobs. I haven't said it right -- what is it, the same jobs only you on one side and me on the other, a number of times. I think the floor would go down in history as probably two people who are as good friends as people have ever been in here, but also as direct and as, yeah, con frontational -- let's use the word -- as it can be done in here, but yet as we -- every one always says it's the friends you make

here, and you know something? If you didn't have friends in all areas, on all sides -- and some people wouldn't understand this -- close friends, this business wouldn't be worth a candle. But it is, and the friendships you've made here are examples of that.

Again, just shifting gears. We don't discuss certain words, it's just what we all do; we go on with our lives in various ways, and I can only say that many, many things will be said here, but with you and me, friendship and a great deal that can be said about it and the example is much better.

ACTING PRESIDENT GOLD: Senator Rath.

SENATOR RATH: Senator Gold, it's nice to see you there, by the way. You look very distinguished with the -

ACTING PRESIDENT GOLD: Now you say that.

SENATOR RATH: -- symbol of the state of New York there behind you. The photos will be wonderful. You'll be able to tell me who said this because I'm sure you will.

You are a scholar in so many areas, as I've come to know, but it was said by a sage of old and repeated often that the measure of a person can be taken by the stature of their adversaries, and I have never felt that we were adversaries, neither you and I nor Senator Leichter and I, but when I have a bill that comes up that you want to debate, I'm really happy because it means I have really caught the attention of people who I respect because of their sincere interest and deep dedication, not only to the government but to the people of the state of New York.

You have instructed me from your chair on the floor as we stood and talked and debated bills and you've instructed me privately in a congenial and a friendly way and helped me to grow, so that I can do a better job as I continue in that effort, and the collegiality and the respect that you have brought even to this chamber and to all of your friends and colleagues through the years has not gone unnoticed or unrecognized nor will be forgotten.

Good luck and best wishes.

ACTING PRESIDENT GOLD: Senator Marchi.

SENATOR MARCHI: Mr. President, I believe in your case and it just happens this year that the absence of people like yourself, Senator Leichter, I'm sorry I was a little late but I would have reiterated the same force and effect that was said for Senator Cook, represents, I think, an institutional loss. Our proceedings were enriched by your presence, by the devotion and dedication to your responsibilities to offer loyal and constructive criticism, and to contribute immensely, I think.

Without it, we'd be -- we would not be a rational, functional society and you have done that to an exemplary degree, in my book with taste, with saving grace of humor occasionally and then I have another more private consideration, one which produces a conflict of interest by your departure from these -- this setting.

I'm surrounded on both sides of the aisle by a flock of Philistines or Philistin's, whatever your pronunciation, but

who am I going to have the pleasure of discussing opera, symphony -- opera, who does, he knows the Italian arias better than I do although I believe I'm fairly familiar with every one, but this is something that I'm going to sorely miss.

Do you see anything in here in this vacuity that will make up for that loss? But we can make up for that in other ways, I think, Mr. President, and you certainly leave with the friendship and the affection and good will of the people in this chamber.

Thank you.

ACTING PRESIDENT GOLD: Senator Markowitz.

SENATOR MARKOWITZ: Thank you very, very much. Number one, let's take this part very slowly. I urge every member of the Senate, Democrats, let us all stand one by one and take as long as we can because it's been hundreds of years and God knows what the future brings, Manny Gold, but I just want to savor the moment. I just want to look at you, look at the beauty of this Senate, look at that beauty up front. Never have I seen a

sight that brings more joy, more joy -- pure, pure joy -- and so, Mr. President, all of us know that there is no one, at least in my experience and I have a hunch in the history of this Senate, that was ever better on their feet than you. Nobody can respond better to the issues than you. Nobody knows how to razzle-dazzle 'em better than you.

Nobody has more of a capacity to store facts and figures and have it translated in your -- in the the way you make your presentations, and I know that you have done an awful lot for Queens and, of course, you know we have a little rivalry between Brooklyn and Queens. That's why they call his county Queens and my county, Brooklyn, Kings.

But putting that aside - putting that aside, that rivalry, you have made Queens a better place to live, and you have made this city and state a better place to live. Your dedication, your brilliance will be -- will be missed, but I have a hunch that for many of us, you will be in our lives forever, for sure.

Best wishes, Manny.

ACTING PRESIDENT GOLD: Senator DeFrancisco.

SENATOR DeFRANCISCO: Senator Gold, I haven't been here that long, at least in terms of your years here, but it became very obvious to me that the first day I was here your ability to get on your feet and argue a case, what was most impressive was that you had no facts on your side, and you had no logic on your side, but you still sounded convincing, and that's the true - that's a true advocate, when you can take a position that maybe I don't agree with and almost convince me of the point of view, and you're going to be sorely missed.

I really enjoy listening to your debates. I really enjoy watching you on your feet. I've learned a lot from you and you have had a job to do and we clearly understood that job, but that never stood in the way of a friendship that I think I have been able to get with you over the few years that I've been here, and I hope that that friendship continues and, in response to your request to me yesterday, yes, we will refer

all our cases in New York City to your office.

ACTING PRESIDENT GOLD: I want to call on him again. I liked the end of it.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. -- thank you, Mr. -

ACTING PRESIDENT GOLD: Get it again.

SENATOR MARCELLINO: I'll get it out.

Mr. President, it's a pleasure to rise to acknowledge the fact that you are retiring. You will be missed by Marty Markowitz. You have set many records, not the lease of which is getting Marty into the chamber, albeit briefly, and I just wanted to let you know that I had a look at the calendar that was set up for next year for the Senate and Assembly. It's already been agreed upon, and since Franz and yourself are retiring, the session will end April 2nd next year. We figure we can do all our work with that done.

In all seriousness, thank you. You're a good colleague. You've been a

gentleman. We've not always agreed; I think we've agreed more often than we disagreed but I respect your opinions, don't always agree with them, as I said, but I respect you. You have shown that you can state your views and state your point of view and still maintain a sense of collegiality. I respect you for that, and we'll miss you in this chamber and God bless you, good luck and enjoy.

ACTING PRESIDENT GOLD: Senator Nanula.

SENATOR NANULA: Thank you, very esteemed Mr. President, and you know, when Marty Markowitz was talking, I got a little bit concerned that he was taking it just one step too far and you'd be yanked off the podium there, Manny.

I don't know quite where to begin. There are so many things that can be said but -- and first of all, I want to say as a member of this Conference you have provided great leadership to us and, you know, Senator DeFrancisco was very astute in saying that you can make logic out of illogic and that, of course, provides a tremendous role to this

Conference, and I marvel, I've absolutely marvelled at you when the -- I can remember last year when you actually began reciting the record and if -- during your recitation actually, kind of defining and, you know, doing as only you can do that great magic that you can create with words.

But beyond the rhetoric and beyond the inner working, so to speak, of this chamber, you're a man that stands for an awful lot. You're a man of principle. You're a man that, when he sees something, when you see something that you don't believe is right, you step up and you speak up and you're not afraid of a fight, and you're not afraid to use the God-given talent and ability that you have and that you've demonstrated so well in this chamber for so many years, to take a good fight up and it seemed to me, Manny, as though you never tired of it, and I know you're leaving this year, but I know that you're not tired. I know that you're going to continue to get out there and fight for other issues and fight for other constituencies and you know, in the Rules Committee meeting last

night between you and Franz, I had a big grin on my face.

For one, I said, I talked to myself, Boy, isn't the Majority going to be happy that we're losing these two fine individuals that have wreaked so much havoc in slowing things down and in challenging what others might want to just let breeze through and be easy yes votes. But at the same time, Manny, I want to let you know personally that you've been a mentor, you've been somebody that I've been able to look up to as a younger Senator here and as a member of this Conference, somebody I've learned from.

I've never let you know it, but I've been studying you and watching you, and I want to let the Majority know today there might be some others who maybe weren't so out spoken in the past who are going to decide to open their mouths, and I want to tell you, Manny, and you as well, Franz, that you've really been an inspiration and a great teacher, I think to all of us in this chamber but certainly to those of us who have been able to see you in action, those of us who are

newcomers here like myself, and I want to thank you for that. I really do.

It's been a great pleasure to serve with you and I'm personally going to miss you very much.

ACTING PRESIDENT GOLD: Senator Stachowski.

SENATOR STACHOWSKI: I know you confuse me with Senator Stavisky all the time but that's all right, Senator Gold, Mr. President.

(Microphone not operative.)

First I have to say that I'm very disappointed that they decided to do this in this fashion because I want to tell you since you got up there a couple of times, Dean and I had to come to the floor to continue, the Democrats have gotten through, so in that respect I'm kind of disappointed that you're up there, kind of glad you're up there because the only other time you got to do that is when you got to bang the gavel when the Senators were here with everybody, and everybody was just hangin' out.

A very happy day when I get to

say nice things about you but also very sad because I know you're leaving. Obviously you're not opposed to freedom of speech, so it's not a reason you should be leaving like he does, not as much as Leichter. You don't talk as much as Leichter even though that was your job. From my perspective, I've never seen anybody who was able to stand up and talk about whatever the issue was even if it was nothing, so eloquently as you.

Sat in Rules yesterday and said it was your job to kind of get things back on track in a certain way of speaking, and you asked questions on a bill that only had like a half a page of print on it, and I couldn't figure out where you were gettin' the questions and I was sittin' right next to you, so it's a challenge, you know, in your other business where you get paid to talk and you talk here.

You also are one of the most talented people I ever met. Before you got too old, you were very good talking on the floor. Before you got trouble with your eyes, you were a great tennis player. In fact, I'll

tell you what the story is. I wanted to learn to play tennis. Manny said -- it was the first time I go out, and I get one of the balls and took one of those metal fabricated walls that you could bang in slightly and make a lot of noise, and he says, Just hit the ball a little bit, and he hits a lob over my head and I went chasing it, and I hit the ball back and I hit a pretty good ball, pretty fast, and the guy come runnin' out, "Everybody all right," and he's laughin', Everybody all right, and he was. He's a very good tennis player, he's a very good golfer. That he can do in spite of his eye injury, and remarkably enough maybe it's because of the eye injuries, taking money from Senator Onorato, which never happened.

Obviously, if he had a weak spot, it's that anybody that gets confirmed by the Governor if they went to Cornell they get his vote automatically. I'm not sure that they were all, you know, as good candidates as Manny said, but since they went to Cornell they were the best candidates possibly the Governor ever sent up.

For those of you that don't

know, Manny boxed when he was at Cornell. If you take a good look at his face you'd know he boxed. But he did box, but he doesn't talk about that often. He's conducted a symphony, conducted the Queens Symphony. Now, Franz had a chance to be in an opera but they only let him hold the spear and stand in the back. Manny got to conduct.

He's a great photographer, as many of you know from the pictures he handed you, not to mention the pictures he takes of nothing same as he talks about nothing and makes it sound so eloquent. He takes pictures of corners of buildings and then when they get blown up, they look like these great artful masterpieces, and then when you finally stare at it you figure out the corner of a building you walk by all the time, but to somebody who knows photography, it's a great picture.

One time we were coming down and I learned a little bit about how come there's good photographers and then there's the rest of us that take pictures. We were coming in from some place once and it was a beautiful evening and there were some dark

clouds and the sun was setting and the Egg was in front of us as you come in on the road, and the buildings were out there and it kind of looked very pretty, and Suzi Oppenheimer said, That would make a great picture, and Manny said, No, it would be a lousy picture and he explained to us why, and we then knew the difference between somebody that's a photographer and the rest of us who take pictures. We thought that would be a great picture but he knew it wouldn't be.

So he is a very talented man and for those of us who know him as dedicated as he is to his job and as he does oftentimes these terrible positions we put him in to be the attack dog on the floor, and he does it so nicely and the fact is if you know him real well, you know nothing is more important to him than his family, and to hear him talk about his wife or his children and the many things he does for and with his children, if you didn't think about family life and the appreciation for family especially, you would after you listen to him talk, and I have to say that there's nobody I've admired more for

their ability to do this job than Manny, nobody I've admired more for how well he does his job and the understanding he has for it and, most importantly, he has a love for this institution as great as anybody here, and I think that's something that sometimes we lose more nowadays than we did in the past.

It seemed like when I first got here, and I hate to say how long ago it is now because it's making me one of the old guys, not necessarily in age but in years here, there was more of a love for the institution itself than there is today I think, and I'm kind of sad to see that disappear like it has, but maybe we can get it back and maybe by having these kind of speeches about people who are leaving that truly love the institution, maybe we will get that back if only through repetition and mentioning it; but I have to say once again that it is a very happy day that I get to honor my friend and tell him some of the things I think about him, but it's also a sad day because I know he's going to leave, and I don't know how often I'll see him because Queens is quite a ways from Buffalo.

But, Manny, I'd like to thank you for all of your advice. I'd like to thank you for all of your leadership, but most of all, I'd like to thank you for my friendship.

Thank you.

ACTING PRESIDENT GOLD: Thank you, Bill.

Senator Leichter.

SENATOR LEICHTER: Mr. President, I've called you many things in our years together, but I think never "Mr. President".

ACTING PRESIDENT GOLD: And I've never called you "Beatnik". (Laughter)

SENATOR LEICHTER: I don't know if you remember the first time we met, but I remember it very clearly, I got on a Trailways bus to go back to New York City. It was the end of the session and Sy Thaler was sitting there with this young gangling looking kid and he saw me and he called me over. He said, "I want to introduce you, this is going to be your new colleague in the Assembly. He's going to take Moe Weinstein's place," and we talked a couple minutes, and I went back to my

seat, and I said to myself, This is a really shy guy. He's never going to cut it up here.

Well, I guess my judgment on that, like many other things -- has proven to be not so correct. But, Manny, you've really been, to my mind, the quintessential legislator. You have been so effective, such a presence on the floor and in conference. I have so many memories of us together and things that we've done, but the one memory that will always stay with me is your debating bills on the floor while you're on the phone dictating an affidavit to your office in New York.

You're a person of great range of interests, as an athlete, as a musician, as a lawyer, and as a legislator, as a person who reads and thinks. By the way, now I finally found out why Billy Stachowski never learned to play tennis. You taught him.

But really serving with you has been one of the high spots of my service here, and I don't mind saying to you and sharing this with all my colleagues, when I went through the wrenching decision -- and it was a

wrenching decision -- whether I would run again, when you had already announced that you weren't going to be here just very hard for me to imagine the Senate without Manny Gold.

You've really graced this institution. You've been incredibly dedicated. As Billy said, and it's true, you love the institution. You've been as critical of it as anybody, but criticism that flows from your esteem for the institution, wanting it to do well, and you could be extremely partisan, as I know my friends on the other side of the aisle can attest to, but I think they also know that it flows from the dedication you have to your job and the seriousness with which you take the job.

Manny, you've taken your job very seriously, but you've never taken yourself seriously, and it's been such a joy and pleasure to have served with you and, as I said, it's hard for me to imagine this place without a Manny Gold, but you certainly left a record that, for many, many, many years people are going to think of and hold in the highest regard.

Thank you for what you've done for all of us, Manny.

SENATOR ONORATO: Mr. President.

ACTING PRESIDENT GOLD: Senator Onorato, why do you rise?

SENATOR ONORATO: I rise for a point of information. I would like the Chair to rule on the germaneness of all of this nonsense going on here today.

ACTING PRESIDENT GOLD: Senator, I've got ten bucks in my pocket that's yours, and you're going to have to get it back the hard way.

SENATOR ONORATO: I appeal the ruling of the Chair.

ACTING PRESIDENT GOLD: Senator Skelos, why do you rise?

SENATOR SKELOS: Would you please call him out of order.

With the consent of the Minority, we're going to have a quick meeting of the Rules Committee at this time in the Majority Conference Room.

ACTING PRESIDENT GOLD: Meeting

of the Rules Committee immediately.

SENATOR LACHMAN: Mr. Lieutenant Governor.

ACTING PRESIDENT GOLD: Senator Lachman.

SENATOR LACHMAN: It's a pleasure to rise and speak.

As Senator Connor said before, his first day here was helped greatly by you. A first day as a legislator is not just a day. In terms of time, it's a couple of years and I've been helped tremendously by you and, as Senator Marchi said, I really believe it will be an institutional loss at the end of the session when you and Franz and Charlie Cook leave this institution.

Institutions have to go on, and they go on based upon what we learn from those who were here before and, Manny, I know no one in or out of this chamber who can combine the sharp analytical debating skill with a first class razor-sharp mind and a wit that is sometimes acerbic but hits the mark as state Senator Manny Gold, and I have not had the pleasure of knowing you as long as others

have, but I will always see you when I look at my newsletter. There is that picture of me that the photographer could not take, and you took as the best amateur photographer around and I'm looking forward to the new pictures that you took this week for future news letters as well.

We're all going to miss you in our own way but, as you said to me in one of your TV programs, I believe that we need more citizen politicians in the Senate and in my eyes you will always be a citizen politician of the Senate whether you're working full time at law, as you will be, or whether you work full time as Senator and part time as an attorney, as you have been.

So congratulations. Enjoy your active retirement, and one more addendum. Based upon what Bill Stachowski said, Senator Stachowski admired your devotion to family and he mentioned your Judy, he mentioned your wife and your children. I was very visibly impressed when you lost your parents and during the period of mourning and what you did for that immediate period of mourning and the

year after that, in not only remembering them but perpetuating that memory in a way that you knew they would want you to do, and I congratulate you for that.

So your love of family is intergenerational, those that are with you today, those that were with you yesterday and those that are -- will be with you in the future, and I commend and congratulate you for that, but that's what life is all about.

ACTING PRESIDENT GOLD: Thank you, Senator.

Senator Goodman.

SENATOR GOODMAN: Mr. President, if anyone in this chamber can legitimately lay claim to being a "renaissance man," I think it is you, Mr. President, and I'm happy to attest to this fact as a result of our long experiences together.

You have combined a tremendous athleticism, physical prowess, aesthetic sensitivity, photographic capacity of remark able breadth, even to the point of having prepared a collage of portraits of your colleagues on the softball team of the Senate

which hangs in perpetuity in the Senate lounge and will always be an inspiration to generations to come as they view these handsome visages and recognize tremendous athletic skills of the past. This is sort of like the Brooklyn Dodger team of 1939 or several of the Yankee World Series championship teams. We thank you for that.

No one has had more vigorous capacity to attack when you were playing your partisan role but at the same time your ecumenical capacities were amply demonstrated in the chamber only a few weeks ago when you were gracious enough to stand and debate a bill on my behalf against the rigorous attack launched by my colleagues on this side of the aisle against the bill. I thought that your perspicacity in doing that was commendable and indeed showed your breadth of understanding of the true merits of legislation.

Quite seriously, Manny, you'll be sorely missed. You're a wonderful guy, and we respect you both for the rigor of your competitive spirit, but at the same time for the gentleness and goodness of your true self

and we shall miss you very deeply indeed.

And may I say before concluding my remarks that I was out of the chamber a few moments ago when my dear colleague, Senator Cook, was mentioned and I'd like to just say a word about him, with your indulgence.

Charlie Cook and I, as you know, have often been lonely voices in standing up for what you might be able to describe in certain areas as progressive principles whether it relates to matters of choice, women's rights and the like, and I wish that you could all have been with me in New York when a progressive Republican group honored Senator Cook within the past few days at a special dinner called in his honor. It happened that the Governor of California was there to salute him and a group of people from the Republican Party in the City and outside it, gathered together for the sole purpose of telling Charlie Cook how deeply we appreciated his efforts on behalf of many worthy causes here in the Senate.

Charlie is a man of enormous stature. I cannot say how much I will miss

him both personally and philosophically because he has always, in my judgment, hued to the highest standards in both his personal behavior and his legislative acuity in pursuing the things in which he deeply believed. Charlie has never abandoned his compass points on issues of basic morality and his perception of human behavior.

There is no one in this chamber whom I more highly respect and for whom I have greater affection, and, Charlie, we're going to miss you from the depths of our hearts, and I wish you well.

ACTING PRESIDENT GOLD: Senator Saland.

SENATOR SALAND: Mr. President, a few short moments ago I walked into the chamber and did an about-face and walked out. I thought due to my sleep deprivation that I was hallucinating, that I was in the midst of this absolutely horrible nightmare, the worst of all possible worlds, not merely to find myself as I had been in previous incarnations in the legislative Minority, but to have you presiding. What could possibly be

worse than that?

SENATOR PATERSON: Leichter.

SENATOR SALAND: I heard a voice -- I heard a voice in the distance. I think I can identify it, but won't. I think the voice said Senator Leichter.

Seriously, Manny, I have enjoyed very much not only your friendship. I can recall when I first had arrived in this chamber, my first year or two here. We had the opportunity to be on differing ends of issues, and you so capably put my feet to the fire and perhaps singed them rather badly. You are an extraordinaryly formidable adversary, but much better than that you're wonderful friend. We have very much enjoyed our times together. I fear they haven't been frequent enough, but I'm sure opportunity will present itself to have some more of those rather enjoyable social events.

I suspect that the world in front of you is going to be far more professionally lucrative than the one that you've left behind. Public service, as many of us understand, doesn't necessarily

translate to remuneration. You have the wisdom to look to a bit of the financial side that leaving us here to toil in the sometimes seemingly endless and irrational way that we do.

You, I think, in many, many ways define what a legislator is all about. I've seen you, much as Senator DeFrancisco mentioned, take a seemingly almost non-existent point and weave it into something that you managed to keep us a day at, for good part of an afternoon. I understand you performed rather admirably in the Rules Committee a bit earlier, actually yesterday, and while you will be missed, Manny, you will be missed for your wit and your charm and not for your ability to make us sort of stand here on edge as you perform as ably as you do.

So I wish you, you and your family all -- all that I would wish, as I've said earlier to Senator Cook, for myself and my family. I'm sure that we have not heard the last of you, but thankfully we won't have to listen when you attempt to impose your will on us once we get beyond this session.

God bless you.

ACTING PRESIDENT GOLD: Thank you so much, Senator.

Senator Onorato.

SENATOR ONORATO: Mr. President, I'm sorry I was a little late getting to the chamber. I'm trying to think of something nice to say about you, and I still haven't been able to come up with it. The only thing that I was able to succeed in, I have a petition here signed by Joseph Bruno and all of the members of the Republican Party requesting that Senator Dollinger join you and Franz on your retirement, but be that the case that it's not about to happen, we do want to say a special thank you for all of the things that you've contributed to this chamber, for standing up for each and every one of us when you were the deputy Minority Leader.

I have a great deal of remiss about the fact that I can't believe that the last two times out with you that I contributed six dollars and four dollars but that will change very, very rapidly now that you're going to be back home practicing a little bit

more. I was really astounded. I knew that you knew how to play the piano, but I wasn't aware that you knew how to play the trumpet until I heard you, and I can assure everybody here that he doesn't know how to play the trumpet, but he does a good attempt at it, as he does everything here so masterfully, he fakes it so well, the idea that he -- I don't know what you call that cup over it. It's a muter, so that you couldn't hear it, but on two or three occasions I told him to tone it down because I was able to hear him on several occasions.

But Manny, again, Billy mentioned the fact that he's not going to be able to see too much of you because he's up in Buffalo. I'm very sorry to say that I can't say the same thing because I'm still going to see a lot of you in Queens County, much to my regret, but be that as it may, I'm still going to look forward to it not only for playing an additional round of golf or two with you but going out to dinner with Judy and the family.

I wish you are the very, very best in health, and may all of your retirement

hours be billable ones.

ACTING PRESIDENT GOLD: Thank you.

Senator Smith.

SENATOR SMITH: Thank you, Mr. President -- honey!

All of you know how shy and retiring and naive I am, and, Manny, I want to thank you for my deflowering. Oh, I meant to say my awakening in the Senate. You know, you bust my bubble again, you and Marty talking about this rivalry between Brooklyn and Queens. I thought everybody was fighting over me.

You know, Manny, we've had some good times, sometimes the bad times. I thought I was a member of the other side occasionally, but you've always been there as my leader from Queens. You've taught me a lot and you have a hell of a nerve leaving me.

I'm going to miss you, but most of all, I'm going to miss the sounds of yours that I love so much, but I'm thankful for one thing. You're going to be in Queens, and I'll get to see you all the time and I might even

have to hire you some time. You may have de flowered me and taken away my naivete, but it's all for the benefit of this Conference.

ACTING PRESIDENT GOLD: Thank you.

Senator Mendez. Senora.

SENATOR MENDEZ: So, Mr. President, Mr. President. A lot of wonderful things have been said about you, justifiably so. You are very, very intelligent. You've been an excellent legislator. You are a - you've been a great colleague. You have served well, and your constituents and the residents of New York State, oftentimes I did say to you that you were such an excellent lawyer that at times I felt tempted to commit a crime so to benefit from your defense.

But anyhow there is one quality that you have which I enjoy enormously and that we're going to miss, at least I will miss very much so, and that is that within your personality you have such a -- such a boyishness, an excellent sense of humor, and the times in which you have differed in a position or an issue with others, you have

expressed your point of view, but you have managed to differ respecting the other persons that hold a different position on a particular issue and, since everybody is remembering different experiences with you, there is one that I treasure, and that is once I was - when my office was in the LOB I was working late, and suddenly who appears in my office, roller skating about eight o'clock at night? My dear Manny, and so I will treasure that.

So we are going to miss you very, very much so. As a matter of fact, as today approached, I kept telling you, because you have been sitting next to me for so many years, I have been telling you all along, Oh, Manny, Manny, we're going to miss you, we're going to miss you, and we shall miss you. We hope to see you anyhow. We wish you the very best. You are -- you have shown great respect for this institution and for all your colleagues, respect and affection, and again we shall miss you, Manny, and we hope to see you and we wish for you the very best. Enjoy your life and be well and healthy.

ACTING PRESIDENT GOLD: Thank

you very much.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, like Senator Saland, I was out of the chamber. When I returned, it appeared to be something very incongruous that was presiding over us, but unlike the other speakers, I don't rise to praise you. I just got a note from Senator Skelos that said stretch this out and keep you out of the Rules Committee as long as possible.

Like many of us here, I did my time in the Assembly, that I served ten years there and rose to the ranks of Deputy Minority Leader. When I first came to the Senate, my very first bill before the Senate, I was greeted by the then Deputy Minority Leader, who was extremely collegial in the sense that in debating my first bill, decided to pull out the Red Book and said, "I see, Mr. Senator, that you have two degrees from Cornell." I said, "Yes, Mr. Gold, Mr. Senator, I do." He says, "How could you be so stupid to put a bill like this before this house by such an educated Senator?"

Well, Senator Gold, unlike Senator Smith, you didn't deflower me, but -

ACTING PRESIDENT GOLD: You know, this record is going to have to be edited.

SENATOR NOZZOLIO: Mr. President, with all the greatest respect, it has been a very wonderful experience to serve in the state Legislature, the finest experience to serve in this house and you -- and I say this with the greatest respect -- have made this Senate a better place. Your legacy is very significant, but I'd like to think that also one of your contributions is you made us better Senators, and as such I'd like to think of myself learning from your experiences that you've put before us in the best of collegial debate, in the best of a friendship, and I want you to know that you certainly have a friend here from not only your alma mater here but down above Cayuga's waters as well.

Thank you, Mr. President.

ACTING PRESIDENT GOLD: Thank you so much.

Senator Volker.

SENATOR VOLKER: Mr. President, Manny, very quickly, and I say that because I've heard that we're holding up the entire process of the Capitol, but be that as it may I just want to say that you and I've known each other for so many years, both escapees of the Assembly, as we say, you and I over the years have even exchanged some law business. I'll get to that, and we've gone through some personal tragedies where we've exchanged calls on a number of occasions when we weren't here.

I think even though we have debated probably, other than Franz, probably debated with you more than just about anyone else. I think we always maintained respect for each other and for the points of view that we had and there were times as you know, in the past, where you and I were sort of designated to try to calm waters down. It's hard to believe, but -- and you and I have often, as I said, have always been able to share, I think, an understanding and I will miss you, as I told you as soon as I heard that you were retiring when I personally

talked to you, and I know that with your intellect and your drive that you'll still go on to do even higher and better things, and we will certainly miss you.

ACTING PRESIDENT GOLD: Thank you, Senator.

Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I don't believe many people here in this chamber know that we share something very much in common, that you were elected to the Senate here the same year that I was born, and I can just -- I can recall when I heard the news that you were leaving and I said, Why? Why are you leaving? And you indicated, as some of you know, that Seinfeld, Manny said, "Seinfeld called me and said to me, 'Manny, why don't we both go out on top?'" And now he is on top and Seinfeld did know something, and sitting here as the Majority Leader.

But as I sat here listening to each of you on both sides using words like "quintessential" or "bright", "artistic",

"athletic", it really calls to mind the sincerity of the comments that we really do, in fact, have someone who is very much a "renaissance man" and, as one of the Senators said that it's -- we evaluate ourselves by our peers. That's what I will miss most about Manny, that I evaluate him as a "renaissance man" and we each lose something by his loss to us.

Thank you.

ACTING PRESIDENT GOLD: Thank you, Senator.

Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

Manny, I've served here in the Assembly and Senate for 16 years, and I have to say, to echo my colleagues, that when I walked in the chamber and saw you presiding, that this was without question the most terrifying sight that I had ever seen. But however, to see you in the position of presiding officer, a position that requires objectivity just shows that no matter how late in someone's career, you can learn a new

skill.

It's going to be a shock to your law firm when they finally see those time sheets without the per diem on them, but I have no question that you are going back to a far, far better world practicing in the private sector.

I think most of the members here certainly know you very well and maybe most of them do not know, however, how wonderful your family is and without question as my wife and I have enjoyed the company of you and your wife, you have one of the nicest families that I have ever known. You have served here well, and without question has been with the support of your family, and I look forward to over the course of the future years getting together. I undoubtedly will see you in Cuzco but more importantly, hopefully I'll be able to see you over dinner and drinks.

You've been a great friend, a wonderful adversary, but more importantly a good friend.

ACTING PRESIDENT GOLD: Thank

you, Senator.

Senator Oppenheimer. Senator, will you stand up, please?

SENATOR OPPENHEIMER: I'm standing. That joke is getting so old. Almost as old as you, Gold.

I wanted to note something first, which is -- and I think this is really important -- that there are so many members of staff that have come out to listen and to pay tribute to you, and I think that's because of your wonderful cameraderie and friendship with the staff, which is not all that common, so I wanted to acknowledge all of your people, your helpers, that have been there for you through the years.

Well, we've talked about the institutional loss, and your intellect and your being there as the loyal opposition and also the funny opposition. You've often injected humor when we got a little tense here, but I think it's going to be difficult for us next year, and I think those of us on this side of the aisle are going to have to step up more to the plate because it's going

to take all of us to step up and fill your shoes.

Well, a lot has been said about how multi-faceted you are, and we've heard about the trumpet, but there's also the banjo and the piano, which I've been fortunate enough to hear, and the photographer -- by the way, you have to take a picture of me today - and the golf and the tennis, though the tennis went because of your eye injury, and that was too bad because we had wonderful games until a few years ago.

But you're just an extraordinarily gifted man, and you have a great gift of friendship, and I think many of the people that speak today are speaking as your friends because you've reached out to so many and established these warm personal relationships, and I just want to say that it's hard to imagine this place without you, and because of all these friendships, I just want to say I love you, and I think all of these other people who have spoken love you, and it's going to be very hard without you, but we'll try and step up to the plate.

If I can just say one word with your indulgence, Mr. President, to Charlie Cook. Oh, gosh, Charlie, I don't know what we're going to do without you. You have been such a friend to the women in this state. There I go, I'm always putting my foot in my mouth, as Marty Connor will attest. I did it again, but you're just such a principled man and such a humanistic man, and you have always been there for so many of our causes, and I - I hope that we will be able to garner more support for -- for women and for our right to reproductive freedom because you've understood the significance and how it really is a question of our destiny how we are able to control the use of our bodies, and you're going to be terribly missed, but I hope you will be well and enjoy your retirement, and I want you to know we really, really cared about you, care for you, and wish you well.

ACTING PRESIDENT GOLD: Thank you very much.

Senator Balboni.

SENATOR BALBONI: Mr. President, I couldn't let the opportunity pass

to tell you something publicly that I have not mentioned to you. As I suspect replays on this floor every single year, I was standing back here in 1985, the month was February, and John Dunne asked me to come down and see session for the first time, and I was standing right over there, and you were up railing against something and you were going on and on, and everybody around was going, "Oh, there's Gold going off again, there he is," and I looked at you and I said, "Damn, he's good," and I've always wanted to do that. I've always wanted to be able to have your ability to stand up and be so forceful and to be so witty, to make people laugh and, at the same time, get the point home and I've spent the intervening 13 years trying to do that, and what I really wanted to tell you was that all of my colleagues in the Assembly, particularly in the Democratic majority, the reason why they had to listen to all of my railing over the last seven years is because of you, and you're the reason why I spend so many hours up on my feet and in my court practice trying to do what you've done, and I won't do -- I won't

repeat the same acts in this house, but I couldn't let the opportunity pass without telling you, and not to be sappy, but we all look for people whom we emulate. We all look for people who, you know, give us something to shoot for and for this young man, young kid fresh out of college, fresh out of law school, you were it for me and so nice to see you go out with all this admiration and you will always be my standard for how to conduct a really good floor debate.

ACTING PRESIDENT GOLD: Thank you, Senator.

Senator Paterson.

SENATOR PATERSON: Mr. President. Senator Gold. Manny. I have a few words -- dynamic, articulate, perceptive, courageous, outspoken. Now that I've described Senator Cook, maybe I'll think of something I can say but about Manny Gold.

I came to this chamber in 1986 and I was, as a year earlier Senator Balboni was, I was absolutely amazed and shocked at the ability that you displayed on the floor. I used to come to the chamber, I thought, for

nothing else than just to watch Senator Gold conduct floor debate. As I think Senator Stachowski said earlier, there was no issue, there was no situation that he didn't seem to have an answer for, and it always appeared that it was just coming to him, and it also always appeared that it was an answer that not only satisfied the immediate situation, but was a good lesson.

There are so many lessons that I have learned just listening to you on this floor that I wouldn't even attempt to enumerate them. I had heard about you before I came to the Senate. I think it bears some mention about your goals to try to establish some integration in an area that was in a northern community and was kind of a controversial situation and you risked probably your entire career at that particular time.

I read about your legislation involving the "Son of Sam" laws in the late '70s, so when I came to serve with you, it was not only an honor but it was also a little frightening to sit down and try to impress

this individual that you knew anything, and I really knew very little and was also interested that with all of this intelligence and with all of this command of knowledge and verse, of literature and understanding of theatre and culture, that the truly intelligent person makes themself available and can simplify issues so that anyone can understand them, and that was the kind of training that I received under your tutelage coming here to the New York State Senate.

I was fortunate enough to serve with you for eight of your 16 years as Deputy Minority Leader. In 1995, we gained a new Minority Leader, Marty Connor, and he's not perfect. He appointed me as his deputy.

ACTING PRESIDENT GOLD: Albeit a brilliant choice.

SENATOR PATERSON: And I think there was a perception that new leaders have, that they want to bring in a new team, show a little bit of a different look; it's certainly something that I would have done, but I went back about ten years ago to my old high school and I saw a teacher who is still there, and he

said to me, "You know, when I first came to this school, I used to go out in the hall if there was a fight among students and I would get next to Mr. So-and-so and Mr. So-and-so, teachers that I had had when I was in high school, and" he said, "I'm really scared now because now I go out in the hall and everybody is trying to get next to me."

So I sit in this chair sometimes and Senator Lachman comes over and Senator Abate comes over and some of the new Senators, Senator Sampson and Senator Gentile come over, and they ask me these questions as if I really know what's going on around here, when, in fact, all I've ever been doing is mimicking Senator Gold, and the reality is that whenever a new look was shown that Senator Connor would come to me and he's saying, Look, David, we've shown a new look and saying we're now going to go back to the most effective thing that we can do and, with your indulgence, we're going to bring Senator Gold back to sit here, and then I would go back and sit in the seat that Senator Smith was in -- hopefully she will stay in it when I

sit there -- and the point is that Senator Gold would reassume command.

That's the kind of feeling I have about you, Manny. There is no one who I have ever seen that works harder on something than you. You were organ playing when I was in 313, and those tones that would drift up to the fourth floor was terrible, just to say the least. But the point is that you kept working, you were persevering, and all I can say is you've moved to the ninth floor now, so I would assume there's been some improvement.

But the reality is that when Senator Gold -- I think the lesson that he teaches all of us is he may make it look easy but everything that he gets involved in, he works at very hard. A magician doesn't reveal his tricks, but Senator Gold's perseverance and dedication to any issue that he works on is a lesson I think we all could certainly follow.

And so, as a person who outside of this chamber is a leader in his family and I -- someone mentioned about what a wonderful family he has, when I came to the Senate, used

to talk about his family and I always noticed that his priority of when to be a legislator and when to be a family member was something that when I started a family a few years ago is something that I've always listened to.

So Manny, we -- as you leave, we certainly understand that there are other commitments that you want to get involved in and we hope you'll come back to visit, but whenever you do come back, please remember that the seat is always yours.

Thank you.

ACTING PRESIDENT GOLD: Thank you so much.

Senator Maltese.

SENATOR MALTESE: Mr. President, I hesitate to go on at length for fear that after listening to all these adulates, you may decide to change your mind.

Seriously, I join with my colleagues in indicating that we will suffer a great loss. Certainly a year that you, Senator Leichter and Senator Cook are leaving leaves a mighty big gap in the Senate. Because you're from Queens County, and I'm a

neighbor, I have had an opportunity to meet a lot more people that know you and that interrelate with you and work with you, and one thing about it as they have indicated that you are a man of integrity, a man of honor, a man of your word, which is very important in politics.

Certainly we have been on opposite sides of the issue at many, many times. At the same time, there was never a level of acrimony or I think bitterness in those -- in the discourse between us. I -- I really feel that your role here in the Senate, together with my good colleague Senator Leichter and, of course, Senator Cook, is the key one and certainly the Senate will be a much lesser place with your leaving.

Your debating skills have to be commented on, have to be praised. I -- if I were the Minority Leader at this time with the loss of you and Senator Leichter, I would be scouting around for -- for people in the bull pen, so to speak, with knowing that it takes some 10 or 15 years and perhaps they never can attain your level of proficiency and skill;

and certainly I, as your neighbor in Queens, as your neighbor here in the Senate, will miss you a great deal and there will be times, as surprising as it may seem, that I'll wish you were back.

Manny, we miss you -- we'll miss you.

ACTING PRESIDENT GOLD: Senator Maziarz.

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

ACTING PRESIDENT GOLD: And who's next? No.

SENATOR MAZIARZ: I just want to follow up on one thing that Senator Nozzolio said, Mr. President. You have made better Senators out of all of us because I know that, when my staff was preparing me on some piece of legislation, we always tried to anticipate the questions that you were going to ask, and there was one particular bill, it was acted on the last day of session last year. I don't know if you remember this or not, Senator Gold, but it had to do -- it had absolutely nothing to do but everything to do

with a parking problem that Senator Breslin was having here in the city of Albany and it was an Election Law bill and you and I debated this stupid bill for two hours, and I was amazed at the number of questions that you could come up with about an Election Law bill that had nothing to do with the Election Law but more about parking in the city of Albany, and about two weeks ago that bill was on the active list and I asked that it be laid aside because I wanted it on the calendar for today, your last day here, and it just came out of the Rules Committee, so we're going to do that whole debate of two hours all over again.

ACTING PRESIDENT GOLD: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

Before I talk about my friend, Manny Gold, I want to join Senator Oppenheimer in just a quick word to Senator Cook.

Senator Cook, for your advocacy on behalf of women in the state, I think we should all be indebted, and I'll just tell you your departure makes the women in my district

a little less free.

My friend, Manny Gold, I was elected to the Senate in 1992 and immediately someone got to me and said, "You're going to meet my friend, Manny Gold," and frankly everybody I've met in Monroe County says to me when I speak to them, "You said you know my friend, Manny Gold," and I'm starting to think that his first name is "my friend".

But, Manny, you've left an indelible expression in upstate New York, people that knew you in Cornell who still regard you 30 years later as their friend. I think that's a tremendous testament to you. I also have a brief telegram. It says "HEARD GOLD IS LEAVING SENATE. STOP. DON'T LET HIM. STOP. MUST PROMISE TO CONTINUE TAKE PICTURES. STOP. OTHERWISE WILL DISCONTINUE BRAND NAME IN HIS HONOR." I called George Fisher. I said, "What do you mean, brand name in his honor?" He said, "Well, Manny Gold is the largest picture taker in upstate New York and maybe in the Northeast. Where do you think we got the name of Kodak Gold Film from?"

I would also tell everybody in the chamber that you're in Manny's gallery, those pictures that he takes are in your gallery. I think Manny has a picture of everyone he served in the Senate with and he will take our face much as we will take his memory with us.

And I'll close on just one note: I regret your departing, much as Senator Leichter and Senator Abate, because I think you're a model of what the Legislature was once like. Some people would say it had too many lawyers. I'm one of those who believes it may not be enough because it's a lawyer who brings legal skills to the floor and talks about bills and their implications and details. It's the training that we have as lawyers that gives us the ability to see law and how it affects people.

We're moving to a time when we're going to have a fully professional legislature. We'll be perhaps paid more some day. We'll be full time and the notion of a part-time legislator who comes to Albany and listens to his constituents at home, works

with them as they work every day, and someone who establishes and works -

ACTING PRESIDENT GOLD: Senator Stachowski, why do you rise?

SENATOR STACHOWSKI: Mr. President, would Senator Dollinger yield for a question?

ACTING PRESIDENT GOLD: Will the gentleman yield?

SENATOR DOLLINGER: Yes, Mr. President.

SENATOR STACHOWSKI: I was going to let this go, but your comments about how there should be more lawyers and what you bring to the table. Have you been drinking this morning?

ACTING PRESIDENT GOLD: You're out of order, Senator.

SENATOR DOLLINGER: Only with Senator Gold, but I think, Manny, you came up through the ranks as a lawyer, as a counsel in this building, and I think at that time when lawyer legislators were a part of this system, when they contributed, when they went home and they saw how the laws worked out for the

people that they represented, I think that's a tremendous perspective and, when you leave, Senator Abate leaves, Senator Leichter leaves, I think our debates and our discussions will be a little less rich because that important perspective will be lost.

I wish you Godspeed.

ACTING PRESIDENT GOLD: Thank you.

Senator Padavan.

SENATOR PADAVAN: Thank you, Mr. President.

I've been listening carefully to all these adjectives flowing back here and lifted my pants a little higher than they normally are. I've heard terms like "articulate", "intelligent", "modest", "unassuming". If someone asked me who Manny Gold is, I'd say he's a pain in the "tuckas". Now, you want to -- you want to spell that for the stenographer, you have my permission.

I first met Manny Gold when I was elected -- I don't even think we'd arrived up here yet -- at a psychiatric center in my district which seemed the most appropriate

place to meet him.

When I arrived here -- not an attorney, Senator Stachowski, and I stood on this floor to debate a bill -- and the issue was -- had somewhat of a Conservative bent to it, and I saw Senator Gold call one of the pages and they went outside and they came back with the Red Book, and he opened up my biography, and he said, "Would you yield to a question?" And of course I did. "Did you just leave the Lindsay Administration? Are you not a Lindsay Liberal?" I learned never to lead with my left on any issue that Senator Gold was interested in.

Regard to Charlie Cook, I'm not -- I have not said goodbye to Charlie Cook because we're going to see each other a lot being neighbors down the road at not far from Delhi. In your case, I hope I never see you again, at least here, but we will; our paths will cross in Queens County.

I do want to say something seriously at the moment and that was to build upon the point that Senator Paterson made in regard to your dedication to your family.

I've had the pleasure of observing you and your family over a period of 26 years that I've been here, particularly with regard to Adam and how you have done things that I doubt most parents would have the capacity and the ability to do, and that is, to me, the mark of a man, the person, and for that I say to you, we could all be very, very proud.

I know that your career in law, and in government, will not subside because that's just not your nature. I'm sure those of us in Queens County will hear from you more often than we wish, but when we do hear from you, it will be something important.

Good luck.

ACTING PRESIDENT GOLD: Thank you, Frank.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, I'm going to be very brief. This is the first time since I have been here that there's more of your colleagues relaxed in the chairs than mine. They have all run out of the chambers here.

I don't go back many years with

you, Manny, but I have to tell you, it's probably my loss. The past four months have really been beautiful. We've developed a good friendship, and I hope that continues for a long time. I've enjoyed your wit, your humor, and I've certainly learned from your intellect and wisdom.

Prior to coming here, I'd heard a lot about you. Contrary to that, let me tell you, you're a good guy and I just wanted to rise and wish you and your family the best.

I know you're not -- you're just retiring from the Senate, but you're not retiring from your legal practice, and I hope to see you many years to come.

I wish you Godspeed.

ACTING PRESIDENT GOLD: Thank you.

Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President, Senator Gold.

I rise to join my colleagues in expressing my admiration and my love and really my admiration for your outstanding

ability, especially in the area of debate.

I say that -- I want to thank you and say to you the reason that I love you so much is that it has always been such a joy and a pleasure and a sense of pride when you stand up and go after Senator Lack and raise your miniature version of the Blue Book and shake it at him and when you can go after Senator Skelos and when you can go after Senator Padavan and how you ease into a fight with him. It's a wonderful feeling and even Senator Bruno has had to deal with your debate and your sometimes really cutting -- the way you can cut them and they don't even know that you've done it and most of all, who is going to be able to stand up and really go after Senator Stafford adequately, to make him feel the discomfort of what we try to say and try -- the points that we want to be made as Democrats in this -- in this house and as legislators who sit on this side.

So I'm going to really miss you and I also want to thank you for the fact that you've taken such wonderful photographs of myself and my son. We will cherish those

forever and I certainly look forward to continuing at least a colleague relationship with you because it's too much wealth of knowledge and experience that you have to just quit altogether and not be available to some of us who really need your leadership on a continuing basis in the future.

So good luck. All the best to you, and we certainly will miss you particularly for what you have been able to represent for us on this side of the aisle.

Thank you.

ACTING PRESIDENT GOLD: Thank you, Senator.

Senator LaValle.

SENATOR LAVALLE: Thank you, Mr. President.

You've certainly, in the discussion about you and your record here in the Legislature, have really brought out certain attributes in the members that have risen to speak on your behalf.

We found out that Senator Padavan actually does have a sense of humor. We have learned that Senator Montgomery, in a

prior life, announced the Friday night fights.

In all seriousness, it's been mentioned, you know, those of us who have served in this body for awhile remember that Senator Lombardi, when he was here, was the official volunteer Senate photographer. You were his assistant. You took over that role. With your passing, we now do not have anyone who has at least come forward to be that volunteer Senate photographer.

You have -- and I think we need to say this. If we were to take your picture and then write a biography, the bio' would read, great intellect, great attorney, great legislator, a Senator who performs his duties with flare, theatrics, can be pugnacious and when he leaves the Senate floor can be a very caring person because I think, as Senator Padavan said, a man who cares about his family and can talk about it in a caring way can also show that same level of care -- caring to his friends and his colleagues.

You've done that many times by putting your arm -- leaving this floor, putting your arm around a colleague and asking

questions about some problem that that colleague has had. That's a mark of a good person who has a sense of humanity and has carried out his duties with, as we have said, a great intellect, and your debating will be missed.

As I said in a moment in the lounge, you're probably one of the few people that can speak the 15 or 20 minutes or half an hour about nothing, and that's what Senator Maziarz said about a bill. Pick up a bill and ask questions for two hours. That's just a wonderful trait that you can't learn. It has to be innate.

Good luck to you, Manny Gold.

ACTING PRESIDENT GOLD: Thank you, Senator.

Senator Gentile.

SENATOR GENTILE: It's certainly a glorious, glorious day to see you, Mr. President, up there, not only as a fellow Cornellian but also as a colleague here in the Senate.

Certainly when I first -- when I first met you, actually you probably -- I'm

sure you don't remember -- the first time I met you, Senator, I was on the campaign trail back in 1994 and we were at a function together and I got up and I was speaking to the crowd, trying to convince them why my candidacy was worthy of their support and you were sitting, I believe in the first or the second row and you kept saying to me, "Hey, kid, come over here. Hey, kid, come over here," and I didn't know who you were at the time and I'm looking at you and I'm trying to speak and you continue to say to me, "Hey, kid, come over here," and frankly I was getting annoyed as I was speaking -- as I was speaking to the crowd.

So finally after I was finished addressing the crowd, I came over to you and you said, "Do you know who I am?" Now, having worked in Queens County, I knew of you but I didn't know you. So at that time you first introduced yourself to me and it's been - it's been a great, great relationship, friendship since that time.

I must say here as a colleague in the Senate, you have been one of my biggest

advocates. You have leapt to my defense many, many times here on the floor of the Senate and for that I am very, very appreciative. I am certainly in amazement, as many have said, on your monologues, your ability to debate. In fact, I think I have ordered more transcripts of your talks here on the floor of the Senate than any other member here. In fact, one of the transcripts I ordered was the talk you gave recently of what the Majority owes to the Minority, and I have kept that as a reference point.

So certainly your words will live on with me, and it is really an honor as a freshman Senator to have the opportunity after your long career to spend at least two years getting to know you, getting to work with you and getting to learn from you.

So it is something that no matter where I go and whatever I do, these two years will be always very special to me because of the opportunity I had to have friendship with you and to learn from you and last week you took my picture for the first time. So I appreciate that also.

Thank you very much.

ACTING PRESIDENT GOLD: Thank you, Senator.

SENATOR GENTILE: Good luck.

ACTING PRESIDENT GOLD: Senator Abate.

SENATOR ABATE: Looking at you, Mr. President, it is a glorious sight and it's a sight we all could get used to. Too bad you can't stay up there for a little bit longer.

How do I say in a few words or sum up 33 years of extraordinary service not only to your district and to the state Senate and to all the citizens of this great state?

You have been described as a teacher and a mentor, but let me be truthful. I know all of us have tried to be truthful today.

In the last four years you have not taught me a darn thing but in spite of that the best thing I can say about you, you are a man not in need of Viagra and that is something -- am I right? (Laughter) I'm told by many people -

ACTING PRESIDENT GOLD: This

record is going to have to be expunged.

SENATOR ABATE: I asked Ada Smith and Ada says no, but I think that's probably the one thing in this whole -- this whole dialogue today that you could say that you're most proud of because when we look at you, Manny, we don't think of someone who is ready to retire. Obviously you're going to go on to a very active practice.

