NEW YORK STATE SENATE

THE

STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 15, 1999

11:18 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

I ask everyone present to please rise and to join me in reciting the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT MEIER: In the absence of clergy, I ask everyone to please bow your heads in a moment of silence.

(Whereupon, the assemblage respected a moment of silence.)

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Monday, June 14th, the Senate met pursuant to adjournment. The Journal of Sunday, June 13th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MEIER: 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.

Communications and reports from state officers.

Motions and resolutions.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President. On behalf of Senator Skelos, please remove the sponsor star from Calendar Number 553.

ACTING PRESIDENT MEIER: So ordered.

SENATOR FUSCHILLO: On behalf of Senator Seward, on page number 24 I offer the following amendments to Calendar Number 818, Senate Print Number 2935, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MEIER: Amendments are received, and the bill will retain its place on the Third Reading Calendar.

Senator Bruno.

SENATOR BRUNO: Are there any

substitutions at the desk, Mr. President?

ACTING PRESIDENT MEIER: Yes, there are.

SENATOR BRUNO: Can we make the substitutions.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: On page 29, Senator Bonacic moves to discharge, from the Committee on Rules, Assembly Bill 8168 and substitute it for the identical third reading, 912.

On page 43, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill 2611 and substitute it for the identical third reading, 1365.

On page 43, Senator Fuschillo moves to discharge, from the Committee on Children and Families, Assembly Bill 1961 and substitute it for the identical third reading, 1367.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Bruno.

SENATOR BRUNO: Mr. President,

can we at this time adopt the Resolution Calendar.

ACTING PRESIDENT MEIER: The motion is to adopt the Resolution Calendar. All in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar is adopted.

Senator Bruno.

SENATOR BRUNO: Senator Trunzo would like to open the Resolution Calendar for sponsors on Resolution 2028.

ACTING PRESIDENT MEIER: Those Senators wishing to sponsor Resolution 2028 please inform the desk.

SENATOR BRUNO: Mr. President, that is Miss New York USA.

ACTING PRESIDENT MEIER: Senator Bruno, shall we just put everyone on the resolution unless they inform us otherwise?

SENATOR BRUNO: Yes,

Mr. President.

ACTING PRESIDENT MEIER: That's what we'll do, then. Inform the desk if you wish not to be on it.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time do the noncontroversial reading of the calendar.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 98, by Senator Skelos, Senate Print 587B, an act to amend the Domestic Relations Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 134, by Member of the Assembly Clark, Assembly Bill 3480, an act to amend the Real Property Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 282, by Senator Goodman, Senate Print 2453A, an act to amend the Public Authorities Law and Chapter 35 of the Laws of 1979.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 289, by Senator LaValle, Senate Print 3024A, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 9. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 298, by Member of the Assembly Vitaliano, Assembly Print 2332B, an act to amend the Administrative Code of the City of New York.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

328, by Senator Lack, Senate Print 2542A, an act to amend the Insurance Law.

ACTING PRESIDENT MEIER: Read the last section.

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

SENATOR BRUNO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 339, by Senator Kuhl, Senate Print 1723A, an act to amend the Agriculture and Markets Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 346, by Senator Lack, Senate Print -

SENATOR BRUNO: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 347, by Senator Lack, Senate Print 3396B, an act to amend the Surrogates Court Procedure Act.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 416, by Senator Maltese, Senate Print 2188B, an act to amend the Penal Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 452, by Member of the Assembly Marchi, Assembly Print 7503, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 594, by Senator Volker, Senate Print 2343, an act to amend the General Municipal Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 602, by Senator Leibell, Senate Print 2991, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 605, by Senator Leibell, Senate Print 3385A, an act to amend the Retirement and Social

Security Law.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 728, by Senator Larkin, Senate Print 4625A, an act to amend the General Municipal Law.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 806, by Senator Leibell, Senate Print 3155, an act to amend the Retirement and Social Security Law.

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

Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 846, by Senator Volker, Senate Print 4719A, an act to amend the General Business Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 12. This act shall take effect April 1st.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 879, by Senator Lack, Senate Print 5141A, an act to amend the Uniform Commercial Code.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 12. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 949, by Senator Seward, Senate Print 4536, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 962, by Senator Stafford, Senate Print 5160A, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 979, by Member of the Assembly Seminerio, Assembly Print 680, an act to amend the Parks, Recreation and Historic Preservation Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1001, by Senator Spano, Senate Print 4468, an act to amend the Labor Law and the Public Officers Law.

ACTING PRESIDENT MEIER: Read the

last section.

THE SECRETARY: Section 7. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1003, by Senator Skelos, Senate Print 5275B, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1049, by Senator Bonacic, Senate Print 3908B,

an act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1059, by Senator Johnson, Senate Print 3121A, an act to enact the Student Bill of Rights.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1162, by Senator Rath, Senate Print 5258A, an act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section. I'm sorry, there is a home rule message at the desk.

Read the last section.

THE SECRETARY: Section 9. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1197, by Senator Volker, Senate Print 5604, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1295 -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1322, by Senator Johnson, Senate Print 2000B, an act to amend the Transportation Law and the State Finance Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1329, by Senator Hannon, Senate Print 3870A, an act to amend the General Business Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1334, by Senator Marchi, Senate Print 4459, an act to amend the Not-for-Profit Corporation Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1335, by Senator Spano, Senate Print 4467A, an act to amend the Labor Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1339, by Senator Padavan, Senate Print 5134A, an act to authorize the Commissioner of General Services to sell.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1340, by Senator LaValle, Senate Print 5225, an act to amend the Town Law.

ACTING PRESIDENT MEIER: There is

a home rule message at the desk.

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1341, by Member of the Assembly Parment, Assembly Print 7371, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 180th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1342, by Senator Leibell, Senate Print 5484B, an act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1343, by Senator Padavan, Senate Print 5701, an act to amend the General City Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 17. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1344, by Senator Hannon, Senate Print 5712, an act to amend the New York State Medical Care Facilities Finance Agency Act.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1345, by Senator Larkin, Senate Print 5734, an act to amend the Insurance Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 12. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1347, by Senator Marchi, Senate Print 5746, an act to amend the Navigation Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1348, by Senator Larkin, Senate Print 5748, an act to provide for the enrollment of certain deputy sheriffs.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1349, by Senator Rath, Senate Print 5753, an act to amend Chapter 118 of the Laws of 1893.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1350, by Senator Meier, Senate Print 5776, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the

bill aside.

THE SECRETARY: Calendar Number 1351, by Senator Skelos, Senate Print 5777A, an act to amend Chapter 582 of the Laws of 1998.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1352, by Senator Lack, Senate Print 5790, an act to amend the Public Authorities Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1353, by Senator Nozzolio, Senate Print 5807, an act in relation to authorizing the Town of Webster.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1354, by Senator Morahan, Senate Print 5819, an act authorizing the reopening of the twenty-year retirement plan.

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

Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1355, by Senator Nozzolio, Senate Print 5824, an act authorizing the State University of New York to lease and contract.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1356, substituted earlier today by Member of the Assembly Diaz, Assembly Print 6909A, an act to amend the Education Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1357, by Senator Marcellino, Senate Print 5878, an act to amend Chapter 548 of the Laws of 1995.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

1358, by Senator Bruno, Senate Print 5903, an act to allow Joann Reimann to receive retirement service credit.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1359, by Senator Nozzolio, Senate Print 5911 -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1361, by Senator Padavan, Senate Print 1048A -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1362, by Senator Marcellino, Senate Print 1324A, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: There is a local fiscal impact note at the desk.

Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of the sales tax quarterly period.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1363, Senate Print 1463A, by Senator Hevesi, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1364, by Senator Farley, Senate Print 1539, an act to amend the Public Health Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1365, by Member of the Assembly Fessenden, Assembly Print 2611, an act to amend the Highway Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1366, by Senator Kuhl, Senate Print 2731, an act to amend the Tax Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1367, substituted earlier today by Member of the Assembly Sweeney, Assembly Print 1961, an act to amend the Domestic Relations Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1368, by Senator Maziarz, Senate Print 5690, an act to amend the Town Law.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1369, by Senator Spano, Senate Print 5735A, an act to amend the Labor Law.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

SENATOR ONORATO: Lay it aside.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1370, by Senator Maltese, Senate Print 5742A, an act to amend Chapter 164 of the Laws of 1907.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR ONORATO: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1371, by Senator Larkin, Senate Print 5759, an act to permit the sale or lease of -

SENATOR DUANE: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 1372, by Senator Morahan, Senate Print 5794, an act authorizing the Commissioner of General Services to lease certain lands.

SENATOR MORAHAN: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1373, by Senator Meier, Senate Print 5837, an act to amend the Social Services Law.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect December 31st.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1374, by Senator Meier, Senate Print 5845, an act to amend Chapter 906 of the Laws of 1984.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 38.

ACTING PRESIDENT MEIER: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: I would like to request unanimous consent to be recorded in the negative on Calendar Number 1001, Senate Print 4468.

ACTING PRESIDENT MEIER: Without objection, Senator DeFrancisco will be recorded in the negative on Calendar 1001.

Senator Bruno, that completes the reading of the noncontroversial calendar.

SENATOR BRUNO: The Senate will stand at ease for a few moments, Mr. President.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at

ease at 11:40 a.m.)

(Whereupon, the Senate reconvened at 11:50 a.m.)

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Thank you. Can we go to the controversial reading of the calendar.

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 98, by Senator Skelos, Senate Print 587B, an act to amend the Domestic Relations Law, the Family Court Act, and the Judiciary Law.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT MEIER: Senator Skelos, an explanation has been requested of Calendar 98 by Senator Duane.

SENATOR SKELOS: Thank you, Mr. President.

This bill, which is being introduced at the request of the Office of Court Administration, would create a statewide

program to permit trial judges to provide parents with proper information and education early in a parent's separation in order to ease the impact upon their children. A board will be established to establish curricula for parental education and awareness programs, to certify such programs, and to assure their continuing quality and effectiveness.

A bill very similar to this passed last year noncontroversial.

SENATOR DUANE: Madam President, would the -

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you, Madam President. Would the sponsor yield to a couple of questions?

THE PRESIDENT: Senator Skelos, do you yield?

SENATOR SKELOS: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Duane, with a couple of questions.

SENATOR DUANE: Thank you.

I'd like to preface my questions by saying I am pleased to note that the bill has

removed this requirement from victims of domestic violence. I think that that's a very -- a very good addition to the bill.

I do think the bill could encompass some other areas. And I wanted to ask the sponsor, is it not true that in addition to the actual divorce, that oftentimes it's the poverty and the financial hardships that also have a negative impact on the children in the family?

SENATOR SKELOS: I couldn't hear your question.

SENATOR DUANE: Isn't it also true that in addition to the actual divorce proceedings and the divorce that the poverty that comes as a result of divorce to the family, or the oftentimes much lessened wherewithal of the family, is problematic?

SENATOR SKELOS: Well, whenever there's a divorce, there is an impact on a family's finances. There's no question about that.

SENATOR DUANE: Is that not something that should be discussed as part of the training as well so that in most cases,

though not all cases, but in most cases it's the lack of income from the father to the mother, if she retains custody, that causes some of that hardship, and that hardship should be -- and that should be part of the curriculum as well?

SENATOR SKELOS: Really, the purpose for this is to sensitize parents as to the effects of a separation, a divorce, the impact that this can have on their children. Broad discretion is given to the board to establish a curriculum that will educate the parents or make them fully aware of the potential impact that this has on the children. And certainly finances can be one of those concerns.

SENATOR DUANE: Through you, Madam President.

THE PRESIDENT: Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: With all due

respect to the bill, actually it's not clear that that's one of the things that could be happening as part of the curriculum of what happens.

And I'd like to raise another area of concern too; again, mostly in the case of when the mother retains custody of the children or has the preponderance of the custody of children. The bill doesn't speak to the additional demands placed upon a single parent in terms of if that parent then has to go to work, if they haven't been working previously, child care, transportation to child care, to work, the hours of work, how it is that the children are taken care of. Those areas are also not included in the parameters of what needs to be covered.

Do you not also think that these are important areas which should be covered when you look at the totality of the impact of a divorce on a family?

SENATOR SKELOS: I think, Senator Duane -- and you do raise a good concern. But the board has the discretion. And the people that will be on this board have personally

been involved, whether it's a Supreme Court judge, a Family Court judge -- who would have to be appointed by the chief judge. That would be their two appointments.

The type of people that we're recommending be on the board deal in matrimonial proceedings, have seen the impact upon children. And certainly all of the issues that you raised I believe would be part of a curriculum that they would develop as part of this parental education program.

SENATOR DUANE: Another question, through you, Madam President, if the sponsor will yield.

THE PRESIDENT: Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Duane. You have an additional question.

SENATOR DUANE: In addition to the areas that I raised -- which again, I have concerns, because there is no clarity about how it is that those areas would be covered - can you not also see that the time demands on

a newly single parent could be problematic? And though different than for the victim of domestic violence, still an additional time constraint of these courses on a parent who's newly a single parent might be an additional difficult burden in addition to the actual divorce and what's happened. And should that not be something that's taken into account in the legislation?

