NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 14, 1999

11:10 a.m.

REGULAR SESSION

LT. GOVERNOR 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. I ask everyone present to rise and repeat with me the Pledge of Allegiance.

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

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

(A moment of silence was observed.)

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 13th, the Senate met pursuant to adjournment. The Journal of Monday, April 12th 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.

Reports of standing committees.

Reports of select committees.

The Secretary will read the report

from the standing committees.

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

THE PRESIDENT: Senator Skelos.

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

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

The Secretary will read reports of the standing committees.

THE SECRETARY: Senator Volker, from the Committee on Codes, reports:

Senate Print Number 643-A, by Senator Nozzolio and others, an act to amend the Penal Law and the Vehicle and Traffic Law. Directly for third reading.

THE PRESIDENT: Without objection the bill will be reported direct to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Meier.

SENATOR MEIER: Madam President, on behalf the Senator Saland, on page number 6, I offer the following amendments to Calender Number 102, Senate Print 1404 and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR MEIER: Madam President, also on behalf of Senator Saland on page number 30, I offer the following amendments to Calendar Number 526, Senate Print 3813, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR MEIER: Madam President, on behalf of Senator Stafford, on page number 26, I offer the following amendments to Calendar Number 492, Senate Print 4550, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR MEIER: Madam President, on behalf of Senator Maltese, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause, Senate Print 4425.

THE PRESIDENT: So ordered.

SENATOR MEIER: Madam President, on behalf of Senator Saland, I wish to call up Senate Bill Print Number 1013, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Saland, Senate Print 1013, an act to amend the Family Court Act.

SENATOR MEIER: Madam President, I now move to reconsider the vote by which this bill was passed.

THE PRESIDENT: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes 45.

SENATOR MEIER: I now offer the following amendments.

THE PRESIDENT: The amendments are received.

SENATOR MEIER: Thank you, Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, I believe there is a privileged resolution at the desk by Senator Volker. May we please have it read in its entirety and move for its for immediate adoption.

THE PRESIDENT: Secretary will read. Title only.

THE SECRETARY: By Senator Volker, legislative resolution commending George Gates for his 42 years of dedicated service in the field of journalism to be celebrated on April 14th, 1999.

SENATOR SKELOS: Move its adoption.

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 Skelos.

SENATOR SKELOS: At this time may we please take up the non-controversial calendar. Madam President, I believe there are a couple of substitutions if we could do that first.

THE PRESIDENT: The Secretary will read the substitutions.

THE SECRETARY: On page 27, Senator Spano moves to discharge from the Committee on Labor, Assembly Bill Number 3735 and substitute it for the identical third reading 499.

On page 35, Senator Goodman moves to discharge from the Committee on Investigations, Taxation and Government Operations, Assembly Bill 2103 and substitute it for the identical third reading 584.

THE PRESIDENT: The substitutions are ordered.

SENATOR SKELOS: Now if we could take up the non-controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 96, by Senator Spano, Senate Print 1370-A, an act to amend the Labor Law, in relation to felonies on a public works project.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 175, by Senator Wright, Senate Print 1232-A, an act to amend the Penal Law, in relation to including possession of an automated teller machine card.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 47.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 240, by Senator Farley, Senate Print 2925, an act to amend the Banking Law, in relation to increasing the penalty.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 30th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 278, by Senator Kuhl, Senate Print 3152, an act to amend the Tax Law, in relation to extending the additional one percent rate of

sales and compensating use taxes.

SENATOR DOLLINGER: Lay that bill aside for a question from Senator Breslin

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 295, by Senator Leibell, Senate Print 2663, an act to amend the Retirement and Social Security Law, in relation to the maximum amount.

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 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 296, by Member of the Assembly Weisenberg, Assembly Print 3440-A, an act to amend the Civil Service Law, in relation to the eligibility to be a police officer.

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 48.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 335, by Senator Bonacic.

SENATOR DOLLINGER: Lay the bill aside for the day, please.

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

THE SECRETARY: Calendar Number 342, by Senator Hoffmann, Senate Print 3541, an act to amend the Agriculture and Markets Law, in relation to the assessment of penalties.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 368, by Senator Maltese, Senate Print 3704, an act to amend the Labor Law and the Penal Law, in relation to the certain employment of minors.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.).

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you, if I could just speak to explain my vote.

THE PRESIDENT: To explain your vote, go ahead, Senator.