I look at you as one of the most vibrant thinkers, one of the most vibrant human beings and that's why I raised the issue of Viagra, because you are a delightful and wonderful human being and that's why I think all of us are standing up here today talking about you in such positive and extraordinarily wonderful ways.

When I first heard about you, it was in the 1970s and '80s. I was involved with crime victims and you were talked about as a legend, the person who got the "Son of Sam" Law passed, and they described you as Emanuel Gold, Senator Emanuel Gold, and when I got to the Senate and I finally met you personally, I said Emanuel? This is Manny

Gold and I was delighted that you weren't someone who was, you know, older and experienced and not approachable. You were wonderfully approachable.

I remember my first days in the Senate, you coming up to me and never being serious. I was trying to read bills and do what I thought was supposed to be done and you made me laugh constantly and when we describe you, it's not just someone who has a passion for what they believe in, not just someone who is funny and made me laugh but someone who is extraordinarily brilliant and we can't say that about all of us. All of us try to do our job but you are born with enormous gifts.

So I would describe you as a brilliant debater, a brilliant negotiator, a brilliant thinker, strategist, an okay photographer, someone who has less courage because he would never play tennis with me. Finally I got to the state Senate. I asked, "Do you play tennis," and you developed some kind of eye ailment. Hold that against you for a long period of time, but one thing that I admire about you, you are serious about your

work. You're serious about your family but you don't take yourself so seriously all the time and that's what made working with you such a pleasure and a privilege, and when I think of the role of a state Senator, someone who has the capacity to do the job and someone that we could be proud of as a role model, I'll close my ayes and look at your face, your smiling face, and think, that's how the job has been done. That's how the job should be done, and I will think of Senator Manny Gold.

ACTING PRESIDENT GOLD: Thank you, Senator.

Senator Hoffmann.

SENATOR HOFFMANN: Well, Senator Gold, you look wonderful up there. Thank you, Mr. President. What a wonderful move by Senator Bruno to have you preside on this special and momentous day.

There has been so much said about you that most people will think that it is a typical work of fiction by people debating in this chamber, but it is remarkably accurate that you are what has often been described as a "renaissance man", somebody who

has done enough of everything and done it surprisingly well to have earned the respect of a friend and an adversary alike.

I don't think that it has been put in the record yet that you are also a roller skater and now roller blader and have skated in these very halls, skating back and forth from the LOB to the Capitol to, in best Joe Bruno fashion, stay on time, keep this place running like clockwork, once again setting an example. Always here, always prepared when the session was about to begin, whatever time of day or night, setting an example for those of us junior members who were sometimes loathe to come here and dig into issues of substance about which we were unprepared. You would never hesitate to jump right in, prepared or knowledgeable or not, you always could give the impression that you knew what you were doing.

I've had the unique experience in my early years of having you decide that you wanted to be of help to me because I was a junior member from a rural area and I was the ranker on Agriculture on this side of the

aisle. Somehow you got the idea that it would be useful to my cause to engage in debate on agriculture bills, and issues about farming and animals, about which you were totally uninformed, would become the subject of long inquisitions on this floor.

I remember being asked by you to describe the difference between various animals, including cows and bulls and bulls and steers. Now, that was not something that really needed to be discussed in any detail in this chamber, but you pressed on, Senator Gold, in the interest of educating people in this state about the importance of agriculture.

There was never a lost opportunity for you to stop in the middle of whatever I was saying, I might add. If I felt that I was on a roll and was about to make a point on why the prompt payment of dairy checks from milk dealers in Pennsylvania was important, if you thought that it would be better for people in this chamber to hear me talk about the different pounds of milk that various breeds of cows could produce, you

would stop in the middle and ask me to yield for a question and we would go off into a different direction and then afterwards you would always come up with that wonderful warm smile and say, "Was I a help today? Wasn't that good?" People really got to see how much you know about this stuff, as if anybody cared about that stuff in the first place; but you also were kind and warm to those of us who came here because you had already experienced so much in this Capitol and you wanted us to feel comfortable.

I still remember the day that you invited, I believe, six or seven junior members -- junior and sophomore members into your office for a very important meeting and we were summoned with all formality, and I suspect some of us thought there perhaps had been some indiscretion on the part of a member and we were going to be informed quietly what it was that needed to be done to correct the misdeed or we would have an important political opportunity that only you had been cognizant enough to recognize and seize upon. Nope, nothing like that happened. We sat down

and you had a large Albany Capital District Multiple Listing real estate book in front of you and told us that this was the time to buy property in the Center Square area and you were prepared to help us, that if we were going to be around, we should be smart enough to invest and that you would help guide us and that we could do it singly; we could do it in pairs. In fact, you even offered to play matchmaker to help put people together who were loathe to go out and do the legwork themselves of actually looking at property. You would guide us in the right direction and just by the greatest coincidence had yourself recently acquired your own real estate license and out of the goodness of your heart, you were going to help stimulate the Capital District real estate market and provide us safe accommodations at the same time.

You have consistently set a standard for excellence in debate, in preparation and in genuine intellectual aptitude that is going to be forever a hallmark of this chamber.

It's been an honor. It's been

a pleasure. It's been an example that I hope other members of this chamber will seek to emulate and will succeed in emulating and make you as proud in the years to come after you leave this chamber as I believe we have been of you while we've served with you, Senator Gold.

ACTING PRESIDENT GOLD: Thank you very much.

Mr. President -- oh, Senator Connor.

SENATOR CONNOR: Mr. President, if I may have the privilege of closing. I know I spoke before but -- okay. Well, Charlie Cook can close. Absolutely.

No, what I did want to say, though, is I wasn't here when Senator Cook was presiding and I wanted to say, Senator Cook, Charlie, we shall all miss you too. Though we served on different sides of the aisle, you have been a colleague who has earned the respect of all of us. Your conviction and courage and outspokenness, your concern for education of all of New York State students, including those in the city of New York which,

you know, doesn't always at least in our opinion get the recognition it should from Senators who are from upstate because we do have, because of size, enormity and the uniqueness of that urban area have some problems in education that need to be addressed, you have always been concerned about those. You visited our schools and you have been someone who really cared and we shall miss you.

Mr. President, my best to you, to Judy, Suzi, Steve, Adam. You have been a delight to have as a friend, to have as a colleague. I know how much I've relied on you these past years since I have been leader and -- but I look back to some funnier things.

My greatest trip to Albany, the most fun I ever had coming to Albany -- I bet you people have taken -- people have taken planes and people have taken trains and people have taken buses and automobiles, but I came on Manny Gold's boat one year. He called - I'll never forget this. He called up, Look, next Monday, get down to the marina bright and

early. I guess we left at 6:00 in the morning. We had a cooler of cold refreshments, Howie Babbush, Jerry Weinstein and me and Manny Gold. This is going to be fun. How long do you think it will take, Manny? I don't know, four hours to get to Albany.

ACTING PRESIDENT GOLD: I never said four hours.

SENATOR CONNOR: We were doing great. Manny kept saying there's a lot of junk in the river, a lot of rain upstate. We got about 40 piles from Albany and all of a sudden there was this noise and he said, Oh, we lost a propeller. We were -- we'd long since run out of liquid refreshments. When we arrived in Albany at about 7:00 o'clock in the evening -- in those days the rules were a little more flexible -- we all checked in. We could barely move. We checked in, in Joe Cornell's office, Bermuda shorts and everything, red as can be, had been on the river from 6:00 in the morning until 7:00 at night. It was fun, though. It was great, Manny. I'll never forget that.

And I know I will be able to call on you any time I need your advice, I'll only have to dial -- you may want to write this down -- (212) 223-3400, the Law Offices of Emanuel Gold, 950 Third Avenue. Manny Gold is not retiring. He's devoting his full effort to what he does better or as well, better than just about anybody in this state, practicing law and again, anyone who really wants to see Manny Gold could go to 950 Third Avenue and/or call (212) 223-3400. Do bring your checkbook, and I know you will get the finest reputation -- representation that you could ever want because you will not only get this man's brilliance, his intellect, you will get his heart because he is such a caring person.

Manny, you have been a joy and I'm going to miss you, and I have a personal thing that really -- with you and Franz leaving, this Conference will miss you both and somehow or other at my tender young age, it will leave me as the senior Democrat in service here, and I'm not old enough for that.

I shall try remembering the

fine example you have all set to carry on.

Thank you.

ACTING PRESIDENT GOLD: Thank you very much.

Senator Cook.

SENATOR COOK: Mr. President, I can't -- I can't tell you from personal knowledge, as Senator Abate alleges to know, whether or not you are in need of Viagra, but I would simply say that -

ACTING PRESIDENT GOLD: Excuse me. You know, up until the end I thought my family could read this.

SENATOR COOK: I would simply say, Senator, in all seriousness, that you didn't have to stand up on that elevated platform for all of us to look up to you because we always have.

ACTING PRESIDENT GOLD: Thank you, Charlie.

SENATOR COOK: With that, I believe we're prepared for the reading of the Rules -- the Finance report.

ACTING PRESIDENT GOLD: Yes. Well, Senator Skelos, if I could waive the

rules for a very, very, very brief -

SENATOR SKELOS: Absolutely.

ACTING PRESIDENT GOLD: I really want to thank everybody and Charlie Cook said something earlier which really is the truth. It's a unique experience to be able to serve in this body and anyone who doesn't appreciate the gift that we're given by our communities is very, very foolish, and I have been very lucky 33 years in Albany but 33 years of juggling two jobs, I think, is enough, and Marty is right. I think just going to 950 Third Avenue, New York, New York is going to be enough.

Without saying too much, I would be lying if I didn't say that I not only cherish the friendship of my colleagues but the staffs that work in this building are extraordinary, and Billy and the people at the desk have been -- have been just wonderful to me and other members of the Minority and the counsels, it's not only the counsels on my side but the Majority counsels. I started as a counsel up here. I know what's involved in that work and they have been wonderful and if

the truth be told and if nobody mentions this outside this room, probably one of the greatest Senators to run for election and that's Jack McPadden who's run my staff and without whom I probably couldn't have done one-tenth of what I've done over the years and I know Carolyn is here and Mary is around. It's just -- I have been very lucky with their friendship over the years.

Particularly I'm lucky that there is a great gentleman in that place who, once an aborted leadership fight was over, was great to me. Senator Connor, you are -- you are really a terrific guy and my Conference is very lucky that not only that you won but that you conducted this Conference with the talent and the concern that you have and -- but that's not my problem. My problem is personally, and personally you have been really great to me and I appreciate that.

And in closing, let me say just two things. First of all, I never, ever suggested that sincerity and dedication was limited to my side of the aisle and one of the reasons this is a great place is that when I'm

debating people and the opinion is totally contrary to what I think, I know that in my heart the person I'm talking to cares as much as anybody on my side of the aisle and that's what makes this place so great.

And as far as my leaving and Franz and others leaving, I have a great faith in the capacity of the people in my Conference and the talent of my colleagues and this place, got along without me before they met me and they'll get along without me in the future, thanks to the talent that does happen to reside on the Democratic side, and I want to thank you.

(Applause)

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe we're on reports of standing committees. Could we have the report of the Finance Committee read at this time.

ACTING PRESIDENT GOLD: The clerk will read.

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

As a member of the state Board of Parole, Guisella Rodriguez, of Staten Island.

ACTING PRESIDENT GOLD: Senator Stafford.

SENATOR STAFFORD: Mr. President, I again stand and I know this has been said before, but I don't say it lightly. I don't say it lightly.

Once again, the Governor has sent us nominations of people who are capable, people who are dedicated, people who have excellent resumes, but people who also through their work have shown and their lives have shown what tremendous nominees they are and the tremendous job that they will be doing and it's a pleasure for me now to yield to the Senator from Richmond.

ACTING PRESIDENT GOLD: Senator Marchi.

SENATOR MARCHI: Mr. President, the apparently limitless area in the generation of great leadership and great character is Staten Island and back to back we have a nominee before us as a prospective

member of the parole commission.

Now, she's had -- she's had a splendid background, one that speaks very eloquently for the service that she is going to be rendering to the people of this state and to our system of justice.

She has had a hands-on experience in a number of different areas touching all of the vital circumstances that are affected with the safety and security of the people of the multiple communities in our city and elsewhere.

A graduate of St. John's University, one who has had extensive experience, one who has served for 14 years with the police department and it should be recorded that never once in 14 years where she was serving almost continuously at the cutting edge of law enforcement was there ever a complaint lodged against her. I think this is a very marvelous attribute and one that is appreciated by many of us here when we view the passing scene.

She's also been given awards for her meritorious achievements and when you

reach the bottom line, it adds up to a -- to a marvelous assurance that Guisella -- I hope I pronounced that name right -- Rodriguez. I always go to Olga for my reference, but she was very true to your name -- spoke before the members of the Finance Committee and survived these surveillance and the investigations conducted by the committee -- commission on - Committee on Corrections but spoke before and was submitted to questions before our Finance Committee and I can say that she elicited a very positive response from every single member of that committee.

When Senator Stafford called for a vote, the vote was unanimous. So what I've done up to now, I have only succeeded in understating the meritorious qualities of this fine nominee.

So I move the confirmation of this name.

ACTING PRESIDENT GOLD: Senator Mendez.

SENATOR MENDEZ: Mr. President, I rise to support the nomination of Guisella Rodriguez to the Parole Board. I am much

impressed with her professional background. She has been able as a woman to juggle her life in terms of being a wonderful mother of two children and a wonderful wife as well.

I think that she will bring into the Parole Board the expertise because she's been out there in the community fighting crime. So if there's somebody that knows the difference between an offender and a violent felon, that's Mrs. Rodriguez.

She's -- as stated before, she's a graduate from St. John's University that produces so many wonderful legislators and public servants in an incredible amount.

So it is with -- I want to congratulate Governor Pataki for this nomination. We hope everybody supports it and the only thing that I wonder why she -- her presence in the Finance Committee was that I looked at her and there I see this lovely innocent face and I couldn't picture her, Mr. President, drawing out the gun and telling the fellows, Back off, back off, but that she's done and more.

So it's a wonderful appointment

and I am very pleased to support it as well.

Thank you, Mr. President.

ACTING PRESIDENT GOLD: Thank you, Senator.

The question is on the confirmation of Guisella Rodriguez of Staten Island as a member of the state Board of Parole. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is unanimously confirmed, and we are pleased today that Guisella Rodriguez is with us in the gallery. Congratulations.

(Applause)

The Secretary will read.

THE SECRETARY: As members of the Advisory Council to the Commission on the Quality of Care for the Mentally Disabled: Adam Denenberg, of Albany and Milo I. Tomanovich, of Rochester.

ACTING PRESIDENT GOLD: Senator Stafford.

SENATOR STAFFORD: Mr.

President, we will keep this relatively brief, but I would ask anybody -- any of the Senators who are in the lounge, I think it would be nice if they would come in because they probably understand, we have a group who do a great deal for us. They make sure the material is distributed throughout our offices. They are very dedicated. They're friends of ours. To the credit of Earl Brydges and Bill Conklin, this program was put together. They were former Senators.

Adam Denenberg is from Plattsburgh, New York, and I see that I really got a response from our friends, but I will just say what he wrote. Adam is sitting upstairs with some of his colleagues -- when he wrote -- when he was desirous of serving on this commission.

He says "I am interested in serving on this committee because I want to help improve the quality of services for people with disabilities. I also want to do everything possible to help self-advocates learn to speak up directly about how they feel so the services they receive can be improved"

and for those who are in the sound of my voice so they'll understand, I don't use the word because I don't think it connotes or really demonstrates what they do for us, but again, keeping our sense of humor, we're all messengers really serving in the job we have. We're messengers from our district bringing representation here and bringing back -- from our job here back into our district.

Adam does his work well. He's very proud of the work that he does. We're very proud of Adam and his colleagues and I'm sure -- I'm sure that he will do an excellent, excellent job.

You know, Mr. President, I would say this: Someone mentioned this a few minutes ago, and I want to mention this because I think it is important. What we're going to do for the rest of the day -- what was mentioned a few minutes ago and I want to say this. You know, the speeches that we have had here today and the speeches that we have had in the past will have, I know with Senator Leichter also, you know, it kind of brings us to what we're really doing here.

We get very, very carried away because we're human beings. We get carried away with our own importance. We get carried away with our own whatever, but speaking of Adam, you know, I've often said this when I'm out on the hustings. What people do in life, we wouldn't put people on the moon if we didn't have capable people working in every single aspect of that bracket or whatever going to the moon, including those who do any job.

Well, we wouldn't have this operation if it wasn't for every single person who is part of the operation and Adam is very much a part of it, all his colleagues are, everyone is that's part of it.

So it's just a very nice day when we can stand up, and again I see Senator Marchi and I said I was going to be brief. Senator Gold, you remember Senator Conklin and Senator Brydges who started this program and they were so proud of it and we're proud of it also. We're proud of Adam, his colleagues. We're proud of this whole operation, the Senate, and they're very, very, very much a

part of it, and we wouldn't have the Senate without them.

So it is my honor to move the confirmation of Adam Denenberg to the Advisory Council to the Commission on the Quality of Care for the Mentally Disabled.

Thank you, Mr. President.

ACTING PRESIDENT GOLD: The question is on the confirmation of Adam Denenberg and Milo I. Tomanovich as members of the Advisory Council to the Commission on Quality of Care for the Mentally Disabled. All in favor signify by saying aye.

(Response of "Aye".)

All opposed, nay.

(There was no response.)

The nominees are unanimously confirmed and let me say, Adam, I can't say it better than Senator Stafford but every member of this Senate is overwhelmingly proud today because you are part of us.

Congratulations on your nomination and your confirmation.

(Applause)

SENATOR STAFFORD: Mr.

President and I apologize, Senator Skelos, because of it being a member of our own family here, in the office right off of the Majority Conference Room, there's a bit of ice cream. So all the nominees are invited there, including Adam and everybody here in the Senate is, and when Senator Brydges used to say ice cream, it wasn't ice cream. It was some other refreshment. This is ice cream.

Thank you.

ACTING PRESIDENT GOLD: The clerk will read.

THE SECRETARY: As a member of the Board of Trustees of the State University of New York: Harvey F. Wachsman, of Upper Brookville.

SENATOR STAFFORD: Again, Mr. President, excellent nominee, and I yield to the Senator from the north shore.

ACTING PRESIDENT GOLD: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

It's a pleasure to rise to move the nomination of Harvey -- renomination of

Harvey Wachsman as a member of the Board of Trustees of the State University of New York.

I'm proud to say that Harvey Wachsman is my friend and that he's here today and has appeared both before the Finance Committee and the Higher Education Committee and has been unanimously approved, once again by both those committees and moved to the floor of the Senate.

Harvey -- Harvey is truly a renaissance person. He is not only a neurosurgeon, which he first was, and a practicing neurosurgeon and adjunct member of the faculty at the Stony Brook Medical School on Long Island, the State University Medical School, he is also an attorney. He is admitted in eight states as a doctor, seven states as an attorney. He is a named partner in probably the largest malpractice firm in the United States, but Harvey Wachsman will tell you that he spends probably less than five percent of his time these days at his law firm. He certainly could make a lot more money if he spent 95 percent of his time there, but that's not what is driving him.

What is driving him these days is doing things for people, for people in the state of New York as a trustee of the University and for people all over the country in trying to reform the HMO system and the system of managed care that we have in the country and he's virtually dedicated his professional life to doing just that and he does fantastically.

He is always on the go and probably has more energy than the entire collective body of this Senate put together and in all fairness, and I don't think Harvey would mind, that's not a job that he does all by himself because Harvey today is joined by his wife, by his companion, an attorney in her own right admitted in almost as many states as Harvey, his wife Katherine who is actually probably a lot more than his companion because she's his best friend and his counsel as he moves rapidly from facet to facet of a multi-, multi-faceted life.

We are privileged in New York that we get as an unpaid trustee of the State University system not only Harvey but

Katherine as well because they truly serve as a team together and have an attendance record that's virtually perfect as a trustee but a caring record that is virtually perfect as a trustee. He chairs the Health Sciences Committee of the State University Trustees. He's been heavily involved in trying to improve the State University hospitals, of the state medical schools, the interrelationships between those institutions and private institutions, consideration of what medical care has turned out to be in the late 20th Century and to the beginning of the next century.

He truly exemplifies what civic duty means for a private citizen on a pro bono basis to act on behalf of all of the people of the state of New York.

So, Mr. President, it is indeed my honor to move the nomination of a gentleman from Nassau County, not from my district but indeed a very good friend of mine, to once again be a trustee of the State University.

ACTING PRESIDENT GOLD: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I too rise to second the nomination of Harvey Wachsman because, as my esteemed colleague, Senator Lack, has pointed out, this gentleman could be doing just about anything he wants. He does not have to do what he is being nominated here for today. He does not have to give time and serve in sometimes a very thankless position on the board of trustees. He could be out earning a lot of money, and I think that's a credit and that's something that we have to acknowledge and should always acknowledge and say thank you for people who are willing to give up their time to serve the people and more importantly they're here serving our young people because Harvey is trying to better our educational facilities. He's trying to make education in the state universities more effective and better for all those who participate in the state universities, and I think that's something that we all would strive for.

So I thank you, Harvey, for

giving of your time. I thank you for taking on this thankless job, and I thank you for being a pot stirrer because that's what you are. That's exactly what's needed, and keep up the good work and we will be here to support you.

God bless.

ACTING PRESIDENT GOLD: The question arises on the confirmation of Harvey F. Wachsman as a member of the Board of Trustees of the State University of New York. All in favor signify by saying aye.

(Response of "Aye".)

All opposed, nay.

(There was no response.)

The nominee is unanimously confirmed. Dr. Wachsman is with us today with his wife Katherine and they're in the balcony. Congratulations on your confirmation.

(Applause)

The clerk will read.

THE SECRETARY: As a member of the Dormitory Authority: Jose Alberto Corvalan, of Armonk.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT GOLD: The question arises on the confirmation of Jose Alberto Corvalan as a member of the Dormitory Authority. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nomination is confirmed.

The clerk will read.

THE SECRETARY: As a public member of the State Banking Board: Michael R. Ambrecht, of Point Lookout.

SENATOR STAFFORD: Mr. President, excuse me.

ACTING PRESIDENT GOLD: Senator Stafford.

SENATOR STAFFORD: I yield to Senator Skelos and Senator Balboni.

ACTING PRESIDENT GOLD: Senator Skelos.

SENATOR SKELOS: I'm delighted to rise and move the nomination of Michael R.

Ambrecht as the public member of the State Banking Board.

Mike has a -- I saw him. There he is -- has a distinguished public career and we're delighted that he's going to continue to serve the public in this very prestigious board.

So I'm delighted to move the nomination, and now I believe Senator Balboni would like to make some comments.

ACTING PRESIDENT GOLD: Senator Balboni.

SENATOR BALBONI: Thank you, Mr. President.

Thank you, Senator Skelos, and I rise to second the nomination of Michael Ambrecht. I spoke before about my time in this chamber as a member of John Dunne's staff. Well, the gentleman before us now was also a member of John Dunne's staff. He is an incredibly young man by many standards and yet he has accomplished much.

As a member of John Dunne's staff, he distinguished himself, but then he went on to work with the district attorney's

office in Manhattan, then he went on to work as a counsel to George Pataki at a very difficult time because he was an essential component of the Governor's deliberations on the death penalty, and I recall dealing with him, and I'll be honest with you, I was shocked to suddenly see this young man who's younger than myself in a position as Counsel to the Governor intrinsically involved in the question of what type of death penalty should New York State adopt, and I recall talking with him and I think it's instructive of the man we are going to hopefully confirm today. He has unquestionable fidelity to his principle. He has integrity. He has honesty and he has incredible perseverance.

In a story that I know I don't really want to repeat but I'll say it anyway, I went to him to try and get the skinny on what was going on with the death penalty issue. Tell me what's going on. You work for the Governor. Tell me what's going to be in the bill. Nothing. Didn't care how long we had been together. Would not tell me a word and that is his hallmark. He is now serving

as the counsel to the Long Island Rail Road, and I believe that he is the youngest general counsel ever in the railroad's history, something that should not be lost on this body and he is now before us to be appointed as a member of the Banking Board and this is, again, George Pataki's wisdom to reach out to someone who is young, distinguished, who is, in my opinion, a rising star in public service, promote him and give him the opportunities to expand the horizons of interest and knowledge and that, Mr. President, is Michael Ambrecht, and it is a unique and distinct privilege to rise and tell you all we could not have a better appointee.

Thank you, Mr. President.

ACTING PRESIDENT GOLD: Thank you.

The question is on the confirmation of Michael R. Ambrecht as a public member of the State Banking Board. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is unanimously confirmed and is with us, I understand, today in the gallery. Thank you so much. Congratulations.

(Applause)

The clerk will read.

THE SECRETARY: As a member of the Board of Trustees of the State University of New York College of Environmental Science and Forestry: Daniel Fitts, of Lake Placid.

ACTING PRESIDENT GOLD: Senator Stafford.

SENATOR STAFFORD: Mr. President, we have a lot of work to do today and the nominees are being very, very patient. So I will be very, very quick here, but again the nominee is with us. He served with me -- with us here in the Senate a number of years. The organization that he now serves with, I'm not going to mention.

Mr. President, when we discuss issues, we sometimes agree as much as you and I do sometimes. On the other hand, I have the same respect, friendship with him. He's a native of the North Country from Rouses Point

and I knew his parents well. He will serve the College of Forestry well with good humor, dedication and an extremely keen intellect.

With that, Mr. President, together with Michael who they talked about a few minutes ago, I should mention always wears braces. This is the Banking Board nominee that was just mentioned and never is without a Monte Blanc pen. These are things that people that have served with us, we remember, but on a serious note, both very, very fine nominees. They've served with us earlier and the Governor is to be complimented on excellent appointments.

Thank you, Mr. President.

ACTING PRESIDENT GOLD: Thank you, Senator Stafford.

The question is on the confirmation of Daniel Fitts as a member of the Board of Trustees of the State University of New York College of Environmental Science and Forestry. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is unanimously confirmed.

Mr. Fitts is with us in the gallery. Congratulations.

(Applause)

The clerk will read.

THE SECRETARY: As a member of the Board of Directors of the New York Convention Center Operating Corporation: Christine Ferer, of New York City.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT GOLD: The question is on the confirmation of Christine Ferer as a member of the Board of Directors of the New York Convention Center Operating Corporation. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The clerk will read.

THE SECRETARY: As director of

the New York State Environmental Facilities Corporation: William F. McCarthy, of New York City.

SENATOR STAFFORD: Move the confirmation, please.

ACTING PRESIDENT GOLD: On the question of the confirmation of William F. McCarthy as a director of the New York State Environmental Facilities Corporation, all those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

William F. McCarthy is confirmed.

The Secretary will read.

THE SECRETARY: As a member of the New York State Hospital Review and Planning Council: John W. Rowe, of New York City.

ACTING PRESIDENT GOLD: The question is on the confirmation of John W. Rowe as a member of the New York State Hospital Review and Planning Council. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The clerk will read.

THE SECRETARY: As members of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Oxford: Loella Bishop, of Brooktondale and Beverly P. Gardinier, of Amsterdam.

SENATOR MAZIARZ: Move the confirmation.

ACTING PRESIDENT GOLD: The question occurs upon the confirmation of Loella Bishop and Beverly P. Gardinier as members of the Board of Visitors of the New York State Home for Veterans and Their Dependents at Oxford. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The clerk will read.

THE SECRETARY: As a member of

the Board of Visitors of the Sunmount Developmental Disabilities Services Office: Reverend William R. Cuthbert, of Potsdam.

SENATOR MAZIARZ: Move the confirmation.

ACTING PRESIDENT GOLD: The question occurs on the confirmation of Reverend William R. Cuthbert as a member of the Board of Visitors of the Sunmount Developmental Disabilities Services Office. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The clerk will read.

THE SECRETARY: As members of the Niagara Frontier State Park, Recreation and Historic Preservation Commission: Heather A. DeCastro, of Lewiston and John P. Silsby, of North Tonawanda.

SENATOR MAZIARZ: I definitely move these confirmations.

ACTING PRESIDENT GOLD: The question occurs on the confirmation of Heather

A. DeCastro and John P. Silsby as members of the Niagara Frontier State Park, Recreation and Historic Preservation Commission. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The clerk will read.

THE SECRETARY: Members of the Saratoga-Capital District State Park, Recreation and Historic Preservation Commission: Heather Mabee, of Saratoga Springs; Thomas O. Maggs, of Scotia; Raymond Waldron, of Saratoga Springs.

SENATOR MAZIARZ: Move the confirmation.

ACTING PRESIDENT GOLD: The question is on the confirmation of Heather Mabee, Thomas O. Maggs and Raymond Waldron as members of the Saratoga-Capital District State Park, Recreation and Historic Preservation Commission. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominees are confirmed.

The Secretary will read.

THE SECRETARY: Member of the Thousand Island State Park, Recreation and Historic Preservation Commission: Myrna Ellen O'Neil, of Ogdensburg.

SENATOR WRIGHT: Move the confirmation.

ACTING PRESIDENT GOLD: The question occurs on the confirmation of Myrna Ellen O'Neil as a member of the Thousands Island State Park, Recreation and Historic Preservation Commission. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

The Secretary will read.

THE SECRETARY: Member of the Harness Racing Commission: Joseph V. Angiolillo, of West Harrison.

SENATOR SEWARD: Move the

confirmation.

ACTING PRESIDENT GOLD: The question occurs upon the confirmation of Joseph Angelo V. Angiolillo, of West Harrison, as a member of the Harness Racing Commission. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The nominee is confirmed.

That completes the report of the Committee and the nominations.

SENATOR MARCELLINO: Mr. President.

ACTING PRESIDENT GOLD: Senator Marcellino.

SENATOR MARCELLINO: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 802.

ACTING PRESIDENT GOLD: Without objection.

SENATOR MARCELLINO: Thank you.

ACTING PRESIDENT GOLD: Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a report of the Rules Committee at the desk. I ask that it be read at this time.

ACTING PRESIDENT GOLD: The Secretary will read the report.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bills directly for third reading:

Senate Bill 2621-A, by Senator Lachman, an act to amend the Vehicle and Traffic Law;

3351-C, by Senators Marchi and others, an act to amend the Not-for-Profit Corporation Law;

4846-A, by Senator Meier, an act to amend the Social Services Law;

5002-B, by Senator Trunzo and others, an act to amend the Retirement and Social Security Law;

5568, by Senator Maziarz, an act to amend the Election Law;

5616-A, by Senator Wright, an act to amend the Environmental Conservation Law;

5689-A, by Senator Alesi, an act to amend the Vehicle and Traffic Law;

6279-A, by Senator Marchi, an act authorizing the city of New York;

6344, by Senator Padavan, an act authorizing the city of New York;

6376, by Senator Seabrook, an act authorizing the city of New York;

6624-A, by Senator Goodman, an act to amend the Tax Law;

6631-A, by Senator Marchi, an act authorizing the city of New York;

6910-A, by Senator Johnson, an act to amend the Highway Law;

7066-A, by Senator Seward, an act to authorize Joseph A. Santoro;

7091, by Senator Balboni, an act to amend the Executive Law;

7607, by Senator Wright, an act to amend the Environmental Conservation Law;

7611, by Senator LaValle, an act to amend the Environmental Conservation Law;

7720, by Senator Kuhl, an act to amend the Agriculture and Markets Law;

7774, by the Committee on Rules, an act to grant Tier I status;

7781, by Senator Trunzo and others, an act to amend the Retirement and Social Security Law;

7782, by Senator Trunzo and others, an act to amend the Retirement and Social Security Law;

7792, by Senator Trunzo and others, an act to amend the Retirement and Social Security Law;

7820, by Senator Volker, an act to amend the Penal Law;

4095-A, by Senator Paterson, an act to amend the Tax Law; and

7478-B, by Senator Velella and others, an act to amend the Insurance Law.

All bills directly for third reading.

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

ACTING PRESIDENT MAZIARZ: All in favor of accepting the Report of the Rules Committee signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The report is accepted.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you call up Calendar Number 1529 on Supplemental Rules Calendar 53-A.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1529, by the Senate Committee on Rules, Senate Print 7774, an act to grant Tier I retirement status.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61 - excuse me. Ayes 60, nays 1, Senator Dollinger recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Supplemental Calendar 53-A, non-controversial.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Skelos.

SENATOR SKELOS: Once again, I'm wrong. If we could at this time take up Calendar Number 1533, by Senator Volker.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1533, by Senator Volker, Senate Print 7820, an act to amend the Penal Law, the Executive Law and the Criminal Procedure Law.

SENATOR SKELOS: Is there a message at the desk?

ACTING PRESIDENT MAZIARZ: There is a message of necessity at the desk.

SENATOR SKELOS: Move to

accept.

ACTING PRESIDENT MAZIARZ: The motion is to accept the message. All those in favor.

(Response of "Aye".)

Opposed?

(There was no response.)

The message is accepted.

Read the last section.

SENATOR DOLLINGER: Explanation.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Volker, an explanation has been requested by Senator Dollinger of Calendar Number 1553 -- I'm sorry -- Calendar Number 1533.

Senator Paterson.

SENATOR PATERSON: Mr. President, actually I was trying to get your attention to ask Senator Volker for an explanation, but particularly I think in light of the last day of session here, we're trying to move as quickly as we can, if he would

address himself specifically to the differences in this piece of legislation and the one that we debated a couple weeks ago.

ACTING PRESIDENT MAZIARZ: Actually, Senator Paterson, that's exactly what Senator Volker was going to do anyway.

Senator Volker.

SENATOR VOLKER: You are exactly right, Senator Maziarz, Mr. President.

Mr. President, this -- Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Volker.

SENATOR VOLKER: Enough of the peanut gallery. Okay. This bill is a Governor's program bill which basically is a version of Jenna's Law that we passed earlier in this session.

We passed a bill that many of us like to call a straight Jenna's Law. The Assembly drafted a bill that put what I would call a "Christmas tree" list in it of various issues, including drug release and treatment and various things.

This bill is a much more scaled

down version from the Assembly version and let me just say to you, first of all, essentially the Jenna's Law provisions on sentencing essentially are in this bill. There are some changes but comparatively, I think, minor changes in general.

The major changes are on parole supervision. If you'll remember the initial bill that we passed for "B" and "C" felons had a five-year parole supervision after the termination of the sentence and three years for "D" and "E" felonies.

This bill still has a maximum of five years for "B" and "C" felons and a maximum of three years for "D" and "E" felons, but it allows flexibility to the judge for a minimum of a year and a half for those people who are sentenced as "D" and "E" -- and remember, these are all violent felony offenders. These are serious offenders -- for "B" and "C" felons a two and a half-year minimum with a five-year potential maximum. In other words, the judge has the ability to sentence at least two and a half but up to five years.

The other major provision in this area, if you remember the bill that we passed said if you violate provisions of this kind of parole, you must serve at least one year, one additional year in jail for that fact.

What this bill says is a minimum of six months. It does not set a minimum of one year. It sets a minimum of six months but could be up to one year and, of course, the rest of the provisions trip in. Obviously if it's part of the sentence you could do up to five years and all the rest of that stuff, but a minimum of six months instead of a minimum of a year.

There's also a provision in here -- and if you look right at the head of the bill -- that relates to domestic violence. It is, in effect -- to boil it down, it is a process that can be used in cases involving domestic situations that involve some of these potentially serious violent felony offenses that would allow the judge to do indeterminate sentencing instead of the definite sentencing of Jenna's Law. So

that, in effect, in certain cases, if they follow the criteria that's in this bill, then the domestic violence-type serious violent felony offenders would be able to avoid the serious consequences of Jenna's Law.

There is a provision in here relating to drug treatment in the post-release period and it specifically says that a judge can sentence an individual to drug treatment in the post-release period. In all honesty, it codifies in law what they can actually already do. A judge would have the power to do that now during that parole -- post-parole treatment period or post-parole period, but what this does is, in effect, put it in law so that it's absolutely clear.

There is a number of technical changes, but I think those are primarily the most substantive changes that are in this bill. You still have -- you still have the same provisions that were in the original bill on victim notification and release and all the rest of things but -- sorry -- but that, I think, is the prime changes in the bill.

In all honesty, this bill, the

Governor's on board, obviously, it's a Governor's program bill and the Grieshaber family has been involved in looking at this bill and they have said that they are going to try to get the Assembly to pass this bill.

It is not an agreed upon bill. Let me make that very clear. The Assembly has not agreed to this bill.

ACTING PRESIDENT MAZIARZ: Read the last section -- Senator Waldon.

SENATOR WALDON: Thank you.

Would the gentleman yield for a question or two?

ACTING PRESIDENT MAZIARZ: Senator Volker, would you yield to a question from Senator Waldon?

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MAZIARZ: Senator Waldon.

SENATOR WALDON: Thank you, Mr. President.

Senator Volker, is there a companion bill or an agreement with the Assembly on this particular proposal?

SENATOR VOLKER: No, there's

not. As I just said, this is not an agreed upon bill with the Assembly. The Assembly has not -- although the Assembly has indicated the possibility, there really hasn't been much negotiations going on in reality. There's been a lot of talking about substituting something or whatever in the press, but in reality, as I understand it, the only real movement was that the Assembly indicated at one point that it was interested in the possibility of discussing the drug treatment portion of the bill but, as far as I know, the bill that they still have in the Assembly is what I call a "Christmas tree" bill which has Jenna's Law plus all the rest of the things in it.

SENATOR WALDON: Through you, Mr. President, would the gentleman continue to yield?

ACTING PRESIDENT MAZIARZ: Senator Volker, would you continue to yield to Senator Waldon?

SENATOR VOLKER: Certainly.

ACTING PRESIDENT MAZIARZ: Senator Waldon.

SENATOR WALDON: Senator, as I understand it, there are some differences in this proposal and in what we've discussed previously in this chamber and what you and I have discussed at length outside of the chamber, but this really doesn't change anything in regard to judicial discretion on the front end, meaning that if the person is a violent felony offender first time, the judge still has no discretion up front to do anything in terms of the application of the law, is that correct?

SENATOR VOLKER: Except in the area -

SENATOR WALDON: I'm talking about on the front end, not the back end.

SENATOR VOLKER: Right. Except in the area of domestic violence. In the area of domestic violence, there's a provision in here that allows the possibility of flexibility in sentencing if the person involved in that domestic violence qualifies with certain criteria which is listed in this will.

SENATOR WALDON: Through you,

Mr. President. Would the gentleman continue to yield?

ACTING PRESIDENT MAZIARZ: Senator Volker, do you continue to yield?

SENATOR VOLKER: Yes.

ACTING PRESIDENT MAZIARZ: Senator Waldon.

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

I apologize for that faux pas in regard to the domestic violence piece. I was briefed on it and I did see it. It's just, you know, a senior thing, Dale. It happens sometimes, but what I'm really concerned about is that this does not allow for definitive change in regard to judicial discretion and that is what I've understood you to say. That's correct.

SENATOR VOLKER: You are absolutely right.

SENATOR WALDON: Two, there is change on the back end in terms of when someone violates while they are under supervision, the penalties to be put back, et cetera, are lessened and the judge has

discretion there. Is that correct?

SENATOR VOLKER: That's right, yes.

SENATOR WALDON: But there's no opportunity here for a dramatic change in terms of the first time violent felony offender. So, in essence, we've put maybe some additional colored lights on the Christmas tree, but we haven't changed the type of tree. It's still the same tree with a couple of strings of new lights, is that correct?

SENATOR VOLKER: This is still -- I hesitate to use the word "Christmas tree" because I used that in regards to the Assembly bill but you're right. The light still shows that this is a definite sentencing bill.

It says that if somebody is convicted of a violent felony offense, except in the area of domestic violence where there are certain -- there's an ability to escape the provisions, that person must serve six-sevenths, which is essentially we call it no parole but essentially, 83 percent,

whatever that is, of the sentence and then would be subject to the post-parole provision, but you are absolutely right. The lights are still there. It's still a definite sentencing first violent felony offense bill.

SENATOR WALDON: Okay. Would the gentleman continue to yield?

SENATOR VOLKER: Sure.

SENATOR WALDON: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Volker, do you continue to yield for a question?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MAZIARZ: Senator Waldon.

SENATOR WALDON: Senator Volker, you and I have dealt with the issue of philosophy regarding Jenna's Law and similar situations, time and memorial. What I'm looking for, so that I can be supportive - and I obviously don't see it now -- is where there's an opportunity for the judge to say, this person is an exception to the thousands of others who come before me and, therefore, I can do something different in terms of the

application of this particular statute.

All I'm looking for now from you is a clarification, an absolute clarification. There is no opportunity here if a sitting judge has someone come before him or her as a violent felony offender first time to make an exception in regard to how that person must be handled. This is, in fact, an absolute mandate that the person have a definite sentence as a result of this. Is this absolutely correct?

SENATOR VOLKER: Just as in the Rockefeller Drug Laws, there's no absolute mandate. We know the district attorneys and judges are able to find ways around it if they truly desire to do so but, generally speaking, this is a first violent felony offender. Let's keep that in mind. As we've looked at some of these cases, Senator -- and we know that very, very few of these people haven't been arrested before. In fact, as we're looking at some of the cases that have been demonstrated as non-violent felony fenders, we're coming up with some very interesting facts. People have been arrested 30 times.

One fellow was selling 24 pounds of cocaine, non-violent felony offenders.

The thing I'm trying to point out to you is, it is an almost impossible rarity for someone who is first convicted of a violent felony offense to have not been arrested many times before and been involved in other crimes. This is violent offenses. Let's keep that in mind. This is not first offense. This is first violent. These are VFOs.

So, Senator, yes, if that person commits that crime and is convicted of it, then technically speaking, that person is subjected to a six-sevenths sentence. That means that he or she must serve that sentence.

SENATOR WALDON: Through you, Mr. President. Would you gentleman continue to yield?

ACTING PRESIDENT MAZIARZ: Senator Volker, do you continue to yield for a question from Senator Waldon?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MAZIARZ: Senator Waldon.

SENATOR WALDON: Senator Volker, I want to deal a moment -- in a moment, I should say, with the drug issue, but before that, your analysis just now might be fairly accurate. In fact, it may be absolutely accurate in an overwhelming number of people who come before the bar of justice, but it does not mean that someone can come before the bar of justice for the first time as a violent felony offender who has never before committed a crime, and I want that left out there in the ether. There is the possibility that someone could commit a violent felony offense as a first action that they committed in regard to the criminal justice system.

Now, in regard to the drug component -- and you and I have discussed the Rockefeller Drug Law until we probably feel very comfortable with the name Rockefeller floating between you and I, though I'm poverty stricken -- I mean we've used that name to where it has caused us to feel maybe a bit more comfortable in terms of the social pecking order, but in this bill I don't see

anything which addresses my concerns and the concerns of many of my colleagues on this side of the aisle in regard to the reduction of those who are inmates and also a more creative way to deal with the current drug phenomenon. Am I accurate in my analysis that there's nothing in here which touches upon the Rockefeller Drug Law or drug laws in particular that would allow us to administer them in a better fashion in New York State?

SENATOR VOLKER: You are absolutely right. Although the Assembly bill didn't deal with it either. The Assembly bill didn't deal with the Rockefeller Drug Law. There seems to be a use around here. It's one of the reasons why you have bills named after things. It seems it make it easier for the press to understand what it's all about. So that many of the penalties that are said to be Rockefeller Drug Law are not Rockefeller Drug Law penalties at all. There are other provisions of the law that came in either before or after so-called Rockefeller Drug Laws, but the definitive answer is there's nothing in this bill that definitively changes

drug laws, and you're absolutely right.

SENATOR WALDON: Thank you, Senator Volker. Will the gentleman yield just one more time?

ACTING PRESIDENT MAZIARZ: Senator Volker, will you continue to yield to Senator Waldon?

SENATOR VOLKER: Sure.

ACTING PRESIDENT MAZIARZ: Senator Waldon.

SENATOR WALDON: Thank you, Senator Volker.

In speaking to the Assembly's version of what we're dealing with, they did enhance detox' treatment, as I recall, and there was a movement at least to ensure that those in prison receive a GED and you know better than I that those people who go to prison who are, some illiterate but most have an education that's below the eighth grade and many at a reading level below the third grade, if we don't do something to edify -- not edify but to educate them while they're in, we're creating a bigger problem when they come out. I notice there's nothing in our bill which

says, one, we will guarantee the opportunity for a GED and, two, that we'll do something in regard to detox', is that correct?

SENATOR VOLKER: Senator Waldon, that's true. Let me say to you, I don't necessarily disagree with some of those positions. I don't think it should be in the bill that deals with first violent felony offenders, because it really essentially has nothing to do with drug offenses. I think those issues should be dealt with and I don't necessarily disagree with you. I'm one of those people who happens to believe in treatment and I think that -- by the way, we do some pretty good stuff in our prison system today and if we get a little room in our prison systems, hopefully we'll be able to provide even more treatment in the prison system.

I don't necessarily disagree with you, but I think that's a separate issue that we should look to. The Assembly bill we costed out about $200 million in treatment costs which is one of the problems with it because it's a budget issue, some of which we

discussed during the budget debate and then frankly the Conference Committee rejected because it was just too expensive, but it is something we certainly can look at but it is not in this bill.

SENATOR WALDON: Thank you, Senator Volker.

Mr. President, if I may, on the bill.

ACTING PRESIDENT MAZIARZ: Senator Waldon, on the bill.

SENATOR WALDON: This is not so different from what we've dealt with in the past. There are some new ideas suggested in regard to domestic violence, in regard to what the judge can do on the back end if someone should violate while they're under post-release supervision and those are good things and we appreciate those things, but there is not enough substantive change in this proposal to cause myself, and I would hope a whole host of other colleagues, to say this is a winner. This will dramatically impact what we're trying to do in regard to the criminal justice system but specifically those who

commit violent felonies in this state.

So I would encourage my colleagues to recognize that a bill by any other name is still a bill. A bill which fails to accomplish what we need to accomplish by any other name fails to accomplish it and we should vote no on this and the message and signal we want to send not only to the Governor but to those who work for him and who craft these proposals is that they ought to give us something that is going to really deal with the drug problem, it will really deal with giving judges discretion in terms of first time violent felony offenders, and I think Senator DeFrancisco raised a very cogent point last time we discussed this, that there is little room for the judge to do something but it's not enough room for me to feel comfortable.

So I would hope that my colleagues would join me in voting down on this proposal. It is not going to accomplish the task and the mission that is facing us as a legislative body.

Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ:

Thank you, Senator Waldon.

Read the last section -- I'm sorry.

Senator Gentile.

SENATOR GENTILE: Mr. President, on the bill.

ACTING PRESIDENT MAZIARZ: Senator Gentile, on the bill.

SENATOR GENTILE: Despite the words of my learned colleague, Senator Waldon, certainly I have to -- I think everyone would agree that we need to reform the parole system in this state, especially for violent felons and first time violent felons at that.

So I believe that this bill was a good bill the last time we voted on it last week. I commend Senator Volker for adding the provisions. As a former prosecutor dealing in domestic violence, these exceptions to the sentencing provisions are appropriate excep tions to the sentencing provisions and the post-release supervision, the indeterminate aspect now. The post-release supervision, I believe, is appropriate. I think prosecutors

will appreciate this, also the changes and the ability to distinguish in domestic violence situations.

So overall I believe that this is a better bill. The last bill that we had was a good one. This is a better one, and I think that it will serve all New Yorkers well and keep our streets safer.

ACTING PRESIDENT MAZIARZ: Read the last section -- I'm sorry.

Senator Paterson.

SENATOR PATERSON: Mr. President, I would like to commend Senator Volker. He seems to have negotiated in more than good faith with the Assembly, and we're moving hopefully toward a bill that we -- for which we all can agree.

There's been a great deal of lobbying on this particular bill and a real effort to make sure that people who otherwise would have been incarcerated -- see, there's some lobbying right now -- people otherwise would have been incarcerated would have been able to be out and commit the kind of crime that we -- unfortunately raised such statewide

attention, that it brings us back here to re-examine our ideas of parole.

Senator Waldon asked some very good questions, and I'm happy to see the compromise that's been struck over domestic violence.

Now, this brings into mind the whole issue of child sexual abuse or the sexual abuse of an individual that may have been from someone who was not from the home and let's say over a period of time the pent up frustrations and anger of the victim strikes out when the opportunity arises at the perpetrator and here we are with a first time violent felony offender and we do not have any recourse but to sentence this individual under the statute.

This is the reason why I would generally prefer for there to be some judicial discretion in these types of situations because there are always situations that are analogous to the domestic violence situation where what was in the mind of the perpetrator is often very different than what may actually happen in what might be the majority case.

Now, Senator Volker cited the majority case that most first time violent offenders have some previous criminal record, but that's a rather broad sweeping generalization. That isn't always the case and in those individual cases where it isn't and there may be other impulses that were acting on the individual, I think it's really a shame that we would house them with those who would certainly be eligible to serve their entire terms.

The Rockefeller Drug Laws have filled our state penitentiaries with individuals to such a number that we can't really even find the space sometimes for the real violent offenders and we think they need some address.

The Assembly's proposal may have been described as a "Christmas tree". I didn't know Senator Volker was opposed to Christmas trees these days, but I understand his point, but I really must tell the Senator and everyone that's looking at this legislation that there are often individual situations that compel us to allow the sitting

judge to make some kind of adjustment in the sentence, but because this is a one-house bill and the negotiations are continuing with the Assembly, I'm going to show a little good faith for all the good faith that Senator Volker has showed in his negotiations.

I'm going to actually support this bill in the hope that we can do something to tighten up what may be the loopholes in the law but at the same time preserve the justice that we seek.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 44. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MAZIARZ: I'm sorry. Senator DeFrancisco, to explain your vote.

SENATOR DeFRANCISCO: Yes. I rise to explain why I'm voting yes on this bill.

As you know from the last debate, I have been involved with the Grieshaber family since the day this thing began, and it's my understanding to notify the rest of the house that the Grieshabers did, in fact, have a news conference with the Governor pledging full support for this particular compromise bill and urging the Assembly to do the same and on the floor today I want to also in my explanation of my yes vote urge the Assembly to pass this bill because this is the last day of session. The posturing is over. The add-ons of different theories of legislation is over. The time has come. Pass the bill.

ACTING PRESIDENT MAZIARZ: The Secretary will call the roll -- results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1533 are Senators Leichter, Montgomery and Smith.

ACTING PRESIDENT MAZIARZ: Senator Paterson.

SENATOR PATERSON: Mr. President, just to explain my vote.