SENATOR SKELOS: Nobody is required to go into the program unless a judge wants them to go in the program. And where you have issues of domestic violence, they would not be required by the judge to attend these types of programs.

SENATOR DUANE: Through you, Madam President, another question on that point.

THE PRESIDENT: Senator Skelos, do you continue to yield?

SENATOR SKELOS: Yes.

THE PRESIDENT: Go ahead, Senator Duane, you have an additional question.

SENATOR DUANE: If indeed the judge requires it, then the parent is required

to participate. And sadly, that could even be used as a reason why a mother would be decided not to be the best custodial parent, because of this additional time constraint, in addition to the other burdens that fall on a newly single parent of perhaps getting a job, finding child care, transportation to and from, and the general economic hardships -- in some cases, not just one job but two jobs to keep the family supported.

And so in a case the judge mandates this course could be additionally burdensome, don't you think, Senator?

SENATOR SKELOS: Through you, Madam President, if I may respond.

We in matrimonial actions give great discretion to judges who handle these matters. And certainly I think this is one of the things that a judge can consider and why, in our amendment, we withdrew the mandatory aspect of the program that every person going through a matrimonial action that had children would have to attend these types of programs.

SENATOR DUANE: Thank you.

Madam President, on the bill.

THE PRESIDENT: Go ahead, Senator Duane, on the bill.

SENATOR DUANE: Though I absolutely see the good reason for a piece of legislation like this, I think that we need some further clarification, particularly in terms of what the curriculum would be, what - who would be required to go, what circumstances might excuse a parent from all or part of the curriculum.

I can't remember whether I've said this before, but there's -- if there was a more uniform curriculum for this training or this course, I would feel better about it. But I -- I think that -- that we need to make sure that the curriculum, in addition to things that we've kind of vaguely talked about here, should also include, for both a mother and a father, the hardship which incurs from a divorce, particularly the financial hardship, how it is that that will be compensated for in a family.

So while I think that this bill is heading in the right direction, I still don't think that it's there or as inclusive and as

honed as it needs to be, and I'm going to urge my colleagues to vote no.

Thank you, Madam President.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Madam President, if Senator Skelos would yield for a question.

THE PRESIDENT: Senator Skelos, will you yield?

SENATOR SKELOS: Yup.

THE PRESIDENT: Go ahead, Senator Paterson.

SENATOR PATERSON: Senator, I think this is an excellent bill. I think that people are often more concerned with their own issues in matrimonials and minimize the damage that it does to young people in the particular situation.

And I just had one question as a matter of -- just a technical question. And that is, when the victim of domestic violence is restricted or does not have to attend these sessions, how does the court determine that there was domestic violence? Through evidence, or just a unilateral determination

on the part of the judge?

SENATOR SKELOS: There's evidence of domestic violence.

SENATOR PATERSON: Okay. Thank you, Senator.

Madam President, on the bill.

THE PRESIDENT: Go ahead, Senator Paterson, on the bill.

SENATOR PATERSON: I think that you cannot draft into legislation all the problems that can occur in life. I think this is a good bill. There will obviously be complications, because human beings are involved at a very sensitive time of their lives. I read a statistic once that 20 percent of males who were willing -- there were only 20 percent of males who were willing to go to counseling with their wives before a matrimonial action, but that after the matrimonial action, 70 percent wanted to.

And in many respects, this is the reason that it is a good idea that we have taken the domestic violence victims out of the process, because what often happens is that the -

THE PRESIDENT: If members would take their conversations out of the chamber, please.

Go ahead, Senator Paterson.

SENATOR PATERSON: Madam President, it's that the perpetrators in these type of situations often use the counseling to actually torment the victim. And so I'm very happy to see that Senator Skelos took that out.

I think that there will be some addendums to this type of legislation in the future, but I'm very happy to support the bill.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 7. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 1. Senator Duane recorded in the negative.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

605, by Senator Leibell, Senate Print 3385A, an act to amend the Retirement and Social Security Law.

SENATOR DUANE: Explanation.

THE PRESIDENT: Senator Leibell, Senator Duane has requested an explanation.

SENATOR LEIBELL: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR LEIBELL: Senator, this bill creates a presumption that a Tier 2 police officer and firefighter covered by this act who is diagnosed with HIV, hepatitis, or tuberculosis contracted the disease in the line of duty unless the opposite is proven. These employees are eligible for a 3/4 disability.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: If the sponsor would yield to some questions.

THE PRESIDENT: Senator Leibell, do you yield?

SENATOR LEIBELL: Yes, I do.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: It's my understanding that this bill makes the assumption that a firefighter or a police officer who has HIV got it in the course of their duties.

SENATOR LEIBELL: That's correct.

SENATOR DUANE: So are we to assume that firefighters and police officers are giving blood transfusions and breast-feeding and having sex with the people that they are arresting or saving?

SENATOR LEIBELL: That would be an incorrect assumption.

SENATOR DUANE: Well, what are we assuming then, Senator?

SENATOR LEIBELL: In fact, if you would care to refer to yesterday's record, I think we've probably been through this drill before.

SENATOR DUANE: Which is why I thought we wouldn't have to continue to go through it, Senator, since it's obviously -

SENATOR LEIBELL: The nature of the work of these police officers and firefighters is such -- the close contact

that -- the diseases that are represented in this bill are close-proximity diseases, and they would lead one to believe that they were received and incurred in the course of the professional conduct of their duties.

SENATOR DUANE: Through you, Madam President.

THE PRESIDENT: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Duane.

SENATOR DUANE: So, Senator, if we put in a bill that said that a Senator had HIV, that they could retire at an early age and with disability because they're in close proximity to me?

SENATOR LEIBELL: The nature of our professional duties, while important, are quite different from police officers and firefighters. The nature of our duties do not require that sort of close contact.

SENATOR DUANE: Again, through you, Madam President.

THE PRESIDENT: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes, Madam President.

THE PRESIDENT: You have an additional question, Senator Duane?

SENATOR DUANE: I may have more than one, Madam President.

What is it exactly about the professional duties of firefighters and police officers that make it more likely that they are going to have the HIV virus transmitted to them?

SENATOR LEIBELL: Two words. Close proximity.

SENATOR DUANE: (Touching Senator Oppenheimer.) If I do this, Senator -

THE PRESIDENT: Senator Duane, do you have an additional question?

SENATOR DUANE: Like that, Senator?

THE PRESIDENT: Senator Duane, please direct all of your questions through the Chair.

SENATOR DUANE: Madam President,

more precisely than those two words -

THE PRESIDENT: Are you requesting Senator Leibell to yield?

SENATOR DUANE: Yes, Madam President, I am.

THE PRESIDENT: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes, Madam President.

THE PRESIDENT: You may proceed with a question, Senator Duane.

SENATOR DUANE: Close contact like that?

SENATOR LEIBELL: How would you describe that contact?

SENATOR DUANE: It's not my bill. It's your bill, Senator.

SENATOR LEIBELL: No, no. But you're the one that had the contact.

SENATOR DUANE: This is close contact -

THE PRESIDENT: Senator Duane, demonstrations are not allowed on the floor, sir. If you wish the Senator to yield, you may ask that question of me.

Do you wish the Senator to yield for an additional question, Senator?

SENATOR DUANE: Yes, Madam President.

THE PRESIDENT: Senator Leibell, do you continue to yield?

SENATOR LEIBELL: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Duane, with an additional question.

SENATOR DUANE: I would like the Senator to more fully describe close contact. Because I believe I, though it wasn't allowed, did exemplify close contact.

THE PRESIDENT: If that's your goal, you should ask the Senator a question. That has been -

SENATOR DUANE: I would like a -

THE PRESIDENT: Please do not interrupt me, Senator. If that's what you wish, you've been authorized to ask a question.

SENATOR DUANE: Madam President, I did ask a question. I would like a more thorough explanation of close contact.

THE PRESIDENT: I don't hear a question there.

SENATOR DUANE: I'm asking the Senator to give a more full definition of close contact.

SENATOR LEIBELL: Madam President, close contact for these people who are in emergency services could include shooting, stabbing, biting, throwing of feces. Those are the types of things -- not necessarily all-inclusive, but these are the types of things that could lead to these close-contact diseases that are listed in my bill.

SENATOR DUANE: Through you, Madam President.

And yet the bill does not call for any proof -

THE PRESIDENT: Senator Duane -

SENATOR DUANE: -- that any of those things happened; is that correct, Senator?

THE PRESIDENT: Senator, when I use this gavel, I expect you to stop.

Are you asking for time for another

question, sir?

SENATOR DUANE: Yes, Madam President.

THE PRESIDENT: Or are you on the bill?

SENATOR DUANE: No, I'm asking for -

THE PRESIDENT: Well, you did not follow the correct procedure.

Senator Leibell, will you continue to yield for an additional question?

SENATOR LEIBELL: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Duane. You may proceed.

SENATOR DUANE: And yet your bill does not call for any proof that any of those things have happened before it assumes that HIV was transmitted on the job; is that correct?

SENATOR LEIBELL: Comparable to what we debated yesterday and discussed yesterday, there is a presumption that's created. It's a presumption in the law. And we create that presumption here as well as in

some other places in the law because of the nature of the injuries that can be involved.

It's true not only with HIV, it's true with tuberculosis and hepatitis.

SENATOR DUANE: Through you, Madam President. But again, I wanted to ask the question that -

THE PRESIDENT: All right. Then you're asking the Senator to yield?

SENATOR DUANE: Yes, I am, Madam President.

THE PRESIDENT: Senator Leibell, do you yield for an additional question?

SENATOR LEIBELL: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Duane, with an additional question.

SENATOR DUANE: -- that even though reports are kept on incidents in fire departments and police departments, there is no need to show proof that HIV was actually transmitted in that way in order for one of these uniformed officers to get the benefits provided in this bill?

THE PRESIDENT: Senator Duane, do

you have a question?

SENATOR DUANE: That was the question, Madam President. There was a question.

THE PRESIDENT: Then it should be phrased as a question, Senator.

SENATOR DUANE: It requires a yes or no answer, Madam President. I beg to differ. It was a question.

THE PRESIDENT: Please repeat the question, Senator.

SENATOR DUANE: Is it not true that this bill does not call for any proof that an incident had taken place even though fire departments and police departments are required to keep records as to whether or not such incidents have taken place?

SENATOR LEIBELL: The presumption would be what would be sufficient. It's a rebuttable presumption, but the presumption would be sufficient.

SENATOR DUANE: Thank you, Madam President. On the bill.

THE PRESIDENT: Go ahead, Senator Duane, on the bill.

SENATOR DUANE: I just -- this is another really terrible attempt to falsify how it is that HIV is transmitted. This bill is very poor public policy, and it is absolutely, completely and totally ridiculous from a public-health point of view. And I can't believe that we keep seeing these ridiculous bills which provide a benefit based on misinformation on how it is that HIV is transmitted.

And I really have to call on my colleagues, out of just basic knowledge about public health, to vote negative on this bill.

Thank you.

THE PRESIDENT: Read the last - Senator Paterson.

SENATOR PATERSON: Madam President, I think that with the frequency, the comparative frequency with how someone can acquire the HIV virus, the different types of ways in which someone can actually acquire it, the overwhelming number of ways that that would happen would not be occurring with the type of contact that is described in this bill. It would actually happen through the

ways that Senator Duane described.

And so therefore, I find it difficult to create a presumption of how someone became infected when in fact it is far more likely that it would be from other sources in the cases that it happens. Regardless of the fact that it would be police officers or firefighters or anyone else, the numbers, the facts, just don't bear out this presumption.

We would certainly want to protect any health-care worker or police officer or firefighter that did come in contact with individuals who, for instance, might have tuberculosis, which is a highly contagious disease and can be acquired simply by being near a person that has it. But in the case of the HIV virus, maybe ten years ago we might have thought that, but medical evidence has pretty much dispelled that notion.

And so therefore, I don't think that at this point presuming this would do anything other than raising the level of expectation of how someone becomes infected with HIV. And therefore, I would urge a no

vote on this legislation.

Thank you, Madam President.

SENATOR WALDON: Madam President, to explain my vote.

THE PRESIDENT: Senator Waldon, to explain your vote.

SENATOR WALDON: Thank you very much, Madam President.

THE PRESIDENT: Excuse me, Senator. We haven't taken it up yet.

SENATOR WALDON: I stand corrected.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect July 29th.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE PRESIDENT: Senator Waldon, to explain your vote.

SENATOR WALDON: Thank you very much, Madam President.

I'm supporting this measure. I think Senator Leibell has done a wonderful thing. All people in law enforcement are

forced to be modern-day good Samaritans and to step into the breach in very difficult situations where others fear to tread. I think that we have to do as much as we can to ensure their peace of mind in regard to taking on whatever the situation. That's why we took care of the correction officers with the heart bill that we've done before, with the police officers with the heart bill.

I think this is in the same mind-set in terms of what we're doing in terms of an evolution of our process to protect those who step into the breach for others who are in positions of danger. And they are there as the first arm of defense for our society. I support this issue. I think Senator Leibell has done a wonderful thing.