SENATOR DUANE: Thank you. While I think the idea of this legislation is noble and I agree with the intent I do have concerns about the language in the bill. It seems over broad to me. I'm not sure that people would

be attending dances or plays where children would be performing in an obscene way. So because of those misgivings I am going to vote no on this.

Thank you, Madam President.

THE PRESIDENT: You will be recorded as voting in the negative, Senator Duane.

The Secretary will announce the results, please.

THE SECRETARY: Ayes 49, nays 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 384, by Senator McGee, Senate Print 2875, an act to amend the Public Officers Law, in relation to residency requirement.

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 49, nays 1.

Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 407, by Senator Skelos, Senate Print 1022, an act to amend the Civil Practice Law and Rules, in relation to causes of action.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 409, by Senator Meier, Senate Print 1265, an act to amend the Civil Rights Law, in relation to the right of public petition.

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 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 463, by Senator LaValle, Senate Print 1626, an act to amend the General Municipal Law, in relation to creating the Town of Southhampton industrial development agency.

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

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 52.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 466, by Senator Farley, Senate Print 2369, an act to amend the Real Property Tax Law and the Social Services Law, in relation to holding social services rent.

SENATOR DOLLINGER: Lay that bill aside, please, Madam President.

THE PRESIDENT: The bill is laid aside.

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

SENATOR SKELOS: I ask you to take up the controversial calendar, please.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 278, by Senator Kuhl, Senate Print 3152, an act to amend the Tax Law, in relation to extending the additional one percent rate of sales in compensating use taxes.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Madam President, through you, will the sponsor yield to a question?

THE PRESIDENT: Senator Kuhl, will you yield to a question from Senator Breslin?

SENATOR KUHL: Certainly.

THE PRESIDENT: You have the floor, Senator Breslin.

SENATOR BRESLIN: Madam President, thank you, very much.

THE PRESIDENT: Your welcome.

SENATOR BRESLIN: Senator Kuhl, has Steuben County made a request for that extension?

SENATOR KUHL: Senator Breslin, they have made not only one this year but they have made several over the course of the last several years.

They initially made a request back in, I believe it was 1992, when the county realized they needed some additional revenues and in fact they elected to go the sales tax routine as far as raising that revenue rather than levy additional real property taxes.

When they made that request they made really a request for authority to raise that sales tax, but this Legislature, most notably the Assembly, would not consent to a indeterminal length of time for which them to do that, and insisted that it only be a two year extension, so the will of the Legislature was imposed upon the legislature of Steuben County. So we have to, every year, every two

years come back and ask for reauthorization.

I know that is a long response to your question, but I thought that you should best be informed that the Assembly has been unwilling to grant this authority without any conditions.

SENATOR BRESLIN: Thank you, very much, Senator Kuhl. And I tell you that two years from now, if I am still here, I won't ask that question.

Thank you, very much, Madam President.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 50, nays 2. Senators Dollinger and Gentile recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 466, by Senator Farley, Senate Print 2369, an

act to amend the Real Property Tax Law and the Social Services Law, in relation to withholding social service rents.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

We will waive the explanation of this bill. This bill has been debated before at length in this house and I think the spirit of this legislation is sound. It would be a way, as we understand it, to insure that landlords who are in arrears in their property taxes would pay those taxes.

However, I think nine of my colleagues in the past have voted against this bill because the problem is that it does so, it requires the payment of those taxes or diverts the payment of those taxes directly to the municipality, potentially at the expense of tenants. And the danger is that landlords will either refuse to rent to tenants in this situation or they will be unable to adequately maintain their apartments and it will put further pressure on their ability to complete

them.

There have been nine of our members who have voted against it. Senators Connor, Lachman, Leichter, Markowitz, Montgomery, Onorato, Paterson, Santiago and Seabrook and I simply speak on their behalf and would encourage them to continue to vote their conscience on this bill.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

Senator Dollinger, I appreciate that. I did just want to say that the nine Senators that did vote against it are all from New York City. New York City is excluded from this bill. It does not affect the City of New York.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar 466 are Senators

Connor, Duane, Lachman, Markowitz, Montgomery, Santiago.

Ayes 46, nays 6.

THE PRESIDENT: The bill is passed. Senator Skelos, that completes the reading of the controversial calendar.

SENATOR SKELOS: Thank you, Madam President.

At this time if we could take up Calendar Number 492, Senate 4550-A.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 492, by the Committee on Rules, Senate Print 4550-A, an act making appropriations for the support of government.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of necessity and appropriation at the desk?

THE PRESIDENT: Yes, Senator Skelos, there is.