ACTING PRESIDENT MAZIARZ:

Senator Paterson, to explain his vote.

SENATOR PATERSON: If I might. I would like to -- even having voted in the affirmative, I would like to remind Senator DeFrancisco that people are taking their positions in this Capitol based on what are really their honest convictions and they may be somewhat in disagreement with the sponsors of the legislation but to promote the kind of atmosphere where we might reach a compromise, I don't think it is particularly a good idea to ascribe any kind of political posturing or any kind of showboating or public demonstration to points of view when, in fact, these are the honest feelings of many of our colleagues not only in the Senate -- the Assembly, but right here on this floor.

The proposal that Senator Volker called a "Christmas tree" proposal, that was a fair representation, but I think that we all do understand that these are the honest feelings of people and that in the past many people have been sentenced to times when perhaps a shorter sentence would have been more in order.

So I just think that in the discussion we might be a little more careful not to mischaracterize those who loyally have an opposing point of view.

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes 58, nays 3.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Leichter.

SENATOR LEICHTER: May I have unanimous consent to be recorded in the negative on Calendar Number 1529, please.

ACTING PRESIDENT MAZIARZ: Without objection -- Senator Leichter could you repeat the Calendar Number, please.

SENATOR LEICHTER: 1529.

ACTING PRESIDENT MAZIARZ: Calendar Number 1529, without objection, so ordered.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. May we now take up Calendar Number 1483. That's on the first active list.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1483, Senator Skelos moves to discharge from the Committee on Rules Assembly Bill 8970-B and substitute it for the identical Senate Bill 6046-A.

ACTING PRESIDENT MAZIARZ: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1483, by member of the Assembly Weisenberg, Assembly Print 8970-B, an act to amend the Navigation Law and the State Finance Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Larkin, I move to amend Senate Bill Number 3840-A by striking out the amendments made on 6/16 and restoring it to its original Print Number 3840.

ACTING PRESIDENT MAZIARZ: So ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on behalf of Senator Farley, on page 8, I offer the following amendments to Calendar Number 268, Senate Print Number 1689-A, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MAZIARZ: The amendments are received.

The Secretary will read 3... I'm sorry. Senator Kuhl.

SENATOR KUHL: I was just going to ask if you had some other housekeeping, substitutions, and can we do that at this time.

ACTING PRESIDENT MAZIARZ: The Secretary will read the substitutions.

THE SECRETARY: On page 7, Senator Johnson moves to discharge from the Committee on Rules Assembly Bill 4467-C and substitute it for the identical Senate Bill 2684-C.

On page 10, Senator Velella moves to discharge from the Committee on Rules Assembly Bill 3169-B and substitute it for the identical Senate Bill 4597-B.

On page 24, Senator Farley moves to discharge from the Committee on Rules Assembly Bill 11218-A and substitute it for the identical Senate Bill 7168-A.

ACTING PRESIDENT MAZIARZ: The substitutions are ordered.

Senator Kuhl.

SENATOR KUHL: Does that take care of the housekeeping right now at the desk?

ACTING PRESIDENT MAZIARZ: Yes.

SENATOR KUHL: All right. Then can we call up Calendar Number 195, please.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number

195, by Senator DeFrancisco, Senate Print 5799-B, an act to amend the Domestic Relations Law and the Family Court Act.

SENATOR KUHL: Is there a message at the desk?

ACTING PRESIDENT MAZIARZ: Senator Kuhl, there is a message of necessity at the desk.

SENATOR KUHL: I move we accept the message.

ACTING PRESIDENT MAZIARZ: The motion is to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Senator Kuhl.

SENATOR KUHL: Read the last section.

ACTING PRESIDENT MAZIARZ: Read the last section.

SENATOR DOLLINGER: Excuse me, Mr. President.

ACTING PRESIDENT MAZIARZ: I'm

sorry. Senator Dollinger.

SENATOR DOLLINGER: Just as a point of order, could we just -- when the bill is announced and read, could we have the calendar it's located on identified, so I can -

SENATOR KUHL: I would be happy to accommodate you.

SENATOR DOLLINGER: -- figure out where it is.

SENATOR KUHL: Be happy to accommodate you as best we can, Senator Dollinger.

SENATOR DOLLINGER: Thank you.

ACTING PRESIDENT MAZIARZ: Senator Kuhl.

SENATOR KUHL: Could you read the last section.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Just to explain my yes vote. This is a bill that arose out of a situation where a father brutally murdered a mother in the presence of children and then once he was in jail sought visitation rights in jail with the kids and it's named after Leanne Cruz, the deceased mother.

This is an agreed upon bill with the Assembly. There's an identical bill. We passed an earlier one in our house this year. It's been a long process up to the last day to get the agreed upon bill and I'm pleased to vote yes and have this house pass the Leanne Cruz Memorial Act.

ACTING PRESIDENT MAZIARZ: Senator Kuhl.

SENATOR KUHL: Now, Mr. President, we have a supplemental active list on the members' desks and what we would like

to do is to take the non-controversial reading of that supplemental active list.

Now, for Senator Dollinger's benefit, if he's going to stay, that will require him going to the regular calendar, starting out first with Calendar Number 213 and then progressing through that calendar with active bills to then going to the supplemental calendar.

Now, Senator Gold, who is really in control of this chamber today, says it's not necessary for you, but to accommodate you, Senator Dollinger, that's what we're going to do.

So could we have a non controversial reading of the supplemental active list, beginning with Calendar Number 213.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 213, by member of the Assembly Tocci, Assembly Print 6038-B, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAZIARZ: Read

the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1314, by the Assembly Committee on Rules, Assembly Print 11286, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 657, by Senator LaValle, Senate Print 5935-B, an act to amend the General Business Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 120 days.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 763, by Senator Maziarz, Senate Print 3217-A, an act in relation to contracts for the purchase of goods.

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

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1038, by Senator Meier, Senate Print 7426-A, an act to authorize the town of New Hartford to discontinue.

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

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT MAZIARZ: I'm sorry. Senator Oppenheimer.

SENATOR OPPENHEIMER: Could I have unanimous consent to be recorded in the negative on 213. It just passed.

ACTING PRESIDENT MAZIARZ: Without objection, so ordered.

SENATOR OPPENHEIMER: It's a terrible bill.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1064, by Senator Alesi, Senate Print 7220-A, an act to amend the General Business Law and the Public Service Law.

SENATOR KUHL: Lay the bill aside temporarily.

ACTING PRESIDENT MAZIARZ: The bill is laid aside.

The Secretary will read.

THE SECRETARY: Calendar Number 1485, by Senator Goodman, Senate Print 6256-A -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT MAZIARZ: Lay the bill aside at the request of Senator Stachowski.

THE SECRETARY: Calendar Number 1486, by Senator Johnson, Senate Print 6491-A, an act to amend the Lien Law, in relation to notification.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1492, by Senator Saland, Senate Print 7361, an act to amend the Social Services Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

SENATOR KUHL: Lay the bill aside temporarily.

ACTING PRESIDENT MAZIARZ: Lay the bill aside.

THE SECRETARY: Calendar Number 1494, by Senator Alesi, Senate Print 7595-B, an act to amend the Local Finance Law.

ACTING PRESIDENT MAZIARZ: Read the last section -- I'm sorry. There is a home rule message at the desk. Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number -

SENATOR WALDON: Mr. President.

ACTING PRESIDENT MAZIARZ: I'm sorry. Senator Waldon.

SENATOR WALDON: Mr. President, I was away on other business for the Senate

when the house dealt with 1533. I respectfully request without exception - without opposition that I be recorded in the negative.

ACTING PRESIDENT MAZIARZ: Which calendar, Senator Waldon?

SENATOR WALDON: 1533.

ACTING PRESIDENT MAZIARZ: Without objection, so ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1495, by Senator Alesi, Senate Print 7596-A, an act to authorize the city of Rochester.

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

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1497, by Senator Libous, Senate Print 7733, an act to amend Chapter 649 of the Laws of 1996.

ACTING PRESIDENT MAZIARZ: Senator Skelos -- I'm sorry -- Senator Kuhl.

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

ACTING PRESIDENT MAZIARZ: There is a message of necessity at the desk.

SENATOR KUHL: I move we accept the message.

ACTING PRESIDENT MAZIARZ: The motion is to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1500, by Senator Skelos, Senate Print 7762, an act authorizing the assessor of the county of Nassau.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59, nays 2, Senators Cook and Dollinger recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1504, by Senator Goodman, Senate Print 7776, an act to amend the General Business Law, in relation to veterans.

ACTING PRESIDENT MAZIARZ: Read

the last section.

THE SECRETARY: Section 3. This act shall take effect September 1st.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT MAZIARZ: Lay the bill aside at the request of Senator Stachowski.

THE SECRETARY: Going back to 1502, in relation to Calendar Number 1502, Senator Padavan moves to discharge from the Committee on Rules Assembly Bill Number 11314 and substitute it for the identical Senate Bill 7766.

ACTING PRESIDENT MAZIARZ: Read the last section -- the substitution is ordered.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1502, by the Assembly Committee on Rules, Assembly Print 11314, an act to amend the Education Law.

SENATOR STACHOWSKI: Lay it aside, please.

ACTING PRESIDENT MAZIARZ: Lay the bill aside at the request of Senator Stachowski.

The Secretary will read.

THE SECRETARY: Calendar Number 1509, by Senator Lachman, Senate print 2621-A, an act to amend the Vehicle and Traffic Law, in relation to the possession of an open container in a motor vehicle.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1510, by Senator Marchi, Senate Print 3351-C, an act to amend the Not-for-Profit Corporation

Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1511, by Senator Meier, Senate Print 4846-A, an act to amend the Social Service Law and the Family Court Act.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1513, Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill 7907-B and substitute it for the identical Senate Bill 5002-B.

ACTING PRESIDENT MAZIARZ: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1513, by the Assembly Committee on Rules, Assembly Print 7907-B, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT MAZIARZ: Lay the bill aside.

THE SECRETARY: In relation to Calendar Number 1514, Senator Maziarz moves to discharge from the Committee on Elections

Assembly Bill 8255 and substitute it for the identical Senate Bill 5568.

ACTING PRESIDENT MAZIARZ: The substitution is ordered.

SENATOR DOLLINGER: Can you lay that aside for an explanation.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar 1514, by the Assembly Committee on Rules, Assembly Print 8255, an act to amend the Election Law.

SENATOR DOLLINGER: Lay that bill aside for an explanation.

ACTING PRESIDENT MAZIARZ: Lay that bill aside at the request of Senator Dollinger.

THE SECRETARY: Calendar Number 1515, by Senator Wright, Senate Print 5616-A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section -

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT MAZIARZ: Lay the bill aside at the request of Senator Leichter.

THE SECRETARY: Calendar Number 1516, by Senator Alesi, Senate Print 5689-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1517, by Senator Marchi, Senate Print 6279-A, an act authorizing the city of New York to reconvey.

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

THE SECRETARY: Section 2.

This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1518, by Senator Padavan, Senate Print 6344, an act authorizing the city of New York to reconvey.

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

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, earlier Calendar Number 1513 was laid aside inadvertently. If you would like to take it up now, it would be okay with our side.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

SENATOR STACHOWSKI: 1513, the Trunzo bill.

ACTING PRESIDENT MAZIARZ: Calendar Number 1513 by Senator Trunzo.

SENATOR KUHL: Let's go back.

ACTING PRESIDENT MAZIARZ: Senator Kuhl.

SENATOR KUHL: 1513, call that up.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1513, by the Assembly Committee on Rules, Assembly Print 7907-B, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2.

This act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1519, by Senator Seabrook, Senate Print 6376, an act authorizing the city of New York to reconvey.

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

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: In relation to

Calendar Number 1520, Senator Goodman moves to discharge from the Committee on Rules Assembly Bill 8629-B and substitute it for the identical Senate Bill 6624-A.

ACTING PRESIDENT MAZIARZ: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1520, by the Assembly Committee on Rules, Assembly Print 8629-B, an act to amend the Tax Law and the Administrative Code of the city of New York.

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

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number

1521, by Senator Marchi, Senate Print 6631-A, an act authorizing the city of New York to reconvey.

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

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1522, by Senator Johnson, Senate Print 6910-A, an act to amend the Highway Law, in relation to the establishment.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: Calendar Number 1523, by Senator Seward, Senate Print 7066-A, an act to authorize Joseph A. Santoro to apply for an optional 25-year.

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

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT MAZIARZ: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1524, Senator Balboni moves to

discharge from the Committee on Rules Assembly Bill 6085-A and substitute it for the identical Senate Bill 7091.

ACTING PRESIDENT MAZIARZ: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1524, by member of the Assembly Christensen, Assembly Print 6085-A, an act to amend the Executive Law, in relation to standardizing.

ACTING PRESIDENT MAZIARZ: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of September.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1526, by Senator Wright, Senate Print 7607, an act to amend the Environmental Conservation

Law, in relation to the definition of muzzle loading firearms.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1527, Senator LaValle moves to discharge from the Committee on Rules Assembly Bill 11132 and substitute it for the identical Senate Bill 7611.

ACTING PRESIDENT FUSCHILLO: The substitution is ordered. The Secretary will read.

THE SECRETARY: Calendar Number 1527, by the Assembly Committee on Rules, Assembly Print 11132, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT FUSCHILLO:

Read the last section.

THE SECRETARY: Section 2.

This act shall take effect immediately.

ACTING PRESIDENT FUSCHILLO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO:

The bill is passed.

THE SECRETARY: Calendar Number 1528, Senator Kuhl moves to discharge - Senator Kuhl, Senate Print 7720, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT FUSCHILLO:

Read the last section.

THE SECRETARY: Section 2.

This act shall take effect on the same date as a chapter of the Laws of 1998.

ACTING PRESIDENT FUSCHILLO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO:

The bill is passed.

THE SECRETARY: Calendar Number 1530, Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill 11130 and substitute it for the identical Senate Bill 7781.

ACTING PRESIDENT FUSCHILLO:

The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1530, by the Assembly Committee on Rules, Assembly Print 11130, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT FUSCHILLO:

Read the last section.

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

ACTING PRESIDENT FUSCHILLO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO:

The bill is passed.

THE SECRETARY: In relation to Calendar Number 1531, Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill 11129 and substitute it for the identical Senate Bill 7782.

ACTING PRESIDENT FUSCHILLO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1531, by the Assembly Committee on Rules, Assembly Print 11129, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1532, Senator Trunzo moves to

discharge from the Committee on Rules Assembly Bill 11349 and substitute it for the identical Senate Bill 7792.

ACTING PRESIDENT FUSCHILLO: Substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1532, by the Assembly Committee on Rules, Assembly Print 11349, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT FUSCHILLO: Lay it aside.

THE SECRETARY: Calendar Number 1534, by Senator Paterson, Senate Print 4095-A, an act to amend the Tax Law, in relation to exclusion of certain earnings from gross income.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of

January.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1535, by Senator Velella, Senate Print 7478-B, an act to amend the Insurance Law, in relation to annual consumer guide of health insurers.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect in 180 days.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Yes, Mr.

President. May we now have a controversial reading of the supplemental active list, beginning with Calendar Number 1064, by Senator Alesi.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 1064, by Senator Alesi, Senate Print 7220-A, an act to amend the General Business Law and the Public Service Law.

SENATOR KUHL: Lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 1485, by Senator Goodman, Senate Print 6256-A, an act to amend Chapter 115 of the Laws of 1995.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT FUSCHILLO: Senator Goodman.

SENATOR KUHL: Lay the bill aside temporarily and could you read Calendar Number 1502 by Senator Padavan.

ACTING PRESIDENT FUSCHILLO:

The Secretary will read.

THE SECRETARY: Calendar Number 1502, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 11314, an act to amend the Education Law and Chapter 720 of the Laws of 1996.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FUSCHILLO: Senator Padavan, request an explanation.

SENATOR PADAVAN: You'll recall that toward the end of 1996 we adopted a major change in the governance of our community school boards as well as the entire educational system in the city of New York.

There are some aspects of that bill that we are correcting in terms of omission with regard to the bill before us at this moment in time. One of them is to allow community school boards to hire executive secretaries responsible to them directly.

The other is to allow community school boards to retain counsel in the event they're being sued or for any other appropriate purpose.

We're also clarifying the role of the chancellor as a result -- as it relates to disciplinary actions against pedagogical and supervisory staff.

Those are the essential ingredients of the bill now before us.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Senator Lachman, why do you rise?

SENATOR LACHMAN: Will the Senator yield for a question?

ACTING PRESIDENT FUSCHILLO: Will the Senator yield for a question?

SENATOR LACHMAN: Don't community school boards at this point have -

SENATOR PADAVAN: I cannot hear you.

SENATOR LACHMAN: Do not community school boards at this point have legal authority to appoint counsel?

SENATOR PADAVAN: No, they do not.

SENATOR LACHMAN: They did under the previous law.

SENATOR PADAVAN: Yes, but when we adopted the major bill last -

SENATOR LACHMAN: In December of '96.

SENATOR PADAVAN: -- in '96, that part of it was left out, in my view, inadvertently. We're now putting it back in.

SENATOR LACHMAN: Okay. Thank you.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1492, by Senator Saland, Senate Print 7361, an act to amend the Social Service Law, the

Family Court Act and the Civil Practice Law and Rules.

SENATOR KUHL: Lay the bill aside temporarily.

ACTING PRESIDENT FUSCHILLO: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1504, by Senator Goodman, Senate Print 7776, an act to amend the General Business Law, in relation to veterans of the Armed Forces.

SENATOR STACHOWSKI: Explanation.

SENATOR KUHL: Lay it aside temporarily.

ACTING PRESIDENT FUSCHILLO: Lay it aside temporarily.

THE SECRETARY: Calendar Number 1514, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 8255, an act to amend the Election Law, in relation to special federal voters.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO:

The bill is passed.

THE SECRETARY: Calendar Number 1515, by Senator Wright, Senate Print 5616-A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT FUSCHILLO:

Read the last section.

SENATOR STACHOWSKI:

Explanation.

ACTING PRESIDENT FUSCHILLO:

Senator Wright, an explanation is requested.

SENATOR WRIGHT: Thank you, Mr. President.

This bill would exempt certain disinfectants from future VOC limitations to make sure these products continue to provide a significant public benefit in combating infectious disease.

ACTING PRESIDENT FUSCHILLO:

Senator Stachowski.

SENATOR STACHOWSKI: Personally I think the explanation is satisfactory, but I'm trying to waste a minute so that Senator Leichter, who laid this bill aside, if he had any questions, I could find out what they were, but I'm not quite sure where he is. So go ahead.

SENATOR WRIGHT: Thank you, Senator.

You've done an admirable job.

SENATOR STACHOWSKI: Thank you.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1532, substituted earlier today, by the

Assembly Committee on Rules, Assembly Print 11349, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

SENATOR STACHOWSKI: Explanation.

ACTING PRESIDENT FUSCHILLO: An explanation is requested.

Senator Trunzo.

SENATOR TRUNZO: Mr. President, this is a supplementation bill which has been approved three ways by the Senate, the Assembly and the Governor's office regarding supplementation for all retirees of all systems in the state of New York, including the Employee Retirement Systems, the Police and Firemen, the Teachers Retirement System, the New York City Teachers Retirement System and all the city retirement systems and it has a complete supplementation, taken care of every retiree of the state of New York in one form or another.

SENATOR NANULA: Mr. President.

ACTING PRESIDENT FUSCHILLO:

Senator Nanula.

SENATOR NANULA: Thank you, Mr. President.

Would the sponsor yield for a question?

SENATOR TRUNZO: Sure.

ACTING PRESIDENT FUSCHILLO: The Senator yields.

SENATOR NANULA: Thank you, Mr. President.

Senator Trunzo, you had just stated that with respect to the supplementation -- a supplementation would be provided to retirees in every system in the state retiree system, the teacher system.

SENATOR TRUNZO: Early Retirement System for a two-year period, for 1998 as well as 1999, except for the city of New York. In regards to the city of New York, the legislation will take effect July 1st of 1999 and what -- also they have an assumption if they want to go earlier, they can come into September 1988 as payments will be happening for all other systems.

SENATOR NANULA: Through you,

Mr. President. Senator Trunzo, with respect to the percentages -- actually, let me take you back one step. The calendar year of retirement, in the bill, 1992 is the first number listed. Is that the first year with respect to those people who have retired that benefit will be provided?

SENATOR TRUNZO: Retired prior to 1993. So those will be 1992 all the way down to 1930-something.

SENATOR NANULA: Okay. So that I understand the formula, in the case of somebody who retired in 1992, they would receive a 1.5 percent supplementation for each year they were retired?

SENATOR TRUNZO: For the first year, 1.5 percent of the first $13,500. The base in the past had been 12,500. It has now been increased to 13,500 and next year it will be increased to $14,000 and next year those who retired in 1993 would get a supplementation of one-point -- whatever the formula is, in the book.

SENATOR NANULA: Again through you, Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Trunzo, will you continue to yield for a question?

SENATOR TRUNZO: Yes.

ACTING PRESIDENT FUSCHILLO: Thank you.

SENATOR NANULA: Again so I understand this, this isn't a two-year supplementation. There will be a one-time supplementation but it will qualify for two one-year periods.

SENATOR TRUNZO: It's a two-year bill in a sense but with that two steps -- two different steps, except for the increase in the base salary that would be involved. So it's really a one-year bill but pulled over a two-year period, making those who retired prior to 1993 effective this year and those who retired prior to 1994 effective next year.

SENATOR NANULA: Very good. Thank you very much, Senator Trunzo.

Mr. President, on the bill.

ACTING PRESIDENT FUSCHILLO: Senator Nanula, on the bill.

SENATOR NANULA: Let me start by saying that it certainly pleases me at least that this year we're seeing a supplementation for retirees.

Senator Trunzo has worked tirelessly on the issue of a COLA for state retirees. I had a bill here in the Senate that would have provided for a performance COLA structure which became Senator Trunzo's bill. It was originally Comptroller McCall's bill -- program bill and that was for the state retirement system which today, I believe, has an asset base of $106 billion and has retirees making as little as 7- or $8,000 a year and other than our periodic supplementations, we were one of the only states in the country that doesn't have some type of COLA program for our retirees, whether it's a performance COLA, which I think is a very prudent way of going. It bases itself on the performance of the pension system, so in those years when we out-perform the dollars needed to fund the pension payments to our retirees, we then could not only fund a COLA but an annuity, so that in future years when

the performance of the pension system - retirement system didn't meet the criteria to provide a COLA, we then could provide a COLA in those years, and it was a fiscally responsible approach. It had no fiscal impact either on local employers, governments, local municipalities, nor would it have increased employee contributions, and I just think personally, although I'm happy to see we have a supplementation at hand and I will be voting for it, it's a tragedy. It's a tragedy that in this state where we have a New York State retirement system that is so well funded, where we're not as a function of looking at a performance COLA, looking to take one dime from this chamber or the Assembly, when our local governments are paying amongst the lowest contributor rates in the country right now, I believe it's less than one percent, when our employees are paying amongst the lowest contribution rates in the country, I think it's a travesty that we as a legislative body and amongst our retirement systems, because I think there's leadership with respect to the New York State retirees, but

when you look at the city unions, the teachers unions, with all this diversity among our retiree systems, unfortunately we have not been able to come to a consensus and provide a COLA to all of our retirees in this state, and I think as a legislative body and for that matter our Governor and the leaders of these pension systems, we need to continue the effort to bring a permanent COLA to our retirees in this state, whether it be in the form of a performance COLA or some other method of COLA because we should not be subjecting our seniors to have to be coming back and begging this Legislature and begging the Governor on an annual basis for us to give them what's theirs. It's their money. They've worked for it. It's in the systems and they're entitled to it.

So with that, again, Mr. President, I will be voting on the bill but with a great deal of frustration.

Thank you.

ACTING PRESIDENT FUSCHILLO: Thank you, Senator Nanula.

The Secretary will read -- read

the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

SENATOR LEICHTER: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Kuhl -- Senator Leichter.

SENATOR LEICHTER: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar 1515, please.

ACTING PRESIDENT FUSCHILLO: So ordered.

Senator Oppenheimer.

SENATOR OPPENHEIMER: Oh, sorry, no.

ACTING PRESIDENT FUSCHILLO: Senator Oppenheimer.

SENATOR OPPENHEIMER: No. I'm sorry. I was calling someone behind me.

ACTING PRESIDENT FUSCHILLO: Senator Kuhl.

SENATOR KUHL: Mr. President, may we return to the order of motions and resolutions. I believe there's a Resolution Calendar Number 2 on the members' desks. I would move we adopt the Resolution Calendar at this time.

ACTING PRESIDENT FUSCHILLO: We'll return to motions and resolutions. The motion is to adopt the Resolution Calendar. All in favor signify by saying aye.

(Response of "Aye".)

Nay?

(There was no response.)

The ayes have it.

The motion is approved.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. For the benefit of the members, what we would like to go to is the regular calendar, Calendar Number 53, and we would like to start out with Calendar Number 274

first. We have received messages on a number of bills. We would like to take those up and move them to the other house.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 274, by Senator Cook, Senate Print 2729-A, an act to amend the General Municipal Law, the General City Law, the Town Law and the Village Law.

SENATOR KUHL: Is there a message of necessity at the desk? I move we accept the message.

ACTING PRESIDENT FUSCHILLO: The motion is to accept the message of necessity. All in favor signify by saying aye.

(Response of "Aye".)

Nay?

(There was no response.)

The message is accepted.

Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the 180th day.

ACTING PRESIDENT FUSCHILLO:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Now on the same calendar, call up Calendar Number 1082.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 1082, by Senator Goodman, Senate Print 5548-B, an act to amend the Tax Law and the Administrative Code of the city of New York.

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

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR KUHL: I move we accept the message.

ACTING PRESIDENT FUSCHILLO: The motion is to accept the message of necessity. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The motion is approved.

The Secretary will read -- read the last section.

THE SECRETARY: Section 17. This act shall take effect January 1st, 1999.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

SENATOR KUHL: On the same calendar now, Mr. President, could we call up Calendar Number 1131.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 1131, by Senator Leibell, Senate Print 6642-A, an act to amend the Public Authorities Law, in relation to the power of the state of New York.

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

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR KUHL: I move we accept the message.

ACTING PRESIDENT FUSCHILLO: The motion is on the message of necessity. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The motion is approved.

Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Now, Mr.

President, may -- on the same calendar, may we call up Calendar Number 1234.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 1234, by Senator Leibell, Senate Print 3929-B, an act to amend the Real Property Actions and Proceedings Law.

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

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR KUHL: I move we accept the message.

ACTING PRESIDENT MAZIARZ: The motion is to accept the message of necessity. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The ayes have it.

Read the last section.

SENATOR LEICHTER: Can we have an explanation.

ACTING PRESIDENT FUSCHILLO: An

explanation has been requested, Senator Kuhl.

SENATOR KUHL: Lay that aside temporarily.

ACTING PRESIDENT FUSCHILLO: Lay that aside temporarily.

SENATOR KUHL: Now may we call up Calendar Number 1303 on the same calendar.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 1303, by Senator Stafford, Senate Print 7491-A, an act to amend the Tax Law, in relation to the time for certain persons.

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

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR KUHL: I move we accept the message.

ACTING PRESIDENT FUSCHILLO: The motion is to accept the message of necessity. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The motion is approved.

Read the last section.

THE SECRETARY: Section 3.

This act shall take effect immediately.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Now, Mr. President, on the supplemental calendar but on the first active list, Calendar Number 678, can we have that called up.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 678, by Senator Nozzolio, Senate Print 5181-A, an act to amend the Correction Law.

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

ACTING PRESIDENT FUSCHILLO:

Yes, there is.

SENATOR KUHL: I move we accept the message.

ACTING PRESIDENT FUSCHILLO: On the motion to accept the message of necessity, all in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The ayes have it.

The motion is approved.

Read the last section.

SENATOR LEICHTER: Can we have an explanation, please.

ACTING PRESIDENT FUSCHILLO: Senator Kuhl, an explanation is requested.

SENATOR KUHL: Lay the bill aside. Lay the bill aside.

ACTING PRESIDENT FUSCHILLO: Lay the bill aside.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. Now, on the first active list, I would like to take up the controversial reading and we'll start with Calendar Number

187, by Senator Johnson.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 187, by member of the Assembly Brodsky, Assembly Print 6754-C, an act to amend the Agriculture and Markets Law, in relation to creating an Advisory Council on Seafood Policy.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 405, by Senator Rath, Senate Print 6013, an act to amend the Public Health Law, in relation to adjusting.

ACTING PRESIDENT FUSCHILLO:

Read the last section.

THE SECRETARY: Section 2.

This act shall take effect-

SENATOR GOLD: Explanation.

ACTING PRESIDENT FUSCHILLO: An explanation is requested.

Senator Rath, an explanation is requested.

SENATOR RATH: Okay. My light wasn't on. There we go. Thank you. Thank you, Mr. President.

The bill that's before you is an amendment to a bill that we passed last year for an education program, osteoporosis education program. The bill went through and the Governor requested an adjustment in the board -- or the council, rather, that is to be appointed that will work with the implementation of the legislation to be reflective of the other councils that serve in similar capacities throughout this government.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Gold, why do you rise?

SENATOR GOLD: Ask Senator Rath a question, but first I want to put on the record, they're making me do it.

SENATOR RATH: You know how I feel about debate.

ACTING PRESIDENT FUSCHILLO: Senator Rath, do you yield for a question?

SENATOR RATH: Of course.

SENATOR GOLD: Senator, it's just one simple one. Apparently the way the board is structured now, the Legislature has eight members and the Governor seven and if we pass this the Governor will have eleven and the Legislature four. Is there a reason why?

SENATOR RATH: Yeah, there is, Senator Gold. When we put this together, we put it together the way we thought we would like it, Assemblywoman Weinstein and myself, and then it was pointed out to us that the Breast Cancer Detection and Education Program Advisory Council, the Prostate Detection Education Advisory Council, the Health Research Science Board are all made up with the kind of proportion that you see now reflected, not the kind that Assemblywoman

Weinstein and I would have put together had we been able to prevail, but we thought that inasmuch as this was pretty typical of these other three boards, that we had ought to acquiesce.

SENATOR GOLD: Last section.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Abate.

SENATOR ABATE: Yes. I would like unanimous consent to be recorded in the negative on Calendar Number 213.

Thank you.

ACTING PRESIDENT FUSCHILLO: Without objection.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 650, Senator Volker moves to discharge from the Committee on Rules Assembly Bill Number 9252-A and substitute it for the identical Senate Bill 6156-A.

ACTING PRESIDENT FUSCHILLO: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 650, the Senate bill is high but the Assembly bill is not, by member of the Assembly Hoyt, Assembly Bill 9252-A, an act to amend the Penal Law, in relation to unlawful acts.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Oppenheimer.

SENATOR OPPENHEIMER: I'm sorry. I seem to be behind in everything. The one that just passed, Calendar 187 -- yeah -- 187 -- yes, I would like to be recorded in the negative, please.

SENATOR KUHL: No objection.

ACTING PRESIDENT FUSCHILLO: Without objection.

SENATOR OPPENHEIMER: 187, Calendar 187.

ACTING PRESIDENT FUSCHILLO: Calendar 187?

SENATOR OPPENHEIMER: Yeah.

ACTING PRESIDENT FUSCHILLO: Calendar 187, Senator Oppenheimer?

SENATOR OPPENHEIMER: Yes, 187.

ACTING PRESIDENT FUSCHILLO: Without objection.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

ACTING PRESIDENT FUSCHILLO: Mr. President.

THE SECRETARY: Calendar Number -

ACTING PRESIDENT FUSCHILLO: Senator Dollinger.

SENATOR DOLLINGER: I'll wait. Keep going.

ACTING PRESIDENT FUSCHILLO: Senator Mendez.

SENATOR MENDEZ: I wish to have unanimous consent to be recorded in the negative on Calendar 157.

SENATOR KUHL: No objection.

ACTING PRESIDENT FUSCHILLO: Without objection.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar 213.

ACTING PRESIDENT FUSCHILLO: Senator Kuhl.

SENATOR KUHL: No objection.

ACTING PRESIDENT FUSCHILLO: Without objection.

The Secretary will read.

THE SECRETARY: Calendar Number

678, by Senator Nozzolio, Senate Print 5181-A, an act to amend the Correction Law, in relation to state Commission of Correction oversight.

ACTING PRESIDENT FUSCHILLO: Read the last section.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FUSCHILLO: Senator Leichter, an explanation -- Senator Nozzolio, an explanation is requested.

SENATOR NOZZOLIO: Mr. President, who requested the explanation?

ACTING PRESIDENT FUSCHILLO: I believe it was Senator Leichter.

SENATOR NOZZOLIO: I find that hard to believe, Mr. President, but I would be glad to explain it for Senator Leichter.

Senator Leichter and my colleagues, a few weeks ago we passed a departmental bill which provided the Division for Youth facilities would be under the jurisdiction of the state Commissioner of Corrections for oversight of those facilities. As they become more and more

correction-oriented, this seemed to make sense in this body. It passed that legislation.

Upon further review, what the legislation did was eliminate the Board of Visitors for the respective institutions across the state and it was the intent of myself and others who believe the Board of Visitors have provided a community oversight/community review process, that to eliminate the Board of Visitors at this time did not make a lot of prudent sense, in my opinion and others.

So the bill was recalled and we are now passing the measure, providing the Commission of Corrections with oversight over these facilities yet at the same time ensuring that a local Board of Visitors is maintained so that the -- there may also be that local implant.

ACTING PRESIDENT FUSCHILLO: Thank you, Senator Nozzolio.

Senator Leichter.

SENATOR LEICHTER: If Senator Nozzolio would yield for just a question.

ACTING PRESIDENT FUSCHILLO:

Senator Nozzolio, will you yield for a question?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT FUSCHILLO: The Senator yields.

SENATOR LEICHTER: If I look at Calendar 678 -- I think we're talking about the same bill -- that -- as I read it, it gives to the Department of Corrections oversight over limited secure facilities operated by the state Division for Youth, right?

SENATOR NOZZOLIO: That's correct, Mr. President.

ACTING PRESIDENT FUSCHILLO: Thank you, Senator Nozzolio.

SENATOR LEICHTER: My question, if you'll yield to another one is really -

ACTING PRESIDENT FUSCHILLO: Senator Nozzolio, will you continue to yield?

SENATOR NOZZOLIO: I would be happy to yield to Senator Leichter, Mr. President.

ACTING PRESIDENT FUSCHILLO:

The Senator yields.

SENATOR LEICHTER: The reasons for that shift -- I don't see anything in there about the Board of Visitors. Maybe that's something that's carried over on the bill, but that's really not our concern. My concern is whether the operation of these facilities by the Division for Youth has given rise to the need to transfer the jurisdiction or the oversight to the Department of Corrections; in other words, why are we doing this?

SENATOR NOZZOLIO: In essence we're doing this again, Senator, as we passed this measure already this session with the exception of the first measure, eliminating the Board of Visitors. This measure does not, but the -- as the level is currently, there is no executive level agency to provide oversight regulatory functions for these residential institutions with the exception of secure facilities. The absence of oversight may create the impression that there's insufficient checks and balances in the system. The Commission -- state Commission of

Corrections has a wide range of authority that this Legislature has given them but most importantly they have the authority to visit, to inspect, to appraise the management of these facilities.

So that's the reason, Mr. President, that we are pushing this particular oversight at this time.

ACTING PRESIDENT FUSCHILLO: Thank you, Senator Nozzolio.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 120 days.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Mendez, why do you rise?

SENATOR MENDEZ: Mr. President, earlier when I requested unanimous consent to be recorded in the negative, I gave the wrong

calendar number. I wish to be recorded in the negative on Calendar Number 213 and in the positive in 157.

ACTING PRESIDENT FUSCHILLO: So ordered.

SENATOR MENDEZ: Thank you.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 685, by Senator Nozzolio, Senate Print 7113-A, an act to amend the Correction Law and the Public Health Law.

ACTING PRESIDENT FUSCHILLO: Read the last section.

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT FUSCHILLO: Senator Nozzolio, Senator Leichter has requested an explanation.

SENATOR NOZZOLIO: Yes, Mr. President.

This measure recognizes our responsibilities to those law enforcement officers who work in our correctional facilities, that we believe they are dealing with increasingly violent inmates and that the

incidence of transmissible diseases, such as HIV, hepatitis and tuberculosis, within the population our correctional personnel has attempted to manage have increased dramatically over these past few years.

What this measure before us does is amend the Correction Law, the Family Court Act and the Public Health Law to allow for testing of such transmissible diseases and the disclosure of test results to both the employee and the inmate respondent exclusively.

The need for this is obvious, that as there are altercations in prison, our correction officers and other correctional personnel are asked to quell those disturbances. Oftentimes violence erupts in a prison and we're asking people to stop that violence. With the stoppage of that violence may be the result of injury and at the very least close personal contact.

Unfortunately those who are in close personal contact with known carriers or unknown carriers of HIV and hepatitis must live with that burden for an extended period

of time. They do not know if they were exposed to an inmate's blood or other bodily substances which may, in fact, be carriers of HIV or tuberculosis or other -- hepatitis, other very serious diseases.

So what we're saying in this legislation is simply that when there is an altercation in prison, that the inmate responsible for that altercation or within that altercation purview is tested and that those test results are -- will be available to the correction officer or officers who were part of that particular incident.

This is not to implement an indiscriminate testing of inmates. Testing can only be mandated by a court after the inmate has been involved in an incident where bodily fluids have been in some way or capacity transferred.

The purpose of this legislation is obvious. It's to protect the public employees who are engaged in a very dangerous activity under the best of circumstances.

Thank you, Mr. President.

ACTING PRESIDENT FUSCHILLO:

Thank you, Senator Nozzolio.

Senator Leichter.

SENATOR LEICHTER: If Senator Nozzolio will yield.

SENATOR NOZZOLIO: Yes, Mr. President. I will be happy to yield.

ACTING PRESIDENT FUSCHILLO: Senator Nozzolio, will you yield for a question?

SENATOR LEICHTER: Senator, I do see in this bill that you've certainly tried to provide due process safeguards.

Let me just ask you, you talk about exposure to blood and then you say "or significant risk body substance as defined in 10 NYCRR." Do you know what those significant risk body substances are, what do they include?

SENATOR NOZZOLIO: What we're talking about is HIV.

SENATOR LEICHTER: What particular bodily substances? Are we talking about saliva? Are we talking about urine?

SENATOR NOZZOLIO: Yes, Mr. President. We did this in another measure

that we had before this house. I cannot recall all, but they are those that Franz just mentioned, urine, feces, blood, saliva.

SENATOR LEICHTER: Okay.

ACTING PRESIDENT FUSCHILLO: Senator Leichter. Do you have another question, Senator Leichter?

SENATOR LEICHTER: Well, I'm somewhat stymied not getting an answer to this question. I guess the other question I have to you, Senator, but I guess it's really -

ACTING PRESIDENT FUSCHILLO: Do you continue to yield?

SENATOR NOZZOLIO: Yes, Mr. President. I would be happy to yield.

SENATOR LEICHTER: It's more in the nature of an argument. I mean, you say that this is for the protection of correction officers. Certainly I join you in that and I think every member here does, indeed. This protects correction officers and maybe certain transmittable disease, it may. I know that this bill, as so many of the similar bills we've seen, is really directed to HIV and there, as we know, testing the transmitter of

the disease is really no safeguard to the person who may have contacted the disease because really the only safe thing to do is to test the person who has contact, either the person who has been in contact and who may have developed the disease or has become HIV-positive.

Therefore, I just wondered whether you would address how that will protect that person that you and I both want to protect.

SENATOR NOZZOLIO: Mr. President, I would be happy to respond to that question.

When these incidents occur, it is not often clear how long an HIV antibody may evidence itself in an individual. While we're waiting for that antibody to grow, time is wasting and as that time wastes, the ability of the correction officer injured in this melee may have been precluded from taking some new drugs -

ACTING PRESIDENT FUSCHILLO: Excuse me, Senator Nozzolio.

Senator Kuhl, why do you rise?

SENATOR KUHL: Thank you, Mr. President.

I apologize for interrupting, but we do have a 5:00 o'clock deadline with closure this afternoon and in an attempt to try to move along, we would like to call an immediate meeting of the Rules Committee in Room 332, the Majority Conference Room.

ACTING PRESIDENT FUSCHILLO: Immediate meeting of the Rules Committee, Majority Conference Room, 332.

Thank you, Senator Kuhl.

Senator Nozzolio.

SENATOR NOZZOLIO: Yes, Mr. President.

Thank you.

ACTING PRESIDENT FUSCHILLO: Senator Nozzolio.

SENATOR NOZZOLIO: As new drugs are being discovered every day effective in combatting HIV and other diseases like tuberculosis and hepatitis, that oftentimes catching these diseases very quickly certainly will aid in their elimination and eradication.

What we are concerned with is a long period of time where an individual, the burden of proof then becomes a burden -- the burden comes on the individual correction officer. He must test himself as opposed to having the knowledge that an inmate, in fact, is carrying -- could be carrying one of these maladies.

So time is of the essence, Senator Leichter, in discovering whether or not you have been exposed. It certainly is an anxious situation for -- you ask how does this protect. It provides -- Senator Leichter, you're one that really has been an advocate for open government, for openness and knowing -- the public's right to know, what public has a better right to know whether they have -- than those who have been exposed in the line of duty in protecting the taxpayers of this state that have been exposed to something that could hurt them, harm them, if not kill them?

So that, Senator, is how I believe this rapid testing and information flow will help our correctional personnel in

New York.

ACTING PRESIDENT FUSCHILLO: Thank you, Senator Nozzolio.

Senator Leichter.

SENATOR LEICHTER: Mr. President, because the hour is late, let me just briefly comment on the bill.

Thank you, Senator Nozzolio.

ACTING PRESIDENT FUSCHILLO: Senator Leichter, on the bill.

SENATOR LEICHTER: With all due respect, Senator, your answer, I must say, didn't show how you protect the correction officer. On the contrary, this is a very cumbersome procedure that you've set up which requires court proceeding, and so on, and nothing would be more harmful for the correction officer to be told to wait the outcome of this whole process.

My point is that if you want to protect the correction officer if there has been an exchange of dangerous fluids, of fluids that conceivably could create disease, then the correction officer has to be tested. You don't test the person who may have

transmitted the disease. Test the correction officer. You're absolutely right. You want to intervene quickly but you certainly don't want to wait while you go through the process of testing the person who may have transmitted the disease and as we know with HIV and with some of the uncertainty of testing, that person could conceivably test negative and, in fact, have transmitted the disease. This doesn't help the correction officer.

What helps the correction officer is if he has been in contact with an inmate in such a fashion or manner that he may have been infected with a disease, then test the correction officer.

ACTING PRESIDENT FUSCHILLO: The Secretary -- read the last section.

SENATOR WALDON: No. Wait a minute.

ACTING PRESIDENT FUSCHILLO: Senator Waldon.

SENATOR WALDON: Thank you, Mr. President.

Will the gentleman yield for a question or two?

ACTING PRESIDENT FUSCHILLO: Senator Nozzolio, will you yield to a question?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT FUSCHILLO: The Senator yields.

SENATOR WALDON: Senator Nozzolio, if I may ask you to amplify the circumstances under which the correction officer may be exposed -- and let me give you a hypothetical so we can both be on the same page.

The inmate hurls the substance, let's say bodily fluids at the correction officer. It does not strike the correction officer in his eyes, does not go up his nose and he has no open cuts. How would the officer be susceptible to contracting anything that was being carried by the hurler of this fluid under those circumstances?

SENATOR NOZZOLIO: The measure, Mr. President, before us sets forth a procedure where the correction officer, correctional personnel can make a request that

along with the incident report, not just a simple oral request but the incident report should be also accompanying this and it then is filed with the court. The court then, upon hearing of the application within an expedited process -- it's not to list on a calendar. It's an expedited request, expedited review of the application -- it is then determined if sufficient evidence exists, that it indicates an exposure occurred and whether testing the inmate shall be the only means by which an employee can obtain that information, that we are putting this in the hands of an arbitrator and this arbitrator then decides whether a hearing should be held and whether an order to administer the test of the inmate then ensue, and again, this is an expedited process, that there is a sense that we -- a showing must be forthcoming, that there was a clear and present danger, that the incident could very well result in an exposure to a transmissible disease through bodily fluid, through -- it's just not an arbitrary or a de minimus test. There is a test and that that test is assessed by an impartial arbitrator, that then if the

arbitrator agrees, the court agrees, then the inmate would be ordered for those specific testing procedures.

SENATOR WALDON: Mr. President, through you, if I may continue.

ACTING PRESIDENT FUSCHILLO: Senator Nozzolio, do you continue to yield?

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR WALDON: Mr. President, would the Senator continue to yield?

ACTING PRESIDENT FUSCHILLO: Senator Nozzolio?

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR WALDON: Senator Nozzolio, I want the correction officers to check this, that's the fact, this is not something that you cannot find, or I'm stating to you absolutely unequivocally, I support effective correction.

Would we not be better served if what we're proposing to require immediately upon making the correction officers -- that immediately the correction officer is tested,

is cleansed, is given whatever injections that might immunize him or her in futuro from that moment in time on against this particular potential danger, and wouldn't we be better served if the correction officer immediately following the incident, not 24 hours later, not a week later when the incident report and the accompanying requests are filed, not a month later when the arbiter closes the hearing but immediately thereafter, all of the medical, pharmacological steps which would ensure the safety of this officer are taken as opposed to going through this process? Wouldn't DOCS be better served; wouldn't the officers be better served and, in turn, later on perhaps even the inmates be better served?

SENATOR NOZZOLIO: Mr. President, in responding to the question, I think it's a good question, then we do not preclude an employee to test -- to go for testing themselves, from electing to undergo those tests, that certainly is the question, a question better raised by the medical care giver, the physician, the correctional personnel, but what we -- and we also believe,

and what this legislation indicates, that the cost of that testing should be borne appropriately by the state. However, one of the things that needs to be emphasized is that exposure may not show a test result. The test result may not be indicated within a short period of time, whether the individual who was exposed did, in fact, contract one of the - particularly with HIV, with a long incubation period -- contracted that disease.

We're talking about peace of mind here too. Think of yourself as that correctional personnel, Senator Waldon, who has a spouse. Think of the anguish that that spouse will go through for months, months, waiting to know whether her spouse or his spouse developed the antibodies for HIV.

In fact, if we can require the testing of an inmate immediately, at least you would know, at least part of it. If the inmate was negative, in fact, that may develop some peace of mind.

Also more importantly, the possibility of knowing exposure could also ignite the treatments that would be necessary

right from the get-go and science is changing every day on this issue, that they may exhibit the ability to say yes, you have been exposed to an HIV positive, then you should undergo this particular treatment now. Don't wait until you display those antibodies.

That treatment could be costly; it could be onerous, and I think that we need to have that information, the correction officers are owed at least that.

SENATOR WALDON: Mr. President, on the bill. Thanks, Senator Nozzolio.

ACTING PRESIDENT FUSCHILLO: Senator Waldon, on the bill.

SENATOR WALDON: You have -- I think you've made a very substantive argument. I'm going to support what you've proposed. Because of the fact that this is a virulent disease, not only would the officer be subject to contracting HIV if exposed in an appropriate fashion, but if this is a promiscuous inmate, then others in the prison facility may be exposed.

You don't like to address those things necessarily openly, but it does

happen. However, I think that in the future, if we would require or suggest that a mechanism be in place paid for also by DOCS, that would immediately test the officer and immunize the officer's -- as best as can be done under our current technologies and knowledge on this issue, that we would be taking an equally important step in terms of reining in this very virulent disease, and I would encourage my colleagues to support this measure.

I think this is one of those exceptions whereby testing might prove very beneficial and have a salutory effect on this thing called HIV.

Thank you very much, Senator Nozzolio. Thank you, Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President. I'm aware that many people think that this is an important step in dealing with the problem of potential AIDS exposure within the correctional facilities and I know that Senator Nozzolio has been

working a long time on this.

I really feel compelled to establish on the record today that there is another approach which some of us have been promoting for some time and one which members of the correctional employee work family have been advocating for, and I think it's important just to let the record reflect that some of us are disappointed that we don't have that bill or a similar bill before us at this time to vote on, and that this is a well intentioned but somewhat imperfect way of addressing a very serious problem within our prison system.

Senator Nozzolio has explained very well the kind of anxiety and personal turmoil that a correctional employee and his or her spouse faces with the risk of potential exposure and there is only one way to determine how much exposure has actually taken place, and that is to know in advance the HIV status of the inmate.

Regrettably, the Department of Corrections in the state of New York has taken a head-in-the-sand attitude on the subject of

HIV testing for inmates. It has said, through this administration and the previous administration, that they would rather not test all of the inmates in the correctional system as is done in many other states -- many other large states with large populations of inmates. Routine testing is done upon admission and is done on a follow-up basis after the fact over the duration of the inmate's period of incarceration.

There are good sound reasons for doing this. In the first place, that is the only way the inmate can be assured of getting treatment for what can be a deadly disease, but if identified early and treated responsibly, can allow an individual, whether incarcerated or not, to live a relatively healthy life.

We, as a state, should make that a goal for the inmate population which now numbers some 69,000 people, I believe. Is that correct, Senator? 69,000, almost 70,000 inmates in the state of New York.

The correction employees who fear that they have been exposed either by

urine, feces or blood in connection with an inmate -- and frequently inmates will attack employees or throw these body substances at correctional employees; this is not an unusual circumstance -- but when that happens, under Senator Nozzolio's bill, it would require a hearing for the employee to then request that a test be administered of the inmate so that the employee would know whether or not he or she should take a prophylactic system of drugs -- series of drugs, often referred to as a "cocktail", in order to reduce the risk of contracting the HIV virus through this exposure.

There is a very big problem with that process as outlined under the bill before us, and I will support the bill, but I want to make sure everyone in this chamber understands, and I hope feels guilty that we are not doing what is really necessary here. We should not be led by the DOCS policy that says they don't want to know because they don't want to have to treat inmates, and they don't want to be bothered with this problem. They have enough to deal with because of the

large number of inmates in all overcrowded facilities, but it's up to us, the legislative branch of this state, to come up with the laws that force them to behave responsibly.

Under this measure that Senator Nozzolio has worked so hard on, once that correctional employee feels he or she has been the victim of exposure to HIV, suspects they might have and they then have to enact this hearing process, there is a time delay. The process that they must go through requires them to wait at least 24 hours to go through this hearing, and there is evidence to indicate that that "cocktail" needs to be administered immediately in order to be effective, so the agony of that individual who feels that he or she has been exposed, and his or her family, begins from that moment that they come in contact with any of those bodily fluids and extends for months and sometimes years until they have absolute certainty upon repeated testing that there has been no exposure and no contamination by the HIV virus.