In the affirmative, Madam President.

THE PRESIDENT: The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 605 are Senators Duane, Hevesi, Kruger, Paterson, Santiago, and Schneiderman. Ayes, 51. Nays,

6.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 806, by Senator Leibell, Senate Print 3155, an act to amend the Retirement and Social Security Law.

SENATOR PATERSON: Explanation.

THE PRESIDENT: Senator Leibell, Senator Paterson has requested an explanation.

SENATOR LEIBELL: Madam President, this bill amends the Retirement and Social Security Law in relation to benefit calculations for members of the New York City Employees Retirement System and the New York City Board of Ed retirement system. The bill intends to ensure that Tier 2 New York City employees receive a full pension benefit.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR PATERSON: Would Senator Leibell be willing to yield for a question?

THE PRESIDENT: Senator Leibell,

will you yield?

SENATOR LEIBELL: Yes, Madam President.

THE PRESIDENT: Go ahead, Senator Paterson.

SENATOR PATERSON: Thank you, Senator.

Would you please tell us what if any fiscal impact the city would suffer from passing this legislation?

SENATOR LEIBELL: The cost of the legislation has been estimated to be 8½ million dollars in fiscal year '99-2000. And the cost remains a constant as a percent of payroll.

SENATOR PATERSON: Thank you, Senator.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the same date as Chapter 49 of the Laws of 1998.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1059, by Senator Johnson, Senate Print 3121A -

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we stand at ease for just a few moments?

THE PRESIDENT: The Senate will stand at ease, Senator Bruno.

(Whereupon, the Senate stood at ease at 12:17 p.m.)

(Whereupon, the Senate reconvened at 12:18 p.m.)

SENATOR BRUNO: Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President. We're going to ask for an immediate meeting of the Rules Committee in Room 332.

THE PRESIDENT: There will be an immediate meeting of the Rules Committee in Room 332.

SENATOR BRUNO: And that will be followed by a Minority conference.

THE PRESIDENT: That meeting will be followed by a Minority conference.

SENATOR BRUNO: And we're asking the Finance Committee to reconvene at 1:00 p.m. in Room 124.

THE PRESIDENT: The Finance Committee will reconvene at 1:00 p.m. in - Room 324, Senator?

SENATOR BRUNO: 124.

THE PRESIDENT: 124.

SENATOR BRUNO: And we will resume session at 1 o'clock, and we will stand at ease until 1:00.

THE PRESIDENT: And the Senate stands at ease until 1:00 p.m.

(Whereupon, the Senate stood at ease at 12:19 p.m.)

(Whereupon, the Senate reconvened at 1:15 p.m.)

THE PRESIDENT: The Senate will come to order.

Senator Skelos.

SENATOR SKELOS: Thank you, Madam President.

We are now going to proceed with

the controversial calendar. And I would ask all members if they could come into the chamber, especially if they have one of the bills to debate.

THE PRESIDENT: Thank you, Senator.

The Secretary will read.

THE SECRETARY: Calendar Number 1059, by Senator Johnson, Senate Print 3121A, an act to amend the Student Bill of Rights.

SENATOR SKELOS: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1295, by Senator Marchi, Senate Print 5589, an act to amend the Education -

SENATOR SKELOS: Lay that aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1322, by Senator Johnson, Senate Print 2000B, an act to amend the Transportation Law and the State Finance Law, in relation to enacting.

SENATOR BRESLIN: Explanation, please.

SENATOR SKELOS: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1329, by Senator Hannon, Senate Print 3870A, an act to amend the General Business Law, in relation to awareness.

SENATOR DUANE: Explanation.

THE PRESIDENT: Senator Hannon, an explanation has been requested by Senator Duane.

SENATOR HANNON: Yes, Madam President.

This would require barbers to undergo certain training in regard to sterilization and procedures in the practice of their duties.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Would the sponsor yield to some questions?

THE PRESIDENT: Senator Hannon, will you yield for some questions?

SENATOR HANNON: I'll yield to a question.

THE PRESIDENT: Senator Duane, you may proceed with a question.

SENATOR DUANE: Well, the most important question I have, although I -- it would be my position that clearly members of the Legislature need education in terms of how diseases are transmitted.

But my most important question would be, where is this training going to be held, what is the course like, who's in charge of it, how is this training going to be occurring?

SENATOR HANNON: By reading the bill, it talks about people who become barbers will need to have evidence in the form of a certificate issued by a state-licensed school of barbering of a successful completion of a course that has been approved by the State Education Department concerning the transmission of contagious diseases and the proper methods of sanitation and sterilization to be employed in barber shops.

THE PRESIDENT: Senator Duane, do

you have a question?

SENATOR DUANE: Well, I was told I only had one.

THE PRESIDENT: Do you wish - Senator Duane, why do you rise?

SENATOR DUANE: Just because I happen to be standing. But I -

THE PRESIDENT: All right. Then read the last section.

SENATOR DUANE: I'd like it for there to be another question to be answered.

THE PRESIDENT: Are you asking Senator Hannon to yield for a question, Senator Duane? That would be the procedure that I expect you to follow, if that's your request.

SENATOR DUANE: Thank you, Madam President. I think I'll just -- I'll leave it at that one question, because I think it -

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect in 180 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1335, by Senator Spano, Senate Print 4467A, an act to amend the Labor Law, in relation to the tip allowance.

SENATOR DUANE: Explanation.

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

SENATOR SPANO: Thank you, Madam President.

This bill provides that the cash wage that's paid to tipped employees shall not be less than $2.90 an hour. The purpose of this bill is just to equalize the tip allowance that's permitted employees in the restaurant industry. It's supported by the Restaurant Association and the Hospitality and Tourism Association as well.

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Would the sponsor yield for a question?

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

SENATOR SPANO: Yes.

THE PRESIDENT: Go ahead, Senator Duane, with a question.

SENATOR DUANE: It's unclear from reading the bill what it is that is different -- what is the system now that this would change?

SENATOR SPANO: What this bill does is put in statute what is being done administratively today. So we're really not changing anything within the industry, Senator. This is what they're doing right now. But it just puts it in statute.

SENATOR DUANE: Thank you, Senator. Thank you.

SENATOR SPANO: You're welcome.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1339, by Senator Padavan, Senate Print 5134A, an act to authorize the Commissioner of General Services.

SENATOR BRESLIN: Explanation.

THE PRESIDENT: Senator Skelos, in Senator Padavan's absence, an explanation has been requested.

SENATOR SKELOS: Lay the bill aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1350, by Senator Meier, Senate Print 5776, an act to amend the Tax Law, in relation to hotel and motel taxes.

SENATOR MEIER: Lay the bill aside for the day.

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

THE SECRETARY: Calendar Number 1359, by Senator Nozzolio, Senate Print 5911, an act to amend Chapter 886 of the Laws of 1972.

SENATOR BRESLIN: Lay it aside

for a question from Senator Hevesi.

THE PRESIDENT: The bill is laid aside, Senator Breslin.

THE SECRETARY: Calendar Number 1361, by Senator Padavan, Senate Print 1048A, an act to amend the Vehicle and Traffic Law, in relation to the establishment.

SENATOR BRESLIN: Explanation, please.

SENATOR SKELOS: Lay it aside temporarily.

THE PRESIDENT: The bill is laid aside temporarily.

THE SECRETARY: Calendar Number 1370, by Senator Maltese, Senate Print 5742A, an act to amend Chapter 164 of the Laws of 1907.

SENATOR BRESLIN: Request that it be laid aside for Senator Hevesi.

THE PRESIDENT: The bill is laid aside, Senator Breslin.

THE SECRETARY: Calendar Number 1371, by Senator Larkin, Senate Print 5759, an act to permit the sale or lease of housing projects.

SENATOR DUANE: Explanation.

THE PRESIDENT: Senator Skelos - do you want the bill laid aside, Senator Skelos?

SENATOR SKELOS: Yes.

THE PRESIDENT: The bill is laid aside.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Can we return to reports of standing committees? I believe there's a report of the Rules Committee at the desk. If we could have it read at this time.

THE PRESIDENT: We will return to reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bills:

Senate Print 887B, by Senator Maltese, an act to amend the Retirement and Social Security Law;

1062A, by Senator Stafford, an act to amend the Tax Law;

1583, by Senator Larkin, an act to

amend the Vehicle and Traffic Law;

1590, by Senator Johnson, an act to amend the Real Property Tax Law;

1729, by Senator Bonacic, an act to amend the Public Health Law;

1880B, by Senator Wright, an act to amend the Environmental Conservation Law;

2529A, by Senator Marchi, an act to amend the Navigation Law;

2557, by Senator Stavisky, an act to amend the Tax Law;

3354A, by Senator Wright, an act to amend the Tax Law;

3533A, by Senator Lack, an act in relation to authorizing;

3856, by Senator Oppenheimer, an act to amend Chapter 390 of the Laws of 1979;

4055, by Senator Velella, an act to amend the Insurance Law;

4171, by Senator Trunzo, an act to amend the Retirement and Social Security Law;

4372, by Senator Maltese, an act to amend the Administrative Code of the City of New York;

4511A, by Senator Skelos, an act to

amend Chapter 521 of the Laws of 1994;

4772, by Senator Seward, an act in relation in granting retroactive membership;

4908, by Senator Farley, an act to amend the Workers' Compensation Law;

4986A, by Senator Goodman, an act to amend the Tax Law;

5199A, by Senator Bonacic, an act to amend the Environmental Conservation Law;

5211B, by Senator Alesi, an act to amend the Insurance Law;

5393A, by Senator Kuhl, an act to amend the Highway Law;

5419, by Senator Spano, an act to amend the Labor Law;

5505, by Senator Nozzolio, an act to amend the Penal Law;

5520A, by Senator Kuhl, an act to amend the Education Law;

5539A, by Senator McGee, an act to amend the Civil Rights Law;

5773, by Senator Morahan, an act creating the Greenwood Lake Commission;

5805, by Senator Marcellino, an act to amend the Environmental Conservation Law;

5825A, by Senator DeFrancisco, an act to amend the Public Authorities Law;

5843A, by Senator Kuhl, an act to establish;

5852, by Senator Meier, an act to amend the Domestic Relations Law;

5863, by Senator Morahan, an act to amend the Social Services Law;

5886, by Senator Morahan, an act to amend the General Business Law;

5895A, by Senator Balboni, an act authorizing the assessor;

5898, by Senator Bruno, an act to amend the Penal Law and the Highway Law;

5913, by Senator Bruno, an act to amend the Legislative Law;

And 5931, by Senator Rath, an act to amend the Erie County Tax Act.

All bills ordered direct for third reading.

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

Senator Skelos.

SENATOR SKELOS: Madam President,

if we could take up the Supplemental Calendar 55A, noncontroversial.

THE PRESIDENT: The Secretary will read.

SENATOR SKELOS: Madam President, before we do that, I believe there's some housekeeping and substitutions. If we could do that at this time.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Thank you, Madam President. I will wish to call up my bill, Senate Print Number 5845, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1374, by Senator Meier, Senate Print 5845, an act to amend Chapter 906 of the Laws of 1984.

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Thank you, Madam President. I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

THE PRESIDENT: The Secretary

will call the roll upon reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

SENATOR MEIER: Madam President, I now move to discharge, from the Committee on Rules, Assembly Print Number 8222 and substitute it for my identical bill. The Senate bill on first passage was voted unanimously. I now move that the substituted Assembly bill have its third reading.

THE PRESIDENT: So ordered, Senator Meier.

The Secretary will read.

THE SECRETARY: Calendar Number 1374, by the Assembly Committee on Rules, Assembly Print Number 8222, an act to amend Chapter 906 of the Laws of 1984.

THE PRESIDENT: Read the last section.

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

SENATOR DUANE: Lay it aside.

THE PRESIDENT: The bill is laid aside.

Senator McGee.

SENATOR McGEE: Thank you, Madam President. On behalf of Senator Leibell, I wish to call up Senate Print Number 5484B, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1342, by Senator Leibell, Senate Print 5484B, an act to amend the Public Authorities Law.

SENATOR McGEE: Madam President, I now move to reconsider the vote by which this bill was passed and ask that the bill be restored to the order of third reading.

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

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: Senator McGee.

SENATOR McGEE: Madam President, I now move to discharge, from the Committee on Rules, Assembly Print Number 7569B and substitute it for the identical bill. The Senate bill on first passage was voted unanimously, and I now move that the submitted

Assembly bill have its third reading at this time.

THE PRESIDENT: The substitution is ordered, Senator McGee.

SENATOR McGEE: Thank you.

THE PRESIDENT: You're welcome.

The Secretary will read.

THE SECRETARY: Calendar Number 1342, by Member of the Assembly Stephens, Assembly Print Number 7569B, an act to amend the Public Authorities Law.

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, 57.

THE PRESIDENT: The bill is passed.

The Secretary will read 1374.

THE SECRETARY: Calendar Number 1374, by the Assembly Committee on Rules, Assembly Print Number 8222, an act to amend Chapter 906 of the Laws of 1984.

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, 57.

THE PRESIDENT: The bill is passed.

