NEW YORK STATE SENATE.

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 30, 1999

3:04 p.m.

REGULAR SESSION

MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Everyone present please rise and repeat with me the Pledge of Allegiance.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

THE PRESIDENT: The invocation today will be given by Dr. Ronald W. Steward, Pastor of Union Missionary Baptist Church in Albany.

REVEREND STEWARD: Let us pray. Heavenly Father, the greatest gift of freedom is the right to be ones' true self. For true freedom is where people find peace through justice.

We intend today in this prayer to ask Your blessings upon this assembly, to furnish each individual with the means where they can enact legislation that will be beneficial to all of us in this, our State.

In these days many prejudices and mass evils scar the tissues of our human life. There are still multitudes of impoverished men, woman and children who are forced to forget the inherent dignity or to give up

efforts to secure recognition of their rights by others.

As individuals in the economic and political communities, O Lord, they are made to count or nothing, subject to forces where they are denied the power to develop their potentials. These brothers of ours never become all that they might be, reflecting Your glory in their freedom.

May these men and women be granted the courage today and fearlessness to fight against evil to make no peace with oppression. May they reverently use their office, employing it in the pursuit of justice and right among mankind.

These and other blessings we ask to the glory of Your holy name.

Amen.

THE PRESIDENT: Reading of the journal.

THE SECRETARY: In Senate, Monday, March 29th. The Senate met pursuant to adjournment. The Journal of Sunday, March 28th was read and approved. On motion, Senate adjourned.

THE PRESIDENT: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

The veto message is referred to the Committee on Rules.

The secretary will read.

THE SECRETARY: The Governor returned without Executive Approval the Senate Bill Number 4079-B, entitled, an act to Amend Chapters 50, 53 and 54 of the Laws of 1998. Chapter 13, Line Veto Number 1.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, the veto message will be referred to the Committee on Rules.

THE PRESIDENT: So ordered. Reports the standing committees. The Secretary will read.

THE SECRETARY: Senate Libous from the Committee on Mental Health and Developmental Disabilities reports:

Senate Print 3455, by Senator

Libous, an act to amend Chapter 720 of the Laws of 1979;

3465, by Senator Libous, an act to amend the Mental Hygiene Law; and

4043, by Senator Libous, an act to amend the Mental Hygiene Law.

Senator Larkin from the Committee on Racing, Gaming and Wagering reports:

Senate Print 2044, by Senator Larkin, an act to amend the Business Corporation Law;

3035, by Senator Larkin, an act to amend the General Municipal Law;

3969, by Senator Larkin, an act to amend the Racing, Paramutal Wagering and Breeding Law.

Senator McGee from the Committee on Alcoholism and Drug Abuse reports:

Senate Print 2064, by Senator Nozzolio, an act to amend the Vehicle and Traffic Law;

3404, by Senator Wright, an act to amend the Vehicle and Traffic Law; and

3874, by Senator McGee, an act to amend the Alcoholic Beverage Control Law.

Senator Padavan from the Committee on Cities reports:

Senate Print 3077, by Senate Maltese, an act to amend the Real Property Tax Law;

3242, by Senator Kuhl, an act to amend the General Municipal Law;

3264, by Senator Maziarz, an act to amend the Real Property Tax Law;

3597, by Senator Velella, an act to amend the Real Property Tax Law; and

3651, by Senator Padavan, an act to amend the Real Property Tax Law.

Senator LaValle, from the Committee on Higher Education reports:

Senate Print, 2046 with amendments, by Senator LaValle, an act to amend the Education Law;

2097, by Senator Libous, an act to amend the Education Law;

2990, with amendments, by Senator LaValle, an act to amend the Education Law; and,

4060, by Senator Holland, an act to amend the Education Law.

Senator Rath from the Committee on Local Government reports:

Senate Print 845, by Senator Holland, an act to amend the General Municipal Law;

1375, by Senator Stachowski, an act to amend the General Municipal Law;

1477, by Senator Holland, an act to amend the Village Law;

1626, by Senator LaValle, an act to amend the General Municipal Law,

1759, by Senator Rath, an act to amend the General Municipal Law;

2300, by Senator Lack, an act to amend the General Municipal Law;

2369, by Senator Farley, an act to amend the Real Property Tax Law and the Social Services Law;

2371, by Senator Holland, an act to amend Chapter 415 of the Laws of 1998;

2942, by Senator Rath, an act to amend the General Municipal Law;

2949, by Senator Rath, an act to amend the Real Property Tax Law;

3266, by Senator Rath, an act

making certain findings and determinations; and,

3513, by Senator Holland, an act in relation to the periods of probable usefulness.

Senator Trunzo from the Committee on Transportation reports:

Senate Print 1105, by Senator Goodman, an act to amend the Vehicle and Traffic Law;

1489-A, by Senator Spano, an act to amend the Vehicle and Traffic Law;

2558, by Senator Kuhl, an act to amend the Vehicle and Traffic Law;

3534-A, by Senator Seward, an act to amend the Highway Law;

3616, by Senator Marcellino, an act to amend the Vehicle and Traffic Law; and

3820, by Senator Trunzo, an act to amend the Vehicle and Traffic Law.

Senator Maltese from the Committee on Elections reports:

Senate Print 158, by Senator Maltese, an act to amend the Election Law;

794, by Senator Maltese, an act to

amend the Election Law;

828, by Senator Marcellino, an act to amend the Election Law:

1196, by Senator Lack, an act to amend the Election Law; and

1958, by Senator Farley, an act to amend the Election Law and the State Finance Law.

All bills ordered direct for third reading.

THE PRESIDENT: Without objection all bills ordered direct to third reading.

Senator Skelos.

SENATOR SKELOS: Madam President, I believe there is a report of the Senate Finance Committee at the desk. I ask that it be read.

THE PRESIDENT: The Secretary will read.

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

As a member of the Public Service Commission, Leonard A. Weiss of Albany.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Move the nomination, please.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you, Madam President.

I would like to briefly second the nomination of Leonard Weiss, whose practiced law in our area for over 50 years.

Judge Weiss is a distinguished practicing lawyer who was appointed a City Court judge and rose to be the presiding judge of the Appellate Division, Third Department, as well as an acting Court of Appeals judge.

Upon leaving the bench and in preparation for the Public Service Commission he has been doing public service locally in our area for the last several years, assisting people who sought offices for government.

It is truly a wonderful appointment by our Governor to elevate Judge Weiss to the Public Service Commission.

Thank you, Madam President.

THE PRESIDENT: Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

It is also my honor to rise and second the nomination for confirmation of Judge Weiss. As has been pointed out, the judge has been appointed by first Governor Carey and then Governor Cuomo and now we're very pleased to join with Governor Pataki in moving the nomination and confirmation of the Judge as a member of the Public Service Commission.

Truly the Judge brings a judicial background and temperament that will be beneficial to the deliberations of the Public Service Commission and more importantly brings years of public and civic service to the people of this State and the people of this community.

I too rise in a bipartisan effort to recommend the confirmation of Judge Weiss.

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: I too am delighted to rise and second the nomination of Judge Weiss as a new member of the Public Service Commission.

My friendship with him has been over the last few years since I have been a

member of this body in Albany. But I know that his commitment to public service goes back virtually his entire life. In fact, he had the unique experience as a young man of having served in the CCC, the Civilian Conservation Corps. One of the pioneers in this country who helped us through some of this nations darkest days.

While he serves on the Public Service Commission I am confident that Judge Weiss will remember what life was like for people when they struggled through the depression and how they found great difficulty in meeting their most essential expenses. And he will remember when he is looking at requests for rate increases and adjustments in the costs at the very highest end of the spectrum in the utility field that it is the people at the very lowest level who will ultimately bear the greatest burden.

I am confident that the Public Service Commission is in good hands with Judge Weiss as a new member.

THE PRESIDENT: Senator Gentile.

SENATOR GENTILE: Madam

President, I wish to speak on the nomination.

While I don't personally know Mr. Weiss, I have heard many great things about him from my colleagues who have worked with him here in Albany, and from what I hear on the floor today. However, there is one troubling aspect of this nomination that concerns me and it has come to my attention that Mr. Weiss, upon taking his role at the Public Service Commission will not only receive a salary, but also continue to receive his pension from his previous government service.

That is a practice that I have been opposed to. That is a practice I have spoken out against. That is a practice I will continue to be opposed to. So it is not for any other reason because I am sure he is a very qualified candidate, but for that reason only, because of this situation with a pension and a salary at state expense that I will be voting in the negative on this nomination.