We have attempted in this state

to establish a standard of employment and establish a standard of behavior and high level of professionalism within our correctional employees, and we have succeeded to a large extent. Our correction officers in the state of New York are hard working, well educated men and women that bear no relationship at all to the prison guards of the Jimmy Cagney movies. They should be treated with dignity, and we should allow them that peace of mind that would come with a mandatory HIV testing bill for all inmates.

Upon exposure, an employee of a correctional system should be able to go to a superintendent or the primary health officer of that facility and be able to receive immediate assurance that that individual inmate who perpetuated the potential exposure was, in fact, HIV negative. There are clear guidelines on confidentiality already in place that would govern the way this information is handled by all people within the prison system. There are clear guidelines in the medical community as to how treatment must begin and the timing of such treatment in the

event of actual exposure.

It is time for us as a Legislature to deal with the reality of those clear guidelines and that medical information and bring them into harmony with the reality of this terrible risk.

So I will support Senator Nozzolio's measure today, but I will continue to push for passage of S.3903 which -- in several versions I have introduced since I believe 1993 or '-4, following some very, very serious problems in the Mohawk Valley at some correctional facilities which I -- I'm proud to represent.

On behalf of the employees of those facilities who have requested me to speak today about their frustration with this process, I urge all of my colleagues, and I specifically urge the esteemed chairman of the Crime and Corrections Committee in this house to take another look at this issue and let's see if we can work with the other house, see if we can work with the Governor's office and most important of all, let's see if we can tell the Department of Corrections that we

want to do something that is more meaningful, will provide more protection and will provide appropriate and responsive treatment for inmates as well as for correctional employees where the issue of AIDS and HIV is concerned.

ACTING PRESIDENT FUSCHILLO: Thanks, Senator Hoffmann.

Senator Abate.

SENATOR ABATE: Yes. Would Senator Nozzolio yield to a couple questions?

ACTING PRESIDENT FUSCHILLO: Senator Nozzolio, will you yield to a couple questions?

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT FUSCHILLO: Thanks. Senator yields.

SENATOR ABATE: Senator, what is the position of DOCS on this bill? Is this a DOCS program bill?

SENATOR NOZZOLIO: It is not. It is not. I'm not sure what their position is.

SENATOR ABATE: And in terms of the AIDS Advisory Council, have they taken a

position on this bill?

SENATOR NOZZOLIO: Yes, they have.

SENATOR ABATE: What is that position?

SENATOR NOZZOLIO: I understand they support it.

SENATOR ABATE: They're in support.

SENATOR NOZZOLIO: I understand they support it. I don't have anything in front of me to verify that.

SENATOR ABATE: And just let me clarify, have the AIDS Advisory Council, have they in the past -- have you been able to overcome their objections?

SENATOR NOZZOLIO: Yes, Senator Abate. Yes, the AIDS Council's principles on HIV testing of employees in this bill, I'm not sure they have weighed in, but the principles have in the drafting of the legislation.

SENATOR ABATE: Am I correct - Mr. President, could I continue?

ACTING PRESIDENT FUSCHILLO: You continue to yield?

SENATOR NOZZOLIO: Yes, Mr. President.

SENATOR ABATE: It's my understanding that the three principles of the AIDS Advisory Council have been concerned about the past, I believe, are included in this bill, and could I just go through it?

One that there's significant risk of exposure and transmission of AIDS to the correction officer, whether that's through blood or bodily fluid, that there be a process of a hearing and due process, that's all covered within this bill; and third, there be medical benefit to the employee, which means that testing of the inmate does not provide medical benefit whereas only testing of the employee, that the judge might say that this was not required; is that correct?

SENATOR NOZZOLIO: As I understand it, yes, Mr. President, Senator Abate is correct.

SENATOR ABATE: All right. Thank you.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT FUSCHILLO: Senator Nozzolio, to explain your vote.

SENATOR NOZZOLIO: Yes, Mr. President. Thank you for the opportunity to explain my vote.

I certainly congratulate my colleagues for supporting this measure. I believe it's extremely important for the protection of our correction officers.

I'd also like to add, though, that I would agree with those that have suggested this measure go farther than I, as the author or the Assembly sponsor have, to require testing of all inmates. Unfortun ately though, our problem in getting this law established is not the Department of Corrections, although I agree they have not been extremely supportive if at all supportive of that policy.

Our problem is with the New York State Assembly. Let's just go down the hall and look at those who are not supporting this measure, let alone a measure that is more

comprehensive. I support a more comprehensive, a more uniform process of testing inmates for contagious diseases. Unfortunately, the New York State Assembly Majority Democrats will not support that measure. I think it's unfortunate. I wish they would. I think we'd have a better law and better policy as a result if they did.

Mr. President, thank you. I vote aye.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Secretary will read.

THE SECRETARY: Calendar Number 954, by Senator Velella, Senate Print 3632-A, an act to amend the Education Law, in relation to establishing an additional criteria for library systems.

ACTING PRESIDENT FUSCHILLO:

Read the last section.

SENATOR MONTGOMERY:

Explanation.

SENATOR KUHL: Mr. President.

ACTING PRESIDENT FUSCHILLO:

Senator Kuhl, yes.

SENATOR KUHL: Just before me -- might we have a little order in the house.

ACTING PRESIDENT FUSCHILLO:

Yes, the members take their seats, staff find their seats.

SENATOR KUHL: For the benefit of the members, we are on the controversial portion of the first active list, we intend to go to the active portion of the second active list that will soon be at the desk from the Rules Committee, at the desks.

For those people who have bills on the calendar, we would suggest to the members that they be here to debate their bills because if they are not there is a strong likelihood that the bill will not be called up again, and that to meet with the

5:00 o'clock conclusion, their bill will be lost, so I would strongly suggest to those members who have had their bills laid aside, I would strongly suggest that they be in the chamber when their bills are called up.

So with that, would you recognize Senator Velella for an explanation of his bill.

ACTING PRESIDENT FUSCHILLO: Thank you, Senator Kuhl.

Senator Velella.

SENATOR VELELLA: Thank you, Mr. President.

This is a library bill that would require, in order to qualify for state aid, you would have a plan of library service with conjunction with the Commissioner's regulation that you file a procedure which would include a detailed guideline for libraries which would include restricting minors from access to obscene material including any computers available for public use.

This is as a result of a problem that occurred in my district through

the Rochelle -- New Rochelle library system where minors were gaining access through the computers in the library to some pornographic material and, at the request of some of the local people, we looked into this and it looks like a good proposal that we ought to require that there be a procedure that libraries can recommend to prevent this from happening.

SENATOR KUHL: Read the last section.

ACTING PRESIDENT FUSCHILLO: Senator Montgomery.

SENATOR MONTGOMERY: Yes, if the sponsor would yield for a question.

SENATOR VELELLA: Certainly.

ACTING PRESIDENT FUSCHILLO: Senator Velella, do you yield?

SENATOR MONTGOMERY: Senator Velella, you talk about restricting certain information in the library and that the system itself has to somehow develop this mechanism of creating these restrictions.

Is this -- it sounds to me like this might be one of those unfunded mandates that we talk about that you're now putting

that kind of burden? It seems to me that's going be a tremendous cost to the system and how are they to achieve that without any - your bill doesn't say that you're going to pay for them.

SENATOR VELELLA: Well, Senator, not everything in this world requires money. Some creative thinking and dedication for people who file library reports and the operation of a library as to how they would operate a library, are required now by law. They must follow this process that they would use and these guidelines that they use with the state. This would merely require that they spend a little time and think about how best they might prevent minors from now gaining access on the Internet which is now available in libraries.

It would be -- and again, I'm not an expert on computers, I'm totally illiterate in terms of computers and some things in general knowledge, but however, it could be as simple as someone being able to watch when minors are on the machine, to dictate -- to watch what they're doing or

could be as complex as a program that might be installed. It doesn't mandate to what degree; it just says it should be recognized and the best possible system should be in place to prevent minors from gaining access to offensive materials as defined in the law. It's not just vague, it's -- you know, whatever would be obscene under the law.

SENATOR MONTGOMERY: Mr. President, if Senator Velella would continue to yield.

ACTING PRESIDENT FUSCHILLO: Senator Velella, do you continue to yield?

SENATOR VELELLA: Sure.

ACTING PRESIDENT FUSCHILLO: Senator continues to yield.

SENATOR MONTGOMERY: Now, when you say restrict access, are there any other ways that you possibly could consider restricting as opposed to having a librarian stand there and watch a kid on the Internet or somehow restricting access to Internet entirely?

SENATOR VELELLA: Senator, I wouldn't presume to tell librarians how to run

their system. What I am saying is, it ought to be the public policy of this state that every library that has computers and has access to the Internet ought to have some procedure to safeguard against our young children gaining access to obscene materials, and that is why I don't put -- that is why I don't put a very detailed mandate on them.

I just say this should be the policy of the state. We ask you to include this in your plan when you file it with the state and whatever they think, in their own judgment, is adequate I would hope that most of the librarians and most of the people that file these plans don't really want children gaining access to this kind of material so they would do a good deliberative job on it.

SENATOR MONTGOMERY: And I'm just wondering if your bill seems to require that they would be required to do that in order to receive state funding.

SENATOR VELELLA: Yes.

SENATOR MONTGOMERY: So any system that is not at the point that the law goes into effect, that is not -- does not have

the capacity of that term to do whatever is required in order to meet the law would then not have access to state funding, is that what would happen essentially? In other words, this is a trigger of state funding?

SENATOR VELELLA: No, that would not be what would happen.

SENATOR MONTGOMERY: Could you tell us then what would happen?

SENATOR VELELLA: What would happen is, if you file some plan in order to get your state funding you should include, among other things in the law, a process by which you would restrict access to children to pornographic materials and as long as you have something reasonably in there that can be reasonably construed as a plan, it would be up to the individual library system, and there are other things they need to put in there that make a plan.

It's important in our view for the libraries that they recognize this as a problem. It's something that many people may not recognize, because we're just getting into this computer stage. They have various

systems that have plans that are just reviewed each year; this is something new coming up. It's something we just want them to know that it should be included in the plan. It's as simple or as complex as they might want to make it.

SENATOR MONTGOMERY: All right. Thank you, Senator Velella, for that explanation.

SENATOR VELELLA: You're welcome.

SENATOR MONTGOMERY: Just as a caution, I would say on the bill, it's certainly nothing -- something that I would say anyone in here and citizens in general would agree with Senator Velella that we would not want to see certain kinds of information available to very young people, young children in our state.

But at the same time, I think we don't want to go too far and say that our library systems and information systems are - and indeed the schools are going to have to absorb the burden of coming up with some sort of sophisticated system of keeping that

information from certain people while allowing others based on the constitutional right to have access to it, and -- and indeed having school systems required in their library systems to come up with this kind of a sophisticated access blockage without providing for funding, and further making it part of the requirement in order for them to receive funding from the state that they must have this in place.

So I think this goes, you know, it's -- the intent is admirable. It's correct, we do want to see this. I think, in fact, New York City, the library system certainly in Brooklyn as people have talked to me, they are trying to institute such a mechanism, but I think we don't want to make it part of their funding requirements that they have it in place before they are able to come up with a system on their own.

So I would -- I would advise my colleagues to vote no on this legislation because we don't want to send a message that if you don't -- if you haven't already been able to invest in this kind of program, you

can't receive funding.

Thank you.

ACTING PRESIDENT FUSCHILLO: Thank you, Senator Montgomery.

Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Secretary will read.

THE SECRETARY: Excuse me. On Calendar Number 954, Senators Montgomery and Paterson recorded in the negative. Ayes 59, nays 2.

ACTING PRESIDENT FUSCHILLO: Secretary will read.

THE SECRETARY: Calendar Number 1082, by Senator Goodman, Senate Print 5548-A, an act to amend the Tax Law, the Labor Law, and the Administrative Code of the city of New

York.

SENATOR KUHL: Lay the bill aside.

ACTING PRESIDENT FUSCHILLO: Read the last section.

SENATOR KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1345, by Senator Fuschillo, Senate Print 7579, an act to amend the Vehicle and Traffic Law, in relation to criminal history checks on school bus attendants.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUSCHILLO: Record the negatives.

THE SECRETARY: Those recorded in the negative on Calendar Number 1345 are Senators Leichter and Montgomery. Ayes 59,

also Senator Stavisky, ayes 58, nays 3.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Secretary will read.

SENATOR KUHL: Mr. President, I think 1093 was -- Calendar Number 1093 was laid aside temporarily inadvertently. Could you call that one up again, please.

ACTING PRESIDENT FUSCHILLO: Secretary will read.

THE SECRETARY: Calendar Number 1093, by Senator Goodman, Senate Print 7317-B, an act to amend the Tax Law and the Administrative Code of the city of New York.

ACTING PRESIDENT FUSCHILLO: Call the roll. Read the last section.

THE SECRETARY: Section 35. This act shall take effect immediately.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1414, by Senator Balboni, Senate Print 7614, an act to permit the sale or lease of Pond View Homes.

ACTING PRESIDENT FUSCHILLO: Read the last section.

SENATOR LEICHTER: Mr. President.

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

SENATOR LEICHTER: I don't want to take time on this. I've discussed it with Senator Balboni. He's apparently trying to, on behalf of one of his local communities, to deal with a housing project that requires infusion of funds.

My concern is that we need to protect the affordability of that housing and to protect people who are in possession. I understand Senator Balboni is working on this, but it's not presently his bill, so I'm going to oppose this version of the bill and wish him good luck in getting in those safeguards that I know he's committed to.

ACTING PRESIDENT FUSCHILLO:

Read the last section.

THE SECRETARY: Section 3.

This act shall take effect immediately.

(The Secretary called the roll.)

THE SECRETARY: Ayes 60, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1470, by the Senate Committee on Rules, Senate Print 7768, an act to amend the Tax Law, in relation to net operating losses.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 2.

This act shall take effect immediately.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Paterson.

SENATOR PATERSON: This is Calendar 1470, laid aside by Senator Leichter.

ACTING PRESIDENT FUSCHILLO: Senator Paterson. Senator Paterson.

SENATOR PATERSON: I'm just giving you an update, Mr. President.

ACTING PRESIDENT FUSCHILLO: Update me, Senator Paterson. Explanation is requested by Senator Leichter.

SENATOR KUHL: Mr. President, Senator Rules is presently detained, so let me just simply explain the bill.

There is a current provision of law that allows for the net operating losses of financial institutions to -- Senator Leichter, this is a -- perhaps it would be easier to explain that this is a technical corrections bill.

In last year's budget adopted there was a provision that allowed net operating losses to be a portion of a tax deduction. A year ago there was a -- as I understand it, there was a fiscal impact included in that budget process, but mistakenly the carryover was set out to be until year January 1st, 2001 when it should have, in fact, been the year 2000; so what

we're now doing is by law putting into place what was the intent in that budget. That's all this bill does.

SENATOR LEICHTER: Thank you.

SENATOR KUHL: Read the last section.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Secretary will read.

SENATOR KUHL: Mr. President, now may we take up the controversial provision on the -- or calendar, on the supplemental active list.

ACTING PRESIDENT FUSCHILLO: Secretary will read.

Senator Seabrook, why do you

rise?

SENATOR SEABROOK: Yes, Mr. President. With unanimous consent, I'd like to be recorded in the negative on Calendar 685.

ACTING PRESIDENT FUSCHILLO: No objection, so ordered.

Senator Meier, why do you rise?

SENATOR MEIER: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 657.

ACTING PRESIDENT FUSCHILLO: Without objection.

Secretary will read.

THE SECRETARY: Calendar Number 1485, by Senator Goodman, Senate Print 6256-A, an act to amend Chapter 115 of the Laws of 1995.

ACTING PRESIDENT FUSCHILLO: Read the last section.

SENATOR PATERSON: Explanation, please.

SENATOR KUHL: Lay it aside temporarily.

ACTING PRESIDENT FUSCHILLO:

Lay it aside temporarily.

THE SECRETARY: Calendar Number 1492, by Senator Saland, Senate Print 7361.

SENATOR KUHL: Lay it aside temporarily.

Can we call up Calendar 1482, please. Excuse me '-92.

ACTING PRESIDENT FUSCHILLO: Secretary will read.

SENATOR KUHL: 1492.

ACTING PRESIDENT FUSCHILLO: Secretary will read.

THE SECRETARY: Calendar Number 1492, by Senator Saland, Senate Print 7361, an act to amend the Social Service Law, the Family Court Act and the Civil Practice Law and Rules.

ACTING PRESIDENT FUSCHILLO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on March 1st, 1999.

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

THE SECRETARY: Calendar Number 1504, by Senator Goodman, Senate Print 7776, an act to amend the General Business Law, in relation to veterans of the armed forces.

SENATOR KUHL: Lay the bill aside.

ACTING PRESIDENT FUSCHILLO: Lay the bill aside temporarily.

Senator Kuhl, that concludes the controversial calendar for the time being.

SENATOR KUHL: Yes. Now, Mr. President, on the first calendar of the day, Calendar Number 53, may we return to Calendar Number 1025, by Senator Volker. This bill was not on either active list.

ACTING PRESIDENT FUSCHILLO: Secretary will read.

THE SECRETARY: Calendar Number 1025, by Senator Volker, Senate Print 6739-C, an act to amend the Local Finance Law, in relation to financing costs.

SENATOR KUHL: Is there a message at the desk?

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR KUHL: I move we accept the message.

ACTING PRESIDENT FUSCHILLO: Motion is to accept the message of necessity. All those in favor, say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The motion is approved.

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

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Mr. President, may we now return to the order of reports of standing committees. I understand there's a report of the Rules Committee at the desk. Could we read -- ask the Secretary to read that.

ACTING PRESIDENT FUSCHILLO: Return to the order of reports of standing committees. Secretary will read the report of the Rules Committee.

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

Senate Print 2307-A, by Senator Larkin, an act to amend the Insurance Law;

3654-A, by Senator Skelos, an act to amend the Retirement and Social Security Law;

3778-B, by Senator Rath, an act to amend the Real Property Tax Law;

4897-C, by Senator Saland, an act to authorize;

5040-A, by Senator Hannon, an act to amend the Public Authorities Law;

5811-A, by Senator Spano, an act to amend the Retirement and Social Security Law;

5947-A, by Senator LaValle, an act to amend the State Finance Law;

5988-A, by Senator Hannon, an act to amend the Public Health Law;

6398-B, by Senator Goodman, an act to amend the Tax Law;

6892, by Senator Present, an act to amend the Highway Law;

6911, by Senator Kuhl, an act to amend the Alcoholic Beverage Control Law;

6915, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

6992, by Senator Johnson, an act to amend the Transportation Law;

6996-B, by Senator Balboni, an act to amend the Education Law;

7145-A, by Senator Present, an act to authorize the conveyance;

7228, by Senator Velella, an act to amend the Civil Service Law;

7264-A, by Senator Johnson, an

act to amend the Environmental Conservation Law;

7358-A, by Senator Marcellino, an act to amend the Environmental Conservation Law;

7363-A, by Senator Balboni, an act to amend the Insurance Law;

7381, by Senator Alesi, an act to amend the County Law;

7506, by Senator Marcellino, an act to amend the Environmental Conservation Law;

7529, by Senator Oppenheimer, an act to amend Chapter 711 of the Laws of 1907;

7553-A, by Senator Larkin, an act in relation to authorizing;

7559, by Senator Holland, an act to amend the Social Services Law;

7573-B, by Senator Saland, an act to enact the "Families in Transition Act of 1998;"

7587-A, by Senator Hannon, an act to amend the Public Health Law;

7619, by Senator Hannon, an act

to amend the Tax Law;

7634-B, by Senator Alesi, an act to amend the Vehicle and Traffic Law;

7641, by Senator Connor, an act to amend the Real Property Tax Law;

7684-A, by Senator LaValle, an act to amend the Education Law;

7697, by Senator Seward, an act to amend the Education Law;

7756, by Senator Johnson, an act to amend the Environmental Conservation Law;

7769, by Senator Spano, an act to amend the Education Law;

7772, by Senator Stafford, an act to amend the Tax Law;

7821, by Senator Bruno, an act authorizing the conveyance; and

Assembly 10985, by the Assembly Committee on Rules, an act to authorize the Grace Baptist Church.

All bills ordered direct for third reading.

ACTING PRESIDENT FUSCHILLO: Senator Kuhl.

SENATOR KUHL: Move we accept the report of the Rules Committee.

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

(Response of "Aye.")

Opposed nay.

The ayes have it. The message is approved.

SENATOR KUHL: Is there any housekeeping at the desk?

ACTING PRESIDENT FUSCHILLO: Motions.

SENATOR KUHL: Then if we can return to motions and recognize Senator Marcellino.

ACTING PRESIDENT FUSCHILLO: Senator Marcellino.

SENATOR MARCELLINO: I wish to call up Senate Print 7101, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FUSCHILLO: Secretary will read.

THE SECRETARY: Calendar Number

1334, by Senator Johnson, Senate Print 7101, an act to amend the Transportation Law.

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

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 61.

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

ACTING PRESIDENT FUSCHILLO: Amendments are received.

SENATOR MARCELLINO: Amendments are received? Thank you, sir.

ACTING PRESIDENT FUSCHILLO: Secretary will read one substitution.

THE SECRETARY: On page 33, Senator Lack moves to discharge from the Committee on Rules Assembly Bill Number 7037 and substitute it for the identical Third Reading Calendar 1143.

ACTING PRESIDENT FUSCHILLO: Substitution is ordered.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. There is a Senate Supplemental Calendar 53B on the members' desks. We're going to take up one bill before we break for a short period of time, and that's Calendar Number 1560, by Senator Hannon, 7587-A. If I could have that bill called up right now, that would be tgerrific.

ACTING PRESIDENT FUSCHILLO: Secretary will read 1560, by Senator Hannon.

THE SECRETARY: Calendar Number 1560, by Senator Hannon, Senate Print 7587-A, an act to amend the Public Health Law, in relation to requiring.

ACTING PRESIDENT FUSCHILLO: Read the last section.

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

SENATOR HANNON: Explain my vote.

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

ACTING PRESIDENT FUSCHILLO:

Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT FUSCHILLO:

Senator Hannon, to explain his vote.

SENATOR HANNON: Briefly.

Thank you, Mr. President.

In the spectrum of health care we have in this state, there is a unique hospital that deals with the terminally ill where patients who have, unfortunately, no hope of reversing their course of illness are cared for and this is the most sensitive treatment.

In an attempt, and I believe a belief that we've been succeeding to remove their treatment from the usual travails that attend the reimbursement process, we're passing this bill so that we can make sure that those people in the gravest stages in need of care are appropriately cared for.

Thank you, Mr. Speaker.

ACTING PRESIDENT FUSCHILLO:

Thank you, Senator Hannon.

Results.

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Now, on the regular calendar, one more bill to take up before we break, and it's Calendar Number 53, it's Calendar Number 1284. We ask that one to be called up, please.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: Calendar Number 1284, by Senator Kuhl, Senate Print 6184-A, an act to amend the Private Housing Finance Law and Chapter 596 of the Laws of 1995.

SENATOR KUHL: Is there a message at the desk?

ACTING PRESIDENT FUSCHILLO: Yes, there is.

SENATOR KUHL: I move we accept the message.

ACTING PRESIDENT FUSCHILLO: Motion is made to accept the message of necessity. All those in favor signify by

saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The motion is approved. Would you read the last section.

SENATOR KUHL: Last section.

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

ACTING PRESIDENT FUSCHILLO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT FUSCHILLO: The bill is passed.

SENATOR KUHL: Mr. President. Mr. President.

ACTING PRESIDENT FUSCHILLO: Senator Kuhl.

SENATOR KUHL: On the regular calendar, Calendar Number 53, could you call up Calendar Number 1234, please, for Senator Leibell.

ACTING PRESIDENT FUSCHILLO:

Secretary will read.

THE SECRETARY: Calendar Number 1234, by Senator Leibell, Senate Print 3929-B, an act to amend the Real Property Actions and Proceedings Law.

SENATOR KUHL: Will you lay that bill aside for the day.

ACTING PRESIDENT FUSCHILLO: We'll lay that aside for the day.

SENATOR KUHL: Mr. President, there will be an immediate meeting of the Majority Conference, immediate meeting of the Majority Conference in the Majority Conference Room, and the Senate will stand at ease until 4:30 sharp.

ACTING PRESIDENT FUSCHILLO: Thank you, Senator. Immediate meeting of the Majorioty Conference in Room 432, and the Senate will stand at ease until 4:30 sharp.

(Whereupon at 3:53 p.m., the Senate stood at ease until 5:15 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their seats, the staff to find their seats.

Senator Skelos.

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

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

Senator Skelos.

SENATOR SKELOS: Would you please recognize Senator Saland.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Saland.

SENATOR SALAND: For purposes of housekeeping, Mr. President, I would like to star Calendar Number 1559, Senate 7573-B.

ACTING PRESIDENT KUHL: Calendar Number 1559 will be starred at the request of the sponsor.

Senator Santiago, why do you rise?

SENATOR SANTIAGO: I would like to be recorded in the negative on Calendar 1345, Mr. President.

ACTING PRESIDENT KUHL: 1345? Without objection.

SENATOR SANTIAGO: Thank you.

ACTING PRESIDENT KUHL: Senator Santiago will be recorded in the negative on Calendar Number 1345.

SENATOR SKELOS: Is there any housekeeping at the desk at this time?

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

The Chair recognizes Senator Rath.

SENATOR RATH: Mr. President, I wish to call up my bill, Print Number 4422-A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 337, by Senator Velella, Senate Print 4422-A, an act to amend the Public Health Law.

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

ACTING PRESIDENT KUHL: The motion is to reconsider the vote by which the bill passed the house. The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: Senator Rath.

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

ACTING PRESIDENT KUHL: The amendments are received and adopted.

Senator Rath.

SENATOR RATH: Mr. President, I wish to call up my bill, Senate Print 5689-A, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Senate Print 5689-A, by Senator Alesi, an act to amend the Vehicle and Traffic Law.

SENATOR RATH: Mr. President, I now move to reconsider the vote by which the

bill was passed and ask that the bill be restored to the order of third reading.

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

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is restored.

Senator Rath.

SENATOR RATH: Mr. President, I now move to discharge from the Committee on Rules Assembly Print Number 1495-B and substitute it for the identical Senate bill. The Senate bill, on first passage, was voted unanimously, and I now move that the substituted bill have its third reading at this time.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1516, by member of the Assembly Bragman, Assembly Print 1495-B, an act to amend the Vehicle and Traffic Law, in relation to the

ignition.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the supplemental calendar, beginning with Calendar Number 109, by Senator Larkin, non-controversial.

ACTING PRESIDENT KUHL: For the benefit of the members, there is a supplemental active list which should be reading Supplemental Number 2 but the number 2 is not there. It starts with Calendar Number 109. That's on your regular calendar.

So the Secretary will read the supplemental active list beginning with

Calendar Number 109, by Senator Larkin.

THE SECRETARY: Calendar Number 109, by Senator Larkin, Senate Print 3840, an act to amend Chapter 689 of the Laws of 1991.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 536, substituted earlier, by member of the Assembly Schimminger, Assembly Print 2378-C, an act to amend the Real Property Tax Law.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1108, by the Assembly Committee on Rules, Assembly Print 7656, an act to amend the Navigation Law, in relation to adjusting.

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

THE SECRETARY: Section 4. This act shall take effect in 30 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1222, by the Assembly Committee on Rules, Assembly Print 10930, an act to repeal Section 10 (b) of the Highway Law.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1243, by Senator Wright, Senate Print 6238 -

SENATOR SKELOS: Lay it aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Senator Larkin moves to discharge from the Committee on Rules Assembly Bill Number 6266-A and substitute it for the identical Third Reading Calendar 1512.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1512, by member of the Assembly Gunther,

Senate Print 6266-A, an act to amend the Insurance Law, in relation to continuing.

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

THE SECRETARY: Section 4. This act shall take effect January 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1536, by Senator Skelos, Senate Print 3654-A, an act to amend the Retirement and Social Security Law, in relation to the retirement.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. The Secretary will read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Rath moves to discharge from the Committee on Rules Assembly Bill Number 8010-B and substitute it for the identical Third Reading Calendar 1537.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1537, by the Assembly Committee on Rules, Assembly Print 8010-B, an act to amend the Real Property Tax Law, in relation to the use of tax equalization rates.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1538, by Senator Saland, Senate Print 4897-C, an act to authorize Edmund Haase to change the beneficiary of his retirement allowance.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1539, by Senator Hannon, Senate Print 5040-A, an act to amend the Public Authorities Law, in relation to the collective bargaining unit.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Spano moves to discharge from the Committee on Rules Assembly Bill Number 11058 and substitute it for the identical Third Reading Calendar 1540.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1540, by the Assembly Committee on Rules, Assembly Print 11058, an act to amend the Retirement and Social Security Law, in relation to the transfer.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1541, by Senator LaValle, Senate Print 5947-A, an act to amend the State Finance Law, in relation to the references.

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

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1543, by Senator Goodman, Senate Print 6398-B, an act to amend the Tax Law, in relation to exempting certain tangible personal property.

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

THE SECRETARY: Section 5. This act shall take effect on the first day of a sales tax quarterly period.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1545, by Senator Kuhl, Senate Print 6911, an act to amend the Alcoholic Beverage Control Law, in relation to the authorization.

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

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Trunzo moves to discharge from the Committee on Rules Assembly Bill Number 9798 and substitute it for the identical Third Reading Calendar 1546.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1546, by member of the Assembly -

SENATOR LEICHTER: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Senator Johnson moves to discharge from the Committee on Rules Assembly Bill Number 10914 and substitute it for the identical Third Reading Calendar 1547.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1547, by the Assembly Committee on Rules, Assembly Print 10914, an act to amend the

Transportation Law, in relation to enabling the commissioner.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1548, by Senator Balboni, Senate Print 6996-B, an act to amend the Education Law, in relation to authorizing memorial awards.

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

THE SECRETARY: Section 3. This act shall take effect April 1, 1999.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1549, by Senator Present, Senate Print 7145-A, an act to authorize the conveyance of certain state lands.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1550, by Senator Velella, Senate Print 7228, an act to amend the Civil Service Law, in relation to provisional appointments.

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

THE SECRETARY: Section 2.

This act shall take effect on the 60th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1551, by Senator Johnson, Senate Print 7264-A, an act to amend the Environmental Conservation Law, in relation to the taking of crabs.

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

THE SECRETARY: Section 2. This act shall take effect in 120 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1552, by Senator Marcellino, Senate Print

7358-A, an act to amend the Environmental Conservation Law, in relation to integrated pesticide management.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1553, by Senator Balboni, Senate Print 7363-A, an act to amend the Insurance Law, in relation to conforming certain provisions.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1554, by Senator Alesi, Senate Print 7381, an act to amend the County Law, in relation to authorizing the county of Monroe.

ACTING PRESIDENT KUHL: There is a home rule message at the desk.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1555, by Senator Marcellino, Senate Print 7506, an act to amend the Environmental Conservation Law, in relation to management of wildlife resources.

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

THE SECRETARY: Section 11. This act shall take effect on the first day of January.

ACTING PRESIDENT KUHL: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1556, by Senator Oppenheimer, Senate Print 7529, an act to amend Chapter 711 of the Laws of 1907, relating to providing for a public park.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1557, by Senator Larkin, Senate Print 7553-A, an act in relation to authorizing the Dutchess

County Industrial Development Agency.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

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

SENATOR LARKIN: I want to explain my vote.

ACTING PRESIDENT KUHL: Senator Larkin, to explain his vote.

SENATOR LARKIN: Mr. Speaker, this bill is a very important bill to the Hudson Valley. It shows a complete cooperation between two counties in the Hudson Valley, Dutchess County and Ulster county. It was necessitated by the fact that Ulster County did not have a cap on the bonding of $80 million, wherein Dutchess County did. This was a complete agreement by levels of

government from here to the county to the town.

We're very proud. This essentially will be a $400 million project in the Hudson Valley. It was coordinated at every level. We have received commitment letters from all echelons between the Empire State News Print, which is the prime builder of this facility and the cooperative effort between all of the echelons of government of what they would, what they wouldn't do. This is something very personal to Senator Saland and myself.

Thank you, Mr. Speaker.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Saland to explain his vote.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, I would like to thank Senator Larkin for working so cooperatively not only with my office but with the people in Dutchess County, in particular the people in the town of Rhinebeck, and I think that cooperation has been noted rather

thoroughly in the bill memo. The bill memo talks in terms of the spirit of regional cooperation between Dutchess and Ulster Counties, that between the applicant Empire State News Print, Ulster County IDA, Ulster County Economic Corporation in the form of letter agreements between them and the town of Rhinebeck, and what I would like to do, Mr. President, is just noting from the letter of June 16 from Empire State News Print to the supervisor, Bill Dowden, of the town of Rhinebeck, there are a number of points that have been set forth representing the mutual understanding coming from a meeting of June 15 with regard to the project and this letter recites that "As discussed, Empire State News Print is very sensitive to the environmental concern raised by the town board in the town of Rhinebeck and the company fully intends to address such concerns within the manner set forth herein." It says "In order to respond to these specific concerns expressed by the town in the spirit of regional cooperation, the company agrees as follows:

"The company will recommend to

the lead agency as defined in Article VIII of the economic -- Environmental Conservation Law and the regulations adopted pursuant thereto, collectively called SEQR, that the town be a participant in the environmental review process and accordingly that the lead agency will afford the town the opportunity to review the scope, the DEIS, the FEIS and all other information relevant to the town's environmental concerns on a timely basis."

It then goes on through a series of points to enumerate what those concerns are. It talks about their willingness to work with the town and that has been reinforced by letter agreements from the Ulster County Industrial Development Agency signed by the president, Alfred Ford, who polled his board assuring the town of Rhinebeck that the board supports the recommendations as does the president of the Ulster County Development Corporation, Abel Garrigan, to similar affect.

That being the case, the town of Rhinebeck certainly joins in this venture and much to the leadership of Senator Larkin,

this thing has worked out cooperatively to the mutual benefit of not only Ulster county but Dutchess County and the Mid-Hudson.

Thank you, Mr. President. I vote in favor of the bill.

ACTING PRESIDENT KUHL: Senator Saland and Senator Larkin both recorded in the affirmative. Announce the results.

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Holland moves to discharge from the Committee on Social Services Assembly Bill Number 6434 and substitute it for the identical Third Reading Calendar 1558.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1558, by member of the Assembly Jacobs, Assembly Print 6434, an act to amend the Social Services Law, in relation to authorizing.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Senator Hannon moves to discharge from the Committee on Rules Assembly Bill Number 11073 and substitute it for the identical Third Reading Calendar 1561.

ACTING PRESIDENT KUHL: The substitution is ordered. Lay the bill aside.

THE SECRETARY: Calendar Number 1563, by Senator Connor, Senate Print 7641, an act to amend the Real Property Tax Law, in relation to making certain technical corrections.

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

THE SECRETARY: Section 4.

This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negative. Announce the results.

THE SECRETARY: Ayes 60, nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1565, by Senator Seward, Senate Print 7697, an act to amend the Education Law, in relation to making maintenance contracts.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The

bill is passed.

I'll ask the Secretary to read Calendar Number 1564.

THE SECRETARY: Calendar Number 1564, by Senator LaValle, Senate Print 7684-A, an act to amend the Education Law, in relation to the powers of the Board of Education.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: I move we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1564. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1566, by Senator Johnson, Senate Print 7756, an act to amend the Environmental Conservation Law, in relation to the taking of lobsters.

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

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1567, by Senator Spano, Senate Print 7...

SENATOR HOLLAND: Lay it aside temporarily.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number -

SENATOR SPANO: Mr. President.

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

SENATOR SPANO: Calendar 1567, can you please place a sponsor's star on that bill.

ACTING PRESIDENT KUHL: Calendar Number 1567 is starred at the request of the sponsor.

The Secretary will continue to read the non-controversial calendar.

THE SECRETARY: Calendar Number 1568, by Senator Stafford, Senate Print 7772, an act to amend the -

SENATOR STACHOWSKI: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1569, by Senator Bruno, Senate Print 7821, an act authorizing the conveyance of land to the South Glens Falls Central School District.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: Is there a message of necessity at the desk.

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: I move we accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1569. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Could we return to the main calendar, Mr. President, and call up Calendar Number 139, Senator Saland's bill.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 139 on the main Calendar Number 52.

THE SECRETARY: Calendar Number 139, by Senator Saland, Senate Print 816-B, an act to amend the Penal Law, in relation to establishing a presumption.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: I move we accept the message, please.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 139. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

The Secretary will read the last section.

THE SECRETARY: Section 2. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we call up Calendar 1140, please.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1140.

THE SECRETARY: Calendar Number 1140, by Senator Lack, Senate Print 588-D, an act to amend the Real Property Actions and Proceedings Law, in relation to mortgage foreclosure.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: I move we accept the message, please.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1140. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)
The message is accepted.
The bill is before the house.
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: Record the negatives. Announce the results.
THE SECRETARY: Ayes 60, nays one, Senator DeFrancisco recorded in the negative.
ACTING PRESIDENT KUHL: The bill is passed.
(Acting President Kuhl passed the gavel to Senator Leichter.)
SENATOR HOLLAND: Mr. President, since we're about to begin the controversial calendar, we thought it only appropriate that you be up there (Laughter.)
Senator Libous.

SENATOR LIBOUS: Mr. President, I have a motion to discharge that's at the desk. (Laughter.)

ACTING PRESIDENT LEICHTER: Is that the one I gave you?

SENATOR LIBOUS: Yes, Mr. President.

Senator Holland.

SENATOR HOLLAND: Well, we just want to give you an opportunity, Senator, to thank you for the many years you have been here and all the work you've done and the many hours we've listened to you here in the chamber and hope you enjoy your retirement and I'm sure you'll come back and visit us many, many times. We hope so.

ACTING PRESIDENT LEICHTER: Senator Padavan.

SENATOR PADAVAN: Mr. President, I would like to be among those who say how much we will miss you as you leave us and to say for the record that contrary to Senator Velella, who I don't see, you are not a big beatnik, a left-wing reactionary maybe, but not a beatnik.

I have been here for 26 years and you have been here much of that time and the fact that you have sat there as you have been doing these recent days looking over those bills, finding areas that are of concern to you and you think to the people of the state, bringing it to our attention has been both an annoyance and a blessing. The wisdom of putting you up there now as we're trying to close the session down is obviously quite clear, but nevertheless, you have made a major contribution to this house and to the Assembly from which you came.

I hope that our relationship will continue. You have been a good friend personally and otherwise, and I know you know what I'm referring to and you will be sorely missed both for your intellect, and your untiring dedication to seeing that the Minority, the loyal Minority, does its job is unparallelled, I think, in this Capitol.

Godspeed and good luck.

ACTING PRESIDENT LEICHTER: Thank you very much.

Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

It is a real honor for all of us to be able to see you up there presiding even for a brief moment and have that sense that some of those things which you have desired, worked for, championed, could actually occur and somebody of your wisdom and patience and virtue could actually be in that position some day and for me it's a very personal satisfaction to see you being recognized like this because I have lived for a number of years as a person committed to reforming this state and also as a person who has been regularly labeled as a royal pain in the rear end and my one sense of satisfaction, which you are now robbing me of right now, is that I could always say, but there is Franz Leichter who is a much bigger one of those and now your departure places a terrible burden on me.

I am now asking your staff to provide some of the material and I'm getting the transcripts from some of your speeches, some of these late night sessions over the

years, and I have committed to doing my very best, Franz, to fulfilling your legacy and I will pull out all of those speeches and when we have a slow moment, I'll do my very best to read them and to recite them and to polish them up to make them as contemporary as possible. I don't want your work to be forgotten when you leave this chamber.

We have benefited from your championship of virtue and your vision of what a legislative body in this state can be is something that we won't lose sight of, Franz. We will continue to champion and to rail for those reforms which, in fact, are necessary.

Congratulations and please keep us informed if we're doing the right job in trying to make that happen.

ACTING PRESIDENT LEICHTER: Thank you very much.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I come here today as I once a couple weeks ago quoted Julius Caesar but I'm not going to talk about your tennis game,

Senator. We'll leave those tales all buried deep in the annals of history and maybe by way of a biography or autobiography but, Franz, on a personal note, I came here a long time ago and I was told by Jack Perry, who was my predecessor in the 54th Senate District, that if you wanted to find out what was going on and get a unique perspective on what the Senate was all about, talk to Franz Leichter.

Franz, you have been my friend. You've provided leadership. You've given me hope in this place that there's an opportunity for change and you've reminded me that we've all come here for a very noble purpose, and that is to represent people who elect us and to give some people who don't oftentimes have a voice, a real voice in government.

You've spoken for people who are not wealthy, people who do not have great assets, people who don't make campaign contributions, people who don't own shares in corporations, people who don't celebrate IDAs, people who don't own big bank accounts. You've been the voice for all those people and

I'm going to miss you. I wish you all the best and when we play tennis that you just lay off that game just a tiny bit for me as you have thus far.

Godspeed.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President, Senator Leichter.

It has been a real wonderful experience to have an opportunity to sit right in back of you.

As you know, I sit here, on my right hand are the Republicans -- this is the beginning of the Republicans and if you will note each of them leaves as soon as they can. So I get always the newest Republican Senators. So Senator Alesi left as quickly as he could. Senator Leibell left as quickly as he could and now I have Senator Balboni here who is probably going to leave as soon as he can get to the power side of the aisle. I understand that and then, of course, to my left I have a relatively conservative, at

least a fiscally conservative Westchester Democrat and that's not easy either, but then I always had you in front of me and you were always there to sort of give me a good sense of the meaning of some of the legislation when it was confusing to me. So I will really, really miss you as you can see.

I have appreciated not only what you have contributed here in the -- in the Senate as a person who is always willing to stand up and raise issues even if it's 2:00 or 3:00 a.m. in the morning and everyone else wants to go home. You insist on making sure that we address certain issues that you feel are extremely important but you've also been a person of courage to support and speak out and champion those issues that are important to little people in this -- in this state and especially in New York City.

So for that I am very, very grateful and we in the state of New York will miss your consistent vision and voice as it relates to those issues that are not popular in the polls but rather that you feel are right as it relates to people.

So we thank you and we will miss you, and I know that you will enjoy very much your rest from this -- this place.

ACTING PRESIDENT LEICHTER: Senator Oppenheimer.

SENATOR OPPENHEIMER: "This place" didn't sound so good. Well, it's hard to talk to you, Senator, from this position because you have been my dear friend and a very caring friend and someone who I know I will continue to have a friendship with and there's so much that we enjoy that we have done together with our spouses. We've enjoyed skiing together. We've enjoyed the culture industry of New York City together. We've enjoyed white water rafting, hiking and I do hope all of that will continue, but here in the Senate I think what we will miss is your enormous intellect.

You have -- you have been one of the rare people who -- and this is the good and the bad -- who examines every line of a bill and you know exactly what it is when you stand up and speak and you do that with a passion because in many ways you are the

conscience of this Senate and, as the conscience you have stood up for those people who have no voice themselves and it has been a wonderful thing for me to have you here to speak for those people and to be their champion because there is not a whole lot of interest in some of the problems that exist in our state that do need remediation because you were there to speak for them.

So I want to say I wish you well. It's really difficult for me because I am losing my two closest friends here in the Senate in one fell swoop, you and Manny, and I really do wish you well even though I'm going to stop talking to both of you forever.

Thank you.

ACTING PRESIDENT LEICHTER: Senator Marchi.

SENATOR MARCHI: Mr. President, my earliest recollections go back to the time when we had engaged in some badinage in a debate on the budget when I was Chairman of Finance, and we would have a lively exchange but you can now look back and observe much to your satisfaction -- and I think much to the

benefit of this chamber -- many of the things that you had highlighted and championed have come to fruition, and I believe you made a very distinctive contribution to that.

Your input, you have a fine legal background and most of you should know he's a very excellent lawyer in his own right professionally.

The contribution that you have made, we must be aware of the heavy investment that you make undoubtedly in the bills, in the legislation and in the law that sustains the various proposals. You just don't -- you don't fly by the seat of your trousers or to take a wild stab at things. You have been informed. You have been careful and you have probative instincts, and I think they have served us all well.

You have been consistently gentle and courteous with every single member of this chamber. I don't think anyone would ever dispute that. Whether most of the members here are aware of the fact -- and you hardly ever mention it. You mentioned it casually just recently a last couple of weeks

-- you came away from a tortured land. You came away from a nation that -- where you saw a lot of the -- the promise of it and the prelude to the tragedy that Europe was visited with.

I think that accounts a great deal about your availability and access to championing human liberty, human rights because you're very, very consciously aware of what happens to a people when that sense is lost. So you never abandon that cause. You've always rallied with strength, vigor, compassion, and I might say very great persuasiveness.

So I believe the Senate of this house reflects the appreciation that we have and the affection that we have for you personally and for the services that you have rendered which are unique in nature and have served us so well and the people of your district and the state of New York.

Godspeed.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Kuhl -- Senator Gold.

SENATOR GOLD: Thank you, Mr. President.

Mr. President. Mr. President. Mr. President. That just sounds so good.

ACTING PRESIDENT LEICHTER: I didn't know who you were speaking to.

SENATOR GOLD: I got to repeat it. It sounds terrific. You know, before I get into some other comments, I must say that one of my most vivid, vivid recollections of Franz Leichter unfortunately is not in this chamber, but it is on the tennis court and, in all fairness, Franz and I didn't play tennis so much together, but I would play with a foursome. He liked singles on another court and while we were playing, we would hear Senator Leichter, "Jesus, Franz. What did you do?" We would say, Who's talking to him? He's talking to himself. "Jesus, Franz." He was the cruelest person on himself than anybody I've ever seen. I don't know how you survived the torture you put yourself through.

The fact of the matter is, Franz Leichter, that you are important to the history of this Senate. There are people who

talk. You don't talk. You debate. You engage in important discussions.

I've often said that when people said to me, Do you get frustrated, I said, "I don't get frustrated." I said "If what you said in chamber was said 100 yards down the hall, we would win the vote." What you've done all these years, Franz, is that you have represented significant numbers of people whose voice had a right to be heard in this chamber.

I said earlier today that my party did not own sincerity. My party does not own the concept that what we do is right and what you do is wrong on the other side, but the fact of the matter is that on many issues we cannot win the vote and if it wasn't for you, Franz, all of these years, many of the people whose arguments had to be heard would not have been heard and it's wonderful that you have been here to do that.

You have always been your own person. You were very friendly with another West Side Senator who after session would tell me what a m-m m-m you were and who didn't

really understand, in my opinion, how important what you did was in many, many ways.

I think to myself, Franz Leichter, you're one of a kind and then I say to myself, that's a shame. It really is a shame because there should be more people like you.

There's another quality that you have which is unusual in people. There was something I heard years ago that I quote all the time which says God gave us one mouth and two ears and there was a reason for that relationship. People talk about you speaking, Franz, but the fact is that those who know you know you listen and you're someone who can be affected by what somebody else says, and I think that that is a sign of a person of great stature.

The other thing is that, as everyone must know by this time, you love this house. I remember years ago there were people who said, America, love it or leave it and Franz Leichter in this chamber loved it and would not leave it. Franz Leichter loves this house, would not leave it, would try to

improve it. Why? Because you love it, just the way you love a child and you don't leave the child if you don't agree. You try very hard to improve upon it.

I would be less than candid - and this is a day when we ought to be candid -- if I didn't admit that Franz Leichter is one of my personal heroes and I say that, Franz, with great love. Winning and losing was never the issue with you. Principle was and always has been the issue. Integrity always was and has been the issue and also graciousness.

This is a house when at times my distinguished colleagues on the other side, who are very, very fine gentlemen and lady, can be cruel and you never, ever reacted to it with cruelty. You never let it stop you from doing what you thought was correct and you persisted and it was that kind of persistence in the face of "throw at me what you must but I'm going to say my piece because I believe in it." That is one of the main reasons why I say that you are unquestionably, Franz Leichter, one of my heroes.

People will come, Franz, as you and I both know, and take our place and they will do well. It's nice to hear what's said about us but the fact is people will come and people will do well but, Franz Leichter, I unashamably say, I love you. You are really just a man with a huge heart and a great soul and I think this body loses much in the fact that you are retiring.

I wish you good health and good luck.

ACTING PRESIDENT LEICHTER: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I can't get over that big smile you have up there. Usually you have that serious look when you're debating.

For those of you that don't know, one of the reasons I might be a little offset, the first night I was ever in Albany when I first got in, in a special election, I went to dinner at Joe's and they stuck me at a table sitting between Franz Leichter and Vander Beatty and what you got here is a result.

Franz is a wonderful legislator. He goes through all the bills. Unfortunately he reads them as we're sitting here and it takes a while to read them and digest and then have his questions, but nonetheless he persists with his questions and if he thinks he's right, he will fight indefinitely on it. I think the reason for a lot of the rules changes we have in the Senate are leaving today, Franz and Manny, and we should call those the Gold-Leichter bill rules, the two-hour debates, et cetera.

I was always fascinated when I first got here because Franz seemed like the intellectual. He was from Manhattan. I was from Buffalo. He was a lawyer. I was just a regular guy. Then I thought, you know, we really must not have too much in common and we went to watch a basketball game and Franz shows up, myself and Tony Masiello at the time. Next thing you know, Franz got me engaged in a deep conversation about basketball and we switched over to baseball, and I was shocked because I just never expected this gentleman that's an attorney,

that travels to Europe to do law business, does his main business out of Manhattan to have this vast knowledge of all these sports.

The good part about that is that he also thinks he knows football and he's a die-hard Jet fan and even though we haven't had a raise in the Senate since -- for ten years, I have subsidized my living betting the Jets and the Bills with Franz Leichter, and I might add that the only year that the Jets swept the Bills, Franz said, "I'm not betting this year." So that just showed you the great judgment he had.

I thought for sure today that we would work late into the night because we had this Leichter resolution to do and since we didn't have a horse racing bill, we would substitute the Leichter resolution in honor of it in the middle of the night and do it then and the amazing thing about that, Franz could have been off the floor wherever he is at 2:00 or 3:00 o'clock in the morning when we did most of the racing bills -- not on purpose, I don't think, but just by -- they took so long to negotiate because there were so many

different parties always involved in them, but there he was. As soon as that bill hit the floor, Franz was in his seat, reading it, going through most of the lines, asking all the questions on why are we doing this; why are we doing that; how much does it cost the state; can we afford to give all of this money away, and really, I think he's developed a name as the voice of the racing industry among all those that love horse racing.