The Secretary will read the substitutions.

THE SECRETARY: On page 4, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill Number 1568 and substitute it for the identical Third Reading Calendar, 63.

On page 15, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 8233 and substitute it for the identical Third Reading Calendar, 526.

On page 30, Senator Saland moves to discharge, from the Committee on Rules, Assembly Bill Number 8486 and substitute it for the identical Third Reading Calendar, 931.

And on page 38, Senator Seward

moves to discharge, from the Committee on Rules, Assembly Bill Number 8220 and substitute it for the identical Third Reading Calendar, 1294.

THE PRESIDENT: The substitutions are ordered.

SENATOR SKELOS: Madam President.

THE PRESIDENT: Senator Skelos.

SENATOR SKELOS: Now if we could take up Senate Supplemental Calendar 55A, noncontroversial.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 1375, by Senator Maltese, Senate Print 887B, an act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York.

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

Read the last section.

THE SECRETARY: Section 15. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1376, by Senator Stafford, Senate Print 1062A, an act to amend the Tax Law in -

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1377, Senator Larkin moves to discharge, from the Committee on Transportation, Assembly Bill Number 355 and substitute it for the identical Third Reading Calendar, 1377.

THE PRESIDENT: The substitutions are ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1377, by Member of the Assembly Schimminger, Assembly Print Number 355, an act to amend the Vehicle and Traffic Law and the General Business Law, in relation to the use of helmets.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 3. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1378 by Senator Johnson, Senate Print 1590, an act to amend the Real Property Tax Law, in relation to establishing.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 2. This act shall take effect January 1.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1379, by Senator Bonacic -

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid

aside.

THE SECRETARY: Calendar Number 1380, by Senator Wright -

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: In relation to Calendar Number 1382, Senator Stavisky moves to discharge, from the Committee on Investigations, Taxation and Government Operation, Assembly Bill Number 4622 and substitute it for the identical Third Reading Calendar, 1382.

THE PRESIDENT: Read the last section.

The substitution is ordered.

THE SECRETARY: Calendar Number 1382, by Member of the Assembly Gunther, Assembly Print 4622, an act to amend the Tax Law.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1383, by Senator Wright, Senate Print 3354A, an act to amend the Tax Law, in relation to the imposition of sales tax.

THE PRESIDENT: There is a local fiscal impact note at the desk.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1384, by Senator Lack, Senate Print 3533A, an act in relation to authorizing the Village of Lake Grove.

THE PRESIDENT: There's 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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1385, by Senator Oppenheimer, Senate Print 3856, an act to amend Chapter 390 of the Laws of 1979.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1387, by Senator Velella, Senate Print 4055, an act to amend the Insurance Law, in relation to health insurance coverage.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1388, by Senator Trunzo, Senate Print 4171, an act to amend the Retirement and Social Security Law, in relation to service retirement benefits.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: There's 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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1389, by Senator Maltese, Senate Print 4372, an act to amend the Administrative Code of the City of New York.

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 1390, by Senator Skelos, Senate Print 4511A, an act to amend Chapter 521 of the Laws of 1994.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1391, by Senator Seward, Senate Print 4772, an

act in relation to granting retroactive membership.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1392, by Senator Farley, Senate Print 4908, an act to amend the Workers' Compensation Law -

SENATOR DUANE: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1393, by Senator Goodman, Senate Print 4986A, an act to amend the Tax Law, in relation to credits.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 6. This

act shall take effect on the first day of January.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1394, by Senator Bonacic -

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1395, by Senator Alesi, Senate Print 5211B, an act to amend the Insurance Law, in relation to certain manufacturer agreements.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall take effect in 120 days.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1396, by Senator Kuhl, Senate Print 5393A, an act to amend the Highway Law, in relation to designating portions of the state highway system.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1397, by Senator Spano, Senate Print 5419 -

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1398, by Senator Nozzolio, Senate Print 5505, an act to amend the Penal Law, the Vehicle and Traffic Law, and the Insurance Law, in relation to criminal aggressive driving.

THE PRESIDENT: Read the last

section.

THE SECRETARY: Section 8. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1399, Senator Kuhl moves to discharge, from the Committee on Rules, Assembly Bill Number 795C and substitute it for the identical Third Reading Calendar, 1399.

THE PRESIDENT: The substitution is ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1399, by Member of the Assembly Sanders, Assembly Print Number 795C, an act to amend the Education Law, in relation to special education programs and services.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 18. This act shall take effect July 1.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1400, by Senator McGee -

SENATOR BRESLIN: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 1401, by Senator Morahan, Senate Print 5773, an act creating the Greenwood Lake Commission.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 7. This act shall take effect upon enactment into law.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number

1402, by Senator Marcellino, Senate Print 5805, an act to amend the Environmental Conservation Law, in relation to the fees imposed.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1403, by Senator DeFrancisco, Senate Print 5825A, an act to amend the Public Authorities Law, in relation to exemption from taxation.

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, 57.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 1404, by Senator Kuhl, Senate Print 5843A, an act to establish the public library district in the Town of Corning.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1405, by Senator Meier, Senate Print 5852, an act to amend the Domestic Relations Law, in relation to notification.

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, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 1406, by Senator Morahan, Senate Print 5863, an act to amend the Social Services Law, in relation to additional state payments.

THE PRESIDENT: Read the last section.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

THE PRESIDENT: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1407, Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill Number 8574 and substitute it for the identical Third Reading Calendar, 1407.

ACTING PRESIDENT MEIER: Substitution ordered.

The Secretary will read.

THE SECRETARY: Calendar Number 1407, by the Assembly Committee on Rules, Assembly Print Number 8574, an act to amend the General Business Law, in relation to the sale of poppies.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1408, by Senator Balboni, Senate Print 5895A, an act authorizing the assessor of the County of Nassau.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1409, by Senator Bruno, Senate Print 5898, an act to amend the Penal Law and the Highway Law, in relation to violence committed.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1410, by Senator Bruno, Senate Print 5913, an act to amend the Legislative Law, in relation to the legislative library, librarians and assistants.

ACTING PRESIDENT MEIER: Read the

last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 1411, by Senator Rath, Senate Print 5931, an act to amend the Erie County Tax Act, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the reading of the noncontroversial calendar.

SENATOR SKELOS: Mr. President, on the first active list, would you please call up Senate Calendar 1371, Senate 5759, by Senator Larkin.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1371.

THE SECRETARY: Calendar Number 1371, by Senator Larkin, Senate Print 5759, an act to permit the sale or lease of housing projects.

SENATOR DUANE: Explanation.

ACTING PRESIDENT MEIER: Senator Larkin, an explanation has been requested of Calendar 1371 by Senator Duane.

SENATOR LARKIN: Thank you, Mr. President.

Senator Duane, this is a housing project in the City of Newburgh. It consists of two concepts, a tower and other units in a different section of the town. Three years ago, the housing authority of this city came to me and said, "We have financial problems. We owe Central Hudson in excess of $350,000. Our intake revenue does not meet our monthly output. What can you do to help us?"

So we started looking around and saw some areas in the state where some people took these projects. The projects concerned have no Section 8 money, because they were done under state law, state housing, so they couldn't subsidize the project. And there's no way to transfer it under state law right now.

What we did is we went around and found and personally went to HUD, personally went to Division of Housing and Community and said, "Do you know anybody who does this?" And they came up with a couple of people, and we sent them to the City of Newburgh and the housing authority. The housing authority selected this individual based on his financial statements and everything else.

We have a very serious situation, Senator, in this housing, because today, as of the 31st of May I was informed by Central Hudson, which is the utility providing gas and electric, that the housing authority owes over -- in excess of $880,000. Two years ago, the housing authority made a commitment to pay Central Hudson $14,000 a month. In the past

23 months, they've never made a payment in excess of $12,000. So they're in deep trouble.

This main building, the Bourne Apartments, has 85 units. Some of those units are paying $45 a month for one and a half, two bedrooms. The language that we have in the bill is that no one will ever be moved out. We've worked out with SONYMA and the State Mortgage Agency and the prospective buyer that he will not raise their rent. When he goes to a private sale, he is eligible for Section 8 housing and can cover the cost for those individuals paying $45. He's agreed, and we put it in the bill, not just a memorandum of understanding, that nobody will be denied. And those people applying to come there will be reviewed by the housing authority, as is the case today.

The facility itself probably needs $250,000 to $300,000 in repairs. In 1990, this -- in 1990, $6 million was given by Governor Cuomo in an election year to renovate and upgrade this facility. It never was finalized. This is a facility that has five

entrances and has one electric meter for 85 units. It has one gas meter for 85 units. You cannot control the cost of the utilities.

And under the Utility Law in the State of New York, if we don't do this and pass this bill, Central Hudson has clearly indicated this morning that come the 15th of July, they will give them notice and in another 30 days they will turn off the gas and electric. As set forth, they are owed $880,000 and have been denied this money.

One other thing you should know, Senator. This has been evaluated. It has a home rule message. The city council is aware of it. The housing authority realizes without this, this -- this will belly up, because nobody -- of all the people we asked to look at it, this is the only one that stuck around. And he's at the point now where he is saying to me -- this morning he's in Washington. He was here yesterday trying to talk to people. And there are people in this Capitol that are playing games with this legislation.

But I refuse to play games with 235 families that are occupying these units. And

if somebody in this chamber or the other chamber wants to do it, I'll be the first one in court to find out why we're denying people the right of a decent accommodation.

Thank you.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Actually, the Senator answered all of my questions with his explanation. So I was going to thank him for his explanation.

The things I was curious about you addressed for me. Thank you, Senator.

SENATOR LARKIN: You're welcome.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Libous.

SENATOR LIBOUS: May I have unanimous consent to be -

ACTING PRESIDENT MEIER: Excuse me a moment, Senator Libous.

Senator Libous.

SENATOR LIBOUS: Could I have unanimous consent to be recorded in the negative on Calendar 1001.

ACTING PRESIDENT MEIER: Without objection, Senator Libous will be recorded in the negative on Calendar 1001.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the supplemental calendar, I believe the Minority has withdrawn their request for an explanation on Senator Spano's bill, 1397. Can we have it read at this time.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1397, by Senator Spano, Senate Print 5419, an act to amend the Labor Law, in relation to authorizing.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. Would you remove the sponsor star on Calendar Number 239, Senate Bill 1918.

ACTING PRESIDENT MEIER: The sponsor star will be removed from Calendar Number 239, at the request of the sponsor.

SENATOR FARLEY: Thank you.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: If you would call up, on the supplemental calendar, Calendar Number 1392.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1392.

THE SECRETARY: Calendar Number

1392, by Senator Farley, Senate Print 4908, an act to amend the Workers' Compensation Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: On the supplemental calendar, if you could call up Calendar Number 1400, by Senator McGee.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1400.

THE SECRETARY: Calendar Number 1400, by Senator McGee, Senate Print 5539A, an act to amend the Civil Rights Law, in relation to the right of privacy.

SENATOR DUANE: Explanation.

ACTING PRESIDENT MEIER: Senator McGee, an explanation has been requested of Calendar 1400 by Senator Duane.

SENATOR McGEE: Yes, Mr. President.

I believe the bill pretty much addresses itself. But the current law presently protects the privacy of victims of sex offenses by requiring that their identities be kept confidential. This bill extends the same protection to victims of crimes involving the transmission of HIV.

Victims of such crimes often are unwilling to testify in court because their identities are not protected. An example of this situation is the Nushawn Williams case, in which several of the victims would not testify because they did not want their identities known. This legislation was proposed by the Chautauqua County district attorney, who prosecuted that case and found his inability to protect the identities of the victims a real hindrance for prosecution.

The bill also protects the victims

of crimes involving the transmission of HIV and a provision which gives victims of sex offenses a private right of action to recover damages for disclosure of their identities.

SENATOR DUANE: Would the sponsor yield to a question?

ACTING PRESIDENT MEIER: Senator McGee, do you yield to a question?

SENATOR McGEE: Absolutely.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: Thank you. I'm wondering if there was any thought to at least given to making this a discretionary action providing confidentiality on the part of a judge or a district attorney upon request of the witness or the attorney.

SENATOR McGEE: This bill was proposed, Senator Duane, by the New York State Bar Association, under the criminal justice section, and it was a legislative proposal. And I think it's very acceptable in the present form that it's in.

SENATOR DUANE: Thank you. Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Duane, on the bill.

SENATOR DUANE: I'm very concerned that this is another step towards criminalizing people who have HIV.

It's a very complicated issue, as you can imagine, and I'm certainly very aware of the importance of confidentiality as it applies to a person's HIV status and also as it would apply to the victim of a sexual assault or rape.

That said, I think that there are flaws in this legislation because it doesn't make any attempt to provide some discretion on the part of a judge or a district attorney in the way that they bring forward the case and the way that they believe that the person who's making an accusation needs to be treated within the criminal justice system.

It also raises the question of how it is that particular circumstances, consent, use of prophylactics, how it is that those would be incorporated in both the prosecution and the defense of the case.