THE PRESIDENT: Senator Volker.

SENATOR VOLKER: Madam President, let me just say that as a former chairman of

the Energy Committee and someone who has had a keen interest in energy for many, many years and dealt with the staff at the Public Service Commission, I, because of my knowledge of the Judge's integrity and intelligence, I would have to say that this is a nomination at this junction in the energy area when, in fact, Senator Wright, who is now the chairman knows very well that we are embarking on an era when energy is going to once again become a major issue, I think not only the state scene, but on the national scene.

When someone of the caliber of Leonard Weiss is nominated to the Commission it seems to me that we must say that this is a very outstanding addition to the Public Service Commission, someone who has not only the background, the knowledge of the law, but also I think understands the problems of the ordinary people and understands the problems that people face not only in businesses but in residential energy costs.

I must admit that I may be a little biased since I have known Leonard Weiss for over 20 years. He has been a personal friend

and advisor at times. We have even referred some law practice back and forth at times over the years. So I'm not without some bias, but I can truly say that he is a fine gentleman and one of the most brilliant people I have ever met. And I think he will make an excellent addition to the Public Service Commission, and I think the Governor should be commended.

THE PRESIDENT: The question is on the confirmation of Leonard A. Weiss as a member of the Public Service Commission.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Leonard A. Weiss is hereby confirmed as a member of the Public Service Commission. And I would like to acknowledge the presence of Judge Weiss here today and to say my personal regards. I knew Judge Weiss in the days both of us were practicing law on State Street here in Albany and also as a judge both in the Supreme Court and Appellate Division and I have the utmost

personal regard both for his integrity, intelligence, professionalism. As President of the Senate, Judge Weiss, I congratulate you and am very honored to be here as a part of this process today.

(Applause.)

THE PRESIDENT: Senator Skelos. The Secretary will read.

THE SECRETARY: As a member of the State Board of Parole, Rosario Guy Vizzie, Jr., of Leeds.

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

I stand in support of the nomination of Guy Vizzie. I do not know him that well, but I looked at his resume and his biography, and this is a gentleman that has worked in the Probation Department for over 27 years starting at the bottom. He began back in January of 1972 as a probation officer then as supervisor in January of 1997. He has been the probation director of Greene County. He has served in an exemplary manner through his career in his positions and I stand proud in

support of the nomination.

Thank you, very much, Madam President.

THE PRESIDENT: The question is on the confirmation of Rosario Guy Vizzie as a member of the State Board of Parole. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Rosario Guy Vizzie is hereby confirmed as a member of the State Board of Parole. And we extend to Rosario Guy Vizzie, who is here today to witness this confirmation, the courtesies of the house and every best wishes in your new position. Congratulations.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a member of the State Commission of Correction, Alan J. Croce of Mattituck.

THE PRESIDENT: Senator LaValle.

SENATOR LAVALLE: Madam

President, I rise to move the nomination of Alan J. Croce as a member of the State Commission on Corrections.

I would like to say that the Governor should be congratulated once again for this reappointment of Alan Croce to the Board.

Mr. Croce has a resume that I believe speaks very highly of his qualifications and the skills that he brings to this position. More than 28 years in law enforcement. But probably what is equally as important to the skills and the background that he brings to this position is the commitment that he has demonstrated in the last two years as Chairman of the Commission on Corrections.

Mr. Croce has probably, in the last two years traveled more miles visiting the corrections facilities to make sure that people were being properly served and that the system was working correctly.

And so it is with great pleasure that I rise to move his nomination.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Madam President.

My colleagues, I wish to echo the comments of Senator LaValle in praising Governor Pataki for making this nomination.

During the last few years I have had the honor of chairing the Crime Victims Crime and Corrections Committee of this great body and can tell you that Commissioner Croce has done an outstanding job in working through the correctional system at the local level in conjunction and coordination with the State correctional system and has been a true, true guiding light in a very, very turbulent time for our correctional system in this State.

Commissioner Croce is direct. He is concise and he has been extremely helpful to all levels of government as we wrestle with very important correctional issues.

Senator LaValle said it best but I do want to repeat it, that we are truly blessed with this nomination. The corrections system at this time needs a leadership and I am very pleased that Alan Croce has decided to continue in this very important capacity and

Governor Pataki has recognized the wonderful work that Commissioner Croce has done in guiding our corrections system through what we hope will be a very improved system in the years ahead.

Commissioner Croce, my hat is off to you. You have done an absolutely outstanding job for the people of this state and I am honored to commend you here on this floor for this very important position.

THE PRESIDENT: Senator Maziarz.

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

I, too, want to join with my colleagues Senator LaValle and Senator Nozzolio and second this nomination by Governor Pataki of Commissioner Croce for reappointment to the Commission on Corrections.

I have had the pleasure of dealing with Commission Croce on a number of issues regarding the facilities in some of the smaller upstate counties and it did not make any difference whether it was a small village, town or county facility, Commissioner Croce

always made himself available personally to the sheriffs of those counties and I know that they very much appreciated that. And I very much appreciated it also and I congratulate Governor Pataki on a fine nomination.

Thank you, Madam President.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Madam President, I rise to second the nomination so ably made by my good colleagues.

As a former chairman of Crime Victims, Crime and Correction, I, quite frankly, was so pleased when Alan Croce was appointed by the Governor. And this reappointment simply reaffirms an excellent choice made in the first place. I think it is especially note worthy when someone rises through the ranks, if you will, and the people that work on the job in the correctional facilities know that somebody that understands their problems is now making decisions that effect their daily lives and the daily lives of the persons that work in certainly one of the most difficult jobs in the country.

So I not only commend the Governor

on this excellent appointment, but personally commend Alan Croce for the sacrifice and dedication that he has shown in undertaking these arduous duties and doing them so very, very well.

THE PRESIDENT: The question is on the confirmation.

Senator Waldon, go ahead, Senator.

SENATOR WALDON: Madam President, would you recognize me, please.

THE PRESIDENT: Absolutely.

SENATOR WALDON: To second the nomination.

THE PRESIDENT: Go ahead.

SENATOR WALDON: I apologize for the lateness of my standing, Madam President, but I did not realize I had met Mr. Croce before, I did not realize that he was here, because I didn't look at the calendar. And I don't really know too much about his law enforcement experience though I know he is from a law enforcement background and is highly respected in that regard.

But I want to speak about his intelligence. His wife, the Assemblywoman is

here, please stand up Assemblywoman, to let these people know how smart your husband is. Any man that intelligent to marry a woman so beautiful we should confirm him right away and congratulate him and send him to do the work of the Governor.

Thank you.

THE PRESIDENT: The question is now on the confirmation of Alan J. Croce as a member of the State Commission of Correction. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Alan J. Croce is hereby confirmed as a member of the State Commission of Correction.

(Applause.)

THE PRESIDENT: As President of the Senate I hereby recognize the presence of Alan J. Croce in the Senate Chamber, as well as Assemblywoman Patricia L. Acampora, his wife and extend to both of you all the courtesies of the house today and best wishes in the continuation of your excellent job on

the Commission.

Senator Skelos.

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

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

The Secretary will read.

THE SECRETARY: As Commissioner of the Tax Appeals Tribunal, Joseph W. Pinto, Esquire, of Clifton Park.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Yes, on behalf of Senator Bruno, who is in an important meeting right now, I would like to move the nomination.

THE PRESIDENT: The question is on the confirmation of Joseph W. Pinto, Esquire, as Commissioner of the Tax Appeals Tribunal. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Joseph W. Pinto, Esquire is hereby confirmed as Commissioner of the Tax Appeals Tribunal.

On behalf of the Senate, I hereby acknowledge the presence of Joseph Pinto here today along with his daughter Elizabeth, and his wife Patricia. Congratulations and best wishes in your position.

(Applause.)

THE PRESIDENT: The Secretary will read.

THE SECRETARY: As a member of the State Liquor Authority, Joseph Zarriello, of Colonie.

THE PRESIDENT: Senator Saland.

SENATOR SALAND: Thank you, Madam President.

Madam President, I rise on this nomination and my remarks will be unusually brief for me in as much as I have to go to the Finance meeting.

But Chuck Zarriello, who has served as the confidential special assistant to the chairman brings impeccable credentials to this

position. He has not only elected experience, which in an of itself doesn't make him impeccable, but he has a broad range of private experience as well. Certainly he will be a very welcome additional to and I am sure will perform superlatively on behalf of the State Liquor Authority and I am more than happy to move this nomination and it certainly is a continuation of the quality appointments that Governor Pataki has seen fit to appoint not merely to the SLA, but so many other positions as well.