Those of you that may not know this, and I referred to in the morning, but I got to think that the highlight of Franz Leichter's legislative career is when he got that minor part in an opera. He was sitting at a table in a tavern, if I'm not mistaken. That was his part and he really got an extra thrill when Carmen vamped him at his table. Senator Leichter, the opera star. Those of you may not know that, but that, I believe, is the highlight of his career and Suzi is aware of that too. That's why we got that late laugh because she always gets things about two or three minutes after the rest of us.

(Laughter)

I have to tell you, Franz is known throughout the world. I went once on one of Tarky's famous trips to Europe and we're in Austria, and I'm at this dinner at - this beautiful dinner that was put on in the summer palace and we're sitting at this table and some gentleman I never saw in my life from Austria turns to me and says, "Do you know my close friend, Franz Leichter?" I just looked at him, I almost dropped my fork and I said, "Of all the people, you're going to ask me about Franz Leichter." Now, I should have known being in Austria, but not only does this guy know Franz Leichter, but he came from Austria to the United States with Franz Leichter. He runs a museum and he brings artwork over regularly and he's a very dear friend of Franz, but I had no idea and that's just who I happened to sit next to at this dinner.

So Franz is worldwide, and I've got to tell you, Franz, as an athlete, Manny said it about the tennis. You could go to the tennis center, any time we'd go in the winter time and play indoor tennis, if you didn't see

Franz, you heard him because he'd be yelling at himself and, Oh, Franz, and what you really wanted to do, if you went to tennis is you wanted to get there when Franz first got there because there is no sight in the world like the Leichter warm-ups. If you ever saw the Leichter jumping jacks, I don't care what exercise show you've ever seen, you have never seen anything like this. For those of us that have seen it, those are the people who are laughing. (Laughter)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT LEICHTER: Senator Skelos.

SENATOR SKELOS: Will Senator Stachowski yield for a question?

SENATOR STACHOWSKI: Yes, I will.

SENATOR SKELOS: I just have one question because I have to run to a meeting and perhaps Senator Gold can help. Are we sure that petitions are being circulated for his district? (Laughter) Because if they're not, we should just stop right now. Now, are you giving an assurance

that they are being circulated?

SENATOR STACHOWSKI: Not only am I sure, I'm so positive and this is what really made me sure. I don't know if you know, but Suzi is kind of a spendthrift and she says she's the big spender and Martin is a little tight. Martin has already donated money to one of the people running to take Franz' place. So based on that, I would say he's definitely.

SENATOR SKELOS: Franz, like all of your friends, I salute you.

SENATOR STACHOWSKI: I would also have to add, Franz, we used to have a regular softball game and we'd play a bunch of practice games and not everybody would show up for the practice games, but Franz Leichter was always there for the practice games, the regular games and always played as best he could and it was a joy to play softball with him because he did the best he could.

Padavan used to show up all the time and he keeps claiming that we broke his finger on purpose and some other things. I wanted to clear that up and as long as -- I

know this isn't about Padavan, but I've got to clear that up. He always runs to people and says, You see this finger? He broke this on purpose and he was talking about me. I can tell John who played shortstop, it was a little underhand flip and Frank stuck his hand in on purpose and I told him that if I knew he was going to do that, I would have thrown the ball overhand. So that clears up that story. It has nothing to do with Franz, but I figured why not as long as I had the record.

In all seriousness, I would like to see, Franz, it was a joy to have worked with you. It was a bigger joy to have gotten to know you. I think you're a very special man, a wonderful individual. I'm proud to have worked with you. I'm even happier that I can call you a friend of mine and I look forward that, although you're leaving us here, that your and my friendship will continue on and that I can continue to subsidize my income on the Jets and Bills game.

Thank you.

ACTING PRESIDENT LEICHTER:

Thank you.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

Senator Skelos, I think it would be an outstanding idea and get us out of here two hours earlier if we let him preside the rest of the night. (Laughter)

Franz, one of my most poignant moments since I have been serving in the Senate was every year when we used to be into July, and so forth, that on July 3rd, Franz would put on a party for his -- with his late and beloved wife and for Steve Saland and his wife, and for Suzi Oppenheimer and her husband and for my wife.

ACTING PRESIDENT LEICHTER: Owen Johnson.

SENATOR FARLEY: I don't think Johnson is July 3rd, but it could be. There was four of us. He bought the champagne and cake and it was a very, very poignant and lovely evening.

You know, Franz -- and I see Patty Gioia who's been with you for a lot of

years, my former constituent. I think she lives in Albany now. What an asset she has been to you.

When I served as chairman of Aging, everything went along. He always supported everything I had and then I got chairman of Environmental Conservation and he was the ranker, and I'll tell you, if he was hard on himself playing tennis, I'll tell you he taught me more. I had more headaches as chairman of that EnCon Committee because of Franz and -- anyway, and I said, Gee, I'm going to Banking now and I'll tell you, I don't have Franz Leichter on me all the time and I'll tell you, is this guy a friend of the New York State bankers? He's really taken on all the bankers and -- but as has been said so often, Franz is such a gentleman, is such a nice guy, no matter what the issue is, and I still can recall when Senator Marchi was Chairman of Finance and would do the Legislative Budget and Franz says, Now, what was this and Senator Marchi would say it was the same as last year. Well, what was it last year? The same as the year before and it

would go on and on and poor Franz would never lose his patience and he would keep asking and trying to get some information, none of which -- I don't think you ever got, Franz, but it was a true mystery, but let me say this: There isn't anybody in this house on either side of the aisle that doesn't recognize you as a real true gentleman, a kind person. It's tough to follow Senator Marchi because he did say it all.

You've probably seen so much hardship and sorrow, and so forth, in your life. It's what makes you so compassionate and so gentle to your fellow man and, Franz, of all the people that have served here -- and I recall the late John Caemmerer and the colloquy that you used to have between the two of you, and he was one of a kind. The affection that everybody holds for you is really a legend. We're losing a person from this chamber whose like we haven't seen before and I don't know if we'll see it again.

Franz, you're a dear friend. We're going to miss you. Godspeed and again, I would like to see you preside the rest of

the night.

Thank you.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Goodman.

SENATOR GOODMAN: Mr. President, this is a very difficult moment in many ways because you and I have trod a lengthy path together over the past 20-some-odd years in this house, and I would like to say without fear of contradiction that I know of no one who has been more dedicated in his own way and who has sought to enliven and to expand the worth of the house in the same way in which you have sought to do.

In my judgment, though we have often had occasion to debate on the floor, and although we may view life through different lenses, I have never for a moment doubted the integrity of your purpose nor the compassion or the desire to improve the lot of your fellow human beings that you have always exhibited in your work as a state Senator.

Furthermore, if I may say so, I think the role of hair shirt in a body such as

this is one which requires a fair degree of courage. You have never been daunted by the fact that it might be 4:00 or 5:00 or 6:00 in the morning. In fact, I can remember consuming the omelettes which they served here one morning with the bright sunshine, having been up all night and after the omelettes were served, they seemed to re-invigorate you and you only continued to attack the bills which you thought were inappropriate with maximum vigor.

May I just say that over the years, we have known one another not just on the floor but personally in various connections. I had the privilege of knowing your wife as a schoolmate many years ago and her tragic loss was something which you bore with dignity and forebearance under the most difficult circumstances.

I'm also well aware of the fact that you emerged from a situation which few of us have ever, and I hope will ever have occasion to be involved in, namely the tragedy and the utter human catastrophe of the Holocaust.

Perhaps these are some of the reasons why you have brought a perspective which has been unique to your work. You understand the tragedies which human foibles can lead to and which human catastrophe can wreak upon ourselves and, therefore, I think you've always attempted to do what you could to ameliorate the difficulties which we have as we go through life.

Let me say that your departure will leave us in a state of vacuum which will be very difficult, indeed, to fill. I hope nobody tries to fill it completely because that would be impossible and perhaps too time consuming, but I must say that you have always won our greatest respect, affection and admiration for the role you sought to play.

We wish you Godspeed, and I hope in his wisdom the President of the United States will see fit to give you an assignment which will permit you to continue to use your very rare skill in the service of the people.

God bless and Godspeed.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Paterson.

SENATOR PATERSON: Thank you.

You have to understand that I also represent the Upper West Side of Manhattan where Franz Leichter is considered a conservative. So you will pardon me if I look at the Senator in a much -- through a much different prism.

Franz Leichter is the first candidate that I ever campaigned for. When I was a little boy, we went out to pass out literature. My father was a candidate for the state Senate and on the slate the candidate for the Assembly was Franz Leichter, who at the time I thought the person's name was Florence Leichter. I thought that Franz Leichter was a woman, and I passed out this literature and finally unfortunately, although my father prevailed in that particular election, Franz Leichter was beaten by this man who I thought was obnoxious and I tore down all of his posters, and his name was David Dinkins.

So he went to the Assembly but my favorite candidate, Senator Leichter, came

here, and so for a number of years we have represented the same basic area and have interchanged those districts of reapportionment for a long period of time and I can tell you that he is as vigilant and as dedicated around the district as he is right here in Albany, and so I look with great pride and great distinction at what I consider to be my uncle presiding over the Senate and all I can tell you is, Franz, if you can preside over the Senate, the Jets can win the Super Bowl. (Laughter)

Now, Senator Leichter is a very interesting person who has a dichotomy in his personality. As progressive and fearless and explorative as he is as a legislator, personally he is stubborn, prone to do the same thing over and over and generally conservative in his personal habits.

Franz and I have dinner. We had dinner at the same restaurant for ten years. Finally only when it went under renovations did Franz and I find another restaurant, and I believe in all of our years here as many times as we have had dinner, we

have had dinner in only three restaurants.

I must tell you that on a personal side as Senator Oppenheimer was talking about Franz is a very affectionate, very dear, very wonderful person. I got married in 1992 and I have the distinction of being married to a woman whose birthday is on April 1st. So our budget periods have been extremely difficult for me, but in the first budget period that I went through, the first year of my marriage, I want you to know that Franz Leichter drove me from Albany all the way home to visit my wife to surprise her on her birthday. She wasn't there. (Laughter) And Senator Leichter gave me a piece of advice that night when I needed a piece of advice. He said, But the important thing is you tried.

So what I want to tell you, Franz, is that we've debated a lot of bills. We haven't overturned any of them. We never sustained a motion for discharge. We never won the Majority. The Jets haven't won the Super Bowl. You can't find a good restaurant and we've been through a lot of things together both here and in the district and

have not prevailed, but what is so wonderful to know is how much you've tried.

In my parenting years, I'm beginning to learn life all over again and I have been reading Dr. Seuss lately and there's a Dr. Seuss character known as Alorax. He's an environmentalist and is a little animal that's known to be loud, lumpy and all shades of grumpy, and they asked Alorax, Why do you act the way you act, because he's always blistering and in many ways antagonizing people for cutting down trees and tearing up the forest and they asked Alorax why he acts this way and he said, "I speak for the trees because they have no voice. I speak for the animals because they have no voice."

And so, Franz, as you leave the Senate, the only advice I would ever pretend to give to you is, Senator Leichter, keep speaking. Keep speaking for those who don't have a voice. Keep speaking for those who are unemployed. Keep speaking for those who live in poor housing. Keep speaking for the unemployed and those who are victims of substance abuse. Keep speaking for those who

live in poor -- who have poor, inadequate health care. Keep speaking for those who may be the victims of a failed educational system.

We hope that you will not only keep speaking but that we will keep seeing you in those positions where your voice will make a difference and please come back and keep speaking here, whether it be as a lobbyist, as a friend or as a former colleague and in that sense, I wish you the best and hope that your days are happy and that you eat at more places than you have up to this point but that you can always depend on me.

Yes, I am the one who coined the phrases "Air Jordan" and "Leichter lay asides", and I have called you "Frunk" behind your back, but deep down there's no one who I admire and care about in this chamber more than I do for you.

Thank you very much.

ACTING PRESIDENT LEICHTER: Senator Stafford.

SENATOR STAFFORD: Mr. President, this is quite a day. This is quite a day.

First I have to say -- and I just hate to say this so much, but I don't know whether everyone agrees with me, but we all have to admit that for the most part if you didn't go to Harvard, you wished you did.

Now, that isn't quite true but there's a little bit of truth in that and most people won't admit it but it's true, and I learned that after 63 years and, of course, I'm often talking about the banks of the Charles and I'm often talking about the Ivy League, and I will say this, and I think it goes without anyone refuting it. If Harvard has a good ambassador and a good representative and one who shows that he learned something there, Franz Leichter.

When we get into things as we have in the past, various sides of the aisle and sometimes on the same side of the aisle, by the way, and when people were a bit frustrated, they would say, well, how can you -- I would say wait a minute. Wait a minute. We accept each other as hospitality in the North Country. He pays taxes, I might say quite a few too, in the county of Essex

and he is so well liked there as a citizen and I can only say this. I can only say this once more because many people are speaking.

We talked about a colleague on the other side of the aisle a few weeks ago and we meant it. Please allow me to use the same word. Relentless. And you remember who I -- who we said that about earlier, and it just goes to show, people can be on the same -- on different sides of the aisle, and I think Senator Gold mentioned this earlier today, and they can have the same attributes.

I can share with you -- and this sounds a bit like it's being overdone because I want to share with some of my colleagues that haven't been here as long as some of the rest of us. I used to get so sick of hearing people who had been here longer tell about how great this place is and how much they think of it and all the friends that they have made and I would say to myself, Oh, well, they'll get over it, you know? Well, let me share with you. I am the same as they were and are when I speak about my friends on all sides of the aisle, and I share with you

Franz Leichter is one of them and with his heritage and with his ability, he has done so much. Not always in agreement, but again, that's what this country is all about, and I would only say this, that as we said earlier, there's one person that will never use that word that I never use, by the way, retired, it's Franz Leichter. May shift a few gears, may change a few roads, but again, we're all so much better off for you having been here and, you know, it's really what it's all about when you can talk to each other like this.

The best.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I have just a bit of a bone to pick with you because when I took over the chair of EnCon you were the ranker and it was a pleasure. You're no longer the ranker on EnCon, although you're still a member. My new ranker, Suzi, sometimes even gets to meetings on time before they're over but not often.

Not often.

However, you did teach me something when I first came here. We were inside in the lounge and you came in and said, "Are you going to be around for awhile?" I said, "Yeah, I do." I said, "I've got a bill out there and I think you laid it aside." He says, "Yeah. I'm going to ask you a few questions about it." He says, "You might bone up on the bill."

So I had to go back and read my own bill. That wasn't easy to do, but you taught me something about being a gentleman and not taking advantage of the new guy. You could well have but you never did. You always treated everybody that I know with respect and I've never heard anybody say a nasty word about you, either in front of you or behind your back because everybody around here respects what you've done. We might not agree and that's okay. It's been said many times before. You don't have to agree here. This is a deliberative body and you've done that well.

As far as I'm concerned, this

chamber this year has lost some really top-notch people: Norman Levy, Mike Tully, some tragic losses, not an easy way to go. We're losing Manny and you and Charlie. Although the circumstances of your departure are a lot more positive in that sense, still a loss to the chamber. The institutional memory, I think Senator Marchi mentioned it before, is diminished. There's something to say for the Leichter Lay Aside Law. Somehow the Stachowski Lay Aside Law doesn't quite make it.

This is a loss, as I've said. I'll miss the phrase "conspiracy to the far right". I counted once when you were debating one of my bills, you said that phrase about 28 times. I still don't understand it but that's okay -- I mean the bill, not the phrase.

I just want to say, Franz, it's been a pleasure serving with you. I wish you well. I wish you Godspeed and good luck.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Mendez.

SENATOR MENDEZ: Mr. President,

I am not surprised at all in seeing the outpouring of love, respect and appreciation for your service in this chamber of so many years and thinking about you, I have always become aware that you have a very strong questioning and incisive mind which is the catharsis to be questioning even why that duck is on that bill. Should it be there?

Anyhow, your contribution here in this chamber, as has been stated here, is basically this: That you have -- you have - whatever knowledge you have accumulated you have put it in the service of those who are unable to speak, to express themselves and fight for their rights.

You have been an exemplary friend, Mr. President. You have been a tremendous example to all of us here because you have been so determined to keep your principles, uncompromising your principles and in frustration, as it was stated before, at times we felt, Oh, my God. There Franz goes again and again and again, but we all, as it has been stated here tonight, do know that that way of being resulted in opening our

minds to issues that at times will have paid that close attention that it needed to be paid.

I'll tell you, I don't know if my colleagues here know, but in your district -- in your district, they know you as the soul of the Senate. I don't know if they know this. Why? Because your constituents do know very well that in the same fashion in which you have been there with them day in, day out, they also have the trust and the conviction that while you were here, you have been carrying the banner of expressing their needs, of expressing their points of view, of taking the right position on these issues that were so important to them. So that is a tremendous debt of gratitude to you, Franz.

I also love you. I do hope the best for you, happiness, good health, and I also do hope that we will have the pleasure of seeing you often.

Thank you.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Cook.

SENATOR COOK: Mr. President, thank you.

I hope that you and Senator Gold might first indulge me to thank Senator Bruno for arranging for this time of day and also to thank our colleagues for their forebearance in letting us bask in this atmosphere of love and friendship which we value so much, and I simply would enlarge upon that, Senator, by saying that you are, in fact, everything that everyone has said.

It is the characteristic of this house that those of us who are at philosophical poles have a real legitimate affection for each other.

I ran in a primary in 1992 which some of you might remember and one of the charges against me and against the Republicans in the house at that time was that we cooperated with Mario Cuomo.

There are people out there who believe that we're supposed to hate each other because there are reasons for us to disagree and, Mr. President, you have always understood the difference. You have always understood

that when you stand for principle, that is an ideal that in your mind is best for the people of this state and the people that you represent and you understand that everyone else is also doing the same thing and that is a maturity of the mind and of character for which we admire you greatly.

We know that you have gone through some great personal hardships in your life. We admire you for where you came from and what you have done, for the way that you have worn those things which have come your way in recent years. You and I have gotten to know each other in the past few months a bit better and I have valued that as well, and indeed we are going to miss you greatly.

The thing that is important about you is that you have called into question the conventional wisdom of so much of what we do, and I will confess, Senator, that as I have listened to you debate bills, even though I may have not ultimately really agreed with you, you had made me think as to whether the policies that we were following were indeed the correct policies because you had

done it in an analytical way and you have done it in a way that looks at the ultimate goal of what we're trying to do and the direction in which we're moving and that is the mark of one who is first an intellectual giant and, secondly, one who is very dedicated to the people of this state.

So even though we will, I think, see each other again in the fall at some point because there are some other pieces of business that undoubtedly will have to be done, I am very personally pleased to have known you through the years and to have learned so much from you.

ACTING PRESIDENT LEICHTER: Thank you.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I rise to add to the remarks of others and as I was going along, it was very difficult because everything I was saying is crossed out. The list is getting very short, but I did do some research because I know the analytical mind that you do have and to see what some of the things you've left to this body and one thing

that became very clear during this research was that you have set a record here and it's not the number of years here because Senator Marchi's got you on that, but you have recorded 45,231 no votes which will -- since there's only 60,000 votes you cast, this will rest forever in the annals of this body.

The thing that amazed me most about you when I first got here and all through the years is the energy that you exhibited in these all-night sessions and whatever else we were doing. You never seemed to have a lack of energy to speak your mind and the reason when everyone is speaking this evening is this is the first time that we have had a time to pay you back. You have no choice. You can't go to the other room. You have to listen to us until you fall to show that you are mortal and you do have the same failings that we all do. (Laughter)

Simply put, I've never met an individual with greater commitment, greater conviction and that did what he had to do with class and dignity. It was a pleasure knowing you. You have taught me a lot and I hope our

friendship will continue.

ACTING PRESIDENT LEICHTER: Senator Nanula.

SENATOR NANULA: Thank you, Mr. President.

You know, it's a real mind blow when we looked up a little earlier and saw Manny Gold, and I think it's just incomprehensible seeing you up there. I think it's beyond mind blow and, you know, I think a big part of the reason is that -- and I learned a lot of this actually from the article I read yesterday on you in the Times.

You are the consummate outsider and one thing that I don't know whether or not was covered a little earlier by somebody before I entered the chamber was your entrance into politics and you have been a teacher to me with respect to the roots of the reform movement in New York and you are a real historian, in my opinion, with respect to that.

In fact, we were having dinner not too long ago when you told me about the campaign with Eleanor Roosevelt when you had

her propped up on the back of the -- yeah, I think he did actually, Manny. Manny says he ran against Eleanor Roosevelt. He had her propped up and brought her into the gas station when she was sitting on the back of the convertible and there's Eleanor Roosevelt as you were fueling up the car and, you know, you really were one of the first reformers, or of that generation of reformers and in taking on the old pop political structure of Tammany Hall -- I also thought it was fun a couple of years ago seeing you at a Hell's Kitchen fund-raiser, and I think that was the night I asked you in the '70s if you were ever called Franzie during the popular Happy Days years. I almost got a smile out of him for that one.

In any event, whether you're entitled the last of the beatniks, whether you're entitled a throwback to a forgotten era, I want to say that certainly and quite candidly as a Democrat, I appreciate what you bring to this chamber in terms of our principles and as time goes on and as we meander back, the pendulum swings from liberalism to conservatism, you have been a

constant. You have been a constant with respect to those constituencies that brought you to this chamber and you've never forgotten it and you've never forgotten the principles that you believed in so many years ago when you got active in politics and you are, you're tireless. You are a tireless advocate, and I admire -- believe me, I admire your fortitude and, you know, serving on this side of the aisle, I will say, is no easy chore and there are times when you scratch your head and you wonder, you know, what really am I doing here and can I really get anything done and I have to say, Franz, that you are a great role model with respect to what you can do from this side of the aisle. It sure takes an awful lot of fortitude. It takes tenacity. You've shown that but you've also shown, when you stay committed to the things you believe in, every now and then you can poke and prod enough to get those folks who are rolling the rock up the hill to maybe roll it in a little different direction, to influence the debate and really, I guess when you sum it all up, that's, if nothing else, the role of those of

us who sit on this side of the aisle and I want to thank you for that, and I think we all on both sides of the aisle owe you a great debt of gratitude for that.

And so for all those reasons, I'm certainly going to miss you and we hope that you won't go too far. In fact, we should hold Senator Goodman, seeing that he's got some juice of his own in Washington, maybe helping out in a bipartisan fashion to getting you what I believe would be a great benefit. If you do end up serving in Washington to this country, and I hope and look forward to seeing you there and to working with you in whatever capacities, either public or private sector, that you continue in your career to pursue.

Thank you.

ACTING PRESIDENT LEICHTER: Senator Smith.

SENATOR SMITH: Thank you, Mr. President.

I'm going to be something you've never been and that's brief.

Franz, you have been the conscience of this body even though many times

we were all unconscious late into the evening or into the early morning when all of us were sleeping and the bills were coming through at the last day of session, you were busy debating and we were trying to go home, but you have truly been the torchbearer and the beacon for truth and justice, while many of us were struggling out of darkness.

You will truly be missed, Franz, and I hope that in your leisure time you can spend some time with all of us who are a little -- have a little less seniority and teach us how to be as tenacious as you have been, and the only thing that I can say, I'm sorry to see all of you go, but I'm so glad that my license plate numbers are going down.

ACTING PRESIDENT LEICHTER: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

I must say that to call you "Mr. President" for this brief time today is something very special and very much deserved on your part.

I appreciate, Franz, your

calling me Senator Seward because I recall my first encounter with you, at least on this floor, as you were beginning to question me on one of my very first bills that passed in this house some 12 years ago, you referred to me as Senator See-ward and I was quick to say, it is Senator Seward, Senator Lickter, but having said that, I'll follow in the lead of Senator Smith and be brief here tonight because this is appropriate, Franz, that as we close down another session, wouldn't you know it, it's Franz Leichter that's delaying the end one more time.

In all seriousness, there have been so many issues that have come before this house where we have disagreed and I have questioned your judgment and how you viewed a matter, but one thing that I have never questioned is Franz Leichter's commitment and dedication to the people that he -- that you represent and your commitment and dedication to the principles in which you believe, and that's something that all of us, Franz -- even though we may come to different conclusions on issues -- your commitment and dedication is

something that we all should emulate.

So, Franz, we're going to miss you in this chamber, in all seriousness. We're going to miss you in the lounge because whatever disagreements may occur on this floor, you have always been a very warm, personable human being who I consider a friend and very honored to call you a colleague.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Holland.

SENATOR HOLLAND: Mr. President, there will be a meeting of the Rules Committee immediately in Room 332, please.

ACTING PRESIDENT LEICHTER: Senator LaValle.

SENATOR LAVALLE: Thank you, Mr. President.

It's difficult to speak in the environment of true confessions and the kind of humor that we have.

I thought it might be appropriate, Senator Leichter, that I share with the entire body the proclamation that was

given to you at the last Higher Education Committee meeting, one that was passed unanimously by the -- by the Committee and the proclamation reads as follows:

WHEREAS, the legislative process thrives on the representation of the full spectrum of viewpoints on the merit issues that come before its members; and

WHEREAS, the exchange of diverse ideas is most productive when it takes place in an atmosphere of sincerity, candor and respect; and

WHEREAS, the standing committees are the locus for the most intense discussion of the issues; and

WHEREAS, the quality of the product of the Legislature is dependent on the quality of the discussion of those issues at the committee level; and

WHEREAS, Franz Leichter has served as a member of the Senate standing Committee on Higher Education since 1978; and

WHEREAS, Senator Leichter has displayed sincere interest, candid involvement and above all dedication to the work of the

Committee; and

WHEREAS, it is appropriate for the standing committee to pause in its deliberations today at the last scheduled meeting of this committee during his two decades of service to officially acknowledge the contributions of Senator Franz Leichter and to wish him well as he retires and chooses other pursuits.

Certainly, Senator, the Committee on that very last day was most enthusiastic in this proclamation, held out great respect for you personally and I thought it appropriate to read it today so the whole membership would know of how at least one committee feels about an outstanding Senator.

Thank you.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

I would have felt terribly remiss if I didn't have the opportunity to join in saluting you here today because it

seems to me -- and perhaps this is just a failing on my part -- that virtually every time one of my bills has been laid aside, the person who has laid it aside and debated strenuously in opposition to it has been yours truly, and I must share with our colleagues what I shared with you some two or three weeks ago.

I do radio shows in my district regularly and in one of the shows I was doing, your name came up and it came up in the context of some criminal justice bill. I can't remember which it was and it was one of those votes, Senator Leichter, in which it was like 58 to 3 or 57 to 2, whatever it was, and I said to them and I told you as well. I said, the likelihood is philosophically on many, if not most and perhaps -- well, I won't say all issues -- Senator Leichter and I are probably about 180 degrees apart but Senator Leichter is an extraordinarily honorable man who is really a true believer.

The positions he takes may not necessarily be the most popular positions if you'll look at the polls, but they are

positions which he genuinely believes in and for which he's willing to stand tall when others might prefer to perhaps make a statement but withhold the willingness to do that publicly and unlike our mutual friend and colleague, Senator Gold, for whom I do have great affection who sometimes I think derives great pleasure in tweaking members of us in this -- particularly on this side of the aisle that he does from time to time members on your side of the aisle, I don't think there's ever been an occasion where I have seen you rise on a bill, whether it was one of my bills or somebody's else's bills in which your conviction was not genuine, in which you were not sincere.

Certainly nobody here would ever question either your intellect, your integrity or that sincerity and, while I haven't had the good fortune to socialize with you as you and Senator Padavan obviously have had for the longest time, as I mentioned a bit earlier today, Senator Cook and I do regularly for breakfast, other than the occasions, I think Senator Farley referred to our little

July 3rd celebrations that we were holding there for awhile, I think I have been the one who has experienced the loss because I'm sure that you are even more engaging on the social side as -- and that's a tough thing because you're very engaging here, used in another sense, Franz, but I never for one minute have ever questioned either your commitment or your sincerity.

I would say that with your departure other than the fact as has been commented on sessions making it little shorter but with your departure as well as that and the other colleagues we have saluted here today, the palpable quality of this institution will have been missed.

I wish you well and particularly I wish you good health.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Maltese.

SENATOR MALTESE: Mr. President, one thing I learned today with the departure of three giants in the Senate is don't be one of the last ones to speak because

there's very little new or innovative to say, but all the same, I think that the tributes certainly to the other gentlemen and yourself are very well deserved.

I think perhaps I can make a personal observation that -- and I know I never said it to you before -- that prior to becoming a Senator, I was an associate counsel here for many, many years since the early '70s at least and at a time when as a Senator I might worry about making supper or meeting my wife or going out, when I was here as a counsel, you were and thinking back and trying to remember, I believe the only Senator that I would make a special point of coming into the chamber and listening to as debating and getting a chuckle and enjoying the debate - not to say that I don't enjoy it now, Franz, when it's somebody else's bill, but certainly, Mr. President, the tributes that you have heard today, the accolades are very, very well deserved.

I share my good colleague, Senator Saland's observation that with your departure the Senate as an institution is

diminished. There's absolutely no question about that.

You're a man of honor, integrity, principle. I salute you and will miss you here in the Senate.

ACTING PRESIDENT LEICHTER: Senator Rath.

SENATOR RATH: Mr. President, Senator Leichter, I rise to join my colleagues in wishing you well as you leave this chamber.

The few times that we have been on our feet and standing across from each other have been memorable for me because I knew I was working with someone who really, really believed in the issue that we were debating and our constituencies -- and I love the way the members of Parliament refer to their constituencies as if you can get your hands around it and really kind of identify what it is.

Our constituencies, I'm sure, are very different, but I don't think there was ever a time that I ever heard you debating -- well, maybe I shouldn't say "ever", but

rarely that it was not the process in what was going to be done with the issue, not the issue itself or what the goal or what the purpose was, because our constituencies, many and varied though they be, they're people and they're people who live in the state of New York and they have needs and they pay taxes and we all agree as we try to get further along the process of governing and your dedication to that has been so clear, as everyone has said today, and we are as we all know committed to be a nation of laws and your commitment to be sure that as these laws go forward that they are not faulty, that they are not lacking, has been so exemplary and truly if you leave a legacy, that is what you leave.

You leave us not only with a realization that we can't leave these things faulty and lacking but we also need to be vigilant and that's what you have been, constantly vigilant not only on behalf of your constituency but on behalf of the law and that is a noble, noble gesture to have made and a wonderful legacy to leave behind us -- leave

behind you for us to treasure.

So good luck, good health and come visit often.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, I first wish to disassociate myself from all the nice things said about you, Franz, and secondly as Will Rogers said, he never met a man he didn't like. Well, I think Franz Leichter never saw a Nozzolio bill that he did like but, Franz, all kidding aside, you are a very quality legislator and it's been, I don't want to say a pleasure doing battle with you, but it has been an honor in the sense that we represent our constituencies and you certainly represent your constituency extremely well, and I say this with all sincerity that you are a fine legislator, a fine representative and that you made this place a place that is such a great place and I'm going to put you on my mailing list to ensure that you know exactly what we're doing in your absence and I hope -- we'll probably

be passing the same bills 60 to 1 but, Franz, you've done a great job and it's been a pleasure serving with you.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Stavisky. Please sit down, Senator Stavisky.

SENATOR STAVISKY: Thank you.

This has been quite a day to see two Senate presidents, Emanuel Gold and Franz Leichter whom I never expected to be achieving that status. Good things are happening. Remarkable things are happening. Now we should make it happen in reality, but I believe that your departure and Manny Gold's departure and Charlie Cook's departure does diminish this chamber. All of you have served with great distinction.

I've served with you, Franz and Manny, in the Assembly before coming to the Senate and Manny was a counsel to Majority Leader Moses Weinstein and you entered into the political process at about the same time. You entered into the Assembly and when they tried reapportioning you, you said, "I will

not allow that to happen," and you chose to run against the individual whom you felt was responsible for your gerrymandering to have your own district, and I respected the way you did it. I respected also the outcome because you made a difference. You came. You took an unfortunate, unfair situation and you made it right by winning.

Franz, you have won many achievements. You have won every time you have risen in this chamber. You have won every time you have questioned a bill. You have succeeded an individual whom you may not know by the time of Harvey Strelzin who read every bill and one time it was reported that he read a bill in the bathtub and he said, "I read this bill and the water turned cold as a result of my reading of this bill."

I don't know if you read in the bathtub but you read the bills carefully, intelligently, judiciously. I wish that we had the opportunity not to lose you and - what's his name -- you and Manny at the same time, and Charlie. Mr. Chairman, all of you are leaving at about the same time, but I

think it has been a remarkable experience. You have enhanced the Legislature with your probing questioning, with your intelligence, with your commitment to issues of human rights, equal rights, tenants' rights, the rights of the underdog, transit issues, environmental issues, higher education issues, all of these inure to the advantage of this chamber.

I wish for you great happiness. I know there has not always been a happy private life but you have overcome the adversities and you have made it possible for us to capture some of the sense of commitment and excellence.

I don't know how many times I questioned what you were doing. Sitting alongside of Franz Leichter is no easy job. He will probe you. He will seek to have you vote the way he does. Not always but occasionally I have done that, but I have done it with the knowledge that he is right more often than he is wrong, and I remember how many times in the middle of the night on the final days of the session he would ask for the

budget, the Legislative Budget to be rewritten so that the people would have a chance to know what it contained.

Franz, sit down. We have to finish today. We will not finish if you aren't successful at getting the Legislative Budget to be redrafted. No. He wanted to make the point and he did.

Franz, we are losing intellect. We are losing character. We are losing two places and two precious gifts in a departure on this side of the aisle of you and Manny Gold.

You both served with me in the Assembly, or I should say I served with you. I was with Manny when he was an Assemblyman. I was with you when you were a member of the Assembly, and I watched you come here and distinguish this body by your presence.

There's nothing more that I can say except to thank you profusely for the many times you enabled me to be recorded as present on the first day of each week. How did that happen? You have to be here before 5:00 o'clock and I knew that once you got up to

speak, I would have ample opportunity to come in and be recorded in this chamber.

Thank you, friend. Thank you very much and we all thank you for your years of service. May you continue to serve in whatever capacity you choose, and I don't understand why the two of you had to leave at the same time. You have diminished the intellectual quotient of this chamber by your departure. I'm not sure that the replacements will measure up to your abilities, but I hope they will. I hope we still can hope that there will be a future and that you will have a future in the public service or in the private practice of law, and I hope Manny Gold will, but whatever you choose to do, I know this is a carefully conceived, thought out plan and I know you don't do it willingly. You do it reluctantly because you will miss what goes on in this chamber. You may not miss the votes but you will miss the exchange, the interplay of friendship and capacity.

Good luck. Good luck. Good luck. I wish you all as you depart good luck, and I wish for the rest of us to learn

something from you from your years of service to the government.

Thank you very much.

ACTING PRESIDENT LEICHTER: Thank you.

Senator Gentile.

SENATOR GENTILE: It is certainly a pleasure to address one of the titans of the Senate as Mr. President.

Senator, I bid you farewell from the perspective of a freshman. As a freshman Senator, certainly you have impressed me tremendously and have taught me many things that a legislator should know in approaching pieces of legislation.

Let me say that we do share a party affiliation but, as you know, the district that I represent in both Brooklyn and in Staten Island tends to be somewhat more conservative than the district that you represent in Manhattan.

So many times and often we would part ways on actual votes and each and every time I would speak to you about that, you were extremely understanding. You were

certainly very concerned about my future here and certainly you -- we have spoken many times about the fact that we might both be Democrats but have certain philosophies in representing our districts.

So I appreciate your understanding on those -- on those -- on those times and I have to say to you that the skill that I've seen you perform in reading - reading bills and coming up with the questions as you read the bills has been so amazing to me because I can -- I know how sometimes it is difficult to read through the language here and there are certain skills you learn as an attorney but there are also certain skills that you need to learn as a legislator. You perform those skills. You showed me those skills. I have not gotten there yet but I'm learning and you helped teach that to me.

So along with certainly Senator Cook and Manny Gold, this is really a significant day for the Senate and whereas I don't have the institutional history that many of the colleagues have here today, as a freshman, I wanted to thank you and tell you

also as I said to Senator Gold, what a pleasure it's been, a special pleasure it's been to have this part of my career to share and learn from you.

Congratulations. Thank you.

ACTING PRESIDENT LEICHTER: Senator Waldon.

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

Where have all the young men gone? Long time debate. I wasn't here when we paid homage to Charlie Cook, an icon and a giant in his own right, and Manny Gold who is equally of stature. So before I address my words in regard to Franz Leichter, let me say to both of you gentlemen that I have indeed been pleased to serve with you, to be a part of the process that you made work so well on behalf of the people of the state of New York and though you are on opposite sides of the aisle, the passion and compassion that you brought here on behalf of your constituents was well recognized and I'm sure was well appreciated by your constituency and as well by those of us who had to rub shoulders with

you on a daily basis. We'll miss the both of you.

What is America to me? The house I live in, the people that I meet, the baker, the butcher and the young man down the street who escaped the Holocaust and came to America in a very pain situation leaving his mother to die in a concentration camp, rising above that beginning and taking these streets not paved with gold but paved with opportunity and saying, "I too can be an American. I too can achieve. I too can be somebody," and he became somebody and he sat not only in the chamber down the hall but in this august body and he became, in my opinion, the conscience of the Senate -- not the gadfly, the conscience.

There was a time when the philosophy of Franz Leichter permeated this place. There were extremely liberal people in this place some years past. Regrettably, in my opinion, such is not the case now but that's okay. Life goes on. Legislation goes on, but he was special because he had a liberal approach, an inclusive approach, an

approach with pride in us to really rethink some of the positions we've taken here not only on that side of the aisle but this side of the aisle. He was the guy who reminded us that maybe we ought to look at things a little differently.

So my reflections upon you, Franz, will be that you were somehow my conscience. You were a guy that caused me to say, Gee whiz, did I do the right thing?

Despite the fact that I thought I read the bill and I understood it, did I do the right thing because Franz Leichter was not on the same page with me and we will miss that, and I think this institution will be hurting because we do not have such a voice, such a liberal persuasive voice amongst us.

So as you leave, as you depart, whatever you do in life, I'm sure you will be able to impact people as you have done here in a very positive fashion, a very caring and sensitive fashion, and I know that you are the representative of the best that we have to offer. To come here as an immigrant and to achieve what you have achieved is a singular

distinction.

ACTING PRESIDENT LEICHTER: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I will be very brief not because I don't have a great deal to say but everything has been said already.

When I hear Senator Waldon or Senator Saland, they talk about you as a conscience. I think about each piece of legislation and many of us, Democrat and Republican, labor over it in terms of how will it be with our constituents. Will they accept what we do, and I have never heard you say that.

Your concern is, is it good government and does it help humankind, and you've taught me some significant lessons, some lessons that I have to reflect on more and I'm sure it's taught many of us here the same lessons, when you are the only veto, the only no vote, whether we should be part of that as well.

You've taught me some important

lessons during my first two years and hopefully they will last throughout my time here.

Thank you.

ACTING PRESIDENT LEICHTER: Senator Abate. Senator Abate is out of the chamber.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Senator Leichter.

I believe it was Senator Stafford who alluded earlier, Mr. President, to the fact that this was in some respects both a very pleasant day and that we all know that we are going to be back home now on a more regular schedule after today and a very sad day in the respect that we are losing really three giants in this institution.

Senator Leichter, I have only been here for three years and you certainly and many other members alluded to your history in this body as a fighter for the causes in which you believe, and I think that there could be no higher calling than to come here day after day knowing that you were probably

not going to be very successful but to continue that fight for all the years that you have continued the fight for the causes in which you believe.

Senator, I'm not sure you're aware of this or not, but I am not a very big fan of Industrial Development Agencies, and I was speaking one time to a group and I said that, although there are many good Industrial Development Agencies out there, I thought for the most part there were some very bad ones out there too and in some instances I considered them to be nothing more than an opportunity for lawyers to fill their pockets with money, and somebody said to me after I made that comment that they said, You sound like Franz Leichter, and I think that they meant it as a compliment, Senator, and I just want to compliment you for all the years of service that you've given to the people of this state of New York, and I know particularly for the city of New York a dear love of yours personally certainly and wish you well in your retirement.

Thank you, Mr. President.

ACTING PRESIDENT LEICHTER:

Senator Abate.

SENATOR ABATE: Mr. President, Franz, I have known you for close to 20 years and I see you in probably a different light than many other people see you because I knew you as a community activist and what people in this chamber do not know about you is how much you are respected and adored within your community.

I don't think there's any other elected official in Manhattan that is respected more than you are as a fighter. If there's an issue that you're not involved with, everyone says, well, it's not an important issue. If it's an important issue, Franz Leichter is there not only involved but providing leadership on that issue.

So if there were a poll conducted in Manhattan asked of the residents of Manhattan who is the most beloved elected official; who represents the ideals of the Democratic Party; who is the most courageous fighter for the people in their communities and fights for better and stronger

communities, it would be Franz Leichter.

So when I came -- see, it's Manhattan. That's why -- you're in Queens. Okay. Yes. I hope in all due respect for everyone else elected in Manhattan. And so when I came here, I thought, Oh, Franz Leichter can't live up to that reputation in the community and I was extraordinarily surprised to see even after how many decades Franz Leichter has not tired for a minute. Day after day I never saw how you got that energy and where it came from, that year after year you would debate the same bill with the same kind of vigor, the same kind of commitment to educate maybe one more person to vote against the bill, and I admire you for your tirelessness, your energy and your commitment to the principles you believe in.

When people say in Manhattan, Franz Leichter is the conscience of the Democratic Party, it is so very true. I've seen you in the community. I now see you in the state Senate. Every day you live up to that reputation.

What I have learned about you

is that you love fine food and love wine. You are a very good tennis player, and I'm glad that on occasion you let me beat you, and I know that today while you'll be leaving this chamber, I'll have many wonderful opportunities to see you, to work with you, to see you in the community because I know you will remain active for many, many years to come.

So, Franz, it's been a pleasure to see you at a distance, to see you close up, to call you a friend. I am very proud that you've been part of the Democratic Party, part of the Manhattan leadership, part of what's best about New York City.

I wish you very, very good luck in the future.

ACTING PRESIDENT LEICHTER: Thank you.

To close this debate, Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Mr. President, it really hasn't been much of a debate, somewhat totally one

sided it's been as members express their very, very special regard, respect and affection for you.

I have on this floor many times -- and let me say because I haven't said it publicly today, I certainly -- and I think the members of the Minority are certainly appreciative that Senator Bruno has accorded this almost unprecedented opportunity and recognition to two members of the Minority who have served us for many, many years and while some other members may be leaving, these two members as well as, of course, Senator Cook - but he's gotten to preside before having been in the Majority -- these members have served a total of so many, many years each. I can last -- and if I may humbly say in suggesting this the other day, I was -- my recollection was the last time this had happened was Senator Jeremiah Bloom was called to preside some 20 years ago when the Senate was, indeed, meeting, I believe in one of the hearing rooms in the LOB in December of 1978 because this chamber was being -- was under renovation, and I guess after 20 years here you have these

flashbacks and can remember exactly where you were on what date in December 1978, but -- and I think it was important that we do this and Senator Bruno's not here, but I know he must be listening somewhere, that we do this today, the last regular day of session because it was some four years ago when we left here in certitude that, well, we would be back in December and have a chance, I guess to say farewell to my predecessor as leader, Senator Ohrenstein, who served here for some 30-some years and we never came back in December. So it never happened and it saddened many of us that we couldn't on the floor recognize his departure.

But Senator Franz Leichter, I came here 20 years ago, a Brooklyn Heights reformer, well admonished by my constituents to look not to our previous Senator Marchi who once had Brooklyn Heights, he was too conservative but rather than to look at the West Side. Don't emulate Ohrenstein. He became leader. Therefore, you couldn't trust him as a reformer. I was to follow the guidance of Senator Franz Leichter, the

conscience of the Senate.

I confessed to not always following that guidance, indeed to depart down a slightly different path somewhere along the way in my younger days, but what I have always tried to follow is the kind of enthusiasm, conscientious application to the people's work that Franz Leichter has epitomized.

You know, we talk about courage. We talk about forms of courage and let me tell you something. I think all of you who serve here, all of us who serve in public office exhibit a type of courage and when you talk to what I call civilians, people who haven't been in the political world, who haven't run for office and you sometimes tell them what it's like in a candid way, they go, What? You put up with what? People say what about you or to you? So it does take courage to put yourself forward, to risk defeats because we all risk defeats as well as trying to grasp wins and victory, but a special kind of courage is when you serve in an institution for many, many years and you're willing at 4:00 or 5:00 in the morning when all the

people you serve with, socialize with while we're up here in Albany, people who are your friends are literally groaning, please, who cares if the bill is a giveaway and who cares and you have the courage to say, Look, it's what's right. You do it in a way that everybody who's groaning, everybody that night wished perhaps you had a sore throat and were off at the nurse's is looking at you and yet a few minutes later they all smile with such great regard and affection.

You've earned that, Mr. President. You've earned that because unlike the stereotypical liberal reformer who must be heard on every important issue large and small and is stereotyped to be humorless, to take himself to seriously, that is not Franz Leichter. Franz Leichter cares. He doesn't care if we're all ready to drop. He voices his concerns but he doesn't really take himself so seriously. He's the first one afterwards to say, well, I did what I had to do but chuckle about it. He's the first one to really -- and let me tell you a secret now that he doesn't have to run for re-election on

the West Side. Every now and then he would actually -- and I am grateful as leader of this conference for the last four years - every now and then I could actually go over and say, Franz, and he would say, Okay, I'll sit down.

Now, that doesn't mean -- let me qualify that. We still have a couple hours to go here. That doesn't mean I'm accepting responsibility for Franz Leichter for the rest of this session. I'm not representing to you that I can stop him from debating anything. I'm just telling you it actually worked a couple times. I have no hopes of ever repeating it, particularly under the present circumstances.

Franz Leichter, it has been a delight to be your friend, to be your colleague. I have enjoyed not only the times we worked together on the floor and off but the times we have had dinner, shared meals, shared laughs. You are indeed someone who deserves the place you will hold forever in the annals of the New York State Senate and in the hearts of all the Senators.

Franz, thank you. I wish you well. I hope to see you in an important role in the future. I know your dedication to public service and your willingness to serve will be ongoing and continuing.

Thank you, Franz.

ACTING PRESIDENT LEICHTER: Thank you. (Applause)

I want to first thank Senator Bruno. After 30 years in the Legislature I'm finally doing something meaningful and productive by presiding and if I had known I was going to have this honor, I would have dressed more traditionally. I would have worn my beatnik love beads but I lent them to Senator Velella.

I must say that standing up here you get a really different perspective of the Legislature and of service here, and so on, and I want to ask the Chair of the Election Committee, Senator Maltese, is it too late to circulate nominating petitions?

You know, when I sit as people who sit next to me know and I'm trying to read the bills and at the same time trying to keep

track of what's happening and I'm a nuisance. I'm always asking what bill are we on, what's happening. I must tell you as I stood up here, I wanted to turn to somebody and say, who are they talking about? You've really been most generous, most gracious. You all exaggerate extremely well.

I just want to say I think you've shown much more patience over the years that I have been here than I have. You've taught me a lot more than I think I've taught you and you've given me a lot more than I've given you.

I really marvel how -- because I know I have been a hair shirt and that's maybe one of the kind expressions but how fairly you've treated me and with the respect you've treated me and above all with the friendship that you've given to me.

It's indeed a wondrous thing, somebody who came here having fled the Holocaust, uprooted, arrived on these shores without any means, any resources and yet to be embraced by this country, to be given the opportunity that I was given and finally to

end up to serve in this Legislature and to have you as my colleagues and to work with you, it's indeed just so remarkable and I'm so grateful to all of you and I'm so grateful to so many people here in the Capitol, and I first really want to thank somebody who has been so special, and I think all of us recognize that what makes us effective is because of the staff that we have and their dedication and I have been particularly blessed. I have just had a wonderful person all these many years and I want to take the privileges of the Chair to ask her to stand up, Pat Gioia, who's been with me for 20 years. (Applause)

There's so many people to thank and I can't possibly thank them all. I see that some of my Assembly colleagues are here and I want to thank really all of the service people that make the Legislature function. Obviously the desk here, and I've often thought as I drone on and on in endless debates, they're so patient but all the people that made -- that enable us to function from the cleaning persons to the elevator

operators, and I want to tell you, in my 30 years here, I cannot remember one instance when any staff person was other than helpful, cooperate -- cooperative, unfailingly friendly. It's really a very special thing.

So it's not easy to leave here. You've heard me get up on the floor and at times harangue, but I really love the institution and I particularly love it because of the relationships, because I know I'm working with men and women who, much as we may differ, and yet all have the same aim and purpose and that is really to serve our constituents and to serve the state.

Yes, I have had some hardships and I've had some tragedies, but I want to tell you as I stand here and I think of my 30 years in the New York State Legislature, I can truly say my cup overruneth.

Thank you so much. (Applause)

Senator Skelos.

SENATOR SKELOS: We're going to return to reports of standing committees because I know there's a report of the Finance Committee at the desk but we would also invite

you to stay up there for the controversial calendar, if you would like to also, as long as you understand the rules at that point.

If we could return to reports of standing committees, I believe there's a report of the Finance Committee at the desk. I ask that it be read.

ACTING PRESIDENT LEICHTER: The Secretary will read the report of the Finance Committee.

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

As a member of the Workers' Compensation Board, Agatha Edel Groski, Esq., of Cobleskill.

SENATOR STAFFORD: Mr. President, once again I'm so pleased to rise and once again compliment the nominee and the Governor for the nomination, excellent, an excellent nomination and I yield to Senator Seward.

SENATOR SEWARD: Thank you, Senator Stafford and Mr. President.

I'm very pleased to rise to

move the confirmation of Agatha Edel Groski to be a member of the Workers' Compensation Board.

Ms. Groski has many, many fine talents and qualities, not the least of which is patience this afternoon in terms of coming to the chamber and being with us for such a long time waiting for her confirmation to occur, but our nominee began her life in Zanzibar, East Africa and in coming to this country received her education, her BS at Marymount College, a Master's in Public Administration from Russell Sage College and her law degree from the Western New England School of Law over in Springfield.