But then to step back to the

original point that I made, I am concerned that this bill, in the form that it's in, without taking into account the complications and unique circumstances surrounding HIV, really could lead us down a slippery slope towards further criminalization of people with HIV. And I am encouraging a negative vote.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. Preside nt, will you please call up Calendar Number 1380, please.

SENATOR BRESLIN: Explanation, please.

ACTING PRESIDENT MEIER: Just a

moment, Senator Fuschillo. The Chair made a mistake here.

The bill is passed, the last bill that was voted on.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, will you please call up Calendar Number 1380, please.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1380, by Senator Wright, Senate Print 1880B, an act to amend the Environmental Conservation Law, in relation to hospital or medical environment disinfectants.

SENATOR BRESLIN: Explanation, please.

ACTING PRESIDENT MEIER: Read the last section.

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

SENATOR BRESLIN: Explanation, please.

ACTING PRESIDENT MEIER: I'm sorry. Senator Wright, an explanation has

been requested by Senator Breslin.

SENATOR WRIGHT: Thank you, Mr. President.

The bill will define the term "hospital or medical environment disinfectant" and would prohibit the Environmental Conservation Department from adopting any rule or regulation which would diminish the effectiveness of the disinfectants.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. If the Senator would yield for a question.

ACTING PRESIDENT MEIER: Senator Wright, do you yield to a question?

SENATOR WRIGHT: I yield, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Senator, what is the usual procedure when you have this clash of values between what would be an environmental regulatory agency and a medical facility?

SENATOR WRIGHT: I don't know what that procedure would be, Mr. Paterson.

SENATOR PATERSON: Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: If the Senator would yield for another question.

ACTING PRESIDENT MEIER: Senator Wright, do you continue to yield?

SENATOR WRIGHT: Yes, I will.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR PATERSON: Well, I guess my question is when you have an agency which has the research capacity and the resources to determine what the long-term effects of a toxic substance might be -- and obviously they would probably not be testing in terms of the medical effects. But still, if you had something such as DDT or something like that -- not that it would be used in a hospital.

But I think my question is, why are we limiting the scope or the jurisdiction when the information that is contained in the

reports that, say, an agency might have could be quite relevant in convincing the hospital, the medical facility, that this particular substance is too dangerous for public consumption?

SENATOR WRIGHT: Well, in this instance we're dealing with one specific issue, in terms of ethanol and -- which is treated differently under the two particular provisions. And so we're making sure that there's no diminishment of the health benefits.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT MEIER: The bill

is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. Preside nt, can we return to motions and resolutions? And is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: We have one substitution, Senator Fuschillo.

SENATOR FUSCHILLO: Please make the substitution.

ACTING PRESIDENT MEIER: The Secretary will read the substitution.

THE SECRETARY: On page 32, Senator Nozzolio moves to discharge, from the Committee on Rules, Assembly Bill Number 6692A and substitute it for the identical Third Reading Calendar, 983.

ACTING PRESIDENT MEIER: Substitution ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. Preside nt, can we just stand at ease for a few seconds, please?

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at

ease at 2:05 p.m.)

(Whereupon, the Senate reconvened at 2:06 p.m.)

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. Preside nt, on the first active list will you kindly call up Calendar Number 1295, please.

ACTING PRESIDENT MEIER: On the first active list, the Secretary will read Calendar 1295.

THE SECRETARY: Calendar Number 1295, by Senator Marchi, Senate Print 5589, an act to amend the Education Law, in relation to courses of instruction.

SENATOR FUSCHILLO: Lay it aside for the day.

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

SENATOR FUSCHILLO: Mr. Preside nt, will you kindly call up Calendar Number 1361, please.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1361.

THE SECRETARY: Calendar Number

1361, by Senator Padavan, Senate Print 1048A, an act to amend the Vehicle and Traffic Law, in relation to the establishment.

SENATOR BRESLIN: Explanation, please.

ACTING PRESIDENT MEIER: Senator Padavan, an explanation has been requested of Calendar 1361 by Senator Breslin.

SENATOR PADAVAN: Thank you, Mr. President.

This bill relates only to the City of New York. It authorizes the city to establish speed limits as low as 15 miles an hour as part of various ways of dealing with traffic safety problems.

Currently the law indicates statewide that no speed limit shall be less than 30 miles an hour in a general area and no less than 25 miles an hour in a specific area. There are instances, such as around schools and other sensitive areas, where speed bumps are being installed, other traffic devices are being installed, where lowering the speed limit to 15 miles an hour would be beneficial. These are done after engineering traffic

studies are completed, and with good reason.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: On the bill.

ACTING PRESIDENT MEIER: Senator Breslin, on the bill.

SENATOR BRESLIN: I would commend Senator Padavan and the City of New York City and would suggest that other cities upstate and throughout the state be allowed to do the same thing.

Thank you.

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

Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Seabrook recorded in the negative -- nays, 2.

Ayes, 56. Nays, 2. Senators Seabrook and Rosado recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. Preside nt, could we stand at ease for a few minutes?

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:11 p.m.)

(Whereupon, the Senate reconvened at 2:16 p.m.)

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. Preside nt, is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: We have a substitution, Senator Fuschillo.

SENATOR FUSCHILLO: Please read the substitution.

ACTING PRESIDENT MEIER: The Secretary will read the substitution.

THE SECRETARY: On page 19, Senator Marcellino moves to discharge, from the Committee on Rules, Assembly Bill Number 7268 and substitute it for the identical Third

Reading Calendar, 656.

ACTING PRESIDENT MEIER: Substitution ordered.

SENATOR FUSCHILLO: Mr. President, is there a privileged resolution at the desk by Senator Dollinger?

ACTING PRESIDENT MEIER: Yes, there is.

SENATOR FUSCHILLO: I ask that the title be read.

ACTING PRESIDENT MEIER: The Secretary will read the title of the privileged resolution.

THE SECRETARY: By Senator Dollinger, Legislative Resolution honoring Carla M. Palumbo, Esquire, upon the occasion of her designation as recipient of the 1999 Public Interest Law Award, on June 9, 1999.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, may we stand at ease for a few minutes, please.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 2:19 p.m.)

(Whereupon, the Senate reconvened at 2:28 p.m.)

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: Mr. President, on the supplemental calendar, will you kindly call up Calendar Number 1394, please.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1394.

THE SECRETARY: Calendar Number 1394, by Senator Bonacic, Senate Print 5199A, an act to amend the Environmental Conservation Law.

ACTING PRESIDENT MEIER: Senator Bonacic, an explanation has been requested by

Senator Breslin.

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

This would be an act to amend the Environmental Conservation Law in relation to authorizing operating agreements for the Belleayre Mountain Ski Center. And the purpose of it is to try to solicit a private entrepreneur who would make an investment in Belleayre, with an operating permit.

Presently, New York State owns Belleayre, since 1949. I don't believe that state government should be in the ski business. I haven't met or seen a business which the private sector couldn't do better than government. We have been losing money at Belleayre since its inception, and I think it's approximately 3½ million dollars. We have seen operating losses in the last ten years, except one year, and I think there was a modest gain of $37,000.

What this legislation would do, it would allow for an expansion of the ski area, number one, in Belleayre. Right now we have the constitutional authority to utilize

25 miles of Belleayre, and we use roughly half of it. And we want to expand it, keep it under the auspices of the DEC. Right now we can enter into an operating permit for up to 10 years. This legislation would give the commissioner of the DEC the authority to enter into an operating agreement up to 40 years.

In addition, the state would be paid monies each year for the privilege of allowing the operating agreement to go forward with the private bidder. And we think it's a good way to get private capital to come in, expand the mountain, and start bringing tourism and capital into the region and help promote economic vitality.

We have seen a slow economic strangulation in that corridor of County Route 28 by Delaware County and Ulster County, where this ski resort lies.

That's the legislation, Mr. President.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Mr. President, would the sponsor yield for a couple of

questions?

ACTING PRESIDENT MEIER: Senator Bonacic, do you yield for questions?

SENATOR BONACIC: I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BRESLIN: Senator, in the legislation it refers to an operating agreement. Can you tell us what the difference between an operating agreement and a lease is, if any?

SENATOR BONACIC: Well, I believe there is a significant difference. First of all, a lease is normally pursuant to a written agreement. There are certain obligations that a landlord must give to the tenant. And normally a tenant can stay on the premises, providing they are living up to the terms of that comprehensive lease agreement.

This is an operating agreement. And how it's different is that the DEC can terminate this permit with or without cause. And it does provide for liquidated damages in the event that the state did not want that private bidder there anymore. And so for that

reason it's different.

And right now, without legislative approval, we can expand Belleayre roughly 185 acres. That would bring it into the 25-mile constitutional authority. And we can enter into an operating permit up to 10 years, never have to come back to this Legislature.

All this does is make it up to 40 years, because that's the only way we're going to solicit a private bidder to come in here, invest the capital, get a return on its investment.

SENATOR BRESLIN: Mr. President, would the sponsor yield?

ACTING PRESIDENT MEIER: Senator Bonacic, do you continue to yield?

SENATOR BONACIC: I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BRESLIN: Was the use of the term "operating agreements" used as a - in lieu of a lease, to get around the Article 14 provisions?

SENATOR BONACIC: You know, now Belleayre is in the Catskill Game Park. And

we have -- there are constitutional protections of any lands in the Catskill Game Park. We can't sell, we can't lease. That's a prohibition.

And we felt that this was the only way to go, with an operating permit. We have consulted with constitutional experts for legal opinions, and they have indicated to us that an operating permit process would survive a constitutional challenge.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: I think one remaining question.

You talked about the differences between a lease and an operating agreement, that in fact an operating agreement didn't have a lot of details vis-a-vis a lease. Could you tell us the level of detail contained in the operating agreement itself, Senator?

SENATOR BONACIC: We have left that to the discretion of the commissioner, John Cahill. We have provided -- let me go back a minute.

The Catskill Center has made certain recommendations to our proposed legislation that there would never be a diminution of recreational use in this area and that there would be an advisory committee of six people that would advise the DEC commissioner as to the structure of the operating agreement.

What we're trying to do is, you know, in the Northeast, skier visits have gone up. But we have seen, in the last ten years in Belleayre specifically, back in the '87-'88 season, we had about 119,000 visits. In the '96-'97 season, it was down to 71,000.

So as you can see, we at the state really have not made a public commitment to fund and make an investment in that ski area to make it a first-class ski area. It's estimated that it would be about $40 million to expand it and -- to expert slopes and quads, high-speed quads. And that's what skiers look for today, challenging trails and to get up and down the mountain in a hurry.

So just if I may continue on this, I'll just share with you. Our ski lift

capacity, they tell me at Belleayre, it can lift roughly 9,000 people an hour. Killington is 35,000. Stratton is 21,000. Hunter, right here, is 15,000. And Windham is about 12,000.

What's been happening really is New York is having its lunch eaten in the ski area, our resorts. In the Northeast we only get 8 percent of the action. And now in Vernon, New Jersey, the former Playboy Club, they have solicited a private entrepreneur, Intrawest, that owns Whistler Mountain in Canada, and they're putting millions and millions of dollars in Vernon, New Jersey, in Sussex.

Now, the reason I share that with you is that our market for skiing is the city, it's Long Island, it's Bergen County. They travel 2, 2½ hours. When that ski resort in Vernon is done, they're going to have to travel a half hour to an hour, they're not going to come up to Hunter, Windham, or Belleayre. I threw the others in.

So what we're trying to do is we're trying to revive Belleayre. And this is a way we're trying to do it.

SENATOR BRESLIN: One final question, if the sponsor would yield.

ACTING PRESIDENT MEIER: Senator Bonacic, do you continue to yield?

SENATOR BONACIC: I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BRESLIN: Was there any consideration given to the use of a public authority as opposed to an operating agreement?

SENATOR BONACIC: What did you have in mind?

SENATOR BRESLIN: To set up a public authority that might be more sensitive and more open to review and analysis.

SENATOR BONACIC: My initial reaction to that is in order for an operation like this to prosper, you need private enterprise, you need private-sector mentality. And public authorities is more government people. And we have seen what government has done to Belleayre.

And it's our thinking that you leave it to the pros, you get -- and by the

way, there is a willingness and a desire by ski entrepreneurs -- whether it's Vail Associates out there in Colorado, or Canada, there is an interest to come in and enter into these kinds of agreements for profit and private investment.

SENATOR BRESLIN: Thank you, Mr. President.

SENATOR BONACIC: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Mr. President, if Senator Bonacic would yield for a question.

ACTING PRESIDENT MEIER: Senator Bonacic, do you yield for -

SENATOR BONACIC: I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: I like the suggestion that Senator Breslin just made. In other words, when he says a public authority -- if I could just expand on that for a moment -- if you set up a publicly held corporation, and now through the public

benefit, you could actually bring the same pros that you're talking about into the process, and they would run the -- they would run that area.

Now, I can understand your point. I was going to suggest perhaps an appropriation through DEC and let DEC run it. But your answer to Senator Breslin's question really suffices, that in this area you would basically need the pros.