THE PRESIDENT: The question is on the confirmation of Joseph Zarriello as a member of the State Liquor Authority.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Joseph Zarriello is hereby confirmed as a member of the State Liquor Authority.

(Applause.)

THE PRESIDENT: And on behalf of

the Senate, I hereby want to recognize the presence of Joseph Zarriello as well his wife Karen, his son Craig, his daughter Colleen, his son-in-law Bob Reilly and all of the following grandchildren; Bobby, Michael, Steven and Kerry Ann.

Best wishes to all of you for a wonderful celebration and continued good luck.

The Secretary will read.

THE SECRETARY: Member of the Dormitory Authority, Gail H. Gordon of Slingerlands.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Gail H. Gordon as a member of the Dormitory Authority. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Gail H. Gordon is hereby confirmed as a member of the Dormitory Authority.

The Secretary will read.

THE SECRETARY: Member of the Metropolitan Transportation Authority, James L. Sedore, Jr., of Fishkill.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of James L. Sedore as a member of the Metropolitan Transportation Authority. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: James. L. Sedore is hereby confirmed as a member of the Metropolitan Transportation Authority.

The Secretary will read.

THE SECRETARY: As a member of the Port of Oswego Authority, Christopher C. Dain of Oswego.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Christopher C. Dain as a member of the Port of Oswego Authority. All

those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Christopher C. Dain is hereby confirmed as a member of the Port of Oswego Authority.

The Secretary will read.

THE SECRETARY: As a Banking Members of the State Banking Board, Charles H. Hamm of Bronxville, and Salvatore Marranca of Little Valley.

SENATOR SKELOS: Move the nominations.

THE PRESIDENT: The question is on confirmation of Charles J. Hamm and Salvatore Marranca as banking members of the State Banking Board.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Charles J. Hamm and Salvatore Marranca are hereby confirmed as

banking members of the State Banking Board.

The Secretary will read.

THE SECRETARY: As a public member of the State Banking Board, Jeffrey A. Moerdler, Esquire, of Riverdale.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: Senator Schneiderman.

SENATOR SCHNEIDERMAN: I rise to strongly support the nomination of Jeffrey Moerdler to the Banking Board of the State of New York.

He is a constituent of mine residing in Riverdale. Comes from a fine family that has given a great deal back to our community, our city and our state.

His father was the chair of the Community Board in Riverdale. He is the chair of the YMHA there and has given many, many hours of community service.

Mr. Moerdler is also a partner in a fine law firm, an outstanding lawyer, and just the type of person who we need to have on our boards and in public service. I can not

express to the other members of the house how lucky we are to have someone like him serving on the Banking Board and I am very pleased to support his nomination.

THE PRESIDENT: The question is on the confirmation of Jeffrey A. Moerdler, Esquire, a public member of the State Banking Board.

All in favor of signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Jeffrey A. Moerdler is hereby confirmed as a public member of the State Banking Board.

The Secretary will read.

THE SECRETARY: As a member of the Advisory Board on Public Work, Ross J. Pepe of New City.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Ross J. Pepe as a member of the Advisory Board on Public Work.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Ross J. Pepe is hereby confirmed as a member of the Advisory Board on Public Work.

The Secretary will read.

THE SECRETARY: As a member of the State Athletic Commission, Mark B. Cornstein, of New York City.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Mark B. Cornstein as a member of the State Athletic Commission.

All in favor signify by saying aye.

(Response of "Aye".)

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Mark B. Cornstein is hereby confirmed as a member of the State Athletic Commission.

The Secretary will read.

THE SECRETARY: As a member of the Finger Lakes State Park, Recreation and Historic Preservation Commission, Carol C. Reeves, of Ithaca.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Carol C. Reeves as a member of the Finger Lakes State Park Recreation and Historic Preservation Commission.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Carol C. Reeves is hereby confirmed as a member of the Finger Lakes State Park Recreation and Historic Preservation Commission.

The Secretary will read.

THE SECRETARY: As a member of the Saratoga Capital District State Park Recreation and Historic Preservation Commission, Allison Whipple Rockefeller, of New York City.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Allison Whipple Rockefeller as a member of the Saratoga Capital District State Park, Recreation and Historic Preservation Commission.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Allison Whipple Rockefeller is hereby confirmed as a member of the Saratoga Capital District State Park, Recreation and Historic Preservation Commission.

The Secretary will read.

THE SECRETARY: As members of the Empire State Plaza Art Commission, Joseph G. Perrella of Niskayuna, and Kristin Jannitto Woodward of Latham

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the conformation of Joseph G. Perrella and

Kristin Jannitto Woodward as members of the Empire State Plaza Art Commission.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Joseph G. Perrella and Kristin Jannitto Woodward are hereby confirmed as members of the Empire State Plaza Art Commission.

The Secretary will read.

THE SECRETARY: As a member of the Fire Fighting and Code Enforcement Personnel Standard and Education Commission, Dominick A. Timpano of Utica.

SENATOR SKELOS: Move the nominations.

THE PRESIDENT: The question is on the confirmation of Dominick A. Timpano as a member of the Fire Fighting and Code Enforcement Personnel Standards and Education Commission.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Dominick A. Timpano is hereby confirmed as a Member of the Fire Fighting and Code Enforcement Personnel Standards and Education Commission.

The Secretary will read.

THE SECRETARY: As a member of the Board of Trustees of the Higher Education Services Corporation, Richard B. Turan of Bethpage.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Richard B. Turan as a member of the Board of Trustees of the Higher Education Services Corporation.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Richard B. Turan is hereby confirmed as a member of the Board

of Trustees of the Higher Education Services Corporation.

The Secretary will read.

THE SECRETARY: As a member of the State Commission on Quality of Care for the Mentally Disabled, Louis J. Billittier, of Hamburg.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Louis J. Billittier, as a member of the State Commission on Quality of Care for the Mentally Disabled.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Louis J. Billittier is hereby confirmed as a member of the State Commission on Quality of Care for the Mentally Disabled.

The Secretary will read.

THE SECRETARY: As a member of the Advisory Council to the Commission of the Quality of Care for the Mentally Disabled,

Sister Bernadette S. Downes of Brooklyn.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Sister Bernadette S. Downes as a member of the Advisory Council to the Commission on the Quality of Care for the Mentally Disabled.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Sister Bernadette S. Downes is hereby confirmed as a member of the Advisory Council to the Commission on the Quality of Care for the Mentally Disabled.

The Secretary will read.

THE SECRETARY: As a member of the State Council on the Arts, Gerald S. Lippes, Esquire, of Buffalo.

SENATOR SKELOS: Move the nomination.

THE PRESIDENTS: The question is on the confirmation of Gerald S. Lippes,

Esquire, as a Member of the State Council on the Arts.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Gerald S. Lippes, Esquire, is hereby confirmed as a Member of the State Council on the Arts.

The Secretary will read.

THE SECRETARY: As a member of the Mental Health Services Council, Ralph W. Standbrook, of Fairhaven.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Ralph W. Standbrook as a member of the Mental Health Services Council.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Ralph W. Standbrook is hereby confirmed as a member of the Mental Health Services Council.

The Secretary will read.

THE SECRETARY: As members of the Minority Health Council, Ruben P. Cowart, DDS, of Syracuse, Oleg Gutnik M.D., of Brooklyn, and Ronald Perry of New York City.

THE PRESIDENT: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I would like to rise to second the nomination of Dr. Ruben Cowart. On behalf of Senator DeFrancisco and myself, I can testify personally to the great civic commitment that Dr. Cowart has displayed over many, many years.

His professional background is quite remarkable. He was originally a graduate of St. Augustine College in Raleigh, North Carolina, attended Howard University in Washington, D.C., where he obtained his DDS, and then he had the good sense to come to Syracuse, where he obtained a business administration degree at Syracuse University.

That brought him into the arena where we have some of the most interesting health challenges in an urban environment in the northeast and today Dr. Cowart serves are President and CEO of the Syracuse Community Health Center.

He also holds the distinction of being admitted to hospital appointments at both the SUNY Health Science Center at Syracuse and the Department of Surgery at the Crouse Irving Memorial Hospital in Syracuse.