SENATOR SKELOS: Move to accept.

THE PRESIDENT: All in favor of accepting the messages 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 37. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 51, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Madam President, if we could take up Calendar Number 493, Senate 4551.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 493, by the Committee on Rules, Senate Print 4551, 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.

SENATOR SKELOS: I move to accept.

THE PRESIDENT: All in favor of accepting the messages of necessity and appropriations 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 5. This act shall take effect April 1st, 1999.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 54, nays 1. Senator Dollinger recorded in the negative.

THE PRESIDENT: The bill is passed.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: 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.

Senator Skelos.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: If we could return to reports of standing committees, I believe there is a report of the Civil Service and Pension Committee at the desk. I ask that it be read at this time.

THE PRESIDENT: Reports of standing committees, we will return.

The Secretary will read.

THE SECRETARY: Senator Leibell from the Committee on Civil Service and Pension reports:

Senate Prints Number 1656-A, by Senator Spano, an act to amend the Retirement and Social Security Law;

2076, by Senator Farley, an act to amend Chapter 729 of the Laws of 1994;

2343, by Senator Volker, an act to amend the General Municipal Law;

2468-A, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

3133, by Senator Leibell, an act to amend the Retirement and Social Security Law;

3158, by Senator Leibell, an act to amend the General Municipal Law;

4114, by Senator Spano, an act to amend the Chapter 666 of the Laws of 1990;

4266, by Senator LaValle, an act to amend the Education Law and the Retirement and Social Security Law;

4545, by Senator Leibell, an act to amend Chapter 41 of the Laws of 1997 relating to providing retirement incentive.

All bills directly for third reading.

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

Senator Skelos.

SENATOR SKELOS: Madam President, the Senate will stand at ease at this time pending the report of the Finance Committee. But I also want to point out to the members of the Majority that there will be a conference following session today, a short conference in the Majority Conference Room.

THE PRESIDENT: The Senate will stand at ease, and there will be a meeting of the Majority conference in the Majority Conference Room immediately following session.

(The Senate stood at ease from 11:31 a.m. until 11:39 a.m.)

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

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

THE PRESIDENT: We will return to the report of standing committee.

The Secretary will read.

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

following bill directly for third reading; Senate Print 4584, by the Committee on Rules, an act making an appropriation relating to services and expenses.

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

Senator Skelos.

SENATOR SKELOS: Madam President, if we could call up Calendar Number 591, Senate 4584, at this time.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 591, by the Committee on Rules, Senate Print 4584, an act making an appropriation relating to services and expenses.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Madam President, is there a message of necessity and appropriation at the desk?

THE PRESIDENT: Yes, there is, Senator Skelos.

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.

(Response of nay.)

THE PRESIDENT: The messages are accepted.

Senator Skelos.

SENATOR SKELOS: Madam President, if we could just wait a minute I believe Senator Paterson has a couple questions to ask.

THE PRESIDENT: All right.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: If we could now read the last section on Calendar Number 591.

THE PRESIDENT: Read the last section.

SENATOR CONNOR: Explanation.

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

SENATOR STAFFORD: Madam President, as we move through the systems and as we have these situations that we have at

the present time there are many commitments made, there are many situations where people are banking, planning, lives are affected. And this is an appropriation for a cultural exchange with Israel and the Harlem Boys Choir will be able to go to Israel.

It is the understanding of all of us that this is good for the State. It is good for the Harlem Boys Choir.

THE PRESIDENT: Senator Stachowski, why do you rise?

SENATOR STACHOWSKI: As soon as he finishes explaining, Madam President, I would like to ask a question.

SENATOR STAFFORD: Go ahead.

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

SENATOR STAFFORD: Yes.

SENATOR STACHOWSKI: I think he pretty much explained it.

Madam President, through you, I would just like to know if the Senator is aware that if the Harlem Boys Choir has ever received State money before, and if in fact without it have they traveled all over the

world?

SENATOR STAFFORD: The interesting point is I can remember, and it was a time that a late Stanley Steingut was speaker, the late Steingut, and it happens, I don't have that much in my head but believe it or not I looked at the budget that year and there was an appropriation for the Harlem Boys Choir and I would then venture to say that the answer is in the affirmative.

SENATOR STACHOWSKI: Another question, Madam President.

THE PRESIDENT: Senator Stafford, do you yield to an additional question?

SENATOR STAFFORD: Yes.

THE PRESIDENT: Go ahead, Senator.