Otherwise, I'm suggesting that we might have to change the Constitution. Because although you've changed the words, from a lease to really what is a -- an operation, the question is, have you changed the spirit of what the Constitution is trying to create? And that's why we thought that perhaps by doing it through a public benefit corporation might be in compliance with what the Constitution wants, and at the same time would alleviate the problem that would be caused if there are competing ski resorts.

SENATOR BONACIC: Sure. First of all, I think from past experience we have seen in -- I'll give you an example. Mount Sunapee

in New Hampshire, that was a state-owned-and operated ski facility. It is now operated by a private entrepreneur. And they -- the private entrepreneur immediately invested $5 million in that ski resort, and they had a comprehensive, lengthy 10-year plan, and it pays the State of New Hampshire $155,000 a year plus 3 percent of its profits.

So I stand by my remarks earlier that I'd much rather have private enterprise in here, with a private-sector mentality, than a public authority board.

I may add also that quite a few of the permanent residents from Manhattan and northern Bergen County and the Island spend a lot of time in Belleayre, and they want Belleayre to be successful. The Ulster County legislature, in which Belleayre is located, has supported the plan unanimously. And the Ulster County Development Corporation supports this legislation unanimously.

ACTING PRESIDENT MEIER: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Mr. President, if, through you, the sponsor would

yield to a couple of questions.

SENATOR BONACIC: I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: Thank you, Senator. And I know that there are a lot of people who travel in New York City up to Belleayre -- although you know commuters, they like to make use of the services but not pay the tax to keep them up, so you can't always rely on what they think.

My question to you, if this was struck down, this bill, as being in violation of the Constitution -- because in fact, while it calls itself an operating agreement, really it is, in essence, a commercial lease -- would you then favor something perhaps through a public authority, such as the Olympic Regional Development Authority, that has been used in circumstances like this in other places?

SENATOR BONACIC: I think we would cross that bridge when we came to it. I don't like to speculate on hypotheticals. I'd like to keep the debate with the legislation that's before us.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. If the sponsor would continue to yield.

SENATOR BONACIC: I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: Are there any other circumstances in which private facilities under leases or operating agreements exist in New York State on state Forest Preserve land, to your knowledge?

SENATOR BONACIC: I don't think there are.

SENATOR SCHNEIDERMAN: And the expansion you spoke about that is necessary for the sort of economic viability of the ski resort, that would be expansion on Forest Preserve land, at least in part, would it not?

SENATOR BONACIC: That's correct.

SENATOR SCHNEIDERMAN: So that to the extent that there are those who have a problem, as reflected in the New York State Constitution, with any commercial use of Forest Preserve land, what would be your response to the fact that we have a limited

amount of that?

As the Governor said in his State of the State address, the one thing we can't create is wilderness; the only thing we can preserve is wilderness. Is there any alternative, as far as the economic viability of this region goes, to just chewing up more Forest Preserve land that you can provide as a suggestion?

SENATOR BONACIC: Okay, let's not lose sight of a couple of things. There are other states in the United States that feel that skiing and the environment are compatible. That's point number one.

Number two, the State of New York still owns Belleayre Mountain. And under the Constitution, in the Catskill Forest Preserve we are now allowed to expand up to 25 miles, which we haven't done. So in all of your comments, you've already given Belleayre the right to develop another 185 acres.

So if the State of New York, let's say, wanted to keep it and make an investment in it and make it a good investment -- like I've indicated, about 40 million -- they could

do this without us: go do 185 acres, put in challenging trails, and put in high-speed quads. So we have that authority now.

SENATOR SCHNEIDERMAN: Well -- if the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Bonacic -

SENATOR BONACIC: I do. I do.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SCHNEIDERMAN: The companies that are under consideration or that are contemplated by this legislation for the proposed operating agreement are for-profit companies, are they not?

SENATOR BONACIC: They are.

SENATOR SCHNEIDERMAN: And the theory of an investment of a for-profit company is because their capital is at risk, they're going to do a better job than the government? Is that why you're suggesting we're better off having the experts, the private sector in?

SENATOR BONACIC: Well, it's more than that, Senator. It's -- the state has not

shown a commitment to invest public dollars to the extent necessary to make Belleayre successful. That's been a state policy, where we have knowledge of results.

In 1997, the Legislature gave Belleayre $5 million, but it was a Band-Aid approach. And there's going to be some minor expansion. But to attract the capital which state government has not committed to, that's the reason we're doing this. To try to get private capital dollars where the state has said, you know, we got education problems, we got housing problems, we got health care problems. You know, running a ski area and putting $40 million in, it doesn't match up in terms of priorities of the things that I mentioned. And obviously they haven't done it, and there's been slow economic strangulation.

SENATOR SCHNEIDERMAN: If the sponsor would continue to yield.

ACTING PRESIDENT MEIER: Senator Bonacic, do you -

SENATOR BONACIC: I do.

ACTING PRESIDENT MEIER: The

sponsor yields.

SENATOR SCHNEIDERMAN: But the investment of the money from the private sector, if it's a for-profit company, wouldn't that be made with a view to making a profit on the investment, Senator?

SENATOR BONACIC: Absolutely. And profit has never been a dirty word, as far as I know.

SENATOR SCHNEIDERMAN: No, Senator, profit's certainly not a dirty word. But in the private-sector market in which I invest, it's very rare that we see provisions such as in this legislation which states that the term of the lease is for the purpose of assuring an investor of adequate protection against loss.

I thought the whole idea of the private sector was you take your chances. Maybe you make money, maybe you lose money. But it's not the business of the state to guarantee a profit to a for-profit corporation by giving away our Forest Preserve land, is it?

SENATOR BONACIC: No, we're not

doing that. We're not giving it away. We still own it.

And this is an operating agreement, it's not a lease. And this permit can be revoked, with or without cause, by the commissioner of the DEC. And any monies that we may realize from this operating permit go for the purposes outlined in the Environmental Bond Act for environmental projects.

SENATOR SCHNEIDERMAN: But if the sponsor would continue to yield, my question -

ACTING PRESIDENT MEIER: Senator Bonacic, do you continue to yield?

SENATOR BONACIC: I do.

ACTING PRESIDENT MEIER: He yields.

SENATOR SCHNEIDERMAN: I'm really focusing on Section 5A of the full proposed legislation, the top of the second page. "The term 40 years is for the purpose of assuring an investor of adequate protection against loss of investment."

And that, you know, to me, someone who just came in from the private sector, that

sounds like the government guaranteeing a profit or seeking as its purpose to guarantee a profit to a for-profit corporation. Isn't that contrary to the whole spirit of investment, Senator?

SENATOR BONACIC: The language as you have read it, I don't agree with your conclusion. The purpose of the language is to try to obtain a private ski entrepreneur corporation who have done these things in the past to make an investment in Belleayre and to have a significant period of time to try to get a return on their money. That is what the language means.

Now, if they are not efficient and they take a loss, it's that private entrepreneur's loss. It's not the state's loss. To the extent that, you know, the DEC may structure that we get a percentage of the operating profits, we might not get as much. But for the most part, it would be the entrepreneur's loss and not the state's loss.

SENATOR SCHNEIDERMAN: Okay, thank you, Mr. President. On the bill.

ACTING PRESIDENT MEIER: Senator

Schneiderman, on the bill.

SENATOR SCHNEIDERMAN: I thank the sponsor for his patience and detailed answers to the questions. I appreciate the concern about the need for economic activity in this area of the state.

I urge, though, that -- it always makes me uncomfortable when one of my colleagues refers to the state not having done things and says "they," "they," "they." I think it's -- for better or worse, it's "we." And if we wanted to allocate the money, we could, it's just a money of political will.

I think that while I do understand the concerns with this, I do have a serious concern with using Forest Preserve land in a way that by the very language of the bill is attempting to guarantee a profit to a for-profit corporation. And those concerns linger, even though I do appreciate the absolute need for economic development and economic growth in that part of the state.

Thank you.

ACTING PRESIDENT MEIER: Senator Bonacic.

SENATOR BONACIC: Just quickly, we do that now with the ten-year concession. We have concessionaires in there that use the state lands -- sell sodas, sell paraphernalia, rent skis. So all I'm doing is extending from 10 to 40 years.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1394 are Senators Breslin, Connor, Gentile, Leibell, McGee, and Schneiderman. Ayes, 53. Nays, 6.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Fuschillo.

SENATOR FUSCHILLO: Mr. Preside nt, on the active list will you please call up Calendar Number 1322, please.

ACTING PRESIDENT MEIER: The

Secretary will read Calendar 1322.

SENATOR BRESLIN: May we lay it aside? Senators Dollinger and Hevesi would like to debate, and they're in Finance.

ACTING PRESIDENT MEIER: Lay the bill aside.

Senator Duane.

SENATOR DUANE: Mr. President, I was hoping I could have unanimous consent to be recorded in the negative on 1394.

ACTING PRESIDENT MEIER: Without objection, Senator Duane will be recorded in the negative with regard to Calendar 1394.

SENATOR FUSCHILLO: Mr. Preside nt.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: On the active list, will you please call up Calendar Number 1339.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1339.

THE SECRETARY: Calendar Number 1339, by Senator Padavan, Senate Print 5134A, an act to authorize the Commissioner of

General Services.

SENATOR BRESLIN: Explanation, please.

ACTING PRESIDENT MEIER: Senator Padavan, an explanation has been requested of Calendar 1339 by Senator Breslin.

SENATOR PADAVAN: All right.

Mr. President, this is a bill that authorizes the Office of General Services to negotiate with St. Johns University for the purchase and transfer of land at Creedmoor Psychiatric Center, land that had been for many years a ball field, to be used by St. Johns for a ball field.

ACTING PRESIDENT MEIER: Read the last section.

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

SENATOR FUSCHILLO: Hold the roll call for one sec.

ACTING PRESIDENT MEIER: The Secretary will hold the roll call.

SENATOR FUSCHILLO: Mr. Preside nt.

ACTING PRESIDENT MEIER: Senator

Fuschillo.

SENATOR FUSCHILLO: Will you continue with the roll call, please.

ACTING PRESIDENT MEIER: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR FUSCHILLO: Mr. Preside nt.

ACTING PRESIDENT MEIER: Senator Fuschillo.

SENATOR FUSCHILLO: On the active list, will you kindly call up 1322.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1322.

THE SECRETARY: Calendar Number 1322, by Senator Johnson, Senate Print 2000B, an act to amend the Transportation Law and the State Finance Law, in relation to enacting the Airport Improvement and Revitalization Act of 1999.

SENATOR BRESLIN: Explanation, please.

ACTING PRESIDENT MEIER: Senator Johnson, an explanation has been requested of Calendar 1322 by Senator Breslin.

SENATOR JOHNSON: Yes, Senator. This amends the Transportation Law, the Tax Law, the State Finance Law, and establishes what is called the Airport Improvement and Revitalization Act of 1999, to establish a grant and loan program for revitalizing airports.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Mr. President, will the sponsor yield to a question?

ACTING PRESIDENT MEIER: Senator Johnson, do you yield for a question?

SENATOR JOHNSON: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BRESLIN: Comparing this piece of legislation to last year's, last year's had an appropriation of 3 million, whereas this year it's somewhat unclear as to where that funding is coming from, whether it

be DOT or another state agency. Could you -

SENATOR JOHNSON: Well, this fund will be established under the budget. The fund doesn't exist. This creates the framework for this grant and loan program should the funds become available.

SENATOR BRESLIN: So there's no specific appropriation part to it? Through you, Mr. President.

SENATOR JOHNSON: That's correct, there's no specific appropriation component.

SENATOR BRESLIN: Okay. Thank you very much, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President,

would you please call up Calendar Number 1370, by Senator Maltese.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1370.

THE SECRETARY: Calendar Number 1370, by Senator Maltese, Senate Print 5742A, an act to amend Chapter 164 of the Laws of 1907.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: On the supplemental calendar, would you please call up Calendar Number 1379, by Senator Bonacic.

ACTING PRESIDENT MEIER: The

Secretary will read Calendar Number 1379 on the supplemental calendar.

THE SECRETARY: Calendar Number 1379, by Senator Bonacic, Senate Print 1729, an act to amend the Public Health Law, in relation to the funding of regional councils.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

SENATOR BRESLIN: Explanation, please.

ACTING PRESIDENT MEIER: Senator Bonacic, an explanation has been requested of Calendar 1379 by Senator Breslin.

SENATOR BONACIC: Thank you, Mr. President.

This would be an act to amend the Public Health Law, in regard to funding of regional councils and EMS agencies. What we want to do is to try to hold harmless from state funding cuts existing regional EMS

program agencies.

Right now, under existing law, we have 18 regional emergency medical service councils in the state of New York. One such council is Putnam, Westchester, Sullivan, Ulster, Orange, Rockland, and Dutchess County. That's seven counties. And this particular council receives $252,000 in state aid.

And what we're saying is if one of these counties withdraw and form their own council -- let's take Westchester, in my example. Well, that's 45 percent of the funding. And the other six counties are very rural, and they would not have adequate funding to provide emergency medical services to those six counties.

So what we're saying is in the event any county pulls out of a regional council, that the rest of the counties and the EMS services would be kept hold harmless. That's the purpose of the bill.