We are very proud of Dr. Cowart in Syracuse. Last year or the year before he decided that it was important to have a fund raising venture for the facility that he directs and he came up with a very novel idea. He thought that a roast of a prominent political figure would be a worthwhile venture, and he selected Senator DeFrancisco. And from all accounts it was a highly successful evening, and I am sure that if Senator DeFrancisco were in the chamber right now he would join me in complimenting the Governor on his wisdom to make Dr. Cowart a member of this very distinguished body.

THE PRESIDENT: The question is on the confirmation of Ruben P. Cowart, DDS, Oleg Gutnik, M.D. and Ronald Perry as members of the Minority Health Council.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Ruben P. Cowart, DDS, Oleg Gutnik, M.D., and Ronald Perry are hereby confirmed as members of the Minority Health Council.

The Secretary will read.

THE SECRETARY: As a member of the New York State Hospital Review and Planning Council, Frederick Yanni, Jr., of Baldwinsville.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Frederick Yanni, Jr., as a member of the New York State Hospital Review and Planning Council.

All those in favor signify by saying aye.

(Response of "Aye".)

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Frederick Yanni, Jr., is hereby confirmed as a member of the New York State Hospital Review and Planning Council.

The Secretary will read.

THE SECRETARY: As a member of the State Fire Prevention and Building Code Council, James J. Yarmus of New City.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of James J. Yarmus as a member of the State Fire Prevention and Building Codes Council.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: James J. Yarmus is hereby confirmed as a member of the State Fire Prevention and Building Code Council.

The Secretary will read.

THE SECRETARY: As members of the Continuing Care Retirement Community Council, Wayne L. Kaplan, of Dix Hills, and Paul Rosenfeld of Staten Island.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Wayne L. Kaplan and Paul Rosenfeld as members of the Continuing Care Retirement Community Council.

All those in favor signify by saying aye.

(Response of "Aye".)

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Wayne L. Kaplan and Paul Rosenfeld are hereby confirmed as members of the Continuing Care Retirement Community Council.

The Secretary will read.

THE SECRETARY: As members of the New York State Home for Veterans and their Dependents at Batavia, Mary Ann O'Coin, of Rochester, and Roy J. Wullich, of Batavia.

SENATOR SKELOS: Move the

nomination.

THE PRESIDENT: The question is on the confirmation of Mary Ann O'Coin and Roy J. Wullich as members of the Board of Visitors of the New York State Home for Veterans and their Dependents at Batavia.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Mary Ann O'Coin and Roy J. Wullich are hereby confirmed as members of the Board of Visitors of the New York State Home for Veterans and their Dependents at Batavia.

The Secretary will read.

THE SECRETARY: As a member of the Capital District Developmental Disability Services Office, Kathe R. Sheehan, of Scotia.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Kathe R. Sheehan as a member of the Board of Visitors of the Capital District Developmental Disabilities Services

Office.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Kathe R. Sheehan is hereby confirmed as a member of the Board of Visitors of the Capital District Developmental Disabilities Services Office.

The Secretary will read.

THE SECRETARY: As a member of the Central New York Development Disabilities Services Office, Sally Johnston, of Syracuse.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation.

Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

I am very proud to rise and second the nomination of Sally Johnston of Syracuse for this wonderful appointment.

It is important I think, for people

to realize that for anyone an appointment of this sort without any compensation represents a tremendous sacrifice, but for someone who is faced personally with the daily challenges of a developmental disability herself I think it represents an even more extraordinary commitment to the public good.

I have had the pleasure of knowing Sally Johnston and her family for about 25 years. And throughout that time she has always gone out of her way to try to assist people who might have not learned to deal with their own disabilities or to understand the need for all of us to be sensitive to people with disabilities.

I am proud to have had the opportunity to learn first hand from Sally many things during the years that I served on the Syracuse Common Council when we were modifying buildings and turning them into housing facilities. Sally was one of those people who would come in her own wheel chair and make sure that, in fact, accessible meant truly accessible and not just accessible from an architect's rendering.

Over the years she has held positions with the Easter Seal Society where she created a disability awareness program to assist young children to better understand their disabilities and those of their playmates. She was the founder and president of Disabled in Action in Syracuse, an activist organization without parallel in the State. She served on the Human Rights Commission, the Human Rights Committee of the Syracuse Developmental Center, and on the New York State Coalition of People with Disabilities.

She also served at one time on the task force chaired by Assemblyman Alan Hevesi, so I am sure that Senator Hevesi would join me today in saying what a wonderful appointment it is that Sally Johnston is going to be a member of the Central New York Developmental Disabilities Service Office.

THE PRESIDENT: The question is on the confirmation of Sally Johnston as a member of the Board of Visitors of the Central New York Developmental Disabilities Services Office.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Sally Johnston is hereby confirmed as a member of the Board of Visitors of the Central New York Developmental Disabilities Services Office.

The Secretary will read.

THE SECRETARY: As a member of the Long Island Developmental Disabilities Services Office, Itta Ross of Great Neck.

THE PRESIDENT: The question is on the confirmation of Itta Ross, as a member of the Board of Visitors of the Long Island Developmental Disabilities Services Board.

All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Itta Ross is hereby confirmed as a member of the Board of Visitors of the Long Island Developmental Disabilities Services Office.

The Secretary will read.

THE SECRETARY: As a member of

the Mohawk Valley Psychiatric Center, Paul D. O'Brien of Rome.

SENATOR STAFFORD: Move the confirmation.

THE PRESIDENT: Thank you, Senator.

The question is on the confirmation of Paul D. O'Brien as a member of the Board of Visitors of the Mohawk Valley Psychiatric Center.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Paul D. O'Brien is hereby confirmed as a member of the Board of Visitors of the Mohawk Valley Psychiatric Center.

The Secretary will read.

THE SECRETARY: As a member of the Pilgrim Psychiatric Center, Charles A. Gardner, of Kings Park.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move the

nomination, please.

Thank you.

THE PRESIDENT: The question is on the confirmation of Charles A. Gardner as a member of the Board of Visitors of the Pilgrim Psychiatric Center.

All those favor in favor, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Charles A. Gardner is hereby confirmed as a member of the Board of Visitors of the Pilgrim Psychiatric Center.

The Secretary will read.

THE SECRETARY: As a member of the New York State Home for Veterans and their Dependents at St. Albans, Ruth Lillian Young of Jamaica.

THE PRESIDENT: Senator Maltese.

SENATOR MALTESE: Madam President, I would be remiss if I did not second the nominations of Ruth Young.

Ruth Young is a woman that has

given of herself and her life and her dedication for many, many years to the veterans and their families. She is an African-American woman, honorably discharged disabled veteran of the Vietnam war with lengthy service in the armed services.

She has worked on behalf of veterans since 1970 for veterans and their families. She is an innovator. She is the founder of many, many veterans groups. She does credit to us in Queens County to veterans and will continue in this non-salaried role to benefit veterans and their families.

I am proud to second the nomination of Ruth Young.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Move the nomination.

THE PRESIDENT: Senator Waldon.

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

I have known Ruth Young for quite sometime, but considering the good person that she is and the caring veteran that she is, I have not known her long enough. She is a

walking encyclopedia of information in regard to veteran's affairs. You see her constantly in Washington if you happen to travel there discussing issues with the Secretary. You see her at every post in south east Queens. She is the person who is constantly attempting to obtain more and more benefits for our veterans. You see her constantly at the St. Albans Veterans Hospital.

If there is a voice of strength on behalf of veterans in the City and State of New York it is truly Ruth Young. And she is a good person, a very decent person.

And I am pleased the Governor in his wisdom has chosen to appoint her to this very important position because if there is anyone who understands full well the needs of a veteran it is this veteran, Ruth Young.

I am pleased and proud to stand and second her nomination for this prestigious post.

Thank you, very much, Madam President.

THE PRESIDENT: The question is on the confirmation of Ruth Lillian Young as a

member of the Board of Visitors of the New York State Home for Veterans and their Dependents at St. Albans.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Ruth Lillian Young is hereby confirmed as a member of the Board of Visitors of the New York State Home for Veterans and their Dependents at St. Albans.

The Secretary will read.

THE SECRETARY: As a member of the Sunmount Developmental Disabilities Services Office, Dawn P. Lavigne of Massena.

THE PRESIDENT: The question is on the confirmation of Dawn P. Lavigne 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".)

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Dawn P. Lavigne is hereby confirmed as a Member of the Board of Visitors of the Sunmount Developmental Disabilities Services Office.

The Secretary will read.

THE SECRETARY: Members of the Western New York Developmental Disabilities Services Office, Reverend Louis H. Eason, III, of Gowanda, and Mary M. Fagan of Wellsville.