Ms. Groski has a very unique background. She started her professional career as a nurse and, in fact, served as a director of nurses at the Eden Park Nursing Home in Cobleskill and moved through the ranks of administration to become administrator of that facility for a ten-year period.

After completing law school, she pursued a career in the law and most recently has been with the state Labor

Department as an administrative law judge at the hearing level, hearing and deciding cases on all unemployment issues.

Mr. President, our nominee is uniquely qualified to become a member of the Workers' Compensation Board. She has dealt through her career in personnel matters, labor issues as an administrator. She's a people person. There's no question about that and, in most recent years, has become very well versed in the Labor Law.

So I rise, Mr. President, to move the confirmation of Agatha Edel Groski. I also rise to congratulate the Governor on making such an outstanding selection and to congratulate Agatha on this new venture for her. I know it will be an opportunity for her to continue her service and it's also an opportunity for the people of this state who will be very well served by our nominee.

Congratulations, Agatha.

ACTING PRESIDENT LEICHTER: The question is on the confirmation of Agatha Edel Groski as a member of the Workers' Compensation Board. All in favor signify by

saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The ayes have it.

Agatha Edel Groski is hereby confirmed as a member of the Workers' Compensation Board.

I'm advised that Ms. Groski is here and on behalf -- and on behalf of the members of the Senate, I want to congratulate you. I understand that you are mostly joined by members of her family and I'm glad that they were here to see this confirmation.

Congratulations.

(Applause)

The Secretary will read.

THE SECRETARY: As a member of the Housing Finance Agency: John B. Mannix, of New York City.

SENATOR STAFFORD: Move the confirmation, please.

ACTING PRESIDENT LEICHTER: The question is on the confirmation of John B. Mannix as a member of the Housing Finance

Agency. All in favor signify by saying aye.

(Response of "Aye".)

Those opposed say nay.

(There was no response.)

John B. Mannix is confirmed as a member of the Housing Finance Agency.

The Secretary will read.

THE SECRETARY: As a public member of the state Banking Board: Santa Albicocco, Esq., of Oyster Bay and Wesley Chen, Esq., of New York City.

ACTING PRESIDENT LEICHTER: The question is on the -

SENATOR STAFFORD: Move the confirmation, please.

ACTING PRESIDENT LEICHTER: Good. The question is on the confirmation of Santa Albicocco as a public member of the state Banking Board and also on the reappointment of Wesley Chen as a member of the state Banking Board. All in favor signify by saying aye.

(Response of "Aye".)

All those opposed say nay.

(There was no response.)

Santa Albicocco and Wesley Chen are confirmed as members of the state Banking Board.

The Secretary will read.

THE SECRETARY: As members of the Administrative Review Board For Professional Medical Conduct: Stanley L. Grossman, M.D., of Newburgh and Theresa G. Lynch, M.D., of Pittsford.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT LEICHTER: The question is on the confirmation of Stanley L. Grossman and Theresa G. Lynch as members of the Administrative Review Board For Professional Medical Conduct. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Stanley L. Grossman and Theresa G. Lynch are confirmed as members of the Administrative Review Board For Professional Medical Conduct.

The Secretary will read.

THE SECRETARY: As a member of the Central New York State Park, Recreation and Historic Preservation Commission: Sandra Murphy Mead, of Endicott.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT LEICHTER: The question is on the confirmation of Sandra Murphy Mead as a member of the Central New York State Park, Recreation and Historic Preservation Commission. All in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

Sandra Murphy Mead is confirmed as a member of the Central New York State Park, Recreation and Historic Preservation Commission.

The Secretary will read.

THE SECRETARY: As a member of the Palisades Interstate Park Commission: Ann O'Sullivan, of Stony Point.

SENATOR STAFFORD: Move the confirmation.

ACTING PRESIDENT LEICHTER: The question is on the confirmation of Ann O'Sullivan as a member of the Palisades Interstate Park Commission. All in favor signify by saying aye.

(Response of "Aye".)

Those opposed say nay.

(There was no response.)

The nominee, Ann O'Sullivan, is confirmed as a member of the Palisades Interstate Park Commission.

The Secretary will read.

THE SECRETARY: As a member of the Taconic State Park, Recreation and Historic Preservation Commission: Ralph O'Dell, of Putnam Valley.

SENATOR STAFFORD: Move the confirmation. I'm sorry.

ACTING PRESIDENT LEICHTER: The question is on the confirmation of Ralph O'Dell as a member of the Taconic State Park, Recreation and Historic Preservation Commission. All in favor signify by saying aye.

(Response of "Aye".)

Those opposed say nay.

(There was no response.)

Ralph O'Dell is confirmed as a member of the Taconic State Park, Recreation and Historic Preservation Commission.

The Secretary will read.

THE SECRETARY: As director of the New York State Environmental Facilities Corporation: Lelia M. Wood-Smith, of Rye.

SENATOR OPPENHEIMER: I would like to be heard, please.

ACTING PRESIDENT LEICHTER: Senator Oppenheimer.

SENATOR OPPENHEIMER: She actually pronounces the name Lelia Wood-Smith and she is a good friend of mine, which is not a credential. Rather a credential is that she is a brilliant environmental law lawyer, and she has been the founder of various environmental practices and land usage laws which have served us very, very well in Westchester County. She's been creative in her litigation and has done many services for both local, state and federal agencies.

The planning tools that she has

developed, some of them have been amongst our most creative concepts, including conservation easements which help us protect sensitive environmental areas while not costing us a big bundle.

So I think this is the perfect person for this job and I don't think you could find a better person.

ACTING PRESIDENT LEICHTER: The question is on the confirmation of Lelia M. Wood-Smith as director of the New York State Environmental Facilities Corporation. All in favor signify by saying aye.

(Response of "Aye".)

Those opposed say nay.

(There was no response.)

Lelia M. Wood-Smith is confirmed as a director of the New York State Environmental Facilities Corporation.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT LEICHTER: Senator Skelos.

SENATOR SKELOS: If we could return to motions and resolutions, I believe there's some housekeeping at the desk. Are

there any substitutions to be made?

ACTING PRESIDENT LEICHTER: Return to motions and substitutions.

The Secretary will read the substitutions.

THE SECRETARY: On page 10, Senator Spano moves to discharge from the Committee on Rules Assembly Bill Number 7984-C and substitute it for the identical Third Reading Calendar 350.

On page 18, Senator LaValle moves to discharge from the Committee on Rules Assembly Bill Number 10235 and substitute it for the identical Third Reading Calendar 699.

On page 19, Senator Leibell moves to discharge from the Committee on Rules Assembly Bill Number 11133 and substitute it for the identical Third Reading Calendar 713.

On page 22, Senator Stafford moves to discharge from the Committee on Rules Assembly Bill Number 10844-A and substitute it for the identical Third Reading Calendar 867.

On page 27, Senator Present moves to discharge from the Committee on Rules Assembly Bill Number 11091-A and substitute it

for the identical Third Reading Calendar 947.

On page 27, Senator Rath moves to discharge from the Committee on Rules Assembly Bill Number 10738-A and substitute it for the identical Third Reading Calendar 949.

Senator Kuhl moves to discharge from the Committee on Rules Assembly Bill Number 2733-B and substitute it for the identical Third Reading Calendar 400.

On page 3, Senator Spano moves to discharge from the Committee on Rules Assembly Bill Number 2986-A and substitute it for the identical Third Reading Calendar 221.

ACTING PRESIDENT LEICHTER: The substitutions are ordered.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

I wish to call up my bill, Print Number 7318-A, recalled from the Assembly which is now at the desk.

SENATOR LEICHTER: Secretary will read.

THE SECRETARY: Calendar Number 737, by Senator Wright, Senate Print 7318-A,

an act to amend the Alcoholic Beverage Control Law and others.

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

ACTING PRESIDENT LEICHTER: Call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 61.

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

ACTING PRESIDENT LEICHTER: Amendments received.

SENATOR WRIGHT: Mr. President, on behalf of Senator Spano, on page number 21, I offer the following amendments to Calendar Number 788, Senate Print Number 6796-B, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT LEICHTER: Amendments received, and the bill will retain its place on the Third Reading Calendar.

SENATOR WRIGHT: We're working well together, Mr. President. I have one more

on behalf of Senator Volker.

I wish to call up bill, Print Number 4346-B, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT LEICHTER: Secretary will read.

THE SECRETARY: Calendar Number 834, by Senator Volker, Senate Print 4346-B, an act to amend the Penal Law and others.

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

ACTING PRESIDENT LEICHTER: Call the vote on reconsideration.

(The Secretary called the roll on reconsideration.)

SENATOR WRIGHT: Mr. President, I now move to amend Senate Bill Number 4346-B by striking the amendments made on 4-29 and restoring it to its previous Print Number 4346-A.

ACTING PRESIDENT LEICHTER: Amendments received.

SENATOR WRIGHT: I now move to to discharge from the Committee on Rules

Assembly Print 6446-A and substitute it for my identical bill. The Senate bill on first passage was voted unanimously. I now move that the substituted Assembly bill have its third reading at this time.

ACTING PRESIDENT LEICHTER: Secretary will read.

The Secretary will read.

THE SECRETARY: Calendar Number 834 substituted earlier, by member of the Assembly Hochberg, Assembly Print 6246-A, an act to amend the Penal Law, in relation to increasing the penalties.

ACTING PRESIDENT LEICHTER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect on the first day of November.

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT LEICHTER: The bill is passed.

SENATOR SKELOS: Mr. President, on Supplemental Calendar Number 1, would you please call up Calendar Number 947.

ACTING PRESIDENT LEICHTER: Secretary will read.

THE SECRETARY: Calendar Number 947, substituted earlier today, by the Assembly Committee on Rules, Assembly Print 11091-A, an act to amend the State Administrative Procedure Act, in relation to notices.

ACTING PRESIDENT LEICHTER: Read the last section.

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

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT LEICHTER: The bill is passed.

THE SECRETARY: Calendar Number

788, by Senator Spano, Senate Print 6796-C, an act to amend the Executive Law, in relation to authorizing criminal history checks.

ACTING PRESIDENT LEICHTER: Read the last section.

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

ACTING PRESIDENT LEICHTER: Yes, there is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT LEICHTER: Motion is to accept the message of necessity. All in favor say aye.

(Response of "Aye.")

Those opposed say nay.

(There was no response.)

The message is carried. Read the last -- read the last section.

THE SECRETARY: Section 5. This act shall take effect -- Section 5. This act shall take effect on the 90th day.

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the

roll.)

SENATOR SPANO: Mr. President.

ACTING PRESIDENT LEICHTER: Senator Spano, to explain his vote.

SENATOR SPANO: Thank you, Mr. President.

Just very quickly, I don't want to see the passage of this bill go by without just making an acknowledgement of a couple of people who are up in the gallery who, while this may be a long day for the members of the Senate, today is just a part of a very long journey that started some time ago when Peggy and Dave Leahy and Pearl Dunn found that their grandchild had been brutally murdered by their care-giver, and this bill that has been called Kyran's law is one that generated a great deal of interest, one that will make sure that we have on the books of this state proper recognition that before people move forward to hire care-givers for their children and nannies for their children that they will, in fact, be able to check on the criminal history and background checks for those individuals, and I just wanted to say that for Peggy and

Dave Leahy and for Pearl Dunn and for Sistine Amadeus, who is sitting in the gallery, I just want to say thank you because what they did was take a tragedy that occurred to their family and went on a crusade across the state that resulted in this day where this legislation that they worked long and hard for many, many hours to see passed finally will be on the books of this state, so that what happened to Kyran Dunn will not happen needlessly to other children in this state.

So I vote in the affirmative, Mr. President, and just say thank you to the members of the family who are with us tonight.

ACTING PRESIDENT LEICHTER: Senator Spano will be recorded in the affirm ative.

Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: I also want to acknowledge the work of the Leahy family and the Dunn family and the mother and father of the deceased child who have been in constant contact with us from London almost on

a daily basis, where they now reside, although they will be coming back to Rye within the next year, and I think without their efforts we would not have this bill before us today, but I wanted to also pay special thanks to Senator Spano, because without him moving this bill forward, this also would not have happened and also to Tom DiNapoli, Assembly... in the Assembly, for moving it forward and also to the Governor for the Governor's support on this bill.

I think it was a massive effort of many people, and it is wonderful to know that now, when someone comes into your house, a total stranger comes into your house to be the care-giver for your child, that you will be able to verify the information that they give to you in the -- when they come to their employment.

So I am voting in the affirmative, and it's been a long push, and I'm happy at the just fine conclusion.

ACTING PRESIDENT LEICHTER: Senator Oppenheimer will be recorded in the affirmative.

Senator Gold, to explain his vote.

SENATOR GOLD: Yeah. Mr. President, today has been a very unusual day and a very healthy day, I believe, in regards to the Senate. I remember when I first came to the Senate, we had two dinners every year. One was the Senate Club dinner and one was the Senate dinner, and it was the sitting members of the Senate who would go to dinner and we weren't afraid to admit in public that we liked each other. We weren't afraid to admit that for one night at least this aisle was not a separation, and what makes me think of it is that I think that Senator Oppenheimer was extraordinarily gracious in her remarks.

I congratulate Senator Spano, but everyone here knows that, if it wasn't for the work and the dedication of Senator Oppenheimer pushing this issue and bringing it to the floor, that we might not have this bill here today, and in prior years when we had dinner with each other and we admitted we liked each other, we also handled legislation in a little bit different way.

So I'm delighted that one way or another, we are passing this bill. I'm going to vote for it, but as someone who may not be invited to that dinner any more, I urge upon all of you who are going to remain, there's no shame in admitting that you like each other and you ought to reinstate that dinner.

I vote in the affirmative.

ACTING PRESIDENT LEICHTER: Senator Gold will be recorded in the affirmative.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I'd like to be recorded in the affirmative, and since Senator Gold was talking about a dinner, I just want to let everyone know, this is the last night of the session and the lemon ice is being served.

ACTING PRESIDENT LEICHTER: Senator DeFrancisco in the affirmative.

Results.

THE SECRETARY: Ayes 61.

ACTING PRESIDENT LEICHTER: The bill is passed.

SENATOR SKELOS: Mr. President, would you please call up Calendar -- on the main calendar, Calendar Number 921, by Senator Marchi.

ACTING PRESIDENT LEICHTER: Secretary will read.

THE SECRETARY: Calendar Number 921, by Senator Marchi, Senate Print 5508-A, an act to amend the Public Health Law, in relation to the use by health care providers.

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

ACTING PRESIDENT LEICHTER: Yes.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT LEICHTER: Motion is to accept the -- the motion is to accept the message of necessity. All those in favor signify by saying aye.

(Response of "Aye.")

Those against, say nay.

(There was no response.)

The message is accepted.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 180th day.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LEICHTER: Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: Thank you, Mr. President.

I rise just briefly to commend Senator Marchi for this bill which moves down the road to getting some goals that I think you and I share. I carry a bill which I think I sent you a copy of which would have taken your original bill which would prohibit the use of all latex products and, instead of the Health Department studying that issue, come back to us with an issue -- with a report on the latex allergy problem, a problem that you detected and brought to this chamber, and I think this bill is a way to deal with a growing problem of the latex exposure, and

very great problems with latex gloves and other latex problems.

I think this is a step other than a total ban and prohibition that we instead give the Health Department the ability to study the ramifications of this and come up with a systemic approach for dealing with this very important health problem.

I commend you for seeing this problem, and then I think for the wisdom of letting the Health Department explore this and come up with a recommendation rather than an outright ban. I believe this is what the legislative process should be all about, and I commend you for doing it.

ACTING PRESIDENT LEICHTER: Senator Dollinger will be recorded in the affirmative.

Senator Marchi.

SENATOR MARCHI: Mr. President, I walked in and I heard the number called and I wasn't quite sure of the bill and, in fact, we are -- since there was some expectation of a latex bill, and not only I want to I wanted to, if I was going to address it, say my

interest in it was started really and riveted by the rather serious problem I had with my daughter who is an R.N., and has had a very serious time.

This can be a fatal ailment. Well, you can't read a newspaper because all newspapers have latex on them. She reads the New York Times and -- on the Internet, and I had this bill going for her, and I was going to call the -- the Health Department, but I received this gracious letter, and you're the one that drove that point home with me, Senator.

I asked them if they would put some words together and what I added really, to conduct the study which I think is the most enlightened approach, one that will lead to hopefully some recommendations that we can address in a positive way. But I want to thank, because this -- you were the -- you planted the germ, and I -- I responded to that because I felt you had struck the appropriate note.

The only thing I added to it and these words were exactly the words that

were put together by the Health Department, it gives them the wide latitude to go into the research and categories and the effects and the serious study and the only things I added to it was that there's an obligation there in the act to report back to the Legislature on March 31st, 19... next year, 1999.

So again I -- I am obviously in the affirmative, and again I want to thank Senator Dollinger because he was very helpful.

ACTING PRESIDENT LEICHTER: Senator Marchi will be recorded in the affirmative. Call -- announce the results.

THE SECRETARY: Ayes 61.

ACTING PRESIDENT LEICHTER: All right. Senator Skelos. Oh, the bill is passed.

Senator Skelos.

SENATOR SKELOS: On Supplemental Calendar Number 2, would you please call up Calendar Number 1568, by Senator Stafford.

ACTING PRESIDENT LEICHTER: Secretary will read.

THE SECRETARY: Calendar Number 1568, by Senator Stafford, Senate Print 7772, an act to amend the Tax Law, in relation to the pledge of sales tax.

ACTING PRESIDENT LEICHTER: Read the last section.

SENATOR OPPENHEIMER: Mr. President.

ACTING PRESIDENT LEICHTER: Senator Oppenheimer.

SENATOR STAFFORD: This has been a collegial day and carrying on that collegiality people may be surprised to hear me say this, but I'm closer to Senator Oppenheimer's position concerning this issue than many people would realize.

Also the memo in opposition, I agree with it more than someone -- some people would realize.

I would share with one and all that the Department of Environmental Conserva tion, and I think they meant well, but led this locality into building this resource recovery facility. As a matter of fact, it was a professor from my alma mater who first

started -- or he was one of the first to come out and look at it in a less than positive manner.

I will say this: Mistakes after mistakes have been made by DEC, by local government officials, by the principals and I'm going to go, and I'm going to say something probably a bit too extreme, but I wish it to be on the record. Obviously any of us, when we represent our area, we will do our best to be provincial, and I use the word advisedly.

This issue has been treated with understanding and a great deal of support. However, unless reason prevails by those in the private sector who are involved and those in the public sector, I think some people are going to be very, very, shall we say possibly not surprised but regret that they did not approach this issue with reason.

Now, this bill is -- I know you never should say the final step, but I would suggest maybe we should use the word "final" and this is going to make it possible for a revenue stream which isn't unheard of, and

it's going to make it possible to refinance so that at least the localities, the two counties and those who had invested will be able to sit down and come to a reasonable solution.

When this bill was first suggested to me, I said forget about it, and if anyone doesn't believe that, ask the local officials that came to see me. Therefore, we are serving notice that although the DEC and the officials, two commissioners who are no longer there, many local officials who are no longer serving, made major mistakes, unless reason prevails, we're going to have a rather serious situation.

I suggest that this bill prevail and I will get these remarks and they're going to be sent to the certain individuals, both in the private sector and in the public sector.

Thank you, Mr. President.

ACTING PRESIDENT LEICHTER: Senator Oppenheimer.

SENATOR OPPENHEIMER: I really empathize with the position that Senator Stafford was in, and to say that there were

mistakes made all around by Democrats, Republicans, DEC, localities, is true.

This is really, and has always been since it was begun, a mess. This was a very, very large incinerator built for Washington and Warren Counties, and it was built with 200 percent cost overruns and it was built three times larger than it should have been built and so they don't have the amount of trash to -- to keep it running sol vently, and so now they're confronting double digit -- double digit, pardon me, real property tax increases to meet their contractual obligations to make up for this waste shortfall because it is so huge; and so Washington County is trying to find a way to help them out of this mess and some of Warren County is also in it, but it's basically Washington County, and as a matter of fact they are -- they do have some pending federal suits that would void the contract.

But right now, what this bill deals with is, I think, a very dangerous precedent which is something we've not done before.

This would obligate the sales taxes, the entire sales tax of Washington County to help pay off this -- this mess, and other sales tax by-passes are usually extraordinary measures, and they're meant to support municipal debt when there's a city that's in financial trouble or a county.

In this case, the bonds here in question would be issued by the Warren Washington IDA, but the obligation -- I'm trying to figure out what I wrote, but the taxpayers would not be the ones who would benefit from the payment of this. When the debt service is retired by contract, this plant is going to revert entirely into private ownership. This is totally different from the experience that we have had in the past where sales taxes have gone to bail out our municipalities or our counties.

There are very serious questions involved here and this bill, which allows the counties to turn their sales taxes over one hundred percent to this IDA, and you can just imagine what services that are normally provided with the sales tax money are

not going to be provided, so it's really very dubious fiscal policy, to say the least, for a very unsound solid waste decision that was made years ago.

This project is disastrous project, I think everyone agrees with that, and I think the fiscal policy is really so questionable that I think we should not be supporting this.

In addition, I should mention that the Environmental Advocates do have two smokestacks, which means they feel this would be a substantial detriment to the environment.

ACTING PRESIDENT LEICHTER: Senator Dollinger.

SENATOR DOLLINGER: Sponsor yield to a question, Mr. President?

Through you, Mr. President, I see the EPL memo, and I guess all of our antennas kind of crop up. But let me make sure I understand it. This is currently a working incinerator that was privately funded that has an agreement with these two counties to deliver their trash and they'd pay them for

the trash, but now the question of the viability of this private organization is in question. They want to dedicate their income stream to lower the bonding costs for this private entity.

Through you, Mr. President.

SENATOR STAFFORD: I'll answer the question.

SENATOR DOLLINGER: What happens if it goes bankrupt; they have to build a new trash facility?

SENATOR STAFFORD: I'll answer the question.

First, I would answer the question by saying, and I certainly respect, and as I said when I stood up, my concern, but I would say and again keeping -- no, it isn't my sense of humor, but keeping our understanding here, I stood here and listened and had Judge Rifkin come up here and I had Felix Rohatyn come up here and had a lot of people come up here, and I live on the border of Canada, and I voted for every single bill to support New York City.

This is the same type of

problem because it will result in two counties being in the same type of situation. I realize there's some other questions, and what will happen if reason does not prevail and this is why I appreciate your question, if reason does not prevail, it will happen just what you said the word, some investors are going to have the situation that you've just suggested, and the county will get by but it will be very, very serious.

But I would say to you that I think this is a step in at least keeping the situation viable and, hopefully, we can have some reason here, and I would like to think that and hope that things will move in the direction of really what all of us are hoping for.

SENATOR DOLLINGER: Just one other question, Mr. President.

ACTING PRESIDENT LEICHTER: Senator Dollinger.

SENATOR DOLLINGER: Senator Stafford, does the current operating incinerator meet the current DEC requirements and is it fully licensed?

SENATOR STAFFORD: Oh, well, as far as that goes, it's state of the art.

SENATOR DOLLINGER: Well, that answers my question.

Then, on the bill briefly, Mr. President.

ACTING PRESIDENT LEICHTER: Senator Dollinger.

SENATOR DOLLINGER: This is one of the few EPL memos that I don't quite understand because what it says is, if there was a bad decision made in the past to build incinerators -- EPL doesn't like incinerators, I don't like incinerators, but these two counties made a huge investment in one and they're stuck with it. If the incinerator shuts down, they're either going to take it over and run it themselves or it will cease to operate and they will take it as part of the failure and they're going to have to build a landfill and try to find something else to do, which is an enormously expensive project.

We had it in the 1980s when the DEC said either build a landfill or an incinerator, it's one or the other. What we

found in Monroe County, it's one or the other. We rebuild, it's -- it will probably last for 150 years, at least we don't have to go through the cost of binding one.

But these are questions of two counties of building an incinerator that does meet the DEC criteria and if it doesn't get the revenue stream, it will go bankrupt and create a further problem for them, and, frankly, I support protecting the environment but it doesn't seem to me a revenue stream to keep it environmentally acceptable, doesn't seem to be the greatest, but it's acceptable. Seems to me the EPL's comment doesn't address the environmental issue and, if it's necessary to keep the thing going to keep the income stream alive and to keep this option between the two counties, I don't think it's a bad idea.

I'll vote in favor of the bill, Mr. President.

ACTING PRESIDENT LEICHTER: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LEICHTER: Senator Oppenheimer, to explain her vote.

SENATOR OPPENHEIMER: I can appreciate what Senator Dollinger is -- is saying about the need to keep plants that are completely in compliance alive and well. However, the debt service when this is -- when it is retired is going to -- the plant that we're talking about is going to be entirely in private ownership. That is a considerable difference from when we have in the past dedicated our tax money or sales tax or whatever tax to a municipal problem or a county or state problem, and it's vastly different, as I see it, Senator Dollinger.

I'll be voting in the negative.

ACTING PRESIDENT LEICHTER: O.K. Senator Oppenheimer recorded in the negative.

Call the roll. Announce the

results.

THE SECRETARY: Those recorded in the negative on Calendar Number -

ACTING PRESIDENT LEICHTER: Results.

THE SECRETARY: -- Calendar Number 1568 are Senators Abate, Connor, Gold, Goodman, LaValle, Leibell, Leichter, Marcellino, Markowitz, Montgomery, Nanula, Onorato, Paterson, Sampson, Santiago, Seabrook, Smith, Stachowski, Stavisky, Waldon, also Senator Mendez. Ayes 40, nays 21.

ACTING PRESIDENT LEICHTER: The bill is passed.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT LEICHTER: I'm sorry, Senator.

SENATOR PATERSON: Mr. President.

SENATOR GOLD: Would you recognize Senator Paterson please.

ACTING PRESIDENT LEICHTER: Senator Paterson.

SENATOR PATERSON: We lost? Big help you've been; all you did was get up there

and now we lost.

ACTING PRESIDENT LEICHTER: Senator Holland.

SENATOR HOLLAND: Mr. President, can we return to the first page of Supplemental Calendar Number 2 and do Calendar 1542, and then take the next two in order, please.

ACTING PRESIDENT LEICHTER: Secretary will read.

THE SECRETARY: Calendar 1542, Senator Hannon moves to discharge from the Committee on Rules Assembly Bill Number 9371-A and substitute it for the identical Third Reading Calendar 1542.

ACTING PRESIDENT LEICHTER: Substitution ordered. Secretary will read.

THE SECRETARY: Calendar Number 1542, by member of the Assembly Gottfried, Assembly Print 9371-A, an act to amend the Public Health Law, in relation to modifying.

ACTING PRESIDENT LEICHTER: Read the last section.

THE SECRETARY: Section 19. This act shall take effect November 1.

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT LEICHTER: The bill is passed.

THE SECRETARY: Calendar Number 1546, substituted earlier today, by member of the Assembly Vitaliano, Assembly Print 9798, an act to amend the Retirement and Social Security Law, in relation to performance.

ACTING PRESIDENT LEICHTER: Read the last section.

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

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the roll.)

SENATOR ONORATO: Explain my vote.

ACTING PRESIDENT LEICHTER: Senator Onorato.

SENATOR ONORATO: May I have

unanimous consent to vote you in the negative on this bill?

ACTING PRESIDENT LEICHTER: You may. Thank you.

THE SECRETARY: Ayes 60. Nays one, Senator Leichter recorded in the negative.

ACTING PRESIDENT LEICHTER: The bill is passed.

Senator Breslin.

SENATOR BRESLIN: Yes, Mr. President. I request to be recorded in the negative on 7772, unanimous consent.

ACTING PRESIDENT LEICHTER: Senator Breslin will be recorded in the negative on Calendar 7772. Oh, 7772.

Secretary will read.

THE SECRETARY: Calendar Number 1554, by Senator Alesi, Senate Print 7381, an act to amend the County Law, in relation to authorizing.

ACTING PRESIDENT LEICHTER: Home rule message at the desk. Read the last section.

SENATOR PATERSON: Wait,

explanation.

ACTING PRESIDENT LEICHTER: Oh, why don't you get somebody up here who knows what they're doing? Where is Randy Kuhl?

Senator Alesi, an explanation has been asked for.

SENATOR ALESI: I think I would have to agree, you are a big help. Actually, I'd like to withdraw all my bills while you're in the Chair right now with all this racket.

This would allow the county of Monroe to accept or entertain requests for proposals rather than go through the traditional bidding process for a specific project in Monroe County, which is the Monroe County Jail.

ACTING PRESIDENT LEICHTER: Senator Abate.

SENATOR ABATE: Yes. Would Senator Alesi yield for a few questions?

SENATOR ALESI: Yes, I will.

SENATOR ABATE: It's my understanding of this bill -- maybe you can clarify it -- this includes not only construction, capital construction but also

covers services, performances within contracting out and performances within the physical plant of that jail; is that right?

SENATOR ALESI: Well, it's very important that you asked that question because we have to address that.

For the record, the Corrections Law prohibits that from happening because the Corrections Law specifically states that only unionized help can be used in the operation of the jail itself. The language may appear to be ambiguous. It uses the word "maintain", but that is a -- that is directed toward the construction and design/build process, not toward the operation of the jail itself.

Furthermore, we have clearances from the County Executive in writing that that was not the intent of the administration and, if need be, when -- we can always do a chapter amendment to make sure that that ambiguity is cleared up. However, let me stress again that, as I understand, the Corrections Law prohibits us from using anything other than unionized labor in the operation of a jail.

Furthermore, it is really the

intent of this bill, with the backing of all of the labor and trade unions in the Monroe County area, to make sure that local unionized -- local, I should say local labor is used in this effort to protect and grow local jobs there. We will also be using the prevailing wage as well as the modified elements of the Wicks Law to make sure that this project is done in accordance with that effort.

SENATOR ABATE: Mr. President, would Senator Alesi continue to yield?

SENATOR ALESI: Yes, I will.

SENATOR ABATE: Senator, are you aware that I've sponsored a bill calling for the non-privatization of security functions of a jail system, and I've done that because it's my understanding that the law is not clear, that right now a local correctional facility or a state correctional facility can contract out to a private firm to provide the security functions within that jail in the prison system. For instance, a correction officer who is now doing the job could be replaced by someone who is hired by a private firm. Are you aware of that?

SENATOR ALESI: I'm aware of Senator Nozzolio's efforts, ongoing efforts, with the support of this Conference last year and onto this year to make absolutely certain that under no circumstances would we, in our correctional facilities, use anything other than unionized labor, and I'm fully supportive of Senator Nozzolio's efforts and the efforts of this Conference, and I applaud your approach on that as well.

SENATOR ABATE: Senator Nozzolio, could you tell me where in the law it is clear that once this facility is constructed in Monroe County, that the correction officers could not legally be replaced through contracting out with other workers? I'm not aware of any law that exists today. Maybe you can cite where that law exists.

SENATOR ALESI: I'm not Senator Nozzolio, but I'll answer the question any way.

SENATOR ABATE: And I'm not trying to put you on the spot. It's because of a lack of clarification and the ambiguity

in the law that I have some question about this particular bill.

SENATOR ALESI: Sure.

SENATOR ABATE: If you could clarify it for me, I'd be more comfortable.

SENATOR ALESI: We don't have that available, Senator, but in our research and discussion of this very important effort to create jobs for worthy families in Monroe County, it is our understanding in ongoing discussions with counsel earlier that the Cor rections Law would preclude using non-union - non-unionized labor, but also in discussions with the county administration, and in informal discussions with unionized trades back in Monroe County, that we would be precluded from doing anything other than using unionized labor for the management and operation of the jail.

SENATOR ABATE: Would you consider, Senator Alesi, amending the bill to clarify, because I think it's important that we create jobs and the rest of the bill seems very benign and helpful. Would you agree to amend the bill so we're all clear that none of

the security functions can be contracted out?

SENATOR ALESI: I'm glad you raised that issue because, in my earlier comments I indicated that even though the ambiguity could exist by using the word "maintain", that we would be very willing to do a chapter amendment to either eliminate the word "maintain" or clarify even more the fact that the Monroe County Jail, the administra tion thereof would be done only with unionized help which again, I say is part of the ongoing effort of this Conference to make sure that those people who would be in our prisons working in our prisons and in our jails are unionized.

SENATOR ABATE: So, Senator Alesi, let me get some clarification. So you're willing to amend this bill so that the contracts are limited to the building and design of the facilities, not the maintenance.

SENATOR ALESI: That, Senator, is the intent of the bill and as stated twice now and for the third time we will do a chapter amendment to make sure that, if there

is an ambiguity in the use of the word "maintain" that we will change that ambiguity by eliminating the word "maintain".

SENATOR ABATE: Thank you.

SENATOR ALESI: Or to be sure just eliminating any language that would imply that the operation of the jail would be anything other than unionized. But let me say this further. The language in this bill should be interpreted to be specific to the design and building of this jail in Monroe County, and I'm stating that for the record, so I couldn't be any more clear on that.

I'll reiterate again the position of the county administration who have in writing indicated that that is their position. It is a position that is embraced not only by myself and my co-sponsors, Senator Nozzolio and Senator Maziarz. It is also a position that is embraced by the local trade unions, unionized trade unions, as well as the local business community who definitely would like to see this design/build procedure followed so that we can save millions of dollars on the project, save time and, most

importantly, make sure that the labor and the professional work that goes into the building and design of this $50 million project is centered around local working families. That was the short answer.

SENATOR ABATE: O.K. So let me just restate it, that it is the legislative intent, and a chapter amendment would absolutely clarify, that none of the contracts would include the security functions within that jail system. That's another way of stating what you just said, am I correct?

SENATOR ALESI: For the fourth time, using my own words, we will do a chapter amendment that will clarify that the language in this bill is directly aimed at the process of designing and building a jail and not in any way, shape or form design -- or I shouldn't use that word. Not in any way, shape or form aimed at the operation of the jail.

SENATOR ABATE: Thank you very much, Senator.

SENATOR ALESI: You're very welcome.

SENATOR NOZZOLIO: Mr. President, on the bill.

Mr. President, my colleagues, Senator Alesi has put forth this measure to expedite a situation that is in dire need of protection in Monroe County, to construct a facility that's absolutely necessary for the safety and security of the fine people of Monroe County; that the policy discussion which just took place between Senator Alesi and Senator Abate regarding the security function of the correctional facility is extremely well taken.

I wish to only emphasize that the security function of the maintenance of this facility is not to be privatized. To do so would be contrary to current state law. An opinion by Attorney General Dennis Vacco has clearly stated that to privatize the security function of any correctional facility in this state, whether it be a state facility or a local facility, is against public policy and the laws of this state, that the county executive of Monroe certainly understands that. He himself, a former judge, has no

intention of developing any facility which is contrary to law and the policy of this state.

Senator Alesi's commitment to enact a chapter amendment striking the language providing maintenance, I think, is certainly an excellent suggestion. I'm glad Senator Alesi has made that suggestion, that we certainly support him in that effort to ensure that there is never a question that this Legislature intends to put a crack in the law and the policy of this state which for bids the privatization of the security function of our jail.

We've proven time and time again in debates in this chamber that privatizing that security function is inappropriate. Governor Pataki has clearly stated that he has no intention of allowing privatization of state or local jails within this state and that certainly we support and applaud that effort.

I certainly will support the chapter amendment that -- that Senator Alesi, I thank you for bringing this issue to our attention so that the county of Monroe can

expedite its needs to protect the citizens of that great county.

Thank you, Mr. President.

ACTING PRESIDENT LEICHTER: Senator Dollinger. Senator Dollinger?

SENATOR DOLLINGER: Mr. President, excuse me. I'll yield the floor to Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, would Senator Nozzolio yield to a couple questions?

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

ACTING PRESIDENT LEICHTER: Immediate meeting of the Rules Committee in Room 332.

Senator Nozzolio, will you yield to Senator Stachowski?

SENATOR NOZZOLIO: Yes.

SENATOR STACHOWSKI: If you don't mind, two quick questions, and then I got to run to Rules.

The first one is, if this is so

sure why is Council 82 so concerned about this bill, even as late as this afternoon?

SENATOR NOZZOLIO: I think, Mr. President, that Council 82's concerns are that the word "maintain", that the intention was as I understand it -- I wasn't part of the drafting of this legislation -- but as I understand that word, it was used to discuss another operation or the maintenance of a construction project, not the maintenance of the operation of the jail itself, and that their concern, Council 82's concerns, are that any erosion which takes place in allowing the security function of prisons is an erosion that's against public policy.

I, for one, certainly agree with Council 82 that they -- there should be no erosion and that that's why I'm very pleased that Senator Alesi has agreed to a chapter amendment in the very near future to ensure that there's no misunderstanding.

SENATOR STACHOWSKI: Mr. President, I think this other question would be better for Senator Alesi.

Thank you, Senator.

ACTING PRESIDENT LEICHTER:

Senator Alesi, would you yield?

SENATOR STACHOWSKI: I also agree with what Senator Nozzolio says, and I think our side does, and that's why we're questioning the fact about the maintenance in the bill, because we're concerned about any privatization, but one other question that's just for my own clarification. Couldn't we accomplish the same end if we did a project - a later agreement on this project rather than going through a law that says accepting one bid, wouldn't it be the same thing?

SENATOR ALESI: I think under the circumstances this approach was being used because it was being used at the federal level and probably half of the states in this nation right now, and has proven to be very effective in saving time and saving costs and there was an approach that was agreed upon by the unions that would be providing the trade work as well as county administration.

ACTING PRESIDENT LEICHTER:

Senator Dollinger.

SENATOR DOLLINGER: I want to

thank Senator Alesi for his courtesy in discussing the bill before us, and I'm going to vote against the bill and let me tell you why.

I haven't seen the estimate of where the $5 million in savings is going to come from, but I'm not so sure that a design/build concept as proposed in this bill will produce all that big a savings. I'm not sure I see where the substantial savings will occur and how we're going to arrive at it. Given that fact, I don't see why we should have a variation from the state's public bidding laws which have been in place for a hundred years which are designed to ensure fairness and lack of bias in our awarding of public contracts.

This is the public's money. It isn't the county's money. It isn't owned by any organization. It's the public's money. It seems to me that we have a public bidding law in this state because we decided it as public policy, in which the government should get the best, lowest bid that it can; and what I'm concerned about is this bill -- is that this bill substitutes a point system, a best value

system, which will be determined by a weighted criteria process. A weighted criteria process, not by the lowest possible price but by a weighted criteria process, a term nowhere defined in this proposal, and then it says in which a point grade will be established for qualitative factors.

What are the qualitative factors? Qualitative quality? I assume that when you are making a judgment and evaluating public bids, you take the lowest responsible bidder. You assume that the quality is going to be the same. This assumes that there's going to be some qualitative factor that will be put into this point rating system and there will be a high quality contractor, a low quality contractor, a middle level quality contractor. That notion is nowhere in our public bidding law.

We assume that, if there's the lowest responsible bidder, they'll produce quality for the lowest possible price. We can insist on that for our lowest responsible bidders. There's no definition of what the qualitative factors will be. There's no

definition of what this weighted criteria process will be, and yet this is the discretion we're now vesting a government entity in as a departure from the notion of the lowest responsible bidder.

I would suggest to all of my colleagues that this is no standard to use in a design/build arrangement, that this is no way to deviate from the public bidding law which we have a hundred years worth of experience and which has been demonstrated to arrive at the quality that we need at the lowest possible price.

This contract says that, even if you're the lowest possible bidder and even if you can guarantee, as you will in the contract, that you will provide the best quality for the lowest price, you won't get this bid, because there's going to be a weighted criteria process and there are going to be qualitative factors as well as price that may be even more important than price.

I suggest that this isn't a good idea, Senator Alesi, and the county administration, of trying to create jobs.

They're going to build a jail. I would suggest that they use the public bidding law, get the lowest responsible bidder, that we not use this off-line approach, that we don't deviate from what we've used time and time again in Monroe County, which has, the best I can tell, has served us well there.

Senator Alesi and I sat there and approved contracts; sometimes we voted with each other, sometimes we voted against each other approving contracts to the lowest responsible bidder. It's tried and true. It will work. We'll create the jobs. I have a real big question as to whether or not this would save the money that it's intended to, and remember we're -- we have the public bidding laws and the Wicks Law and the theory is we want to take the politics out of public contracting.

I am fearful that this bill, given the wide, wide scope of discretion that it gives to this public entity will have the temptation of interjecting that politics back into the process to the detriment of the people of the county I represent.

I'll be voting in the negative, Mr. President.

ACTING PRESIDENT LEICHTER: Senator Waldon was next.

SENATOR WALDON: Mr. President, would the gentleman yield to a question, please?

ACTING PRESIDENT LEICHTER: Senator will yield.

SENATOR WALDON: Thank you, Mr. President.

Senator Alesi, I see in this proposal at line 26, it reads "best value will be determined by a weighted criteria process in which a point rating will be established for qualitative factors as well as price." Can you tell us what that means in layman's terms?

SENATOR ALESI: I think the language of the bill in all respects, Senator Waldon -

ACTING PRESIDENT LEICHTER: Excuse me just a second. Could we have a little order, please.

SENATOR ALESI: Thank you, Mr.

President.

With all respect, Senator, I think the language of the bill is fairly straightforward. Practice will be established by the county administration and, if you read the opening sentences of the bill, through the county legislature itself in cooperation with the construction and design firm to establish that procedure.

Mr. President, it's very diffi cult for me to hear.

ACTING PRESIDENT LEICHTER: Could we have order, please. If we could take the conversations out of the chamber.

SENATOR ALESI: I think that, if you compare the design/build process that Senator Dollinger seems to be reluctant to embrace, it's very similar to the very beginning of this whole process, very similar to what we see on almost every building process where the -- where the bidding procedure is used, similar to selecting a consulting engineering firm, done on a subjective basis.

The initial parts of this whole

process would be done similar to that, on a subjective basis with a system that is established by the county administration working through its legislature; but I think the important thing to -- for this body here to understand is that bidding is not being circumvented in any way, shape or form. In fact, it's very clear in the legislation that the design/builder will have to require a bid process for all of the trades involved in this, just as they would under Wicks, with the exception, interestingly enough, that the threshold will be $20,000 rather than the $50,000 that we have with the Wicks process; so the bidding process has not only been preserved here, it's actually lowered to make sure that the lowest possible bid is used, and that's required in the legislation.

SENATOR WALDON: Thank you, Senator. Thank you, Mr. President.

ACTING PRESIDENT LEICHTER: Anybody else want to be heard on this bill?

Last section.

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

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LEICHTER: Senator Abate.

SENATOR ABATE: Yes, I'd like to explain my vote.

On the commitment by the good Senator Alesi that there will be a chapter amendment to clarify the intention of this bill to only include building and design functions, not the security functions at the jail, I vote yes on this bill.

ACTING PRESIDENT LEICHTER: Senator Abate will be recorded in the negative. Announce the results. I'm sorry, in the affirmative.

Get somebody up here knows what they're doing.

SENATOR NOZZOLIO: Mr. President.

ACTING PRESIDENT LEICHTER: Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: I ask

unanimous consent to explain my vote as we're taking the roll call, not to belabor this but I just, too, as chairman of the Senate Committee on Crime and Corrections, I wish to also state that there is no intention by this body in passing this bill to in any way alter the steadfast opposition that we have to privatizing the security function of prisons. As such, I vote in the aye, knowing that there will be a chapter amendment to rectify any ambiguity which now exists in the measure.

ACTING PRESIDENT LEICHTER: Thank you. Results.

THE SECRETARY: Those recorded in the negative on Calendar Number 1554 are Senators Breslin, Dollinger, Gentile, Leichter, Onorato, Seabrook and Stavisky. Excuse me, Senator Seabrook recorded in the affirmative. Ayes 55, nays 6.

ACTING PRESIDENT LEICHTER: The bill is passed. Senator Skelos.

SENATOR SKELOS: Mr. President, on the main calendar, would you please call up Calendar Number 268, by Senator Farley.

ACTING PRESIDENT LEICHTER:

Secretary will read.

THE SECRETARY: Calendar Number 268, by Senator Farley, Senate Print 1689-A, an act to amend the Workers' Compensation Law and the Public Officers Law.

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

ACTING PRESIDENT LEICHTER: Yes, there is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT LEICHTER: Motion is to accept the message of necessity. All those in favor, say Aye.

(Response of "Aye.")

Those opposed, say nay.

(There was no response.)

The motion is carried. Read the last section.

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

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT LEICHTER: The bill is passed.

SENATOR SKELOS: Mr. President, on the main calendar, would you please call up Calendar Number 1333, by Senator Alesi.

ACTING PRESIDENT LEICHTER: Secretary will read.

THE SECRETARY: Calendar Number 1333, by Senator Alesi, Senate Print 7035-B, an act to amend the Public Authorities Law and the Executive Law, in relation to the establishment.

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

ACTING PRESIDENT LEICHTER: Yes, there is.

SENATOR SKELOS: Move to accept the message.

ACTING PRESIDENT LEICHTER: Motion is to accept the message of necessity. All those in favor say aye.

(Response of "Aye.")

Those opposed, say nay.

(There was no response.)

Message is accepted.

Read the last section. Oh, there's also a home rule message at the desk. Read the last section.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT LEICHTER: Explanation is asked for.

SENATOR ALESI: Thank you, Mr. President.

In the event that we don't build a jail, I thought maybe we'd do something with a sports authority.

This will give the county of Monroe the opportunity to create a sports authority to take advantage of future opportunities to expand, enlarge, manage or own sporting activities in the county of Monroe.

ACTING PRESIDENT LEICHTER: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

If Senator Alesi would yield for a question.

SENATOR ALESI: Yes.

SENATOR PATERSON: Senator, do you think that there's somewhat of a danger in selected areas of the state of granting a limited immunity which actually creates an action in law that prohibits any kind of recovery as is set forth in this bill that it, in a sense, creates kind of a different standard at different points and, in addition, somewhat impinges upon the right of an individual to bring a legal action?

SENATOR ALESI: I'm not certain that there is, Senator. I think that the use of an authority for whatever purpose has been established to be beneficial for its intended purpose, and I think that under the circumstances that the county of Monroe is trying to establish that it would be beneficial for the county and the surrounding regions.

SENATOR PATERSON: Thank you.

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT LEICHTER: Senator Dollinger.

SENATOR DOLLINGER: Will

Senator Alesi yield just to a couple quick questions, just to make sure I understand it?

SENATOR ALESI: I'd be happy to.

SENATOR DOLLINGER: Again I appreciate it. We've had lots of discussions about this bill as well.

Through you, Mr. President, the current authorization in this bill is 50 million, or is it more than that? Will the authority have the power to borrow more than $50 million?

SENATOR ALESI: $50 million, Senator, with the provision that if, at any time, it was the desire of the authority to retire some outstanding debts that they could simultaneously sell some bonds simultaneously, but the threshold is $50 million.

SENATOR DOLLINGER: O.K. I apologize, Mr. President. I didn't quite hear that. Will they be able to borrow more than 50- at any time?

SENATOR ALESI: No, the limit is $50 million.

SENATOR DOLLINGER: And that

would be -- again through you, Mr. President, that would be rolling 50-, so if they retired some, they could borrow some new.

SENATOR ALESI: That was my point, yes, sir.

SENATOR DOLLINGER: The bill also references an agreement between UDC and the Empire State -- now known as the Empire State Development Corporation, and says that, despite that agreement that the authority can acquire certain properties which may be held by the county.

Are you familiar with that agreement and can you tell me what the agreement says that now prohibits that transfer?

SENATOR ALESI: The agreement, I'm sure, references what you and I are both familiar with, the Frontier Field which is owned by the County of Monroe. I'm sorry, Frontier Field.

SENATOR DOLLINGER: Right, and again so what -

SENATOR ALESI: Period.

SENATOR DOLLINGER: So what

does that agreement say about the not -- does that agreement say that Frontier Field can't be transferred? Is that why we need the language in there to say, that in essence -

SENATOR ALESI: The language of the existing bill -- the existing bill that is before us will allow for that transfer.

SENATOR DOLLINGER: Right.

SENATOR ALESI: And the language of the bill says notwithstanding any agreement with Urban Development or the Empire State Development Corporation.

SENATOR DOLLINGER: Again through you, Mr. President, my question is the agreement between the county and the Urban Development Corporation, does that currently prohibit the transfer of any portion of Frontier Field?

SENATOR ALESI: The -- Senator, as you know, because we were both involved with this as it occurred over very lengthy and tenuous agreement, that the language says that it cannot be transferred to a third party, and it's obvious that the language that's in the bill addresses that by saying now that it can

be.

SENATOR DOLLINGER: O.K. And just one final question through you, Mr. President, if the Senator will yield.

SENATOR ALESI: I'd be happy to.

SENATOR DOLLINGER: Again, I think this is simply a clarification. My understanding is that the authority will have condemnation power and will not need the approval of any locality in which the condemnation occurs, and there is discussion about a chapter amendment with respect to the city of Rochester; is that correct?

SENATOR ALESI: That is true, Senator. We also have written correspondence from the County Executive. As I understand, it has gone to our friends in the Assembly who are in possession of that, clearly stating that it is not the intent of the county to condemn any property that might be owned by the city. I think without identifying the number of properties they were aimed at the Rochester War Memorial, as you know, and that as we approach the next session that we will

make sure that the intent of the county and presumably the intent of the authority once it is established, will be limited by a chapter amendment that we will put in, in the up coming session to clarify any uncertainties about the condemnation process.

SENATOR DOLLINGER: Thank you, Mr. President.

On the bill, and again I appreciate, Senator Alesi and I have talked about this bill on a number of occasions, and he's been very helpful. On this bill, however, I have just a disagreement with this whole concept.

This is a step down the road to doing exactly what the state of New York has been severely criticized for by this Governor, by the members of this house, and that is authorizing an enormous new back-door borrowing program in Monroe County.

We're about to go in and create a new level of government unaccountable, unelected, appointed by the County Executive for a term that could last decades -- decades, and they will have the authority to borrow $50

million. If they don't pay off the bonds they have under the bill, the ability to go into the county treasury and get money to fund off to pay off debt.

They will have unlimited condemnation power. They will have the ability to go anywhere in Monroe County and condemn any piece of property other than, and Senator Alesi properly points out, they won't be able to condemn the Rochester War Memorial owned by the city of Rochester, but they will be able to go in and take any tax-paying property in any community and condemn it for a sports facility, no matter what the tax consequence of that is to the local community.