SENATOR STACHOWSKI: The question is that, okay, since they got money once but we don't know if it was for a trip or if it was just for some kind of support or whatever, would you know, would you believe it is true that they have made trips all over the worlds without any state money?

SENATOR STAFFORD: I had many

organizations in my district that have made trips with public funds, without public funds, with public funds and without public funds, private funds. So I would say the answer is yes.

SENATOR STACHOWSKI: One last question and it probably going to be -- the answer will be probably be purely conjecture on Senator Stafford's part, but I would like to ask him one more question.

SENATOR STAFFORD: I certainly will answer it.

THE PRESIDENT: Go ahead, Senator.

SENATOR STACHOWSKI: Thank you, Madam President.

Senator, do you believe that if this trip, if this piece of legislation does not pass and the $60,000 is not available from the Senate, do you believe that throughout the whole Jewish community in the City of New York they might be able to raise $60,000 to send this choir to Israel since it seems to be of great interest not only to the Harlem Boys Choir to go, but also to the people of Israel

and the people from the Jewish community in New York City that want to send them to Israel to get them there?

SENATOR STAFFORD: Well, as the Senator point out, this question does raise vagaries and viscisitudes [phonetic]. No question about that.

THE PRESIDENT: Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

I rise against, to speak against this bill because I don't subscribe to that political philosophy that says consistency is the hobgoblin of small minds. And a week ago, two weeks ago, whenever, we opposed the money for the luge on the grounds that it was not truly an emergency. I think this appropriation fits into the same category, worthy though it maybe.

The Harlem Boys Choir is a world renowned institution. They have traveled around the world. I am confident that with or without this bill they will get to make this trip to Israel. They are not scheduled to go until May 22nd. I am sure, and I would be

happy to assist in the efforts to -- I don't mean personally, I mean by making telephone calls -- I am sure this money can be raised privately to make sure that this trip takes place.

I think if you have been reading the press and the rhetoric of the last three days, my colleagues, I think we all understand the attempted political squeeze play here, the attempt to embarras the Speaker and other people.

Frankly it is sophomoric. It is really -- I have to believe it is some junior staff member on the second floor who thinks he or she is a great political genius, and Oh Boy, this is one Shelly Silver is going to get stuck with, it is the Harlem Boys Choir going to Israel.

Come on. Everybody I have talked to who represents the various communities involved or are concerned about this has just laughed and said they did what. Whoever thought this was a great political play, have fun with it, but really it is not a budgetary emergency. It is not anything more than it

appears to be; a not even veiled attempt to divide the State. I can see the questions raised if this were to pass upstate about, well, how come they wouldn't do the funds for the Adirondacks or Lake Placid but they are willing to do the Harlem Boys Choir goes to Israel. That attempt to divide our state is frankly more than just sophomoric, that is deplorable. And I urge a vote in the negative. And the reason I am speaking is because my deputy was temporarily indisposed and he does represent the Harlem community and I would therefore, Madam President, yield the floor to Senator Paterson.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

THE PRESIDENT: On and bill, Senator?

SENATOR PATERSON: On the bill.

THE PRESIDENT: Go ahead.

SENATOR PATERSON: It is very unfortunate that we have to be discussing this issue at this particular time. Just two weeks ago we raised the issue of bringing other

factors and other issues into the budget process at that time when we have many problems in this State that we are trying to cure; poor housing, substance abuse, crime, unemployment and under employment, poor and inadequate health care facilities, and an educational system that needs many resources. And at this moment to have, in lieu of passing the budget try to piece together some type of alternative budget in a way that does not demonstrate any real prioritization, we got up and we discussed was not right.

So now I see that the luge comes to Harlem. Now we are going to have an opportunity for a person like myself who has been a supporter of the Boys Choir of Harlem for 15 years, someone who has allocated resources to them from my own discretionary member item budget and someone who has fought for wide services for the choir not only from State government but from New York City government and from the federal administration will get the opportunity to vote against legislation that would provided for $60,000 for the Boys Choir of Harlem to visit Israel.

And isn't it interesting that at a time when there has often been a great deal of controversy about the relationships between the African-American and the Jewish community that this very noble attempt to bring people together and get young people to understand the greater world that is around them and to really, in the formative stages nurture relationships that might last a lifetime that this effort is manipulated into a budgetary process to enable to put those of us who voted the way we did two weeks ago in a position of having to choose between a service provider that we all endorse and what is right in terms of budget policy.