SENATOR STAFFORD: Move the nomination.

THE PRESIDENT: The question is on the confirmation of Louis H. Eason, III, and Mary M. Fagan, as members of the Board of Visitors of the Western New York Developmental Disabilities Services Office.

All those in favor signify by saying aye.

(Response of "Aye".)

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: Reverend Louis H. Eason, III, and Mary M. Fagan are hereby

confirmed as members of the Board of Visitors of the Western New York Developmental Disabilities Services Office.

The Secretary will read.

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

Senate Print 1601-A, Budget Bill, an act making appropriations for the legal requirements of the State debt service;

4220, by the Senate Committee on Rules, an act making appropriations for the support of Government; and

4221, by the Senate Committee on Rules, an act to amend Chapter 169 of the Laws of 1994.

All bills ordered direct to third reading.

THE PRESIDENT: Without objection, all bills are ordered to third reading.

Reports of the select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Wright.

SENATOR WRIGHT: Thank you, Madam President.

THE PRESIDENT: Your welcome. Thank you.

SENATOR WRIGHT: On behalf of Senator Saland, on page 12, I offer the following amendments to Calendar Number 238, Senate Print Number 3021, and ask that said bill retain its place on third calendar reading.

THE PRESIDENT: Amendments received and the bill will retain its place on third reading.

SENATOR WRIGHT: Madam President, on behalf of Senator Alesi, on page number 8, I offer the following amendments to Calendar Number 127, Senator Print Number 84, and ask that said bill retain its place on third calendar reading, Third Reading Calendar.

THE PRESIDENT: The amendment is received and the bill will retain its place on the third reading calendar.

SENATOR WRIGHT: Thank you, Madam President.

On behalf of Senator Meier, on page number 13, I offer the following amendments to Calendar Number 248, Senate Print Number 3162, and ask that said bill retain its place on the Third Reading Calendar.

Thank you, Senator Libous.

THE PRESIDENT: The amendment is received and the bill will retain its place on the Third Reading Calendar.

Senator Bonacic, we have some substitutions.

SENATOR BONACIC: Take the substitutions, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: On page 27, Senator Volker moves to discharge from the Committee on Education, Assembly Bill Number 6758 and substitute it for the identical Third Reading Calendar 436.

On page 27, Senator Kuhl moves to discharge from the Committee on Education, Assembly Bill Number 7204 and substitute it for the identical Third Reading Calendar 438.

And on page 27, Senator Marchi

moves to discharge from the Committee on Environmental Conservation, Assembly Bill Number 4856-B and substitute it for the identical Third Reading Calendar 439.

THE PRESIDENT: Substitutions are ordered.

Senator Bonacic.

SENATOR BONACIC: Madam President, may we please adopt the Resolution Calendar with the exception or Resolution Number 801.

THE PRESIDENT: All favor of adopting the Resolution Calendar with the exception of Resolution Number 801, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

Senator Bonacic.

SENATOR BONACIC: Madam President, may we please take up Resolution 801 by Senator Wright. May we have the title read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Wright, Legislative Resolution 801, memorializing Governor George E. Pataki to proclaim Tuesday, March 30, 1999, as Small Business Day in the State of New York.

THE PRESIDENT: The question is on the resolution. All favor, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bonacic.

SENATOR BONACIC: Senator Wright would like to open this resolution up for co-sponsorship. Any member who does not wish to be on the resolution, please notify the desk.

THE PRESIDENT: Any member who does not wish to be on the resolution, please notify the desk.

Senator Bonacic.

SENATOR BONACIC: Madam President, at this time may we have the non controversial reading of calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 98, by Senator Skelos, Senate Print 587-A, an act to amend the Domestic Relations Law and Family Court Act, in relation to any action or proceeding.

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 119, by Senator Alesi, Senate Print 96-A, an act to amend the General Business Law, in relation to altering mileage registering devices.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 187, by Senator Libous, Senate Print 1419, an act authorizing the Commissioner of General Services to sell and convey.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 189, by Senator Seward, Senate Print 2068, an act to amend amendment the Tax Law.

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 283, by Senator Volker, Senate Print 39, an act to amend the Executive Law, in relation to

the community services block grant program.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 318, by Senator Trunzo, Senate Print 2994-A, an act to amend the Vehicle and Traffic Law and the Public Authorities Law, in relation to authorizing cities.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect in 30 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

360, by Senator Stafford, Senate Print 735, an act, in relation to the lease or rental of certain land in Warren County.

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

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 381, by Senator Wright, Senate Print 1229, an act to amend the Tax Law, in relation to disclosure of over payment.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 415, by Senator Libous, Senate Print 2096, an act to amend the Penal Law, in relation to the provision of large quantities of alcoholic beverages to minors.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 438, substituted earlier today, by the Assembly Committee on Rules, Assembly Print Number 7204, an act to amend Chapter 45 of the Laws of 1996.

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number

439, substituted earlier today, by Member of the Assembly Connelly, Assembly Print 4856-B an act to amend Chapter 395 of the Laws of 1978 relating to moratoriums.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 440, by Senator Marcellino, Senate Print 4151, an act to repeal Title 17 or Article 23 of the Environmental Conservation Law.

THE PRESIDENT: Read the last section.

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid aside, Senator.

Senator Bonacic that completes the reading of the non-controversial calendar.

SENATOR BONACIC: Thank you,

Madam President, we're moving along pretty well here. Now may we have the controversial reading of the calendar.

THE PRESIDENT: The Secretary will read, Senator.

THE SECRETARY: Calendar Number 98, by Senator Skelos, Senate Print 587-A, an act to amend the Domestic Relations Law and the Family Court Act, in relation to any action or proceeding.

THE PRESIDENT: Read the last section.

SENATOR BRESLIN: Lay it aside for the day.

THE PRESIDENT: The bill is laid aside for the day.

THE SECRETARY: Calendar Number 189, by Senator Seward, Senate Print 2068, an act to amend the tax law, in relation to extending the expiration of the provision.

SENATOR BRESLIN: Madam President.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Madam President, through you, may I ask a question

of the sponsor?

THE PRESIDENT: Senator Marcellino, do you yield for a question?

SENATOR MARCELLINO: Sure, Madam President, I yield.

THE PRESIDENT: Go ahead, Senator Breslin.

SENATOR BRESLIN: Senator Marcellino, through Madam President, is there a home rule message connected with this bill?

SENATOR MARCELLINO: No, I don't believe one is necessary, Senator.

SENATOR BRESLIN: Through you, Madam President, will the sponsor yield to another question?

THE PRESIDENT: Senator, do you continue to yield to a question?

SENATOR MARCELLINO: In one second, Madam President. Madam President, lay the bill aside.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calender number 438, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number

7204, an act to amend Chapter 45 of the Laws of 1996.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Explanation, please.

THE PRESIDENT: Senator Bonacic, an explanation has been requested.

SENATOR BONACIC: We would like to lay that aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 440, by Senator Marcellino, Senate Print 4151, an act to repeal Title 17 or Article 23 of the Environmental Conservation Law.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: An explanation, please.

THE PRESIDENT: Senator Marcellino, an explanation has been requested.

SENATOR MARCELLINO: I have made sure a home rule message is not necessary on this bill.

Madam President, as recommended by the New York State Energy Research and

Development Authority, this bill repeals Title 17 of Article 23 of Environmental Conservation Law as well as Department regulations on siting. It is acknowledged that these natural gas regulations are deemed not necessary as existing federal, state and local laws and regulations adequately control liquefied natural gas facilities and transportation.

THE PRESIDENT: Senator Gentile.

SENATOR GENTILE: Yes, Madam President. I am wondering if the sponsor would yield for a question?

THE PRESIDENT: Senator, will you yield, Senator Marcellino?

SENATOR MARCELLINO: I would be pleased to.

THE PRESIDENT: Go ahead, Senator Gentile.

SENATOR GENTILE: Thank you, Madam President.

Senator, in light of the bill we just passed, sponsored by my colleague in Staten Island, Senator Marchi, I am wondering what effect this bill, your bill, would have on that legislation, because as you know that

legislation continues the moratorium in cities that would include Staten Island.

It appears to me that your bill would have the regulations expire, which would cause a problem in my mind, and I am asking you to explain, in regard to Senator Marchi's bill.