They won't have to make payments in lieu of taxes. They won't have to be able to pay sales tax. They won't have to pay mortgage taxes and they can go anywhere. They can go to the town of Brighton, which I represent. They can go to the town of Greece, which I also represent. They can go to Irondequoit, Perinton, any place, condemn the land, not have to abide by zoning laws and not

have to seek the approval of the local authority, the local community.

We're now going to create an entity that's going to be building sports facilities for which there is no limitation on their power. They can borrow up to $50 million. They can take property any way they want it. They can take that property without the approval of the local authority, and I appreciate the Senator's description of the restrictions on the transfer of Frontier Field, but my understanding of that agreement, what happened is the state of New York loaned the county of Monroe money to build the Frontier Field, actually gave them money and then through UDC also financed a portion of it, and the deal that was struck at that time was, we want the county to be on the hook for the ownership of this facility.

We are now passing a bill that, in essence, changes that agreement. That was an agreement struck at arm's length between the state protecting our interests and the state taxpayers' money and the county protecting county taxpayers. We're now going

to void that agreement with respect to transfer. We're going to transfer it into this appointed, unelected, mysterious government with $50 million worth of bonding authority, and they're going to continue to back-door borrow.

From my point of view, this is the equivalent of the Attica experiment, widely criticized by people in this house, the wrong thing for government to be doing. This is the equivalent of selling the Attica Prison. We're now going to sell Frontier Field to an authority. We're going to get cash back. It's the same kind of back-door borrowing that's been justifiably criticized by everybody in this house. It's criticized and should be criticized when we do it as bad public policy. It should be criticized as bad public policy when it's done by Monroe County, the county that I reside in as well.

This is a bad idea. It takes a concept of sports improvement and does it the wrong way. I would simply encourage all of my colleagues to vote in the negative.

SENATOR SKELOS: Last section.

ACTING PRESIDENT LEICHTER:

Read the last section.

THE SECRETARY: Section 3. This act shall take effect in 30 days.

ACTING PRESIDENT LEICHTER:

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1333 are Senators Abate, Breslin, Dollinger, Gold, Leichter, Onorato, Oppenheimer, Paterson, Santiago, Smith and Waldon. Ayes 50, nays 11.

ACTING PRESIDENT LEICHTER: The bill is passed.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, I'd like to get unanimous consent to be recorded in the negative on Calendar Number 1554, please.

ACTING PRESIDENT LEICHTER:

Senator Stachowski, without objection, will be recorded in the negative on Calendar Number 1554.

SENATOR ONORATO: Mr. President.

ACTING PRESIDENT LEICHTER: Senator Onorato.

SENATOR ONORATO: Mr. President, I would like unanimous consent to be recorded in the negative on Calendar Number 1545.

ACTING PRESIDENT LEICHTER: Without objection, Senator Onorato will be recorded in the negative on Calendar Number 1545.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the main calendar, would you please call up Calendar Number 257, by Senator Johnson.

ACTING PRESIDENT LEICHTER: The Secretary will read.

THE SECRETARY: Calendar Number 257, substituted earlier today, by member of the Assembly Vitaliano, Assembly Print 4467-C, an act to amend the Insurance Law, in relation to authorizing.

ACTING PRESIDENT LEICHTER: Read the last section.

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

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT LEICHTER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the main calendar, would you please call up Calendar Number 715.

ACTING PRESIDENT LEICHTER: Secretary will read.

THE SECRETARY: Calendar Number 715, by member of the Assembly DiNapoli, Assembly Print 4675-A, an act to amend the Retirement and Social Security Law, in relation to authorizing.

ACTING PRESIDENT LEICHTER: Read the last section.

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

ACTING PRESIDENT LEICHTER:

Announce the results. Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT LEICHTER: The bill is passed.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 1392 on the main calendar.

ACTING PRESIDENT LEICHTER: Secretary will read.

THE SECRETARY: Calendar Number 1392, by Senator Skelos, Senate Print 6201, an act to amend the Domestic Relations Law and the Penal Law, in relation to the suspension and revocation.

ACTING PRESIDENT LEICHTER: Last section.

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

ACTING PRESIDENT LEICHTER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT LEICHTER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, would you please call up Calendar Number 337.

ACTING PRESIDENT LEICHTER: Secretary will read.

THE SECRETARY: Calendar Number 337, by Senator Velella, Senate Print 4422-B, an act to amend the Public Health Law, in relation to Human Immunodeficiency Virus Infection.

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

ACTING PRESIDENT LEICHTER: Yes, there is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT LEICHTER: Motion is to accept the message of necessity. All those in favor, say aye.

(Response of "Aye.")

All those against, say nay.

(There was no response.)

The message is accepted.

Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 180th day.

SENATOR DOLLINGER: Hold on. Wait.

ACTING PRESIDENT LEICHTER: Hold on just a minute. Senator Santiago.

SENATOR SANTIAGO: Mr. President, on the bill.

ACTING PRESIDENT LEICHTER: Senator Santiago, on the bill.

SENATOR SANTIAGO: I would like to explain my vote.

SENATOR DOLLINGER: Could we lay that aside, Mr. President?

ACTING PRESIDENT LEICHTER: Could we have some order, please.

SENATOR SKELOS: We have a roll call and some individuals want to explain their vote.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT LEICHTER: Secretary will call the roll.

Senator Santiago, to explain

her vote.

THE SECRETARY: I got to read the last section. Section 7. This act shall take effect -

SENATOR OPPENHEIMER: He's trying to lay it aside.

SENATOR SANTIAGO: I am confused.

ACTING PRESIDENT LEICHTER: O.K.

SENATOR SKELOS: Senator Leichter, you're doing a great job.

ACTING PRESIDENT LEICHTER: Call the roll.

Where is Randy Kuhl when we need him?

O.K. Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LEICHTER: Senator Santiago, to explain her vote.

SENATOR SANTIAGO: O.K.

SENATOR OPPENHEIMER: Go ahead; your light's on.

SENATOR SANTIAGO: My light's on.

SENATOR WALDON: I don't even see it on the calendar. Mr. President. Mr. President, a point of personal privilege.

ACTING PRESIDENT LEICHTER: Senator Waldon.

SENATOR WALDON: Mr. President, a point of personal privilege.

ACTING PRESIDENT LEICHTER: State your point of personal privilege.

SENATOR WALDON: I have no awareness of what this bill is about. How can we have an explanation of the bill?

SENATOR SKELOS: Mr. President, what we're going to do we're going to reconsider -- we're going to withdraw the roll call, and then we'll be on the debate calendar.

SENATOR WALDON: Thanks very much, Senator Skelos.

ACTING PRESIDENT LEICHTER: Withdraw the roll.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT LEICHTER: Senator Paterson.

SENATOR PATERSON: There's no God. I think that we've asked for an explanation, Mr. President.

ACTING PRESIDENT LEICHTER: O.K. Explanation, Senator Velella.

SENATOR VELELLA: Yes, this is the bill we passed the other day, which was the department notification bill, and the Assembly has seen fit to make some changes to this bill that they, in their wisdom, thought would improve it, and this merely is a bill that's come back with those changes with the amendments.

Some of the amendments are, we changed the term "investigation" to "contact tracing". The wording of the bill no longer says "investigation".

ACTING PRESIDENT LEICHTER: Excuse me, Senator Velella. Senator Velella, will you excuse me just for a moment, please. We need order. This is a very important bill.

Senator Velella.

SENATOR VELELLA: Yes, the Assembly suggested, and we have concurred, that rather than use the word "investigation"

they wish us to use the word "contact tracing". It has eliminated some general language intended to give local health officials some flexibility which I felt was necessary but which they felt was a little bit too restrictive and might be interpreted to allow quarantine which was not the intent of the bill.

Some powers -- a new section 3127 has been added, which requires the Department of Health in consultation with the Office of the Prevention of Domestic Violence to operate under the procedures which have been set for domestic violence. The Assembly felt that we needed to put those provisions in so that in the event a Health Department person had contacted a spouse, and I assume it would be either spouse, but for purposes of the illustration would assume that the Department of Health contacted the female, that if the husband would find out, he might -- that she had been exposed to the HIV virus, that he might tend to get violent and be abusive to his female wife, and that we ought to have the provisions of the Office of

Prevention of Domestic Violence be put into this bill, and so we did that.

Those basically are the amendments that the Assembly requested and that's the purpose of having the bill back. The Assembly has concurred with us that these amendments will achieve the purpose that they desire.

SENATOR DOLLINGER: Mr. President, just to raise a point of order.

ACTING PRESIDENT LEICHTER: Senator Dollinger.

SENATOR DOLLINGER: Is the bill on our desk?

SENATOR SKELOS: Yes.

SENATOR SMITH: Yes.

SENATOR DOLLINGER: Where? The bill that was just handed to us? The bill that was just handed to us is a bill sponsored by Senator Wright.

SENATOR VELELLA: I have the bill that was sponsored by Senator Velella and co-sponsored by several members. Perhaps on your desk you mixed up some of the papers. You might want to shuffle through the mess on

there, and you might find the right one.

SENATOR DOLLINGER: Mr. President, with all due respect, I don't believe the bill is on our desks.

ACTING PRESIDENT LEICHTER: Senator Paterson.

SENATOR PATERSON: Mr. President, we appreciate that Senator Velella has the bill. He wrote the bill, but the issue is that we honestly don't think that the bill appears on any of the desks of the members, and if we could just either pass the -

SENATOR SKELOS: We're going to lay the bill aside temporarily.

SENATOR PATERSON: O.K.

SENATOR SKELOS: Please go to reports of standing committees. I believe there's a report -

ACTING PRESIDENT LEICHTER: All right. Lay the bill aside.

SENATOR SKELOS: There is a report of the Rules Committee at the desk. I ask it be read.

ACTING PRESIDENT LEICHTER:

O.K. Read the report of the Rules Committee. Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bills directly for third reading:

Senate Bills 2880-B, by Senator Holland, an act to amend the Administrative Code of the city of New York;

3457-A, by Senator Velella, an act to amend the Vehicle and Traffic Law;

6643, by Senator Leibell, an act to amend the Public Authorities Law;

6835-B, by Senator Skelos and others, an act to amend the Education Law;

7383, by Senator Saland, an act to authorize the city school districts of the city of Poughkeepsie;

7416, by Senator Larkin, an act to amend the Retirement and Social Security Law;

7452-A, by Senator Gold, an act to amend the Tax Law;

7490, by Senator Rath, an act to amend the Real Property Tax Law;

7541, by Senator Seabrook, an

act authorizing the city of New York to reconvey;

7662, by Senator Kuhl, an act in relation to the application;

7702, by Senator Lack, an act to amend the General Business Law;

7710-A, by Senator Marcellino, an act to amend the Environmental Conservation Law;

7779, by Senator Present, an act to authorize the city of Salamanca;

7805, by the Committee on Rules, an act to amend the Tax Law;

7812, by Senator Stafford, concurrent resolution of the Senate and Assembly; and

Assembly Bill 10978, by the Committee on Rules, an act to amend the Highway Law.

All bills directly to third reading.

SENATOR VELELLA: Move to accept the Rules report, Mr. President.

ACTING PRESIDENT KUHL: The motion is to accept the Rules report. All

those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The Rules report is accepted.

Senator Smith, why do you rise?

SENATOR SMITH: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 1554.

SENATOR KUHL: 1554?

SENATOR SMITH: That's correct.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Smith will be recorded in the negative on Calendar Number 1554.

Senator Nanula, why do you rise?

SENATOR NANULA: I too would like unanimous consent to be recorded in the negative on Calendar Number 1554.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Nanula will be recorded in the negative on Calendar Number 1554.

SENATOR NANULA: Thank you.

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

SENATOR PATERSON: I just rose to welcome you back, Mr. President.

ACTING PRESIDENT KUHL: Nice to be back, Senator Paterson.

SENATOR PATERSON: Thank you. This place was starting to look like a West Side Club, Mr. President.

SENATOR GOLD: Does this mean we're going to have a change of luck now? Leichter didn't help us.

SENATOR SKELOS: Mr. President. Mr. President, I believe Calendar Number 337 has now been distributed.

SENATOR WALDON: Explanation, please.

SENATOR SKELOS: I ask that you call up Calendar Number 337, by Senator Velella.

ACTING PRESIDENT KUHL: Before we do that, before we do that, may we have a little order in the chamber, please. A lot of conversations going on. If we're going to

conclude this session by 5:00 o'clock, we've got to have some quiet.

Senator Seabrook, why do you rise?

SENATOR SEABROOK: Yes, Mr. President. I'd like unanimous consent to be recorded in the negative on 1554.

ACTING PRESIDENT KUHL: Without objection, Senator Seabrook will be recorded in the negative on Calendar 1554.

Secretary will read Calendar Number 337.

THE SECRETARY: Calendar Number 337, by Senator Velella, Senate Print 4422-B, an act to amend the Public Health Law.

ACTING PRESIDENT KUHL: Does some member wish an explanation?

SENATOR DOLLINGER: Yes.

SENATOR MARKOWITZ: Yes.

SENATOR WALDON: Yes.

ACTING PRESIDENT KUHL: Senator Velella, an explanation has been requested by three members I see raising their hands, Senator Markowitz, Senator Dollinger and Senator Waldon.

SENATOR VELELLA: First, Mr. President, I want to apologize to Senator Dollinger. He was correct we did not distribute the correct bill. So I apologize for that.

Again, I would just make, briefly, an outline of the amendments which the Assembly has requested. The following changes have been made: Section 2133, Senator Dollinger, has been changed by deleting the last two sentences which advocates claim will -

ACTING PRESIDENT KUHL: Senator Velella, Senator Velella, excuse me just a minute. Really, there is a lot -- I don't know how Senator Santiago could hear the explanation. There are members who are talking and having conversations and walking around the chamber. We're going to have some order in the chamber for the balance of this session.

Thank you for the interruption.

SENATOR WALDON: Mr. President.

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

SENATOR WALDON: Would it be possible to ask Senator Velella to speak more directly into the mike and slow the pace down a little bit?

SENATOR VELELLA: Would be nice if they'd turn on my mike.

The following are the changes that the Assembly has requested, and we've concurred with.

Section 2133 has been changed by deleting the last two sentences which advocates claim would have permitted overly broad investigative powers of public health workers. There is, therefore, absolutely no basis any longer for believing or claiming that quarantines would be allowed under this bill. No one will be able to be quarantined under this bill, which was never that intent. There has also been a request that the change by adding language requiring notifications to be done in accordance with domestic violence protocols developed pursuant to a new Section 2137. The new Section 2137 has been added

which requires Department of Health in consultation with the Office of Prevention of Domestic Violence statewide, and community organizations, to develop a protocol for the identification of domestic violence against individuals who may either be in contact or protected individuals.

Again, as I said before, this was at the request of advocates who said that perhaps a female might be notified by a Health Department officer that she had been exposed to the HIV virus and they were fearful that her spouse might turn violent over that notification if he found out about it, so that we would now put those added protections in.

Paragraph (c) of subdivision 3 of Section 2783 of the Public Health Law has been restored so as to maintain the require ment that physicians who disclose confidential information must act in good faith and without malice in order to avoid criminal or civil sanctions.

Those are basically the changes that the Assembly requested. Assemblywoman Nettie Mayersohn, who is the sponsor over in

that house, agreed to these changes and asked that the Senate concur, and we amended our bill. Those are the changes. I'd like to move the bill.

I believe the vote on the original bill was only three negatives against it, and the balance of the house in support.

ACTING PRESIDENT KUHL: Senator Santiago.

SENATOR SANTIAGO: Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Santiago, on the bill.

SENATOR SANTIAGO: It would be easier for me to support name reporting if I knew that there was protection from discrimination for people with HIV. If we're going to have the state collect names of people who test positive for HIV, we should be sure that they're protected from losing their jobs, that they're protected from losing their homes, that they're protected from losing health care.

Presently, if names fall into the wrong hands, this may be the consequence.

It has happened to countless people since the AIDS epidemic began. The people who have been affected by this bill, this procedure, have come to my office in great numbers. What we need is a civil rights bill. This would go a long way to solving the problem. However, presently there is no such protection from HIV discrimination.

At the urging of the people in my district, and many other people in the districts that you live in, I urge you not to support this legislation, and I have to vote in the negative.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: Thank you, Mr. President.

Would the gentleman yield for a question or two.

ACTING PRESIDENT KUHL: Senator Velella, do you yield for a question from Senator Waldon?

SENATOR VELELLA: Yes, Senator.

ACTING PRESIDENT KUHL: Senator yields.

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

Senator, I apologize for not being more thoroughly aware of what this proposal contains. As you know, Paul Revere just ran around and dropped it on each of our desks just a few minutes ago. But to be very serious, is there anything in this proviso which will create sanctions against someone who improperly distributes the names of those who are identified in this process as HIV positive?

SENATOR VELELLA: Yes. The same protections that we have in the law, Senator, that would punish a doctor or person who disclosed the names of a person who is exposed to any of the venereal diseases, whether it be syphilis or any of the other diseases that are sexually transmitted, those same protections that we have for the other contagious diseases would also apply to this if some doctor or someone disclosed them, a health official, those same punishments would continued to be there.

SENATOR WALDON: Would the

gentleman continue to yield, Mr. President?

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

SENATOR VELELLA: Yes.

SENATOR WALDON: Senator Velella, only you know the dialogue, if any at all, which occurred between yourself and Assemblywoman Mayersohn, for whom I also have great respect as I do for you. In that colloquy, if there was one, was there any discussion as to the desire of the community most affected by this proposal not to have this information to be made so publicly free?

SENATOR VELELLA: Absolutely, and I think there are adequate protections here. In addition, we have provisions in this bill, as I explained on the main -- on the bill when we passed it the last time, this is not a mandatory bill. If, for example, an individual has the disease and the Health Department person says, We want to know the names of the contacts that you have had either sexually or by trans... by sharing needles or any of the other means that might transmit this disease, and that person that's been

identified says, Mind your business, I don't want to tell you and leave me alone, that's it. There's nothing else that the health official can do.

There are other bills in this house that would confuse and that's why some of the legislators got those erroneous letters. There are other bills that prescribe that if you fail to reveal the name of a contact, that you be criminally responsible. This bill does not, is not intended and will never, under this law or the amendments to the original bill or the present amendments, require somebody. What it does is, it encourages the Health Department to solicit from the individual the names of people that might have been exposed and those people will be contacted personally, directly and in a confidential way by a Health Department individual who will tell them that we have reason to believe you have been exposed to the virus. They will not reveal the name of the person who is the infected person that originally had the virus that gave them the name. They will just notify them, We believe

you've been exposed to the HIV virus. You ought to go to your own doctor and immediately be tested. That's it.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: Yes, Mr. President. Through you, perhaps just one or two more questions.

ACTING PRESIDENT KUHL: Senator Velella, you continue to yield?

SENATOR VELELLA: Yes, sir.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR WALDON: Senator Velella, please excuse my ignorance. I'm reading on page 4, 1(a) 1(2), quote: "The physician believes disclosure is medically appropriate and there is a significant risk of infection to the contact." What does that mean?

SENATOR VELELLA: What -

SENATOR WALDON: Let me read it again. Page 4, line 6, number 2, quote: "The physician believes disclosure is medically appropriate and there is a significant risk of

infection to the contact." Close quote.

SENATOR VELELLA: What's your question? That's what it says. Now, what is your question?

SENATOR WALDON: What does that really mean?

SENATOR VELELLA: Well, it means where the physician believes that it's proper under the medical conditions, what it says, that if this is to say someone else, if it is something that will help to stop the spread, then those disclosures would be medically appropriate.

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

On the bill, if I may.

ACTING PRESIDENT KUHL: Senator Waldon, on the bill.

SENATOR WALDON: I think we're going along the same route that we traveled last time on this issue with a similar proposal and I think that Senator Santiago was on the money. I think what will happen is that a certain class of people will be

discriminated against in many forms of their life, and that they will be segregated and separated out to be treated disparately.

I have been in contact through my office with many, many people from this community and the thing that they ask me to support most of all is to let the awareness of their condition be made voluntarily between themselves and those people that they are interacting with. I respect that and I will honor that, in terms of the commitment that I've made to them. So I cannot support this. I think that we're a little way away from doing the right thing by our -- those in our community who are HIV-positive or are subject to becoming HIV-positive, so I will support Senator Santiago.

I will vote no on this proposal.

ACTING PRESIDENT KUHL: Senator Markowitz.

SENATOR MARKOWITZ: Thank you very much.

First off, I want to say, Senator Velella and members of the Senate,

Republican and Democrat, and the members of the Assembly that we all have, most of us have a common purpose in seeing in the next few years an eradication of HIV/AIDS forever more to ensure that all human beings in our state conduct themselves in a way that will not in any way cause this terrible disease to continue. We all agree on that.

We also know that HIV/AIDS impacts the gay and lesbian community and it impacts the heterosexual community. We agree on that as well, and yet on this bill, you can understand the concerns and passions, especially those of the gay and lesbian community in our state, and who cannot understand. For years, Senator Connor, Senator Paterson and most of us have tried to pass a bias-related bill in this house, a strong bias-related bill.

What has held up the enact ment of that legislation? Not bias-related towards Latinos or African-Americans or other ethnics but because of the inclusion of gay and lesbians in that legislation. Is it any wonder that that community has little trust

for this house?

I agree with them, because that trust has to be earned. They and anyone else in this society that are impacted by this dreaded disease have a right to know that confidentiality will be respected because there is ongoing discrimination against many different types of people whose beliefs you may not share and whose sexual orientation you may not understand or want to understand.

Here we're talking about a bill that the names of contacts will be released to three different health agencies, state, local and county, without any training or standards for those government employees. Could you imagine that a physician is required to give the government the names of contacts even if the physician tells the state that he or she will be responsible for notification and certifies that fact to the state to those contacts, that the law would appear in communicable diseases section of the code which still has sweeping powers and that HIV is not a communicable disease.

The bill provides no funding,

no new funding to carry out this massive program. It's an unfunded mandate on local government and, from what I hear, we are trying to minimize unfunded local mandates that require funding and lastly, contacts' names are never destroyed, never destroyed; and so my suggestion to the men and women of our Legislature, let us reason together. Before we ever pass this legislation, we are all on the same path. We all want the same goal, no matter where we say we want the same goal. Let's be in inclusive and sit down early in the legislative session in January and bring in the communities that are passionate and that are involved in this and that are impacted in a major way, and let's resolve this, come up with a piece of legislation that meets the objective and the approval of all of those concerned, and that is the reason why, Senator Velella, I still can't support this legislation.

ACTING PRESIDENT KUHL: Senator Breslin. Senator Breslin, did you wish to speak?

SENATOR BRESLIN: Yes, Mr.

President, through you.

Senator Velella, there's a new Section 2137, and it talks about the prevention of domestic violence and it talks about a particular domestic violence commission. Could you tell us what that is?

SENATOR VELELLA: The Office of Prevention of Domestic Violence.

Senator, we use that in 2137 that you're talking about?

SENATOR BRESLIN: Yes.

SENATOR VELELLA: That requires the council to involve the Office of Domestic Violence statewide and community organization to develop a protocol for the identification of domestic violence against individuals who may either be a contact or protected individual.

The language was provided by the New York State Coalition against Domestic Violence, and it was at their request that this language be inserted in here and at the request of the Assembly, and we agreed to put it in.

SENATOR BRESLIN: Through you,

Mr. President, is there an existing office -

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

SENATOR VELELLA: Yes.

SENATOR BRESLIN: Is there an existing Office for the Prevention of Domestic Violence?

SENATOR VELELLA: You've really got me. I mean I assume that there is because we refer to it; everybody's asked for it to be there, but do I personally, no. They've never contacted me as a perpetrator of domestic violence, so I don't know if they're there or not, but I assume that we do have and, if you want, I will check and find out. There must be an Office of Domestic Violence.

Your side has informed me; perhaps they're more familiar with the Office of Domestic Violence. They have informed me that there is such an office.

SENATOR BRESLIN: Through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR VELELLA: Yes.

SENATOR BRESLIN: Could you ask my side where that office is located.

VOICE: It's in the Bronx.

SENATOR BRESLIN: No, in what agency?

SENATOR VELELLA: Now, I'm a little embarrassed. It's part of the Executive Chamber. Carol Johnston is the head of the Office.

SENATOR BRESLIN: Thank you.

ACTING PRESIDENT KUHL: Secretary will read the last section.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Just for a question of the sponsor, if I could.

ACTING PRESIDENT KUHL: Senator Velella, do you yield to a question from Senator Dollinger?

SENATOR VELELLA: Yes, Senator.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR DOLLINGER: Senator,

when this bill came up the first time, I voted in favor of it, but I did so, and I just want to make sure I understand this.

Is it my understanding that a physician will always be involved in the discussion with the person who is diagnosed as being HIV-positive?

SENATOR VELELLA: I could conceive of a possibility where a physician might not be involved.

SENATOR DOLLINGER: Where would that occur, again through you, Mr. President.

SENATOR VELELLA: The only thing I might think of if a person went into a clinic and was tested and the person giving them the result in that clinic would not be a doctor or a physician but might be some kind of a health -- a nurse or a -- or a technician that was giving them the results of their blood test that they had voluntarily taken.

We also do have in New York State, and this bill does not touch, the possibility that someone can go in and be anonymously tested for the HIV virus if they desire, but the person it is conceivable to me

that might give you the bad news could be other than a physician, a physician's assistant or a nurse.

SENATOR DOLLINGER: Again through you, Mr. President. Under this bill, the information could be passed to the state of New York without the person who's diagnosed even knowing; is that correct?

SENATOR VELELLA: I don't know in your hypothetical. I would think not. I would think it's when the person is notified that the doctor also notifies the Commissioner of Health, who then notifies the local health officer, whether it be in a county, a county health officer or, as in my case, the city of New York, the City health officer would be notified and would then contact any person that was so diagnosed and say, We'd like to know the people you had contact with. Will you tell us so that we can notify them that they have been exposed.

SENATOR DOLLINGER: But again -

SENATOR VELELLA: And if you say no, it's no; if you tell them the name they're contacted confidentially.

SENATOR DOLLINGER: Again through you, Mr. President, but doesn't your bill provide that the diagnostic testing lab would notify the state even though they hadn't notified the individual?

SENATOR VELELLA: Yes.

SENATOR DOLLINGER: So your name could be, under your bill, or under this bill, your name could be given to the state Health Commissioner as testing positive even though you didn't even know it; is that possible?

SENATOR VELELLA: If you gave your name and you asked for the HIV test and it came back positive, the health -- the agency that did the testing would notify the state that they had an positive hit on this name, and if you didn't ask what the results of my test was, I guess it's conceivable that you wouldn't know, but the Health Department would know. I think it's a little bit strange though, that you would go to get the tests. There would be a result and then you would never go back to get the result, but that, I guess, could conceivably happen.

SENATOR DOLLINGER: Again through you, Mr. President.

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

SENATOR VELELLA: Yes.

SENATOR DOLLINGER: What happens if there's a false positive?

SENATOR VELELLA: If there's a false positive, then you would be given a false result.

SENATOR DOLLINGER: Again through you, Mr. President, but what happens if there's a false positive and the information is transferred to the Health Department, as it would be right from the lab?

SENATOR VELELLA: Absolutely.

SENATOR DOLLINGER: Your bill says immediately the lab has to send this information forward and the individual doesn't even know it, and the process goes on and it turns out the test was false.

SENATOR VELELLA: The individual would know in a relatively short time because if there was a false positive and

in fact that testing agency notified the state Health Department and that state Health Department notified the local Health Department and that local Health Department official came over to visit the person and said, By the way, you know that test you took, it was positive. Then that person would find out. It would be a little bit of a delay, but they would find out all the same.

SENATOR DOLLINGER: And just one final question through you, Mr. President, to Senator Velella.

ACTING PRESIDENT KUHL: Senator continues to yields.

SENATOR DOLLINGER: Who's going to -

SENATOR VELELLA: And I might add, Senator, it was just pointed out to me if there is a false positive, the person would notify the Health Department and the Health Department would take them off the list.

SENATOR DOLLINGER: Is there a provision for that in here?

SENATOR VELELLA: Yes.

SENATOR DOLLINGER: Could you

tell me where?

SENATOR VELELLA: It's existing procedures.

SENATOR DOLLINGER: And again through you, Mr. President, the procedure that you described in which the testing lab would notify the state Health Commissioner without the persons's physician first notifying the diagnosed person, is that the current procedure used for other STDs?

SENATOR VELELLA: I honestly don't know. I honestly don't know if that's the current procedure. It is the procedure to be developed under this bill. Whether it's the current procedure, I honestly don't know.

SENATOR DOLLINGER: Thank you, Mr. President.

I'm not sure what -

ACTING PRESIDENT KUHL: Secretary will read the last section.

Senator Abate, you want to explain your vote?

SENATOR ABATE: No, I would like to ask some questions.

ACTING PRESIDENT KUHL: Senator

Velella, do you yield to a question from Senator Abate? Senator yields.

SENATOR VELELLA: Yes, Senator.

SENATOR ABATE: Yes, Mr. President, if Senator Velella will yield to some questions.

SENATOR VELELLA: Sure.

SENATOR ABATE: I just am reading the bill for the first time, so I have a number of questions.

It's my understanding understanding of the current law, Senator Velella.

SENATOR VELELLA: Go ahead.

SENATOR ABATE: O.K. Under the current law, doctors may now notify health authorities if they feel that they have a patient in fact, who is not being responsible and they can actually notify the partners themselves; is that right?

SENATOR VELELLA: I guess technically you're correct, but it would be very difficult for someone to notify a partner of a person if, in fact, they didn't know the name of that person, which is very possible

under existing law, or the individual didn't let them know who their partners would be.

You know, if I don't tell you who my partner is I shared a needle with, you're never going to know how to contact them if I'm a person that shares needles with people and if I chose to be tested anonymously as the law now provides, you wouldn't know who I was anyway to notify anybody else, so -

SENATOR ABATE: Well, let's make the assumption. Under the current law the doctor knew who the partner was, and the patient refused to notify his partner. The doctor today could make that notification.

SENATOR VELELLA: Conceivably, yes.

SENATOR ABATE: Could directly tell the partner.

SENATOR VELELLA: Yeah, I believe so, yes.

SENATOR ABATE: Yes, under the law as it exists.

SENATOR VELELLA: Under existing law, yes.

SENATOR ABATE: Under existing

law. Under this law how does it change that practice?

SENATOR VELELLA: I don't believe it does, Senator, unless you see something in the bill that changes it.

SENATOR ABATE: So you're saying now a doctor now who has a patient can still notify?

SENATOR VELELLA: Can still notify?

SENATOR ABATE: Can still notify the partner.

SENATOR VELELLA: I'm saying we do not change existing law for that procedure. If the doctor knows and the doctor feels it's medical necessity, they can under existing law.

SENATOR ABATE: Right.

SENATOR VELELLA: And this law does not change that.

SENATOR ABATE: All right. Senator Velella, you raised a critical issue that even under the existing law the doctor's hands are handicapped because if the patient doesn't tell them of the existing names of

partners, the doctor can't do anything; is that right?

SENATOR VELELLA: Correct.

SENATOR ABATE: Now, what's different under this proposed law? Let's say that -

SENATOR VELELLA: I'm glad - I'm glad you asked that question.

SENATOR ABATE: Yes, but I need to understand. Let's say an individual is tested, and that individual is asked, Do you have any partners, and the individual let's say, doesn't want to give that information, so how are we at a better place under this law than under the current law?

SENATOR VELELLA: Well, Senator, I'm glad you asked that question because now what we are going to do is we are going to give the Health Department of your local government, in our case the city of New York, the power, the right and the impetus to speak to that person who has been diagnosed as affected by this disease and try to counsel them and bring them about to tell us who else might be exposed.

Now, we might not be successful, but certainly I've heard you talk about bills here dealing with HIV where you have said that counseling is an important part and you've been very strongly supportive of that, and I have been too, because this is a traumatic disease, it's a terrible disease and we are going to try to get these people counseled to reveal the names voluntarily. If they tell us, mind your own business and get out of here, there's not very much we can do and this law will not force anybody to tell but we are going to encourage the local health departments to go for this goal. The best possible way to control this disease is to find out who the other people are that have been affected and to discuss with them the possibility for going for tests and to convince them that they ought to find out if, in fact, they are carrying the virus.

SENATOR ABATE: You're absolutely right, Senator Velella. I have been outspoken and I'd say absolutely committed to mandatory counseling because I believe when people are informed, most people

will be responsible about themselves and their loved ones and their partners.

My question is, let's assume counseling is beneficial. The more people understand their responsibilities they'll carry it out, but don't you think people would react better to their individual doctor than to a strange Health Department official who calls them up on the phone? How are we going to be in a better position so that we know about more partners and more people come forward so we can get more people in treatment and they understand what their status is?

SENATOR VELELLA: Well, the average -- your local doctor would not normally have the time, probably the inclination, to contact people. Let's assume that, and not to attribute any moral promiscuity amongst people. Let's assume somebody is an IV user and has shared needles with maybe 15 people. Well, if you told your doctor these are the 15 people I shared - these are the 15 people I shared needles with, I don't know how many dedicated doctors would have the time or the inclination to go out and

contact those 15 people. So the Health Department officials who are trained, who are sensitized to the problems of this disease would have the time to go out and be employed and do the contacts like they do with other socially transmitted diseases; so that's one of the benefits I think, that we would get, that doctors, your family doctor might not have the time, the inclination or the ability to contact people.

For example, if you shared needles with someone in Manhattan, and also up in Albany while you're in Albany, would your doctor travel to Albany to tell that person personally that they might have been exposed to the HIV virus because somebody shared a needle with somebody who has been identified as having the HIV virus so the Health Department can make those transmissions and those contacts, I think, more effectively, more confidentially, and probably a little bit more sensitively about making them.

SENATOR ABATE: Could you clarify this issue? If I am contacted, I've been tested, I test positive and I'm contacted

by the health care official, and I tell them I don't have any partner, but I'm not believed by the public health official. What can that individual do?

SENATOR VELELLA: Nothing, and this bill allows them to do nothing more than ask you and possibly try to convince you. Would you think about it again, please; would you try to think; would you tell us if, in fact, you have -- you say, Leave me alone; I don't want you to bother me. I don't have any contacts, and they can't do anything else.

SENATOR ABATE: And what will the protocol be if, after I say no, and I say to this health care official, Leave me alone, what will the protocol; will there be a second or third step by the official, or will the file be closed.

SENATOR VELELLA: According to this bill, if you read what's here, there will be nothing to be done except to ask the person who's been identified as HIV-positive to reveal the names of possible contacts. After that, the file is closed.

SENATOR ABATE: Is there

anything in this bill that provides for explaining of the health care officials around confidentiality, sensitivity, understanding of the nature of this law? What is built into there that there's enough money invested to make sure the health care provider can carry out this law in an appropriate and sensitive and non-discriminatory way?

SENATOR VELELLA: There is nothing in this bill that would add any requirements because there is a system in place already for socially sexually transmitted diseases that the Health Department has in place now. That same system and those same criteria would be used in contacting HIV-positive people and those contacts that they have. In addition, the Assembly, in these amendments that bring the bill back to us, mandate something above and beyond and that is that the Office of Domestic Violence also be contacted, so that in the event a spouse or a partner might be violent over this if they hear about it, there will be the properly trained people to respond to that family need in giving that unfortunate in

formation to the family.

SENATOR ABATE: If I -- Mr. President, would Senator Velella continue to yield?

SENATOR VELELLA: Yes.

SENATOR ABATE: Thank you, Senator.

What sanctions are available - I'm not aware of what the sanctions are, Senator, if I'm a health care provider, and I raise after the individual I've contacted, I think that individual is irresponsible, and I disclose the health status of that individual? What's the -- what is the sanction against me as a health care provider?

SENATOR VELELLA: Well, you would no longer be licensed as a health care professional because you had violated a professional -- a professional confidentiality. I don't know that there is a misdemeanor charge in the law, but it would be whatever the same punishment would be for revealing that you might have been exposed to a venereal disease, or that you might have smallpox or that you might have hepatitis, or

any other medical person who is licensed who would reveal any of your medical information.

We don't raise this to a higher level, but we don't bring it to a lower level.

SENATOR ABATE: Would you consider, Senator, putting forward a bill that if someone does disclose this information which is inconsistent with the law and in violation of the law, that they would face criminal charges because I submit that this is very different from the other communicable diseases. This is a transmissible disease. We do not have a civil rights bill that protects against discrimination against people who are gay. Some of the very individuals that would be affected by this could be gay men, and so I would say that the chances of discrimination are even greater.

Would you consider submitting a bill that would outline sanctions that would be tantamount to criminal charges?

SENATOR VELELLA: Well, Senator, first of all, I want to correct something you said. This is not a gay

disease.

SENATOR ABATE: It is not a gay disease.

SENATOR VELELLA: Certainly not.

SENATOR ABATe: I'm not suggesting that.

SENATOR VELELLA: It's a heterosexual disease, and it's transmitted in many ways, so isolating and stigmatizing the gay community, I think, is wrong, so we shouldn't use that as an example.

SENATOR ABATE: I'm so glad that you feel that we should end discrimination against gays.

SENATOR VELELLA: We show a lot of common sensitivity.

SENATOR ABATE: And we should work vigorously in this chamber to pass that law because, if we truly want to end discrimination, but my suggestion is that there is discrimination and that we may have to take much more stringent approaches to prevent the disclosure and why we don't do it with sexually transmitted diseases or other

kinds of -

SENATOR VELELLA: On the bill, talk on the bill. If you want to ask me a question, ask me a question.

SENATOR ABATE: Yes. I just asked will you be willing to sponsor a piece of legislation with stronger sanctions if an individual discloses confidential information?

SENATOR VELELLA: Certainly, and we have a provision in here, line 22, page 3, which talks about some penalties for people who no criminal or civil liability shall attach to any protected individual -

SENATOR ABATE: I can't understand you.

SENATOR VELELLA: -- solely due to our failure -- failure.

SENATOR ABATE: Where are you reading?

SENATOR VELELLA: -- to report -- page 3, line 22 to 25, so we're not forcing the people to disclose anything. If someone does disclose confidential information that's come their way, sure, we have professional punishments for them. I'd be

happy to consider a bill if you were going to put one in -- well, I don't know if you're going to be here to do it.

SENATOR ABATE: Maybe in another capacity, I'll be able to do it.

SENATOR VELELLA: Who?

SENATOR ABATE: Maybe in another capacity I'll be able to do it.

SENATOR VELELLA: Oh, I doubt that; I doubt that, Senator; I seriously doubt that.

ACTING PRESIDENT KUHL: Senator Abate we're not here for what you're discussing.

SENATOR VELELLA: I seriously doubt that.

ACTING PRESIDENT KUHL: Do you have another question of Senator Velella?

SENATOR ABATE: Senator Velella, would you continue to yield?

SENATOR VELELLA: Well, I would refuse to think about that, and I would say there are many, many protections for discrimination against HIV-infected people in the existing law.

One of the things we talked about when I did the "baby AIDS" bill which we debated, was the fact that there's something like 15 pages of protections in the state statutes for people who are HIV-positive or have full-blown AIDS that are no protections for any other known disease. I think some of the other diseases may have a paragraph or two for protection. We have bent over backwards to make the laws and the provisions for protecting people from discrimination who have AIDS, in housing, if you look at some of the forms.

All of the protections that we could possibly do are there. Could we improve on them? Probably. And would I be willing to work with you on improving the protections? Sure, but I think we also have to keep a message in mind and that is that people ought to know if they were exposed to this disease. We're not stigmatizing people. We're not categorizing them. We're simply saying, if you've been exposed to this disease, you ought to know. I think you would want to know. I would want to know.

Think of the Magic Johnson case. Years after he had had some sexual contacts while he was in college he finds out that he was was diagnosed with this HIV virus. What about people he may have had contacts with between then that had been exposed to this? Wouldn't they want to know?

SENATOR ABATE: Senator, I just have a couple -

SENATOR VELELLA: That's all we're trying to do; we're not trying to hurt anybody. We're trying to give someone a private notification that you know what, there's a chance you might have been exposed. You better go to your doctor.

SENATOR ABATE: And I'm just trying to understand the implications of this bill.

ACTING PRESIDENT KUHL: Senator Abate.

SENATOR ABATE: And again I'm seeing it for the first time.

ACTING PRESIDENT KUHL: Senator Abate.

SENATOR ABATE: Yes. Can I

continue?

ACTING PRESIDENT KUHL: Well, if you ask the Chair to -- whether the Senator yields or not, certainly we'll see.

SENATOR ABATE: Thank you. Senator, are you asking Senator Velella to yield?

SENATOR ABATE: Yes, I am.

ACTING PRESIDENT KUHL: Senator Velella, do you yield?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR ABATE: Thank you. Right now, there are contact tracing programs, federal projects. I'm really trying to under stand this bill.

SENATOR VELELLA: Yes.

SENATOR ABATE: Will those voluntary contact tracing programs continue to be funded, and these are the programs where individuals say, I want on my own to notify my partners?

SENATOR VELELLA: Senator, I couldn't answer that with any degree of

certainty. If the money has been put into the budget, if the funding process that was previously in existence is still there, yes there will continue to be funding. This bill, I can tell you, will not affect it negatively or positively. It has nothing to do with the funding sources of people who voluntarily participate in another program. It simply tells -- it simply creates the law that says the Health Department should reach out to people, try to get them to reveal their contacts and notify those people who have been their contacts in a confidential manner. That's it.

Whatever was funded was funded.

SENATOR ABATE: But don't you agree that we want to -

ACTING PRESIDENT KUHL: Senator Abate, are you asking the Senator to yield?

SENATOR ABATE: Yes.

ACTING PRESIDENT KUHL: Senator Velella, do you yield?

SENATOR VELELLA: Yes.

ACTING PRESIDENT KUHL: Senator

yields.

SENATOR ABATE: Senator, don't we want to encourage people to take responsi bility for themselves and encourage them to voluntarily reach out to their partners and to talk with their partners and disclose this information?

SENATOR VELELLA: Absolutely, and that's why you should vote for this bill because this encourages that.

SENATOR ABATE: Well, this - but I understand this will put people -

ACTING PRESIDENT KUHL: Senator Abate. Senator Abate, are you asking Senator Velella to yield?

SENATOR ABATE: Yes. Do you want me, after every question, to ask you?

ACTING PRESIDENT KUHL: That is the normal procedure. I've kind of let you go, Senator Abate, because you weren't here the other day when this bill was debated, and I thought we could short-cut the debate, but that doesn't appear to be happening, and the sun is setting as you may know.

SENATOR ABATE: O.K.

ACTING PRESIDENT KUHL: 5:00 o'clock is fastly coming; so, Senator Velella, do you continue to yield?

SENATOR VELELLA: Mr. President, I would caution the questioner and the Senator that I will yield to two more questions and then I will cease yielding.

ACTING PRESIDENT KUHL: Senator will yield to two more questions if you'll run them through the Chair.

SENATOR VELELLA: So put them carefully, Senator.

SENATOR ABATE: They'll be very carefully chosen, Senator.

SENATOR VELELLA: Thank you.

SENATOR ABATE: Where in this bill, if an individual says I want to be responsible and talk to my partner, where can they notify someone, the Health Commissioner, and say I want to opt out of this mandatory program? I want to do the notifying, not a stranger from the Health Department? Where in this bill allows me to take responsibility for my actions?

SENATOR VELELLA: Senator, you

were born with that right to have responsibility for your own actions. This bill does not stop you from having that right. It doesn't create a new right. It just says you can be contacted, and that's it. Hang up the phone, tell the person to get out. You can be responsible for yourself. We're going to only try to encourage those people who are not responsible for themselves. You were born with that right. I would never take it away from you.

SENATOR ABATE: And my last question.

ACTING PRESIDENT KUHL: Senator Velella, do you continue to yield for one more question?

SENATOR VELELLA: That's it, the last one, Mr. President.

ACTING PRESIDENT KUHL: Senator yields to one more question.

SENATOR ABATE: And my concern, and you stated it very aptly, that we need to make sure that the laws are enforced. There is an Executive Law, a state Human Rights Law that says people with disabilities cannot be

discriminated against, but we also have a state Division of Human Rights that has no funding and very little ability to prosecute these cases to make sure that the law, whether it's confidentiality or the human rights law, is enforced.

What kind of assurance can you give to me that we will diligently enforce the law and protect people with disabilities against discrimination?

SENATOR VELELLA: Senator, you know, I wish we would try to confine ourselves to the facts of this bill. This bill does nothing to deal with the Human Rights Commission. It doesn't propose to do that. It doesn't stop any right anybody has. If you're unhappy with the funding that's been provided for one state agency or another, you have never been shy to offer an amendment to the budget. You've never been shy to offer any proposals to this house. Do them, but let's talk about what's on this bill and is printed here. It in no way affects any of the funding either negatively or positively to any other state agency.

Let's stick to this bill. It says, if you've been diagnosed with HIV and you're HIV-positive a certified Health Department professional will contact you, ask you to reveal the names of the people you may have infected and then when they are told you will notify those people discreetly and not even reveal your name that you are the person that may have infected them. Just notify them that they have may have been infected by someone, there is reason to believe they may have been exposed to this virus; they ought to go get tested. Simple, clean, pure, not hurting anybody, not violating anybody's constitutional rights, and just a plain old common sense solution to a very, very difficult problem.

I refuse to yield any further, Mr. President.

SENATOR ABATE: And -

SENATOR VELELLA: Read the last section.

SENATOR ABATE: And, Senator Velella, I have no further questions. Thank you very much.

ACTING PRESIDENT KUHL:

Secretary will read the last section.

THE SECRETARY: Section 7.

This bill shall take effect on the 180th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives.

THE SECRETARY: Those recorded in the negative on Calendar Number 337 are Senators Markowitz, Montgomery, Sampson, Santiago, Seabrook, Smith -- correction, Senator Smith in the affirmative -- and Senator Waldon. Ayes 55, nays 6.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Velella.

SENATOR VELELLA: Mr. President, there will be an immediate meeting of the Rules Committee in the Senate Conference Room.

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

Committee in the Majority Conference Room, Room 332. Immediate meeting of the Rules Committee in the Majority Conference Room, Room 332.

Senator Velella.

SENATOR VELELLA: Could we proceed to Calendar Number 53C, and take it up in the regular order.

ACTING PRESIDENT KUHL: The members -- we have a little order in the chamber, a little order in the chamber, please. The members take their places, staff take their places. If you have to have a conversation, take it out of the chamber. We'll do a controversial reading on Calendar 53C, starting with Calendar Number 1525, by Senator Holland.

Secretary will read.

THE SECRETARY: Calendar Number 1525, in relation to Calendar Number 1525 Senator Holland moves to discharge from the Committee on Rules Assembly Number 8264-C and substitute it for the identical Senate Bill 2880-B.

ACTING PRESIDENT KUHL:

Substitution is ordered. Secretary will read.

THE SECRETARY: Calendar Number 1525, by the Assembly Committee on Rules Assembly Print 8264-C, an act to amend the Administrative Code of the city of New York.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1571, in relation to Calendar Number 1571, Senator Velella moves to discharge from the Committee on Rules Assembly 668-A and substitute it for the identical Senate Bill 3457-A.

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

THE SECRETARY: Calendar Number 1571, by member of the Assembly Seminerio, Assembly Print 668-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1572, by Senator Leibell, Senate Print 6643, an act to amend the Public Authorities Law, in relation to the powers of the state of New York Mortgage Agency.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker, why do you rise?

SENATOR VOLKER: Mr. President, would you read next Calendar Number 1585, please.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1585.

THE SECRETARY: Calendar Number 1585, by the Assembly Committee on rules, Assembly Print 10978, an act to amend the Highway Law, in relation to the state highway system.

ACTING PRESIDENT KUHL: Secretary will read the last section.

Senator Connor, why do you rise?

SENATOR CONNOR: Briefly to comment on the bill.

This bill comes to us as an

orphan. It's a handdown from the Assembly, Assembly Rules Committee, and, you know, in the Senate here we uphold good family values. We think that bills like this ought to come with two parents, one in the Senate and one in the Assembly, even a bill that's as weighty as allowing the Commissioner to assume jurisdiction of the section in East Chestnut Street, et cetera, et cetera, in the city of Rome.

Rome has a very, very fine Senator. She does a wonderful job in representing the citizens of Rome as well as the other parts of her district, and it's curious that a bill like this would come to us in this fashion, and ordinarily a bill like this without the appropriate sponsorship would merit a lengthy debate by our colleagues on this side of the aisle, and I would gladly lead that debate, and something tells me that at five minutes to ten on this evening, it could be a fatal debate, fatal to the prospects of the bill.

Be that as it may, Senator Hoffmann has come to me and asked me to put

aside my understandable concern as the leader of the Minority here that bills do have proper sponsorship when they come over here and has asked that, on behalf of the citizens of Rome, she's asked I might add rather unselfishly from a sponsorship standpoint and indeed her service these many years to the citizens these many years has been unselfish and in their best interests, even when confronted with some political peculiarities like the absence of sponsorship on this bill.

So in deference to Senator Hoffmann, and only because she has asked, I will cease debating this bill with another hour and 53 minutes of my time remaining and ask that the last section be read.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, if you will go back to 1573 on the regular order.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1573, Senator Skelos moves to discharge from the Committee on Rules Assembly Bill 10311-B and substitute it for the identical Senate Bill 6835.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1573, by member of the Assembly Glick, Assembly Bill 10311-B, an act to amend the Education Law.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1574, by Senator Saland, Senate Print 7383, an act to authorize the city school districts of the city of Poughkeepsie.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1575, by Senator Larkin, Senate Print 7416, an act to amend the Retirement and Social Security Law and the Administrative Code of

the city of New York.

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

THE SECRETARY: Section 8. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1576, by Senator Gold, Senate Print 7452-A, an act to amend the Tax Law.

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 61.

ACTING PRESIDENT KUHL: The

bill is passed.

THE SECRETARY: Calendar Number 1577, by Senator Rath, Senate Print 7490, an act to amend the Real Property Tax Law.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1578, by Senator Seabrook, Senate Print 7541, an act authorizing the city of New York to reconvey.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call

the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1579, by Senator Kuhl, Senate Print 7662, an act in relation to the application.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1580, Senator Lack moves to discharge from the Committee on Rules Assembly Print 4775 and substitute it for the identical Senate Bill 7702.

ACTING PRESIDENT KUHL: The substitution is ordered. The Secretary will read.

SENATOR VOLKER: Lay that aside temporarily.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: Calendar Number 1581, by Senator Marcellino, Senate Print 7710-A, an act to amend the Environmental Conservation Law.