Madam President, we accept that undertaking and we will vote against this bill. It is not out of any malice or any desire not to see the Boys Choir of Harlem flourish. In fact, right after I finish debating today I will be part of any kind of effort to raise the money privately so that the Boys Choir will be able to go there and whoever's idea it was to put this into the budget I think that they might want to join

me. Although I'm really not sure whose idea it was to put this type of addendum to legislation into this bill. And I think it really demonstrates in many ways the problem we have in government right now.

This is not an attempt just to give $60,000 to a choir to sent them to a foreign county so they might perform and interact and learn about that country and bring that country together with ours a little closer. No, this is a highly developed and organized political strategy to try to put individuals on the spot because the Executive Branch is unable to bring ancillary items into the budget process.

If we really want to make an issue of the budget why don't we just come here everyday such as we learned in Washington they did at the impeachment hearings, every day at one o'clock excepting for religious holidays until we pass the budget. We could do that. How much more foresighted would that have been to take that position. But no, we're going to try to find something that either some consultant or some shaman or somebody thought

up this is idea to create a situation that would try to embarras people or in many ways try to be divisive, not only upstate, down state, but even within some of the ethnic groups that comprise New York State.

It think it is an absolute outrage to take sometimes sensitive relationships and challenge them in order to foster a private agenda. And that is the reason that we have problems in government today and that is the reason that public opinion polls show more and more the people lose confidence in us.

We are really going to need leaders who acknowledge what is right about this State politically, economically, socially and judicially, as well as what is wrong. And we are going to need leaders who are going to really try to build a viable, workable, sensible and achievable condition rather than to engage in what is really the panoply of wealth and the arrogance of power. There is no telling what, if this type of strategy were to be effective, what types of divisions it could create, what types of derision it could foster.

But the fact is that I think the public is somewhat fed up with this type of tinkering with people's feelings and people's emotions, and also the good will that a lot of these types of trips and these organizations that sponsor them are trying to achieve.

I am hopeful that the State will see through this rather transparent, almost naked political act and will recognize that those of us who vote against it are doing it out of some principle, some desire to engage in an budget process out of a strategy that is higher than just what looks interesting and what can get a rise out of reporters or in the news media for a day or two.

And so, Madam President, I am going to vote against this bill and I'm going to vote against it proudly. I don't know if those who are associated with the Boys Choir will quite understand the reason why I take this position today. But I am sure that as time goes on they will understand that it is a gesture that is consistent with what we did a couple weeks ago and is continuing because we will continue to vote against these private,

almost ancillary items being put into the emergency budget every two weeks.

THE PRESIDENT: Read the last section.

SENATOR DOLLINGER: Madam President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Just very briefly, Madam President.

My only question to everyone in this hall is what is next? It was the luge sought to divide us from our north country friends. It is the Harlem Boys Choir trip to Israel that seeks to divide us along ethnic and racial lines.

I would just suggest, Madam President, that what this house needs to do to stop this foolishness from the second floor is to stand up and come up with a veto proof budget that we can sent to the Governor that we know we can force him to accept. Regretfully that is something that the Majority in this house can not do all on its own. That is something that we all need to do

working together perhaps in a bipartisan spirit that has at least in the seven years I have been here never characterized our deliberations.

But if we really want to assert our power in the budget process let put together a veto proof budget, lets agree that we will override a gubernatorial veto and lets get the budget done now.

In the mean time we are simply going to have a Governor who believes in an in your face politics quite frankly that will pit us against one another and seeks to divide us rather than bring us together.

We hold the power if we come together to exercise the power to bring the Executive back to the table and to get what the people of this State want done. It will take an enormous change in this house in its otherwise heavy partisanship to accomplish that. But I would suggest that the Senate itself will be more powerful if we do that.

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 DOLLINGER: Party vote in the negative.

SENATOR SKELOS: Party vote in the affirmative.

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 35, nays 22. Party vote.

THE PRESIDENT: The bill is passed. Senator Skelos.

SENATOR SKELOS: Is there any housekeeping at the desk?

THE PRESIDENT: No, there is not, Senator Skelos.

SENATOR SKELOS: There being no further business, I move we adjourn until Monday, April 19th at 3:00 p.m. intervening days being legislative days and a reminder that there will be an immediate meeting of the Majority in the Majority Conference Room.

THE PRESIDENT: There will be a

meeting of the Majority in the Majority Conference Room.

On motion, the Senate stands adjourned until Monday, April 19th at 3:00 p.m. intervening days being legislative days.

(Whereupon, at 12:00 noon, the Senate adjourned.)