SENATOR BRESLIN: Thank you very much.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator LaValle.

SENATOR LAVALLE: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar Number 1394, please.

ACTING PRESIDENT MEIER: Without objection, Senator LaValle will be recorded in the negative on Calendar 1394.

Senator Skelos.

SENATOR SKELOS: Mr. President, on the supplemental calendar would you please call up Calendar Number 1376, by Senator Stafford.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1376 on the supplemental calendar.

THE SECRETARY: Calendar Number 13 -

SENATOR STAFFORD: Mr. President, this is an issue -

ACTING PRESIDENT MEIER: Senator Stafford, excuse me.

SENATOR STAFFORD: I want to make it very, very clear that I was in government -- oh, I'm sorry.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number 1376, by Senator Stafford, Senate Print 1062A, an act to amend the Tax Law.

SENATOR STAFFORD: Mr. President, I want to make it clear that I was in government -- I -- if you look at the years that this happened, I was having some difficulty myself. The people were very patient with me.

But what I'm trying to say is the administration, the environmental conservation commissioners -- two of them, to be exact. Two friends of mine, by the way -- and also, of course, the entire administration encouraged Warren and Washington County to build this plant.

I will say that many of my friends afterward have been in opposition, and I understand their position completely. However, the state did take part, support, direct, urge -- and maybe I could use an even stronger word -- that this plant be constructed. And it was.

And this legislation of course will make it possible for certain revenues of the counties of Warren and Washington to be dedicated, so that we can end up having a refinancing and so, frankly, the counties can stay viable. And this is very much needed.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Through you, Mr. President. Will the sponsor yield to a question?

ACTING PRESIDENT MEIER: Senator Stafford, will you yield for a question?

Senator Stafford yields.

SENATOR BRESLIN: Are there any environmental considerations that were considered relative to this legislation?

SENATOR STAFFORD: Yes.

SENATOR BRESLIN: Can you tell me -- would the sponsor continue to yield?

ACTING PRESIDENT MEIER: Senator Stafford, do you yield?

SENATOR STAFFORD: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR BRESLIN: Can you tell us what those considerations were?

SENATOR STAFFORD: Your point is very, very well taken, and it's a very, very good question.

This plant, although many people oppose it and oppose the process, is a state-of-the-art, and it is completely up to snuff, no pun intended. I'm very serious with this one.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR STAFFORD: And also, there would be -- again, to emphasize this, there would be a complete environmental impact statement completed before any refinancing was done.

SENATOR BRESLIN: On the bill,

Mr. President.

ACTING PRESIDENT MEIER: Senator Breslin, on the bill.

SENATOR BRESLIN: I would just like to make the members of the Senate aware that there is strong opposition to this legislation from the EPL, who give it a two-haystack. And I intend -- two-smokestack, excuse me.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 1376 are Senators Breslin, Connor, Dollinger, Duane, Onorato, Oppenheimer, Schneiderman, and Stachowski. Ayes, 51. Nays, 8.

ACTING PRESIDENT MEIER: The bill is passed.

SENATOR OPPENHEIMER: Mr.

President.

ACTING PRESIDENT MEIER: Senator Oppenheimer.

SENATOR OPPENHEIMER: I would like to ask for unanimous consent to be recorded in the negative on Calendar 1394, please.

ACTING PRESIDENT MEIER: Without objection, Senator Oppenheimer will be recorded in the negative on Calendar 1394.

Senator Onorato.

SENATOR ONORATO: Mr. President, I also would like to be recorded in the negative on Calendar Number 1394.

ACTING PRESIDENT MEIER: Without objection, Senator Onorato will be recorded in the negative on Calendar 1394.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time call up Calendar Number 1359.

ACTING PRESIDENT MEIER: The Secretary will read Calendar 1359.

THE SECRETARY: Calendar Number 1359, by Senator Nozzolio, Senate Print 5911,

an act to amend Chapter 886 of the Laws of 1972.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 15. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Senator Nozzolio, an explanation has been requested of Calendar 1359 by Senator Hevesi.

SENATOR NOZZOLIO: Thank you, Mr. President. I'll be happy to explain the measure.

It amends provisions of the Correction Law, Penal Law, and the Vehicle and Traffic Law, and extends certain programs expiring or set to expire in 1999. Among the programs extended are the New York City Prisoner Furlough Program, DOCS Earned Eligibility Program, DOCS Temporary Release Program, and community treatment facilities within the City of New York.

SENATOR HEVESI: Explanation satisfactory. Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 15. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we return to reports of standing committees. And I believe that there's a report from the Finance Committee at the desk. I ask that it be read.

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

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

As a member of the Board of Trustees of the State University of New York, Bernard F. Conners, of Loudonville.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Mr. President, I'm going to not yield, I'm going to -- well, I guess technically it's a yield. But what it is is sitting down so the Leader can speak.

But I do want to say, I do want to say -- and I've said it so many times on this floor -- but once again, the Governor has sent us some fine nominations. In fact, the finest nominations. And Senator Bruno will -

SENATOR BRUNO: Thank you very much, Senator Stafford.

Mr. President, my colleagues, Senator Stafford, as usual, is right. I don't think he's ever been wrong in his life. We have some nominations that we're going to present to the people of this state. And I'm very proud to speak on behalf of a personal friend, a longtime friend, Bernie Conners, of Loudonville, who is here going on the Board of Trustees of SUNY.

His experience in business, writing, publishing make him an excellent nominee for the board which oversees SUNY. He's a former publisher of the Paris Review, a best-selling novelist -- at least two

best-sellers so far. And if you haven't read them, you should.

He's the owner of British-American, Incorporated, which is a firm that deals in real estate, produces films and TV shows, publishes books. And they were in the soft drink business.

He's received many civic and publishing awards. He is a former FBI agent, received personal citations for bravery and efficiency. A lieutenant in the U.S. Army, outstanding athlete. Locally, he was one of the outstanding quarterbacks in high school. I believe he actually made the pros. Now, I'm not sure he got off the bench, but I know he went to the pros. Winner of several Army boxing championships.

Educated at Albany Academy and St. Lawrence University, which he shares with our esteemed Senator Stafford.

Given the difficult task at SUNY, I believe that Bernie's boxing experience and his FBI bravery could come in very handy. The guidance and oversight of our State University system could not be in better hands, and SUNY

will greatly benefit from Bernie Conners' input and experience.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President. As difficult as it is for me to follow the Majority Leader, I would like to echo the comments raised by Senator Bruno in praise of this tremendous appointment. Governor Pataki is truly insightful, and we are all fortunate to have an individual of the caliber of Bernie Conners to serve in the capacity as SUNY trustee.

As one who has received part of his education from SUNY, I certainly think that the university system that we have certainly is confronted with challenges. But there is no finer individual that could be chosen to meet those challenges, to help us on this road, than Bernie Conners.

Bernie, my hat's off to you. You certainly are, in all descriptions, what has been termed the Renaissance man, one what is able to exhibit a great deal of interest and

acumen in many diverse fields. That is part of our State University system in a microcosm, that we are a very diverse system. And certainly calling on you to aid that system is something that we all are doing and are very pleased that you've answered the call.

Mr. President, it is an honor for me to vote in favor of this nomination, and I commend those, especially Governor Pataki, for bringing him to this chamber.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to second the nomination of Bernie Conners, who is an absolute credit and jewel in the Capital District, and his contributions to our area have been significant. I also want to pass on that President Karen Hitchcock of SUNY Albany is so thrilled to have somebody from the Capital District of course on the SUNY Board of Trustees.

Bernie Conners is -- has done a tremendous job. The resume that he has, a

former boxer like our Majority Leader and Senator Marchi and a few others of us -- but anyway, Bernie Conners will be a true asset, knowing the State University and the tremendous resume that he brings to it.

And it's truly a great appointment, and I congratulate the Governor on recognizing and choosing Bernie Conners to be on our board. And I wish you well, Bernie.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I also rise to echo the comments of Senator Bruno and Senator Nozzolio and Senator Farley, for the Governor has truly chosen a man for all seasons. A very gifted athlete, a fine student, an FBI agent, a literary master, a businessman in our community. But most importantly, from my perspective, a person that I would not know what his political party is.

I know what he does for our community. And he doesn't do it on a political basis, he does it because it's the

right thing. And year in, year out, Bernie Conners has been there to do and act out those things which are important to make our community a better place.

So there's no better choice to make our educational system. And I again commend the Governor and welcome Bernie Conners.

ACTING PRESIDENT MEIER: Senator DeFrancisco.

SENATOR DeFRANCISCO: I would like to complete the Gulf Force of Senator Bruno, Senator Nozzolio, and myself, to congratulate Bernie on being nominated. And more so, I just want to thank you for being willing to serve.

I've read his book. I think Mike Nozzolio got one, but he never read it. But I actually read his book, and it's a wonderful book. I really enjoyed it. And I enjoyed meeting him and being with him. And we are truly very, very fortunate that there is nobody that I've seen come before this body that is more well-rounded, with more background to deal with all types of issues that would come before the Board of Trustees.

So, Bernie, congratulations. I'm sure you're going to do a great job. Thank you.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the nomination?

SENATOR STAFFORD: Mr. President, I was going to say -

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: -- being one -- and Bernie has many, many friends. But I'm very honored to be included. And knowing him for so many years, and we do have things in common. But I would only say I second what's been said so well.

And anything Bernie Conners does, he's put his wholehearted effort in, and he's done well. And this augurs well for the SUNY Board of Trustees. I compliment him and the Governor.

ACTING PRESIDENT MEIER: The question is on the confirmation of Bernard Conners as a member of the Board of Trustees of the State University of New York. All

those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: Bernard Conners is confirmed as a member of the Board of Trustees of the State University of New York.

(Applause.)

ACTING PRESIDENT MEIER: Mr. Conners, the Senate congratulates you and wishes you well with your important duties.

The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Trustees of the State University of New York, Edward F. Cox, Esquire, of New York City.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: It's a pleasure -- and again, I'm going to keep using this word, "fine nominee." But it's so true. And we yield to the Senator from Suffolk.

ACTING PRESIDENT MEIER: Senator LaValle.

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

Ed Cox is a constituent of the First Senatorial District. He's a person who grew up in West Hampton, has distinguished himself in so many areas, is a very bright and articulate member of the SUNY Board of Trustees.

And one thing Mr. Cox does is he reads, as an attorney, the laws that we pass, so that he fully understands his duties, his responsibilities as a trustee.

I think he has done an outstanding, outstanding job as a trustee, and I compliment, again, the Governor on Mr. Cox's reappointment.

SENATOR GOODMAN: Mr. President -

ACTING PRESIDENT MEIER: Senator Goodman.

SENATOR GOODMAN: Mr. President, may I add my warm words of praise for Mr. Cox. He is a partial constituent of mine, and I

just have known him for many years and have the highest regard for his integrity and his ability.

During his tenure thus far as a trustee of this great institution, he has distinguished himself and in my judgment has particular expertise on charter schools, which identifies itself as the wave of the future.

Ed Cox is a true patriot and a man of great character and in my judgment will make an outstanding trustee in his continuing work with the university, and we wish him well in that endeavor.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard on the nomination?

Senator Maltese.

SENATOR MALTESE: I could not say it better than my good colleague Senator Goodman, but I would be remiss if I did not rise to second the nomination of Ed Cox.

I had the pleasure of sitting through his appearance before the Senate Higher Education Committee, and again commend the Governor on all his appointments. In over

twenty years of being up here, although not all as a Senator, I have -- this is the first time I sat through so many fine, distinguished people who came before us as prospective trustees of the City University and the State University in New York. And of course Mr. Cox was preeminent in that number.

I'd also like to comment, as Senator Goodman did, on the leadership role he has taken in the task force on charter schools and the fact that, as was indicated at his appearance, that he has an exemplary attendance record and has participated in almost every meeting of the trustees since he was originally appointed.

I enthusiastically second his nomination.

ACTING PRESIDENT MEIER: The question is on the confirmation of Edward F. Cox as a member of the Board of Trustees of the State University of New York. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MEIER: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Trustees of the State University of New York, Thomas F. Egan, of Rye.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: I yield to Senator LaValle.

ACTING PRESIDENT MEIER: Senator LaValle.

SENATOR LAVALLE: Thank you, Mr. President.

It's a pleasure to rise and move the nomination of Tom Egan, who has been the chairman of the SUNY Board of Trustees. Mr. Egan has brought an enormous amount of energy to his position, a commitment to maintain access, to make sure that the State University of New York be the finest public institution in our nation. And Mr. Egan has not missed one meeting of the Board of

Trustees, I think 51 consecutive meetings in attendance, and has traveled to 80 percent of the 64 campuses in the SUNY system.

Again, the Governor should be complimented on this appointment.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Are no other members going to speak on this, Mr. Chairman, Mr. President? That's all right. I thought there'd be other members.

Mr. President, I rise -- I voted against this nominee in the Finance Committee, as I did against the other two. It is no reflection on their qualifications, Mr. President. These are three eminently qualified people.