SENATOR MARCELLINO: We don't see the -- Senator, through you Madam President, we don't see a conflict in these two particular situations, Senator, because what we are doing is just eliminating a layer of duplication. The Department of Environmental Conservation frankly has no role in the -- we believe the siting, the safety of transportation of this material through neighborhoods. The Department of Transportation can do that. The siting of facilities is controlled by public planning boards and local zoning regulations and so forth.

So to add this layer on seems duplicative. We are just simply removing an unnecessary layer of red tape.

SENATOR GENTILE: Madam

President, if I might ask another question?

THE PRESIDENT: Do you continue to yield, Senator?

SENATOR MARCELLINO: Yes.

THE PRESIDENT: Go ahead, Senator Gentile.

SENATOR GENTILE: So Senator, am I clear in understanding that the regulations that you want to expire in no way would effect the continued moratorium in places like Staten Island?

SENATOR MARCELLINO: Yes, Senator.

SENATOR GENTILE: Thank you, Madam President.

THE PRESIDENT: Read the last section. Senator Marchi, excuse me, Senator. Go ahead.

SENATOR MARCHI: I just wanted to echo again, because it does not really need it but we had discussed this very thoroughly and it does exempt the City of New York for the reasons that were stated in the bill that we passed. But this does not in any way impinge on the legislation that we already approved.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed. Senator Bonacic.

SENATOR BONACIC: Madam President, we would like to call up Calendar 438, if we may.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar number 438, substituted earlier today by the Assembly Committee on Rules, Assembly Print Number 7204, an act to amend Chapter 45 of the Laws of 1996.

SENATOR CONNOR: Madam President.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

By way of explaining and opposing this bill let me say that three years ago

there was rightly perceived to be somewhat of a crisis some three and a half years ago in the New York City -- the way that New York City community school boards functioned. There were a lot of problems in the public education in New York City that were ascribed to the method of governance, lack of accountability and a whole series of other problems about patronage and the kinds of appointments that were being made.

At the time a new chancellor, Dr. Crew, came on board. In his early months he exercised the chancellor's power to suspend a number of school board members and in some instances entire school boards in community districts. Having done that, school board elections were looming and the New York City Board of Education came forward with a rather extraordinary legislative proposal. And that was that in order to give -- without saying so the purpose being to give Dr. Crew the opportunity to put the house in order so to speak, that legislation was sought providing that where a community school board has been superseded by the chancellor or suspended that

such action would transcend the election and that even though there was an election of a school board in that district, the suspension would remain in effect not withstanding that a new community school board in such a district had been elected.

Why I say rather extraordinary because it obviously did something we are loathe to do at any level of government in this county or in this state, and that is ignore the voice of the people, totally disown their actions so to speak by not letting duly elected school board members take office in those suspended districts.

The elections would be held but the people would not take office. Quiet extraordinary.

At the time there were a lot of members of this house understandably opposed to that kind of legislation and a number of my colleagues on this side of the aisle spoke out against it and opposed it. In an effort on my part -- for my part in an effort to support Dr. Crew and to support some of the actions that were needed, I rather reluctantly agreed

to support this legislation with the proviso, and my suggestion was adopted and incorporated into the bill. And that suggestion was that this extraordinary power sunset in three years.

Subsequent to all of that, Madam President, we adopted a comprehensive reform of New York City community school boards, their powers, duties. We greatly enhanced the power of the chancellor with respect to the selection and approval and/or removal of superintendents. We eliminated virtually any hiring decisions that a community school board could make, eliminated any possibility of nepotism, patronage, or whatever in community school boards and indeed took away the power of the community school board to appoint principals, assistant principals and everything else.

So after this emergency legislation we fixed the system. And here we are three years later and no one should be surprised that the three years did go by and the law sunsets. And now we're faced with the New York City board of ed asking us to extend the

law, which was -- and I know, don't laugh, I know we have a temporary law on this is and a temporary law on that. We have some temporary laws that go back 20 and 30 years and sunset every two and three years and get routinely extended.

My colleagues, I suggest the sunset provision was in here for a reason. The reason was this is probably from a standpoint of the theory of respecting the electorate in a democracy the most extraordinary legislation I have seen pass this house. One that says in advance of an election, in certain districts we don't care who the voters vote for, they are not going to take office. That is what we did in the legislation.

The emergency conditions have abated. There is a permanent law that addresses a lot of the concerns that were what drove this train, a chancellor suspending school boards because of abuses, we have corrected those abuses. There is no possibility of a community school board running away and being irresponsible as some were four and five years ago.

I respectfully suggest we don't need this legislation now, and not only do we not need it, frankly, as I said at the time, it is not good legislation. And very often in emergency conditions legislative remedies are temporary, are somewhat extreme, and they certainly under those circumstances ought to remain temporary. The three years having expired, all of the conditions, all of the conditions about which people complained then have been remedied by this Legislature. And I suggest we really should not, I don't care that the board of ed wants it. I understand it is a great power to void an election before it has been held, but it is not a power we usually see in this country. It is a power we see in a lot of countries that don't have a respect for democratic principles.

So I am, having supported it last time only because of the sunset, I am opposed to it now. I don't think we need it. I think it is bad policy. I think all of the emergency conditions that prevailed are no longer there and I am happy that I had the foresight three years ago that while voting

for this, holding my nose and for this, that I insisted that the sunset provisions be put in, and I say, my colleague, lets let this legislation die with the sunset.

Thank you, Madam President.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar 438, Senators Breslin, Connor, Dollinger, Marchi, Mendez, Onorato, Padavan, Paterson, Sampson, Santiago, Schneiderman, Seabrook, Smith, Stachowski, Stavisky, and Waldon.

Ayes 42, nays 16.

THE PRESIDENT: The bill is passed.

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: May we please take up Calendar 444, Senate Bill 1601-A.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 444, Budget Bill, Senate Print 1601-A, an act making appropriations for the for the legal requirements of the State debt service.

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Madam President, is there a message of necessity at the desk?

THE PRESIDENT: Yes, Senator Bonacic, there is.

SENATOR BONACIC: Madam President, I move to accept the message of necessity.

THE PRESIDENT: All in favor of accepting the message of necessity, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The message is accepted.

Senator Bonacic.

SENATOR BONACIC: Madam

President, may we please take up Calendar 483, Senate Bill 4220.

THE PRESIDENT: Reads the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Just a moment, please.

Senator Bonacic.

SENATOR BONACIC: Madam President.

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: I have sent my representative, he has a message for the desk.

THE PRESIDENT: Thank you, Senator.

THE PRESIDENT: The Secretary will read the title of the bill, please, 444.

THE SECRETARY: Calendar Number 444, Budget Bill, Senate Print 1601-A, an act making appropriations for the legal requirements of the State debt service.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the role.

(The Secretary called the roll.)

THE SECRETARY: Ayes 58.

THE PRESIDENT: The bill is passed. Senator Bonacic.

SENATOR BONACIC: Madam President, may we now please take up Calendar 483, Senate Bill 4220.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 483, by the Senate Committee on Rules, Senate Print 4220, an act making appropriations for the support of government.

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Madam President, are there messages of necessity and appropriation at the desk?

THE PRESIDENT: Yes, there are messages of necessity and appropriation Senator, at the desk.

SENATOR BONACIC: Madam

President, I move to accept the message of necessity and appropriation.

THE PRESIDENT: The motion is to accept the messages of necessity and appropriation. All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The messages of and appropriation are accepted.

Read the last section.

THE SECRETARY: Section 6. This act shall take effect April 1.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed. Senator Bonacic, again.

SENATOR BONACIC: Madam President, may we now please take up Calendar 484, Senate Bill 4221?

THE PRESIDENT: The Secretary will read, Senator.

THE SECRETARY: Calendar Number 484, by the Senate Committee on Rules, Senate Print 4221, an act to amend Chapter 169 of the Laws of 1994 relating to certain provisions.

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Madam President, is there a message of necessity at the desk?

THE PRESIDENT: Yes, there is, Senator.

SENATOR BONACIC: Madam President, I move to accept the message of necessity.

THE PRESIDENT: The question is on the acceptance of the message of necessity. All those in favor signify by saying aye.

(Response of "Aye".)

THE PRESIDENT: Opposed, nay.

(Response of "Nay".)

THE PRESIDENT: The message is accepted.

Read the last section.

THE SECRETARY: Section 6. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed. Senator Bonacic.

SENATOR BONACIC: Madam President, I would like to now call up Calendar 189, Senate Bill 2068, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 189, by Senator Seward, Senate Print 2068, an act to amend the Tax Law in relation to extending.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Would the sponsor yield to a question or two?