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

THE SECRETARY: Section 6. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1582, by Senator Present, Senate Print 7779,

an act to authorize the city of Salamanca.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR VOLKER: Move to accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1582. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

There is a home rule message at the desk.

The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the same date as the city of Salamanca.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR VOLKER: Is there a message at the desk on 1583, please?

THE SECRETARY: Calendar Number 1583, by the Senate Committee on Rules, Senate Print 7805, an act to amend the Tax Law.

SENATOR VOLKER: Move to accept the message.

ACTING PRESIDENT KUHL: There is. The motion is to accept the message of necessity on Calendar Number 1583. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

The Secretary will read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1584, by Senator Stafford, Senate Print 7812, concurrent resolution of the Senate and Assembly, proposing an amendment to Section 25 of Article VI.

ACTING PRESIDENT KUHL: The question is on the resolution. The Sec...

SENATOR DOLLINGER: Lay it aside for an explanation.

ACTING PRESIDENT KUHL: We're on debate.

SENATOR DOLLINGER: Can I have an explanation?

ACTING PRESIDENT KUHL: Who do you wish to handle the debate? Do you have an explanation request, Senator Dollinger?

SENATOR DOLLINGER: Yes, I do, Mr. President. I just have never seen this bill before. I would just like to know -- it deals with something with retirement for judges. Brief explanation to just tell me what it does. What does it do?

Mr. President, does this extend the certification program for Supreme Court judges to the Court of Claims?

ACTING PRESIDENT KUHL: That's correct.

SENATOR DOLLINGER: No objection.

ACTING PRESIDENT KUHL: Explanation satisfactory. The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The resolution is adopted.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Volker, that completes the controversial

reading, with the exception of 1580, on Supplemental Calendar Number 53-C.

SENATOR VOLKER: Would you call up Calendar Number 737, please.

SENATOR GENTILE: Mr. President.

SENATOR VOLKER: The bill was previously passed, recalled, and I think restored.

ACTING PRESIDENT KUHL: The Secretary will read the title to Calendar Number 737.

THE SECRETARY: Calendar Number 737, by Senator Wright, Senate Print 7318-B, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Is there a message at the desk, please?

ACTING PRESIDENT KUHL: There is.

SENATOR VOLKER: The motion is to accept the message.

ACTING PRESIDENT KUHL: The

motion is to accept the message of necessity on Calendar Number 737. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

Senator Dollinger.

SENATOR DOLLINGER: Mr. President, rather than try to leap through the piles on my desk, can I ask Senator Wright what previous bill this is and what it does in two seconds.

We already voted on this one today, Mr. President?

ACTING PRESIDENT KUHL: Correct.

SENATOR WRIGHT: 7318-B, it's on your desk. The only change is made to line number -- page 4, line 40, where we define the scanning device. It's the scanning device used to ID for sale of alcohol and tobacco to minors. It's a Governor's bill. We've redefined the device being utilized to

include -

SENATOR DOLLINGER: Explanation satisfactory. Thank you.

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

THE SECRETARY: Section 6. This act shall take effect on September 1st.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Motions and resolutions, housekeeping.

SENATOR GENTILE: Mr. President. Mr. President.

ACTING PRESIDENT KUHL: Senator Gentile.

SENATOR GENTILE: I would just like unanimous consent to be recorded in the negative on Calendar Number 1568.

ACTING PRESIDENT KUHL: Without

objection, hearing no objection, Senator Gentile will be recorded in the negative on Calendar Number 1568.

Senator Meier.

SENATOR MEIER: Mr. President, on behalf of Senator Larkin, I wish to call up his bill, Print Number 6781-B, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: By Senator Larkin, Senate Bill 6781-C, an act to amend the Penal Law.

ACTING PRESIDENT KUHL: Senator Meier.

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

ACTING PRESIDENT LEICHTER: The motion is to reconsider the vote by which the bill passed the house.

The Secretary will call the roll on reconsideration.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: Senator Meier.

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

ACTING PRESIDENT KUHL: The amendments are received.

Senator Volker.

SENATOR VOLKER: Is there another Rules report at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR VOLKER: Will you have it read at this time, please.

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

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bills directly for third reading:

Senate Bill 7784, by the Committee on Rules, an act to amend Chapter 54 of the Laws of 1998;

7786, by the Senate Committee on Rules, an act making an appropriation to the Office of Children and Family;

7787, by the Committee on Rules, an act to amend Chapter 54 of the Laws of 1998;

7788, by the Committee on Rules, an act to amend Chapter 54 of the Laws of 1998.

All bills directly for third reading.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Move to accept the Rules report.

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

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The report of the Rules Committee is accepted.

SENATOR VOLKER: Could we take

up Supplemental Calendar 53-D now.

SENATOR DOLLINGER: Mr. President, I don't have it. That's all.

SENATOR VOLKER: Yeah. They're just handing them out.

ACTING PRESIDENT KUHL: For the benefit of the members, we will be taking up Supplemental Calendar Number 53-D, which is being distributed right now, along with the bills. As soon as those are distributed, we will proceed. There are, I believe, the sum of four bills on this calendar.

I believe the Calendars are distributed, the bills are distributed. Any member who does not have them?

(There was no response.)

I'll ask the Secretary to read again controversial calendar reading number 53-D beginning with Calendar Number 1586, Senate Print 7784.

The Secretary will read.

THE SECRETARY: Calendar Number 1586, by the Committee on Rules, Senate Print 7784, an act to amend Chapter 54 of the Laws of 1998.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes -

ACTING PRESIDENT KUHL: Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: Thank you, Mr. President.

I'll be brief and I'll address the other three bills that are on this Rules Committee report.

I want to commend my colleagues on the other side of the aisle for standing up for the cost of living adjustment for probably the workers who do the most work for the least pay in this state. These are the people who provide our direct services for those in the alcoholism and substance abuse service field, the family and children services, the mental health field and the developmental

disabilities.

Frankly, Mr. President, I regard this as the one veto which is -- I know this is not an override, Mr. President, but this is a veto that I believe was so wrong headed. It just took away a two and a half percent pay raise for some of the people who do our most difficult work and do something that is enormously difficult for any of us to do.

I don't know what the second floor was thinking when they did this. I am glad that my colleagues on the other side of the aisle, my colleagues in the Assembly obviously convinced the man who sits on the second floor who wielded his veto pen to put that pen back in his pocket and let these bills pass.

This is something that I never understood. I don't understand to this day. I'm happy to vote for it, Mr. President. I salute my colleagues for making this happen. This is simple justice and fairness for these workers.

ACTING PRESIDENT KUHL: Senator

Dollinger will be recorded in the affirmative. Announce the results.

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 1587, by the Committee on Rules, Senate Print 7786, an act making an appropriation to the Office of Children and Family Services.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1588, by the Committee on Rules, Senate Print 7787, an act to amend Chapter 54 of the Laws

of 1998.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1589, by the Committee on Rules, Senate Print 7788, an act to amend Chapter 54 of the Laws of 1998.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker, that completes the controversial reading of Calendar Number 53-D.

SENATOR VOLKER: Stand at ease momentarily. We're waiting for the next Rules report that should be here post haste.

ACTING PRESIDENT KUHL: The Senate will stand at ease for a brief moment.

(Whereupon, the Senate stood at ease from 10:10 p.m. until 10:13 p.m.)

SENATOR VOLKER: Mr. President, would you return to reports of standing committees.

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to take their chairs, the staff to take their places. Return to the order of reports of standing committees.

Senator Volker.

SENATOR VOLKER: Read the report of the Rules Committee at the desk, please.

ACTING PRESIDENT KUHL: There

is a report of the Rules Committee at the desk.

I'll ask the Secretary to read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, offers up the following bills directly for third reading:

Senate Bill 3302, by Senator Johnson, an act to amend the Banking Law and the Tax Law;

5384-A, by Senator Leibell, an act to redistribute 1997 bond volume allocations;

5584-A, by Senator Oppenheimer, an act to amend the Vehicle and Traffic Law;

6066, by Senator Stachowski and others, an act to amend the Education Law;

6498-B, by Senator Larkin, an act to authorize the city of Newburgh;

6555-B, by Senator Farley, an act to amend the Banking Law;

7258, by Senator Rath, an act to amend the Education Law;

7379, by Senator Alesi, an act to amend the Tax Law;

7585, by Senator Spano, an act

to amend Chapter 640 of the Laws of 1997;

7597-A, by Senator Alesi, an act to authorize the city of Rochester;

7640, by Senator Marcellino, an act to amend the Tax Law;

7649, by Senator Skelos, an act to amend the Public Health Law;

7688, by Senator Leibell, an act to amend the Public Authorities Law;

7747, by the Committee on Rules, an act to amend the Retirement and Social Security Law;

7749, by Senator Cook, an act to allow certain police officers;

7754, by Senator Saland and others, an act to amend the Education Law;

7759, by Senator Cook, an act to amend the Real Property Tax Law;

7760, by Senator Larkin, an act to amend the Real Property Tax Law;

7767, by the Committee on Rules, an act to amend the Real Property Tax Law;

7775, by Senator Velella, an act to amend the Insurance Law;

7817, by Senator Bruno and others, an act to amend the Labor Law;

7828, by the Committee on Rules, an act to amend a chapter of the laws of 1998.

All bills directly for third reading.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Mr. President, on everybody's desk is Senate Supplemental Calendar 53-E and the bills are there also. We'll start with the first bill and do the non-controversial.

ACTING PRESIDENT KUHL: On motion by Senator Volker to accept the report of the Rules Committee, all those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The Rules report is accepted.

Non-controversial reading of Calendar Number 53-E.

The Secretary will read

beginning with Calendar Number 1590 by Senator Johnson.

THE SECRETARY: In relation to Calendar Number 1590, Senator Johnson moves to discharge -

ACTING PRESIDENT KUHL: Can we please have a little order, a little order in the chamber. The members please take their seats, the staff please take their positions. Take the conversations, if there are any, out of the chamber.

The Secretary will read.

THE SECRETARY: In relation to Calendar Number 1590, Senator Johnson moves to discharge from the Committee on Rules Assembly Print 5924 and substitute it for the identical Senate Bill 3302.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

SENATOR VOLKER: Lay it aside temporarily, please.

ACTING PRESIDENT KUHL: Lay the bill aside temporarily.

THE SECRETARY: In relation to Calendar Number 1592, Senator Oppenheimer moves to discharge from the Committee on Rules Assembly Bill 6517-A and substitute it for the identical Senate Bill 5584-A.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1592, by member of the Assembly Matusow, Assembly Print 6517-A, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT KUHL: The Secretary will read the last section -- there is a home rule message at the desk. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1593, by Senator Stachowski, Senate Print 6066, an act to amend the Education Law, in relation to authorizing.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1594, by Senator Larkin, Senate Print 6498-B, an act to authorize the city of Newburgh.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1595, Senator Farley moves to discharge from the Committee on Rules Assembly Print 11220 and substitute it for the identical Senate Bill 6555-B.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1595, by the Assembly Committee on Rules, Assembly Print 11220, an act to amend the Banking Law.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1596, Senator Rath moves to discharge from the Committee on Rules Assembly Bill 10205 and substitute it for the identical Senate Bill 7258.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number 1596, by member of the Assembly Ortiz, Assembly Print 10205, an act to amend the Education Law.

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.)

ACTING PRESIDENT KUHL: Record

the negative. Announce the results.

THE SECRETARY: Ayes 60, nays one, Senator Breslin recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1597, by Senator Alesi, Senate Print 7379, an act to amend the Tax Law, in relation to facilitating.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1598, by Senator Spano, Senate Print 7585, an act to amend Chapter 640 of the Laws of 1997.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1599, Senator Alesi moves to discharge from the Committee on Rules Assembly Bill 11183-A and substitute it for the identical Senate Bill 7597-A.

ACTING PRESIDENT KUHL: The substitution is ordered. Read the title.

THE SECRETARY: Calendar Number 1599, by the Assembly Committee on Rules, Assembly Print 11183-A, an act to authorize the city of Rochester.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1600, by Senator Marcellino, Senate Print 7640, an act to amend the Tax Law, in relation to the establishment.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1601, by Senator Skelos, Senate Print 7649, an act to amend the Public Health Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the

roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1602, by Senator Leibell, Senate Print 7688, an act to amend the Public Authorities Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1603, Senator Bruno moves to discharge from the Committee on Rules Assembly Bill 10889-A and substitute it for the identical Senate Bill 7747.

ACTING PRESIDENT KUHL: The substitution is ordered.

Secretary will read the title.

THE SECRETARY: Calendar Number 1603, by the Assembly Committee on Rules, Assembly Print 10889-A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT KUHL: 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1604, by Senator Cook, Senate Print 7749, an act to allow certain police officers of the town of Woodstock.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1605, by Senator Saland, Senate Print 7754, an act to amend the Education Law, in relation to the protection.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1608, by the Committee on Rules, Senate Print 7767, an act to amend the Real Property Tax Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1609, by Senator Velella, Senate Print 7775, an act to amend the Insurance Law.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1610, by Senator Bruno, Senate Print 7817, an act to amend the Labor Law, in relation to the Unemployment Insurance Law.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR VOLKER: Move to accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1610. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

Senator Dollinger? Lay the bill aside.

THE SECRETARY: Calendar Number 1611, by the Committee on Rules, Senate Print 7828, an act to amend a chapter of the Laws of 1998.

SENATOR VOLKER: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is. The motion is to accept the message on

Calendar Number 1611. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker, that completes the reading of the non-controversial Calendar Number 53-E.

Senator Libous, why do you rise?

SENATOR LIBOUS: Thank you, Mr.

President.

I would like unanimous consent to be recorded in the negative on Calendar Number 1596.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Libous will be recorded in the negative on Calendar Number 1596.

Senator Volker, we do have a little housekeeping at the desk. If we might return to the order of motions and resolutions.

The Chair recognizes Senator Libous for a motion.

SENATOR LIBOUS: Thank you, Mr. President.

On behalf of Senator Goodman, on page -- there's no page.

ACTING PRESIDENT KUHL: On no page, Senate Print -

SENATOR LIBOUS: On no page, I offer the following amendments to Calendar Number 1504, Senate Print Number 7776, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: The amendments to Calendar Number 1504 will be received and adopted. The bill will retain its place on the Third Reading Calendar on no page.

Senator Volker.

SENATOR VOLKER: Mr. President, can we start non-controversial with Calendar Number 1597, please -- controversial.

ACTING PRESIDENT KUHL: The Secretary will read the controversial reading of Supplemental Calendar Number 53-E, beginning with Calendar Number 1597, by Senator Alesi.

ACTING PRESIDENT KUHL: Calendar Number 1597, by Senator Alesi, Senate Print 7379, an act to amend the Tax Law.

SENATOR GOLD: Explanation, please.

SENATOR ALESI: Lay it aside for the day, Mr. President.

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

SENATOR GOLD: Then I don't want an explanation.

THE SECRETARY: Calendar Number 1605, by Senator Saland, Senate Print 7754, an act to amend the Education Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT KUHL: Senator Saland, an explanation has been requested by Senator Gold.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this is a -- a bill which attempts to deal with the subject of abuse that occurs in a school setting. You may recall earlier this week we dealt with a bill, a bill which similarly attempted to deal with this particularly troublesome and vexing problem and in the ensuing days we've attempted to try and negotiate some kind of an agreement with the Assembly and unfortunately as I stand here today, I can't in all candor tell you that we have accomplished that, but let me tell you what this bill does and why this bill has been not only supported by the School Boards Association but you may recall that the bill which we previously dealt with was opposed by the -- by NYSUT.

This particular bill, while it doesn't bear a memo in support by NYSUT, the objections that had previously been at the heart of their concerns have been removed and that primarily was the access to the central registry for purposes of attempting part of the screening process.

This bill does basically three things: The first thing that it does is it establishes that prospective employees of school systems -- and when I say "school systems", I exclude the city of New York because currently the city of New York has a fingerprinting mechanism. All employees in the city of New York are screened.

This bill says elsewhere in the state of New York, whether it be Long Island, whether it be in the Mid-Hudson, whether it be any area of upstate New York, if you are a school employee, when you seek a position in that school, you are going to be fingerprinted and screened by DCJS to determine if you have a criminal record.

Why would we do that? Well, the reason we would do that is because, based

on the experience in New York City, based on the experience that has occurred in other states, we find that a significant number of people with criminal records are screened out by way of this fingerprinting criminal check.

In New York City, the last year for which those complete records are available, that is, from 25,000 screens, some 1200 of them came back with criminal records, including homicides, including sex offenses. We feel that by eliminating those people, we are enhancing the likelihood of our children being in a safer school environment.

Secondly, what we attempt to do is to require reporting. When an incident occurs, if a child has been abused physically or sexually in a school setting, we don't want that swept under the carpet. We don't want that to go away. We don't want school officials to investigate it and try to hush it. What we want is we want it to be reported, reported immediately, reported to law enforcement and we want law enforcement to investigate, and as part and parcel of this same bill -

ACTING PRESIDENT KUHL: Senator Saland, excuse me just a minute.

Senator Gold, why do you rise?

SENATOR GOLD: Well, I have one question, but I figured he's almost finished with the explanation, so I don't want to interrupt the last part of his explanation.

SENATOR SALAND: Thank you very much, Senator Gold.

As part and parcel of this same bill, we also in effect criminalize so-called "silent resignation". If there is an effort by a school superintendent to avoid the reporting process and that reporting process -- incidentally, the failure to report would be a misdemeanor -- if there's an effort to avoid that reporting process, to look away and accept the silent resignation, we criminalize that act by making it a felony as well.

Keep in mind that there's over two million students every day that are attending our schools here in New York State. Most parents, as I have said before, believe when their children leave for school, they are leaving to not only go to attend school for

purposes of obtaining a quality education but they're going to be safe and they're not going to have to contend with people who are sexual abusers, who are predators.

This bill is an effort to, in effect, level the playing field, to say that people, children particularly, throughout New York State are going to have that playing field leveled.

New York City alone is not going to have this fingerprinting mechanism. We're going to do it throughout, from the tip of Long Island to the Adirondacks to Western New York. It's critical, absolutely critical, and I would suggest to you, and I say this with a very, very heavy heart, that over in the Assembly I fear that what they are doing is just waiting for an accumulation of numbers and I would ask our friends in the Majority in the Assembly, how many incidents is it going to take? Are you waiting for 300? Are you waiting for 200? Are you waiting for 100? How many incidents before the Assembly is concerned? How many children must be abused? How many predators must escape? Are they

waiting for fatalities? What is it that they're waiting for? They have chosen specifically to turn their back on this problem.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Will Senator Saland yield to one question?

ACTING PRESIDENT KUHL: Senator Saland, do you yield to a question from Senator Gold?

SENATOR SALAND: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Senator Paterson and I are confused only on one issue. We are getting some information that NYSUT is opposed to this. You have said that there's no memo in support.

SENATOR SALAND: No, no, no. I did not say they had a memo in support. No, no, no.

SENATOR GOLD: You said there was no memo in support.

SENATOR SALAND: Correct. Nor

is there a memo in opposition, whereas they had opposed the version that we debated earlier this week.

SENATOR GOLD: Yes.

SENATOR SALAND: Now, one of the provisions of this bill provides that if there is a conviction of a child abuse crime, that instead of going through a separate procedure to have a license removed in the case of a teacher -- and remember we're not talking merely teachers here. We're talking all school employees, whether they be maintenance personnel, whether they be clerical personnel, whether they be any school employee, but what this says is in the case of a teacher, that, if, in fact, you are convicted of a sexual-related crime, child abuse-related crime, that you would, therefore, run the risk of having not -- let me rephrase that. You would not have a second hearing, a Part 83 hearing, which is a hearing which deals with the subject of whether you are of proper moral character to be a teacher. By reason of the higher standard of evidence, beyond a reasonable doubt, being in

effect, excused or denied the second hearing.

Now, there is some concerns - and let me address this in response to your question, Senator Gold. There are some concerns that that standard should be limited to felonies, that, in fact, that should only occur where a felony has occurred, and I am prepared inasmuch and would have been prepared in negotiations with the Assembly to specifically address that issue and limit its application to felonies and would be prepared to do that were we to have an agreement by way of a chapter amendment.

SENATOR GOLD: Will the Senator yield to one last question?

SENATOR SALAND: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR GOLD: Senator, I -- I have not been involved in this negotiation and I was just talking to a reporter for a great metropolitan newspaper who is asking whether or not we've had changes in procedures, healthy changes going back the way it used to be, healthier, and it seems to me I've seen

some things going on today where I've seen members negotiating and to me I think that's great. I would always rather see a member negotiate rather than a counsel, with all due respect to counsels who I love but, Senator, I think the record indicates that you have been here most of the day. Are you saying that there is no willingness to negotiate? I mean, this is a situation where apparently we've had changes in the prints. Apparently NYSUT has changed their position so that what they were concerned about has now apparently been softened and are you telling us now that there is no negotiation available on this issue?

SENATOR SALAND: These negotiations have been effectively terminated by the Assembly. The Assembly, in all candor, has said they don't want to deal with the issue of the reporting process and just basically have walked away from attempting to resolve this issue.

SENATOR GOLD: Thank you.

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

SENATOR PATERSON: Mr.

President, on the bill.

ACTING PRESIDENT KUHL: Senator Paterson, on the bill.

SENATOR PATERSON: I debated Senator Saland in this chamber and it was just a couple days ago and for the benefit of anyone who is coming over here asking what time the session is ending, we have a number of these bills that are renegotiated and they're coming back and I am incredulous as to why we're redebating them for an hour as we have done several times this evening and then there's a concern about what time the session is going to end, but I would just like to say that it appears that Senator Saland has addressed a number of the issues that were raised in that debate the other day and to the extent that the only issue that I have heard that's somewhat outstanding and no one has written it down but there seems to be a distinction between a felony and a misdemeanor conviction where it would apply to the revocation of a license, and I would just like to say that when it comes to children, I think if anything, our best interests have to be in

favor of the child and that if we err, we must err in the direction of child safety because in these particular situations, you aren't dealing with individuals who have all the options that adults would and because of coercion and intimidation, these crimes are often not reported.

So I would have to say that after the work that Senator Saland has done to try to accommodate on this particular issue, where I voted against the bill the other day, I'm going to vote in favor of it, Mr. President.

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

THE SECRETARY: Section 10. This act shall take effect on the first day of January.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Senator LaValle, to explain his vote.

SENATOR LAVALLE: Thank you,

Mr. President.

I rise to compliment Senator Saland who has worked tirelessly for four, five years on this legislation.

I had been a member of the Senator's committee, had the opportunity to attend hearings on this matter, and I must tell you that we heard probably some of the most riveting testimony about the need for this kind of legislation to protect the children of our state.

Senator Saland has reached out time and time again, session after session to bring closure to this issue. He has worked again this session and to hear at this late hour on the last day that there may be some minor amendments that could again set aside this important legislation, I think is unconscionable, it really is.

We cannot continue to read that our children are abused in our state even if there's one more, and Senator Saland's talking about numbers in the hundreds. It's ridiculous and Senator Paterson's right. If this body errs, it errs on the side of

children.

I vote yes.

ACTING PRESIDENT KUHL: Senator LaValle will be recorded in the affirmative. Announce the results.

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

The Chair recognizes Senator Hoffmann.

SENATOR HOFFMANN: Yes, Mr. President. I was out of the chamber at the time Calendar 1554 was called up and passed and had I been in the chamber, I would like to be -- had I been in the chamber, I would have been recorded in the negative. I request unanimous consent to be recorded in the negative at this time.

ACTING PRESIDENT KUHL: Without objection.

SENATOR HOFFMANN: Thank you.

ACTING PRESIDENT KUHL: Hearing no objection, Senator Hoffmann will be recorded in the negative on Calendar Number 1554.

Senator Marcellino, why do you rise?

SENATOR MARCELLINO: Mr. President, can I have unanimous consent to be recorded in the negative on Calendar Number 1596.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Marcellino will be recorded in the negative on Calendar Number 1596.

The Secretary will continue to call the controversial calendar.

THE SECRETARY: Calendar Number 1610, by Senator Bruno, Senate Print 7817, an act to amend the Labor Law, in relation to the Unemployment Insurance Law.

SENATOR DOLLINGER: Just a brief explanation, Mr. President.

ACTING PRESIDENT KUHL: Senator Spano, Senator Dollinger has requested a brief explanation.

SENATOR SPANO: Mr. President, this bill provides comprehensive reform on the unemployment insurance system. It's designed to do a number of things: Increase the

maximum weekly unemployment insurance benefit, further help jobless workers return to the work force. It streamlines the payment of benefits and it ensures that employers who continuously place workers into the UI system pay a more proportionate share into that system.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Yes, Mr. President. Will the sponsor yield to just one question?

ACTING PRESIDENT KUHL: Will Senator Spano yield to a question?

SENATOR SPANO: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: One of the concerns I have heard expressed in my district is you have long-term stable employers who employ people for a long period of time, several years. They leave the employment of employer A. They go to work for employer B for a short period of time and they are then laid off or for some reason their employment

is discontinued. They apply for unemployment insurance benefits and the way our system is currently structured, the previous employer with whom they had a long-term stable employment, ends up paying a significant portion of the unemployment insurance cost and is back-charged a significant portion of that cost even though their experience -- their experience is very strong.

Does this bill deal with that problem?

SENATOR SPANO: Yes, it does, Senator, and on page 8 of the bill, the bottom of the page, what we do is try to create an incentive for the separating employer to keep that worker employed and the way we do that is that we would -- the last employer would be charged seven times the benefit rate and that would be a particularly appropriate incentive for that separating employer to keep the employees working for them.

SENATOR DOLLINGER: Again through you, Mr. President.

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

SENATOR SPANO: Yes.

SENATOR DOLLINGER: It's my understanding that there's a significant penalty for a significant surcharge on the - I don't quite know how to phrase this; it's late -- but you could say the less stable employer than there would be on the more stable long-term employer who's still included in the surcharge, still included in the premium rate purposes?

SENATOR SPANO: It's not necessarily a penalty but it just applies a higher rate which would really just be a disincentive.

SENATOR DOLLINGER: A final question, through you, Mr. President.

In all the discussions that you have been involved in, Senator, what is, in your judgment, the effect of the premiums and the unemployment insurance rates for most employers who fit that category of large stable employers in which -- in the manufacturing base in Rochester we have a hold number. What can we reasonably anticipate in terms of reduction in rates, if any?

SENATOR SPANO: It's difficult. A number two corporation -- it all depends on the size of the corporation, the corporation and it would change the corporation, but it would certainly be a reduction in the rate on corporations across the state, but it's very difficult for me, Senator, to give you a more specific answer to that.

SENATOR DOLLINGER: Again through you, Mr. President. I apologize to the Senator.

ACTING PRESIDENT KUHL: Senator Spano yields.

SENATOR DOLLINGER: But obviously there's some general average anticipated premium reduction that would occur to most employers across the state. It's the kind of thing, Geez, Senator Spano, how much are we going to reduce rates by this bill? What would the answer be?

SENATOR SPANO: The obvious answer is that the employers don't have a more stable work force and will pay less and then the others will have a continuously changing

work force.

SENATOR DOLLINGER: But - again through you, Mr. President. Can we anticipate a five, ten percent? Is there a number attached to this in the discussions?

SENATOR SPANO: I would purely be guessing if I tried to put a number on it, Senator. It's a difficult number to come up with.

SENATOR DOLLINGER: Again through you, Mr. President. One final question.

ACTING PRESIDENT KUHL: Senator Spano yields to one question.

SENATOR DOLLINGER: There's no question in your mind for the kind of stable employers we're talking about, the rates go down.

SENATOR SPANO: Absolutely.

SENATOR DOLLINGER: No further questions.

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

THE SECRETARY: Section 40. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Mr. President, we're going back to the regular calendar on page 53, Senate -- Calendar Number 137 - Calendar 137.

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

SENATOR FUSCHILLO: Mr. President, I request unanimous consent to be recorded in the negative on Calendar Number 1568.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Fuschillo will be recorded in the negative on Calendar Number 1568.

We'll return to the regular calendar, first calendar of the day, 53.

The Secretary will read Calendar Number 137.

THE SECRETARY: Calendar Number 137, by the Assembly Committee on Rules, Assembly Print 11258, an act to amend the Penal Law, in relation to establishing.

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

THE SECRETARY: Section 6. This act shall take effect November 1st, 1998.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR VOLKER: Is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: Yes, Senator Volker. Hang on just a minute.

SENATOR VOLKER: Sure.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Can we return to motions and resolutions. I understand there's a couple privileged resolutions at the

desk.

ACTING PRESIDENT KUHL: There are. We'll return to the order of motions and resolutions. There are two privileged resolutions at the desk.

I'll ask the Secretary to read the titles, and we'll adopt them as one.

THE SECRETARY: By Senator Farley, Legislative Resolution honoring the 109th Airlift Wing upon the occasion of its 50th Anniversary; also by Senator Farley, Legislative Resolution honoring the town of Princetown upon the occasion of its Bicentennial.

ACTING PRESIDENT KUHL: The questions are on the resolutions. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolutions are adopted.

Senator Volker.

SENATOR VOLKER: Mr. President, there's nothing -- stand at ease just for a second. I understand there's a list coming

shortly, so we can wait just a couple minutes. Stand at ease.

ACTING PRESIDENT KUHL: The Senate will stand at ease briefly.

(Whereupon, the Senate stood at ease from 10:48 p.m. until 10:53 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

SENATOR VOLKER: Mr. President.

ACTING PRESIDENT KUHL: Members please take their places, the staff take their places. Can we have a little order in the chamber, please, so we may proceed.

Senator Volker.

SENATOR VOLKER: Mr. President, on the original calendar of the day, Calendar Number 477, would you please call up Calendar Number 477.

ACTING PRESIDENT KUHL: The Secretary -- on the original calendar, Calendar Number 53, first calendar of the day, the Secretary will read Calendar Number 477.

THE SECRETARY: On page 12, Calendar Number 477, by member of the Assembly Eve, Assembly Print 9322, an act to amend the

Local Finance Law, in relation to the sale of municipal obligations.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Next would you please call up Calendar Number 718.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 718, by member of the Assembly Vitaliano, Assembly Print 6947-C, an act to amend the General Municipal Law and the Retirement and Social Security Law, in relation to benefits.

ACTING PRESIDENT KUHL: There

is a home rule message at the desk. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR VOLKER: Mr. President, next would you please call up Calendar Number 722.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 722, by the Assembly Committee on Rules, Assembly Print 7673-A, an act to amend the Retirement and Social Security Law, in relation to providing Suffolk County park rangers.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, next would you please call up Calendar Number 731.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 731, by the Assembly Committee on Rules, Assembly Print 10683, an act to amend the Retirement and Social Security Law, in relation to providing.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR VOLKER: Mr. President, next would you please call up Calendar Number 1413 on page -

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1413, by the Assembly Committee on Rules, Assembly Print 10751, an act to amend the Local Finance Law, in relation to the private sale.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. The Secretary will read the last section.

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

SENATOR DOLLINGER: Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Can I ask where that is, on which calendar?

SENATOR VOLKER: All these bills we're doing now are on the original calendar.

SENATOR DOLLINGER: 1413.

ACTING PRESIDENT KUHL: Page 37, Senator Dollinger.

SENATOR VOLKER: The Senator behind you, it's his bill.

SENATOR DOLLINGER: Mr. President, thank you for the direction on the calendar.

ACTING PRESIDENT KUHL: It's the right arm, Tony, the right arm.

Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR VOLKER: Next please do -- call up Calendar Number 1469.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1469, by Senator Larkin, Senate Print 7753, an act to amend the Public Authorities Law, in relation to the construction of certain facilities.

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

THE SECRETARY: Section 3. This act shall -

SENATOR LEICHTER: Explanation.

ACTING PRESIDENT KUHL: Senator Larkin, an explanation of Calendar Number 1469 has been requested by Senator Leichter.

SENATOR VOLKER: Would you hold that one second, Franz?

SENATOR LARKIN: Mr. President, Senator Leichter, this is a request that we had from the Department of Army at the University Military Academy. They wanted to try to start doing more business with New York State under major constructions. So they approached the Dormitory Authority. In order for them to do it with the Dormitory Authority, we needed legislation.

We're hopeful that this will be

a first event for us. Heretofore it was always done by the Army Corps of Engineers who could bring in any contractors from anywhere they wanted. We're hopeful that with this joint venture we will have more of these projects at the Military Academy done by the labor force within the state of New York.

SENATOR LEICHTER: Mr. President, if Senator Larkin would just yield for one question.

ACTING PRESIDENT KUHL: Senator Larkin, do you yield to a question? The Senator yields.

SENATOR LARKIN: Yes, Mr. President.

SENATOR LEICHTER: I'm sorry. I forgot to ask you beforehand but with all the hecticness, I didn't have a chance. What I didn't understand in this, are we paying for facilities of the United States military?

SENATOR LARKIN: No, no. Our only part of this will be the construction management.

SENATOR LEICHTER: In other words -

SENATOR LARKIN: The federal government will be doing all the footing of all the bills.

SENATOR LEICHTER: Okay. And they will use the Dormitory Authority to do the construction.

SENATOR LARKIN: And the management.

SENATOR LEICHTER: And the management and they will enter into a contract with the Dormitory Authority to repay the Dormitory Authority, so there will be no cost to the taxpayers of New York State.

SENATOR LARKIN: No cost to the taxpayers of New York State.

SENATOR LEICHTER: Thank you.

ACTING PRESIDENT KUHL: The Secretary will -- excuse me, Senator Dollinger.

SENATOR DOLLINGER: Will the sponsor yield to one question?

ACTING PRESIDENT KUHL: Senator Larkin, do you yield to Senator Dollinger?

SENATOR LARKIN: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DOLLINGER: What is the financial benefit to the United States Military Academy having the Dormitory Authority? The federal government would seem to have tremendous resources.

SENATOR LARKIN: Well, I think if you think about it, not being associated with the military like Franz and I were, you will recognize the fact that this enables us in the state of New York to be the partner with them. Other than that, West Point has to ship out everything it does through the Army Corps of Engineers and they're on a delay. They're on a pattern. This way here the project will come up on the board. The federal government will be funding it and they will contract with the Dormitory Authority for the project. No cost to us. The benefit could be jobs in New York.

SENATOR DOLLINGER: Okay. Again through you, Mr. President.

ACTING PRESIDENT KUHL: Senator Dollinger.

SENATOR DOLLINGER: Will the Dormitory, when it builds these buildings for the Department of the Army, for the Department of Defense -

SENATOR LARKIN: I can't hear you, Senator.

SENATOR DOLLINGER: When the Dormitory Authority manages the construction -- I understand there's a going to be a construction management relationship. When they manage these projects for the Department of Army, will they pay the prevailing federal wage rate?

SENATOR LARKIN: They have to.

SENATOR DOLLINGER: They have to. They'll be governed -

SENATOR LARKIN: It's done on a military installation.

SENATOR DOLLINGER: That's my question. They'll be -

SENATOR LARKIN: They will have to comply with the Davis-Bacon and the affirmative action and everything else.

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

SENATOR DOLLINGER: No objection, Mr. President.

SENATOR LARKIN: Thank you.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Volker.

SENATOR VOLKER: Mr. President, can we go to Supplemental Calendar Number 53-E -- 53-E and we want to -- it's Calendar Number 1591.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1591 on the last calendar of the day so far, 53-E.

THE SECRETARY: Calendar Number 1591, by Senator Leibell, Senate Print 5384-A, an act to redistribute 1997 bond volume allocations.

ACTING PRESIDENT KUHL: Senator

Volker.

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

ACTING PRESIDENT KUHL: There is.

SENATOR VOLKER: Would you move to accept the message.

ACTING PRESIDENT KUHL: The motion is to accept the message of necessity on Calendar Number 1591. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

The Secretary will read the last section.

THE SECRETARY: Section -

SENATOR LEICHTER: Can we have a brief explanation.

ACTING PRESIDENT KUHL: Senator Leibell, an explanation of Calendar Number 1591 has been requested by Senator Leichter.

SENATOR LEIBELL: This bill,

Mr. President, would add a new section of the unconsolidated laws to provide an allocation mechanism for the private activity bond ceiling established pursuant to the Federal Tax Reform Act of 1986. Specifically this bill would set aside one-third of the state's IDB cap for the local Industrial Development Agencies on a per capita basis and provides for overlapping jurisdictions and reallocations by municipalities.

This bond allocation will be distributed one-third to state agencies, one-third to be administered by the budget director and one-third in a statewide bond reserve to be used by the state or local issuers when their initial allocations have been exhausted. This allocation is based upon the system established by New York State in the early 1980s pursuant to the Federal Tax Reform Act.

Basically this bill would give the state more flexibility in allocation of taxes and bonds for large scale multi-year new construction development projects throughout the state that require expenditures in excess

of $20 million.

This bill would accelerate and promote the construction of affordable housing, facilitate financial investments in New York State and create new housing and construction jobs.

SENATOR LEICHTER: Mr. President, if Senator Leibell will yield.

ACTING PRESIDENT KUHL: Senator Leibell, do you yield to a question? The Senator yields.

SENATOR LEICHTER: Senator, I think the state seems to have been pretty well served and I think we have all been satisfied with a one-third, one-third, one-third allocation. Who now is going to make the decision as to the modifications as to the reallocation of some of the portion from one of the thirds to the other third? How is that going to be done?

SENATOR LEIBELL: There is no reallocation of those thirds.

SENATOR LEICHTER: Okay. Then I may have misunderstood you. Presently am I correct in understanding it's one-third,

one-third, one-third?

SENATOR LEIBELL: That's unchanged.

SENATOR LEICHTER: And did I not hear you say this will give greater flexibility, meaning there was some new process whereby we were not going to be following the one-third, one-third, one-third?

SENATOR LEIBELL: It gives greater flexibility for projects that will be constructed over a different time span, over two or three years.

SENATOR LEICHTER: But can that flexibility reach the one-third, one-third, one-third?

SENATOR LEIBELL: No. That's the same.

SENATOR LEICHTER: That remains the same.

SENATOR LEIBELL: Yes, Senator.

SENATOR LEICHTER: So what are you changing then?

SENATOR LEIBELL: We're

changing the way it would flow over a period of years.

SENATOR LEICHTER: Well, if you would be so good as to continue to yield. The flow -- presently without this bill, the flow over a number of years will be within the one-third, one-third, one-third, is that correct?

SENATOR LEIBELL: Yes.

SENATOR LEICHTER: Now if I understood you correctly, the flow over the number of years may now -- may no longer be one-third, one-third, one-third.

SENATOR LEIBELL: The same.

SENATOR LEICHTER: You're saying it's not going to change?

SENATOR LEIBELL: You will be able to commit for multi-year projects in that first year.

SENATOR LEICHTER: So by committing to multi-year projects, does that mean that the allocation may end up no longer being one-third, one-third, one-third?

SENATOR LEIBELL: No. It does not mean that.

SENATOR LEICHTER: Well, I - then how -- if I may ask again and I guess it's the lateness of the hour, and so on, but I'm having difficulty understanding. On the one hand you're saying, well, we're changing it and then whenever I ask, how is it being changed, you say, oh, well, we're not changing anything, but it certainly seems to me that the effect of, if you authorize somebody to enter into a multi-year agreement, make the allocation without possibly knowing how much money you're going to have available in future years, that could conceivably end up that you're not going to be within one-third, one-third, one-third.

SENATOR LEIBELL: You can make the allocation, Senator, in the first year but you're drawing the funds out over the three-year period, over the multi-year period.

SENATOR LEICHTER: And if I understand you correctly, Senator, over that three-year period or whatever year period, there still has to be an effort made to maintain that one-third, one-third, one-third allocation.

SENATOR LEIBELL: That's correct.

SENATOR LEICHTER: Thank you.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 17. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Senator Stachowski wants to know if it's 5:00 o'clock yet. Can we return to Supplemental Calendar Number 2 and take up Calendar Number 1243, please.

ACTING PRESIDENT KUHL: On the regular calendar, regular calendar, first calendar of the day, Calendar Number 1243.

The Secretary will read.

THE SECRETARY: Calendar Number

1243, by Senator Wright, Senate Print 6238-B, an act authorizing the city of Watertown.

ACTING PRESIDENT KUHL: There is a home rule message at the desk. The Secretary will read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Stand at ease for a minute, Mr. President.

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

(Whereupon, the Senate stood at ease from 11:08 p.m. until 11:19 p.m.)

ACTING PRESIDENT KUHL: I'll ask the Senate to come to order, please.

Senator Holland.

SENATOR HOLLAND: Mr.

President, can we return to Senate Supplemental Calendar 53-C and do Calendar Number 1580, by Senator Lack.

ACTING PRESIDENT KUHL: On Calendar 53-C -- 53-C, the Secretary will read Calendar Number 1580, by Senator Lack.

THE SECRETARY: Calendar Number 1580, substituted earlier today, by member of the Assembly Brodsky, Assembly Print 4775, an act to amend the General Business Law, in relation to defining actionable effects.

SENATOR DOLLINGER: Mr. President, just a brief explanation.

ACTING PRESIDENT KUHL: Senator Lack, an explanation -- a brief explanation has been asked for by Senator Dollinger.

SENATOR LACK: Mr. President, this bill amends the Donnelly Act. If you don't mind, considering the lateness of the night, I'll just address Senator Dollinger personally.

Senator, this bill amends the Donnelly Act in light of a 1977 Supreme Court decision with respect to the Sherman Antitrust Act on indirect purchasers and their ability

to be involved in derivative actions pursuant to the Sherman Act.

Ten years later in California v. Arc in 1987, the Supreme Court held that state little Sherman Acts can be interpreted with respect to allowing for indirect purchasers to be part of actions commenced with respect to the Sherman Act. There has been New York case law which I disagree with and I believe that this body disagrees with with respect to the influence of the Donnelly Act upon those decisions.

This, in effect, would reverse Justice Glassman's latest decision which held that our Donnelly Act is in conformance with the Sherman Act and, therefore, not a vehicle by which indirect purchasers could participate in such actions. This corrects that.

SENATOR DOLLINGER: Through you, Mr. President. This gives indirect purchasers the ability to bring those actions when there's been restraint of trade or monopoly?

SENATOR LACK: Mr. President, the answer is technically yes. However, as

you well know, Senator, 99.9 percent of those actions are brought by direct purchasers. So while you're technically correct, the practical answer is it gives indirect purchasers in this state the right to participate in such federal class action suits and seek a recovery based upon our state Donnelly Act.

SENATOR DOLLINGER: Explanation satisfactory.

Thank you.

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 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, there will be an immediate meeting

of the Rules Committee in Room 332, please.

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

Senator Rath, why do you rise?

SENATOR RATH: Mr. President, I request unanimous consent to be recorded in the negative on Calendar 1608.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Rath will be recorded in the negative on Calendar Number 1608. The Senate will stand at ease.

(Whereupon, the Senate stood at ease from 11:22 p.m. until 11:57 p.m.)

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

Senator Holland.

SENATOR HOLLAND: Mr. President, can we go to the first active list of the day and do Calendar Number 1 by Senator Libous.

ACTING PRESIDENT KUHL: On the

regular calendar, first calendar of the day, Calendar 53, the Secretary will read Calendar Number 1.

THE SECRETARY: Calendar Number 1, by Senator Libous, Senate Print 1122-B, an act to amend the Vehicle and Traffic Law, in relation to parking spaces.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT LEICHTER: There is.

SENATOR HOLLAND: I move we accept the message.

ACTING PRESIDENT KUHL: The motion is accept the message of necessity on Calendar Number 1. All those in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The message is accepted.

The bill is before the house.

The Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect January 1.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: Do you want to explain your vote?

SENATOR GOLD: Yes.

ACTING PRESIDENT KUHL: Senator Gold, to explain his vote.

SENATOR GOLD: Mr. President, I've got to say, 28 years I have never seen such tenacity in my life. My congratulations to Senator Libous, the first bill reported out this year and he stuck with it all the way through 'til 12:00 o'clock on the last day and we're passing it and God bless him. I think that's terrific.

I'm going to vote for it.

ACTING PRESIDENT KUHL: Senator Gold votes for tenacity in the affirmative.

Announce the results.

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed -- excuse me. Senator Meier in the negative.

THE SECRETARY: Ayes 60, nays 1, Senator Meier recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, on the same calendar, Calendar Number 1446, please.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1446.

THE SECRETARY: Calendar Number 1446, by Senator Larkin, Senate Print 6781-C, an act to amend the Penal Law, in relation to misrepresentation.

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

THE SECRETARY: Section 5. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, on the same calendar, Calendar Number 867, please.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 867, substituted earlier today, by the Assembly Committee on Rules, Assembly Bill Number 10844-A, an act to amend the Public Authorities Law, in relation to the powers of the Educational Housing Services, Incorporated.

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

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

ACTING PRESIDENT KUHL: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR HOLLAND: Mr. President.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: May we return to reports of standing committees and read the Rules report, please.

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

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills directly for third reading:

Senate Bill 2671, by Senator Leibell, an act to amend the Real Property Tax Law;

4536-D, by Senator LaValle, an act to amend the Education Law;

5663-A, by Senator Skelos, an

act to amend the General Business Law;

6008-A, by Senator Seward, an act in relation to authorizing;

6434, by Senator Breslin, an act in relation to authorizing;

6750-A, by Senator Seward, an act to amend the Tax Law;

7289-A, by Senator Leibell, an act to amend the Volunteer Firemen's Benefit Law;

7393, by Senator Skelos, an act to amend the Retirement and Social Security Law;

7488-A, by Senator Velella, an act to amend the Insurance Law;

7502, by Senator Johnson, an act to amend the Vehicle and Traffic Law;

7504, by Senator Skelos, an act to amend the Penal Law;

7610, by Senator Connor, an act to require preparation;

7708-B, by Senator Johnson, an act to amend the Transportation Law;

7741, by the Committee on Rules, an act to amend the Education Law;

7777, by Senator Goodman, an act to amend the Tax Law;

7778, by Senator Hannon, an act to amend the Public Authorities Law;

7799-A, by Senator Velella, an act to amend the Insurance Law;

7813-A, by the Committee on Rules, an act to amend the Insurance Law;

7829, by the Committee on Rules, an act to amend the Real Property Tax Law;

7835, by the Committee on Rules, an act to amend the Insurance Law;

7838, by Senator Stafford, an act to amend the Public Health Law;

7843, by Senator Hannon, an act to amend the Public Health Law;

Assembly Bill 8534-B, by the Assembly Committee on Rules, an act to amend the Public Authorities Law; and

Assembly Bill 10061-C, by Assemblyman Brennan, an act to amend the Public Authorities Law.

All bills directly for third reading.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: Move we accept the report of the Rules Committee.

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

(Response of "Aye.")

Opposed, nay.

(There was no response.)

The report of the Rules Committee is accepted.

Senator Holland.

SENATOR HOLLAND: Mr. President, can we recall or call up again 1446.

ACTING PRESIDENT KUHL: We'll call up Calendar Number 1446 which was previously adopted but without a message. So the Secretary will read the title to Calendar Number 1446.

THE SECRETARY: Calendar Number 1446, by Senator Larkin, Senate Print 6781-C, an act to amend the Penal Law.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: Move we accept the message.

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

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is adopted. The bill is before the house. Secretary will read the last section.

THE SECRETARY: Section 5. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Could you go to Calendar 53F and call up Calendar 1625, please.

ACTING PRESIDENT KUHL: We'll go to the calendar which was just placed on the members' desks, Calendar 53F, Calendar Number 1625. Secretary will read.

THE SECRETARY: Calendar Number 1625, by Senator Johnson, Senate Print 7708-B, an act to amend the Transportation Law.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: Move we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1625. All those in favor

signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Message is accepted. Bill is before the house. 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 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, same calendar, Calendar Number 1620, please.

ACTING PRESIDENT KUHL: O.K. Secretary will read.

THE SECRETARY: Calendar Number 1620, by Senator Velella, Senate Print 7488-A, an act to amend the Insurance Law, in relation

to authorizing.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: Move we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1620. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Message is accepted. Bill is before the house. Secretary will read the last section.

THE SECRETARY: Section 11. This act shall take effect January 1st, 1999.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Calendar 1629, please.

ACTING PRESIDENT KUHL: Secretary will read Calendar Number 1629.

THE SECRETARY: Calendar Number 1629, by Senator Velella, Senate Print 7799-A, an act to amend the Insurance Law, in relation to Holocaust victims.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: Move we accept the message, please.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1629. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Message is accepted. Bill is before the house. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: 1631, please, Mr. President.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1631, by the Committee on Rules, Senate Print 7829, an act to amend the Real Property Tax Law.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: Move we accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1631. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. The bill is before the house. Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: 1632, please.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1632, by the Committee on rules, Senate Print 7835, an act to amend the Insurance Law.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: Move we accept the message, please.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1632. All those in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Message is accepted. Bill is before the house. Secretary will read the

last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: 1633, please.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1633, by Senator Stafford, Senate Print 7838, an act to amend the Public Health Law.

ACTING PRESIDENT KUHL: Senator Holland.

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

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: Move we

accept the message.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1633. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. Bill is before the house. Secretary will read the last section.

THE SECRETARY: Section 45. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: 1634, please.

ACTING PRESIDENT KUHL: Secretary will read.

THE SECRETARY: Calendar Number 1634, by Senator Hannon, Senate Print 7843, an act to amend the Public Health Law.

ACTING PRESIDENT KUHL: Senator Holland.

SENATOR HOLLAND: Is there a message at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR HOLLAND: Move we accept the message of necessity.

ACTING PRESIDENT KUHL: Motion is to accept the message of necessity on Calendar Number 1634. All in favor signify by saying aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

The message is accepted. Bill is before the house. Secretary will read the last section.

THE SECRETARY: Section 47. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Hannon, to explain his vote.

SENATOR HANNON: Mr. President, to explain my vote.

I just wanted to note that this is the successful conclusion of a lot of process and consultation expanding the state's Child Health Plus health insurance program, that there has been a considerable amount of effort by all parties involved, and I think this is a very successful conclusion, that all of the parties involved ought to be congratulated, including this house.

Thank you.

ACTING PRESIDENT KUHL: Senator Hannon will be recorded in the affirmative. Announce the results.

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: No, the desk is clean, Senator Holland.

SENATOR HOLLAND: There being no further business, we adjourn until Friday, June 19th, at 10:00 a.m.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow on the legislative calendar, June 19th, at -

SENATOR HOLLAND: 10:00 a.m.

ACTING PRESIDENT KUHL: - 10:00 a.m.

(Whereupon at 12:17 a.m., the Senate adjourned.)