THE PRESIDENT: Senator, will you yield to a question, Senator Seward?

SENATOR SEWARD: Yes.

THE PRESIDENT: Thank you. Go ahead, Senator Breslin.

SENATOR BRESLIN: Senator Seward, does this have a home rule message connected to it?

SENATOR SEWARD: Yes, it does Senator.

I have a home rule resolution from the Tompkins County Board of Representatives dated March 16th requesting the passage of this legislation.

SENATOR BRESLIN: Madam President, I have no further questions.

Thank you, very much.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 56, nays 2. Senators Dollinger and Gentile recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Bonacic.

SENATOR BONACIC: Madam President, I would ask if the Senate could stand at ease temporarily.

THE PRESIDENT: The Senate will hereby stand at ease temporarily.

Thank you, Senator.

(The Senate stood at ease at 4:28 p.m. and came back to order at 5:16 p.m.)

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, there will be an meeting of the Finance Committee in the Majority Conference Room.

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

SENATOR FUSCHILLO: Thank you.

THE PRESIDENT: The Senate will continue to stand at ease.

(The Senate stood at ease at 5:17 and came back to order at 5:21.)

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to reports of standing committees, I believe there is a reports from the Finance Committee at the desk. I ask that it be read.

THE PRESIDENT: The Secretary will read.

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

As a member of the Counsel on Human Blood and Transfusions Services, William Allen Fricke, M.D., of Rochester.

SENATOR SKELOS: Move the nomination.

THE PRESIDENT: The question is on the confirmation of William Allen Fricke, M.D., for term as a member of the Council on Human Blood and Transfusion Services.

All those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: William Allen Fricke, M.D., is hereby confirmed as a member of the Council on Human Blood and Transfusion Services.

The Secretary will read.

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

Senate Print 4253, by the Senate Committee on Rules, an act making appropriations for the support of government, and

Senate Print 4254, by the Senate Committee on Rules, an act making an appropriation for Olympic Facility improvements.

Both bills ordered direct for third reading.

THE PRESIDENT: Without objection, both bills ordered direct to third reading.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Would you please call up Calendar Number 485?

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 485, by the Senate Committee on Rules, Senate Print 4253, an act making appropriations for the support of government.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: Yes, Senator, Skelos, there are.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: All in favor of accepting the message of necessity and appropriation, signify by saying aye.

(Response of "Aye".)

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The messages are accepted.

Read the last section.

THE SECRETARY: Section 35. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

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

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Madam President, would you call up Calendar Number 486?

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 486, by the Senate Committee on Rules, Senate Print 4254, an act making an appropriation for Olympic Facility improvements.

SENATOR CONNOR: Explanation.

SENATOR SKELOS: We can accept the message first.

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: Yes, Senator, there is.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: The question is on the motion. All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Read the last section.

SENATOR CONNOR: Explanation.

THE PRESIDENT: Senator Stafford, an explanation is requested.

SENATOR STAFFORD: Mr. President, we're very, very fortunate that in 1932 we had the Olympics in Lake Placid. In 1980 we again had the Olympics in Lake Place. We have had the World University Games in Lake Placid. And in the year 2000 we are going to have the Good Will Games, the first time we have had the Good Will Winter Games in the United States.

We all benefit, obviously, in upstate New York from this. The State benefits, the nation benefits.

If any of you were up there during the Olympics you realize how much it did for us. I can still remember taking Senator Ohrenstein up to the opening ceremony and having a pilot take us in through Lake Holden. You were with us?

SENATOR CONNOR: No.

SENATOR STAFFORD: Madam President, we know who we'll take this time. That's why these discussion are always good, you know, it kind of gels.

And any way, everybody, and it will be everybody, don't worry. So any way, we

have been told, in fact they had a press conference in Lake Placid today, we either get our venues up to speed or we won't have the games.

Granted, I live up there. I lived through the Olympics. I can only say we are fortunate that the Governor is focusing on this. No question about it, we were being passed when it came to keeping the Olympics, the winter Olympics in New York State. But with this appropriation we have got contracts that need to be let, and we either get them or we won't have the games.

You have all heard the story. I share with you this, you have no idea how much this does for the entire State when we have this world competition. Granted, I live up there, I understand it. But it helps of entire state. It puts us on the map and you have no idea what it does for the economy. And Madam President, let me speak to this point. As one who in 1973 started working, '73, for the Olympics to be in Lake Placid in 1980, I know the work that goes into it. Many people here enjoyed them.

We have a lot, a great deal. Most unfortunate the unrest we have in the world. And I have learned this. With the Good Will Games, the Olympics, it is a lot more than the economy, Madam President. It is a lot more than the economy.

And again we're very, very fortunate that the Governor is making it possible for us to have these Good Will Games.

This is very, very important. And it is in the Adirondacks. I think the appropriation is appropriate. And I want to share this with you. I have always tried the last few years to keep things on an even keel, tried not to be extreme one way or the other, tried to communicate, tried to get things done. But some of the people who don't live there, not in this chamber, not in this chamber, I'm going to do my best to try to explain to them how important this is to our area and to the entire state and to the world. And I suggest we'll be having some discussions.

Thank you, Madam President.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President, on the bill.

I think getting the Good Will Games is a wonderful thing for New York State. I think it is important. But frankly, Madam President, I don't understand why it is an emergency.

If the message from the Governor certifying this as an emergency appropriation really means it is an important thing that we ought to do as New York State government then why not do so many other important things.

When we don't have a budget on time, when we have not even had conference committees meet, when the process is once again broken. There are many, many important things that State of New York ought to be doing for the people of New York that are not being addressed. They are not being addressed today in any of the emergency appropriations.

Thankfully, and it is an emergency, in the main emergency appropriations bill we did we will meet the institutional payroll. That is something we have to do for the working men and women who serve New York

State. They have to have their paychecks. But there are other issues that I think frankly are even more of an emergency and should -- than doing this bill, because by not doing the other things the people are the real losers and, for example back in January, back in January thousands of New York seniors, thousands of New York seniors -- getting it, lugers. Got it?

Back in January thousands of New York seniors were removed from prescription coverage by their HMOs. We on this side of the aisle and others have offered solutions to, for example, make them eligible for Epic coverage. But since January we have senior citizens without prescription coverage. Why is that not a real emergency?

I suggest that that is a real emergency particularly if your one of those seniors.

And other things that I think that are good for economic development in New York, for example, the tourism money that is always in the budget. That is an emergency if the goal of that campaign is to promote New York

tourism for the summer. And I need not tell you, many of you who have particularly attractive tourist destinations for summer tourists in your district, if we pass a budget in July or August with the tourism money in there you have missed the boat, you have missed the tourists. They went to a different beach. They went to a different set of mountains. They went to different resorts. They went to some tiny little falls instead of the big one. They went somewhere else. And we've missed the boat.

That from the standpoint of New York economic development is an emergency as much as the Good Will Game that is going to be a year and a half from now.

Last week the Governor voted the teacher support aid. It was worth a lot of money to our largest cities, one of which has been announcing the possibility of laying off teachers, I think the City of Yonkers. Why is that not an emergency? Certainly more of an emergency that fixing the luge or some gondolas.

And I remind you, community college

tuition aid, that whole situation that we must address as a result of votes last year and some other things. Community colleges now have to set next year's tuition. A timely need that's important to the community colleges and all of the students there. Why is that not an emergency greater than this particular one?

And on and on and on we could go. Design work for summer construction. It does not do any good to do those capital bridges, highway, etc, appropriations in July when the bulldozers an tractors have been silent for six weeks of that working season. Why is that not an emergency?

With all due respect, Madam President, I urge my colleagues to oppose this measure because it does not rise to the level of being any more an emergency than the tragedy of the facts that the budget system is broken and we don't have a budget in place to the serve the many, many varied needs of all New Yorkers, many of which, particularly if your one of those seniors who can not get Epic coverage for prescriptions are real

emergencies.

I urge a no vote.

SENATOR STAFFORD: Madam President.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: I have been here 34 years. Maybe it's a goods thing the phone rang. When you are talking about whether a contract has to be let or not or whether a contract is needed for games that are that important to an area, never will I ever play politics.

I voted in this State for projects in every single district in this State and will always do it. Never will I ever get on this floor and start saying this can be done, that can be done, this should be done. I can name a million things that should be done, but Madam President, when something like this needs to be done, when we were awarded the games they explained why the contracts have to be let or we are not going to have them. You can not snap your fingers. You can't start mentioning we'll do this or do that.

I can mention a thousand things.

But if these games don't go on, Madam President, it is a tragedy. And to stand here and to talk politically on the floor after the Governor is trying to get this done, I can name you a million things my district needs, two million.

But I never will stand on this floor if something like this is needed and play politics.

I thought that was in the other house. It is disgusting. The Governor is doing it right. It is necessary.

If you live in some of these areas you know what it is like to have disadvantaged areas, every one of you. And I vote for your programs. There is not one program I haven't voted for in 34 years. And to stand here and hear something like this, this is what the people are disgusted with. This is what the people are fed up with. This is why people are cynical.

Of course there are things that are needed in the budget. And they will be passed. But you are not on a deadline for major construction for something that is this

necessary for other than just economics.

Thank you, Madam President.

THE PRESIDENT: Read the last sections.

Senator Schneiderman first.

SENATOR SCHNEIDERMAN: Will the sponsor yield for a question?

THE PRESIDENT: Senator Stafford, will you yield?

SENATOR STAFFORD: Yes.

THE PRESIDENT: Go ahead, Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

You mentioned other benefits to the economic benefits of the Good Will Games. I was wondering if you could say something about what you were referring to when you were talking about other benefits. I appreciate the economics impact, but what else were you referring to?

SENATOR STAFFORD: World communication. If you were up at the Olympics in 1980, I traveled from 1973 to 1980 to get the Olympics. And I suggest to you that there

is a lot more than economic benefits. It is communication between countries, understanding. That's what it is all about.

SENATOR SCHNEIDERMAN: Thank you, Madam President, on the bill.

THE PRESIDENT: On the bill, Senator, go ahead.

SENATOR SCHNEIDERMAN: I appreciate everything that Senator Stafford has said and I don't disagree with the positive impact the Good Will Games may have, a but in addition to the fine reasons offered by Senator Connor for voting against this I note that there don't appear to be any major environmental benefits and that we're seeking to take this money from the Environmental Protection Fund. There are many other urgent needs from that fund and I also would urge people to vote against this because this is not a proper use of those funds. There are other funds I believe available to the Governor for these purposes should he so choose. And I think this an improper use of the Environmental Protection Fund.

Thank you.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: I will yield to Senator Stafford.

SENATOR STAFFORD: That's a valid point. I disagree with it, but it is valid point.

My friends, the Environmental Protection Fund is for various areas to protect the environment and I'm going to suggest that people are environment. And also improving these facilities is improving the entire area. It is part of the environment, and that's what I was talk having discussion with some of our people that are not in this chamber. I could explain that and I will explain it in detail if anyone wants to talk to me about it. But this will improve the environment, it will improve the environment around the facilities that are being improved. It will change some of the construction that is there now. This is also improving the environment. It is the right area to be used for the appropriation.

THE PRESIDENT: Senator

Dollinger.

SENATOR DOLLINGER: Thank you, Madam President. I'll be brief.

I appreciate the strong heartfelt convictions of Senator Stafford with respect to the effect of the Good Will Games on the North County. I think we all recognize that. The reason I am going to vote against this appropriation, Madam President, is that I think one of the great dangers of this is late budget process is that there is an emergency today, there is an emergency tomorrow, and the great crisis, the great emergency in this State is the public's loss of confidence in its government in the inability to get the budget done on time and the inability to reconcile our differences.

And I would just suggest that the $1.5 million in teacher support money that was vetoed by this Governor on the second floor is a demonstration that what is happening is we are picking and choosing our crisis and that is where the great danger, the emergency danger to this state comes is in the public loss of confidence in our ability to get our

job done on time.

I would suggest, I agree with Senator Connor. This is not, from my perspective, an emergency so elevated above those other emergencies, about the other things that we need to get done in this state and get done on time. I hope that someday this comes back to us in the context of a completed budget and I will vote for it for exactly the reason that Senator Stafford said, because it will generate economic development in the North Country and hopefully we'll have a budget that generates economic development in my neck of the woods, and in the neck of the woods of everybody in this chamber. Then we will have done the job that will earn us the public trust back.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President. Senator Connor raised an issue that I think deserves to be stated and restated, and it has to do with budget priorities. He did not bring up any issues that, for instance, would need redress by the budget. He brought up those areas that needed

immediate action by the State, that pass the budget on April 1st. That is the reason with all due respect that the sponsors who have brought this bill forward are saying that this appropriation has to be made, that there is a deadline.

In the presentation I thought that it would have been repleat with what would have been very conscientious an detailed analysis of what the deadlines actually were. If the deadlines were put exactly on April the 5th, for instance, perhaps with a budget that has been late for 14 years in a row, that wouldn't have been a good time to set that contract.

So what we're saying is not that this is unimportant, not that this is something that our state needs. Not that this is something that our state will benefit from and our whole state will in addition to the areas of Plattsburgh where the Good Will Games will be held in February of 2000, but what we are actually saying is, that there are correlative issues that deserve similar redress where there is going to be an instant

reaction to those who don't receive those services. Those were the issues that Senator Connor enumerated.

What I am saying is that at this point if we really want to find some workable, sensible, achievable ways to pass this budget that we could certainly come back here every day at one o'clock after April 1st excluding the religious holidays and really decide to get it done.

I have not heard anybody in Albany suggest that as a remedy. The shrill cries for impinging upon people's livelihood during this time are not as much going to solve our budget problem as much as they are going to create a possibility of coercion, but the real issue is that when we talk about budget priority we should, if we are going to the public and saying we can not come up with a sound budget that we can vote for you at this particular time, then what we should be doing is to pass only those appropriations which are absolute emergencies without which we can not go forward. And it is certainly my opinion that there will be plenty of time -- maybe not

plenty of time, but there is time to construct the appropriate gondola and create the luge in the area that can be utilized some eight months later.

THE PRESIDENT: Read the last section.

Excuse me, Senator Marchi.

SENATOR MARCHI: Madam President, I just, I don't want this thing to - obviously most or I would say virtually every member in this chamber is sympathetic and can identify with the objectives of this legislation and it is a question of timing.

I don't think it should be torn out of context. Those of you who have attended Olympics at Lake Placid and in the area will know that an experience can relate the experience that it creates for international comedy and I understand that there is participation from other nations.

It is with sorrow that we look at Sarayevo that conducted he same kind of operation on an international basis and now is the scene of so much tragedy. But as Senator Stafford pointed out, this goes beyond the

mere economics. It is the advancement of a whole series of procedures which will enhance the conduct of these games on an international plane. So I don't think -- we're torturing it a little bit if we reads into that a certain ordering of priorities.

We address this at this point not because of the monumental impact and that there are not very urgent problems to be considered but to accelerated a process by which we can maximize the importance of these games not only for the state but for the whole country and for the world at large.

So that it again serves as a meeting place and forum for international comedy and experience. So I would just urge that -- I know that the arguments that have been raised in their context are not -- don't offend me. But I feel that it ought to be in the context in which Senator Stafford presented it that we're advancing this process so that it can proceed with the contracts, with the invitation with the enhancement to assure the success of an operation which will take place sometime in the future but which

requires immediate response otherwise we loss momentum.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Madam President, I don't mean to extend this debate too much longer, but the comment about the Environmental Protection Fund I think has to be addressed.

The Environmental Protection Fund has long been used to provided the public with access to the environment, to areas of our state which otherwise would not necessarily be accessible and to do so in an environmentally sensitive way. We put boat launching ramps in various facilities, we buy property and create parks for people.

This particular budget bill, this particular bill will do no less. This will improve an area so that it can be utilized by the general public in an environmentally correct and environmentally sensitive way. It is an appropriate use of the Environmental Protection Fund.

THE PRESIDENT: Read the last

section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

SENATOR CONNOR: Party vote in the negative.

SENATOR SKELOS: Party vote in the affirmative.

THE SECRETARY: Ayes 35, nays 23. Party vote in the affirmative.

THE PRESIDENT: The bill is passed. Senator Skelos.

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

THE PRESIDENT: No, Senator, there is not.

SENATOR SKELOS: Therefore, there being no further business I move we adjourn until Monday, April 12th at 3 p.m. subject to the call of the Majority Leader, intervening days being legislative days.

THE PRESIDENT: On motion, the Senate stands adjourned until Monday, April 12th at 3:00 p.m., subject to the call of the

Majority Leader, intervening days being legislative days.

(Whereupon, at 5:53 p.m., the Senate adjourned.)