My concern is the future and the direction of the State University of New York. I was one of those who four or five years ago, when we raised tuition, who expressed an enormous concern about continued accessibility of the State University. I was one who said that it was somewhat insensitive, if not inappropriate, that in the midst of a huge

fight over raising tuition, the SUNY Board of Trustees -- and perhaps, as one of the witnesses properly pointed out, with a better recollection than mine, maybe not at the same time but at a roughly comparable time - doubled the salary of the chancellor of the university. While we were fighting over whether or not to increase the value of TAP, while we were fighting over part-time TAP, the SUNY board virtually doubled the payment to its most prestigious position.

I understand the logic that says we have to pay more for the people at the top, to get top quality. I would suggest there's another argument that says we have to invest more at the bottom so that we get the best quality education at the bottom as well, that this is an institution in which bottom line means exactly that -- it's the people in the seats, it's the people who are getting education in the schools that's most critically important.

And I thought it was somewhat inappropriate at that critical time, while we're debating about what goes on in the

classroom and how we're going to get more people in the institution and make it affordable, the trustees doubled the salary of their chief executive officer.

I've also been concerned about the advocacy in the SUNY board. It seems to me that at a time when the debate is over the future of the TAP program -- and as one of witnesses today in the CUNY system properly pointed out, managing TAP -- that is, how much TAP we should have available, should it be available for just 15 credits or should it be available for 12 credits, should it be available for remediation -- while this debate about the future of the TAP system has gone on, the SUNY Board of Trustees has been deafening in its silence, in its silence.

And I would just suggest that those who want to be advocates for the SUNY system, it's not enough just to manage the finances, it's not enough just to build the buildings. It's not enough just to establish the protocols for education. It's making sure that the children, the adults, the young adults in this state have the access to

quality education, that they can afford it. That should be the bottom line for the SUNY Board of Trustees.

I know that that vision of the SUNY board may not be widely shared in this chamber, but it is mine. And it is my hope that these three gentlemen we are sending to the SUNY board will take that sense of advocacy for students, that they are the top priority of this system, that this system will be judged by the quality of the people it produces and not by any other factor. That's the bottom line.

And my concern is, Mr. President, I didn't hear enough to satisfy this advocate for SUNY that that would happen. I hope it changes. I hope the direction is new. I continue to applaud their ability to control expenses and make other changes. But until I see the bottom line is an advocacy for the students in this system, I will continue to be concerned, and my only resort is to vote against these nominees. And I do so today.

ACTING PRESIDENT MEIER: Senator Marchi.

SENATOR MARCHI: I think that certainly anything that Senator Dollinger says deserves great audience and should be weighted very carefully. But there is a bit of background.

I remember when we had Cliff Wharton as chancellor of the State University. He had come from Michigan, came out here, and there were -- the salaries were going up all over the country, and he was at a much lower base. He finally left, and when he left, he left for more lucrative circumstances. And I don't think it was just in the pursuit of money or anything, but it -- there is a perception, there is a scale of values.

And when we recognize the fact that this is the largest public university in the world, in the world -- and the chancellors then were grossly underpaid. I think we're in the position now where these people have responded to that and made corrections that were desperately and urgently needed.

With that, I don't think Senator Dollinger has wasted his time, because he's also saying, look, be very careful about this

subject, because there are other considerations that may be bypassed. And in raising that, I compliment him.

But I saw just when the opposite was true. We just did not recognize the value, and there was a growing, perceptible reluctance to accept high responsibilities for the -- this great institution covering so many facilities that it was plainly working against the public interest.

So I believe these people are on the side of -- they're right. And with Senator Dollinger's admonition, I think we can proceed more prudently in the future. I vote -- I urge an affirmative vote.

ACTING PRESIDENT MEIER: The question is on the confirmation of Thomas F. Egan as a member of the Board of Trustees of the State University of New York. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The

nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Board of Trustees of the State University of New York, Nelson A. Rockefeller, Jr., of Tarrytown.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Mr. President, again, it's a pleasure to yield to Senator LaValle for another fine nomination today.

ACTING PRESIDENT MEIER: Senator LaValle.

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

Let me begin my remarks by again complimenting the Governor on this very, very fine appointment. Nelson A. Rockefeller, Jr., demonstrated both in the Higher Education Committee yesterday and again today in the Finance Committee that in a very short time in his life that he has a dedication to public involvement and also to use his experience in the private sector that will be very, very

helpful in his sitting on the SUNY Board of Trustees.

Once again, Mr. Rockefeller articulated the importance of access, the importance that students have the financial help, based on their need, in order to fulfill their dream of obtaining a higher education. And I think -- to use his own words, both yesterday in Higher Education and again today in the Finance Committee -- he said that education is a key for a society and its members to enjoy the happiness and pursuit that our very system of government gives to its citizens.

I move this nomination, Mr. President.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President.

I also rise to join Senator Stafford and Senator LaValle in support of this nomination. Nelson A. Rockefeller, Jr., as we all know, follows in a splendid tradition established by his father, who as

governor really established the SUNY system here in New York State as we know it today.

Nelson Rockefeller, Jr., was educated at Dartmouth, took his M.B.A. at Columbia. He is dedicated and experienced in public service. Worked in Washington in the Office of Budget Management, worked for Senator Dole as Majority Leader, traveled with him across the country.

Here in New York State, he has been totally committed. He has been part of the New York State Legislative Commission on Expenditure Review, New York State Taconic State Park Commission, Recreation and Historic Preservation Commission, and the New York Zoological Society. He's a member of the Conservation Fund and a national trustee of the San Antonio Museum of Art. He has a love of the outdoors and outdoor activities, especially fly fishing and hiking.

On behalf of my colleagues in the Senate, I join all of you in wishing you well as you accept the tremendous responsibilities on the SUNY board, and know that your dedication, commitment, and experience, with

the others, will continue to provide the leadership that is necessary to the SUNY system in New York State, to maintain its position and to grow.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. I rise to second the nomination of Nelson Aldrich Rockefeller, Jr.

You know, anybody who was at the Finance Committee meeting had to be impressed with his enthusiasm, his energy and so forth. I said that -- Senator Bruno said it, we wouldn't have a State University if it wasn't for Governor Nelson A. Rockefeller. He built the finest university system -- and I happen to be part of it as a professor -- in the nation, if not the world.

And it's certainly appropriate that his namesake and his son serve on the SUNY Board of Trustees, because I'll tell you, you can be sure that he'll bring a commitment to the State University of New York and a commitment and the energy that can only be

exhibited by his heritage. Let me pay him the highest compliment that I can. He's his father's son.

ACTING PRESIDENT MEIER: Senator Goodman.

SENATOR GOODMAN: Mr. President, I've had the pleasure and the privilege of knowing Nelson Rockefeller since he was knee-high to a grasshopper. And at this moment he has achieved a degree of stature in his own right which deserves to be described quite irrespective of his father's towering reputation as one of the greatest governors this state has ever had.

Nelson Rockefeller has had an enormous personal development program in which he has been involved, as Senator Bruno has pointed out earlier, in many significant responsibilities, both at the federal and at the state level. He's an extraordinary individual with a rare capacity to work well with people. He's highly intelligent and very well motivated, and he carries a form of effervescent enthusiasm, which is a rare and delightful human quality, in everything that

he does.

I've known him intimately for many, many years and feel that there is no way in which I can possibly adequately describe to this chamber the qualities which he will bring to his position of responsibility in this very significant new job. The State University needs good leadership, and it particularly needs youthful vigor, and both of these are qualities which Nelson Rockefeller will bring in abundance.

He is an outstanding individual. He has every right to be very proud of his heritage. But he also has a right to feel that he has etched out for himself, through his own hard work and accomplishments, the right to our respect as an individual who stands on his own two feet with enormous future potential. One day I hope to be able to call him Governor Rockefeller as well, and if I do, it will be because he deserves it and not because of his father's illustrious past.

Thank you.

ACTING PRESIDENT MEIER: Senator Oppenheimer.

SENATOR OPPENHEIMER: Nelson Rockefeller and his family are constituents of mine and I must say have contributed mightily to the environment of our county, Westchester County. And I have to congratulate Nelson on having just received his M.B.A. from Columbia, which is where I got my M.B.A. And it's wonderful that he went back to school after about a decade being out of school.

And the prepared statement that was made in the Finance Committee meeting just now shows that he comes well organized, well thought -- his statements are well-thought through.

Personally, he is a very outgoing person, and I think that is very significant in dealing with all different types of people that will be part of his responsibility, and with all different age groups, which is also part of the responsibility.

His background gives him a very fine understanding of financial issues. And this is just one point I would like to urge him to pursue. That is that education, there really isn't a bottom line -- like in public

service and in government, there really isn't a bottom line such as we see in business. And the bottom line really is how fine is the product that is produced. And in this case, it's how well are the students educated and can they go on to be contributing members of society.

I am very concerned about our SUNY system. I see a Board of Trustees that has focused, in my opinion, almost exclusively on trying to contain costs, which have led to enormous cutbacks in the number of professors teaching in the SUNY system; therefore, putting students in the position of not being able to access the courses that they need in order to complete their education in a timely fashion.

I think that we have a great system -- or maybe I should say we had a great system -- in our university system of New York. And I'm looking to people like Nelson Rockefeller to restore it and provide the necessary funding that is required to maintain a school system of this stature.

I congratulate Nelson Rockefeller.

I know he will do a fine job.

ACTING PRESIDENT MEIER: Senator Seward.

SENATOR SEWARD: Thank you, Mr. President.

I'm honored and pleased to have no less than five SUNY campuses in my district in addition to the statutory colleges at Cornell. And I know firsthand what the SUNY system means to the people of this state. Certainly to our educational values, our cultural values, and also firsthand, in my district, what it means to our economy of our state. It's a tremendous engine that helps to drive the economy. I know in my area and across this state, it's a tremendous resource for the people of New York.

And I can recall growing up in the Oneonta area when Governor Rockefeller, it seemed he would visit about once a year to dedicate a new building at the SUNY Oneonta campus. And I know firsthand what Governor Rockefeller meant to the nurturing and the building up of the SUNY system.

And today I'm honored and pleased

to stand to support the confirmation of Nelson Rockefeller, Jr., who I know, from what I've learned through this confirmation process and reviewing his background and listening to his presentations, both at the Higher Education Committee yesterday and at the Finance Committee today, I know is going to make a tremendous contribution as a member of the Board of Trustees of the SUNY system and help the SUNY system to soar to even greater heights.

Congratulations, Mr. Rockefeller. I congratulate you and the Governor for this fine choice.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: I also am standing to support this nominee. And I would like to mention something to him that I did briefly before.

Both SUNY and CUNY are sensitive membranes, Mr. Rockefeller, and they rest upon the trust that is engendered between the members of the Board of Trustees and the permanent faculty and the students as well as

the administrators of the campus throughout the system. It is, as you know, one of the crown jewels of the state of New York. It's the largest public university in America.

Now, Article 10, Section 4, and Article 7 in Title A mandates that in promulgating general educational policy that this be done in conjunction with the administrators at the various campuses and with the faculty as well. And I was concerned when I read a statement by an individual that I have a very high regard for, and I know that Senator LaValle does as well, President Shirley Kenny, Strum Kenny, of Stony Brook, previously of Queens College. She said she had no input whatsoever in this process. Now, that gives me great concern.

Also, there was another statement made by Karen Hitchcock, who is the president of another bright jewel in the SUNY campus, and that's the campus here in Albany. And she had said in the adoption of the core curriculum she was not directly involved. But even more than not being directly involved, she went further. She said that she does not

know how they would have the supportive services or the funding for the freshmen students when this goes and becomes a reality and implementation.

So I implore you, as a new member of the SUNY Board of Trustees, please involve the permanent educational community, the faculty that has a strong union -- and there's a need for that union. And as you know, the union has serious problems with the -- some of the trustees. I implore you to work with the official representatives of the union, the President's Conference of the three-tiered unit of SUNY, as well as the students.

I am hopeful that you will do that, and I support your nomination.

ACTING PRESIDENT MEIER: Does any other Senator wish to be heard on the nomination?

The question is on the confirmation of Nelson A. Rockefeller, Jr., as a member of the Board of Trustees of the State University of New York. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MEIER: Nelson A. Rockefeller, Jr., is confirmed as a trustee of the State University of New York.

Mr. Rockefeller is with us in the gallery. We congratulate you and wish you well with your important duties, Mr. Rockefeller.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As Commissioner of Taxation and Finance, Arthur J. Roth, of Albany.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Mr. President, it's a pleasure -- and, you know, I keep saying this, but it's a pleasure to say it, because it's true. Another fine nomination. And we yield to the Senator from Manhattan, Senator Goodman.

SENATOR GOODMAN: Thank you,

Mr. Chairman.

Mr. President, I'm very pleased indeed to place in nomination today before this body the name of Arthur J. Roth, to become the Commissioner of Taxation and Finance of the State of New York.

Commissioner Roth has been in an acting capacity for several months, and in that capacity we've had the opportunity to hear from him in both a public hearing format and within the committee for a very close questioning on a number of policies relating to taxation and finance.

Let me say that Commissioner Roth shows a remarkable understanding of the need to work closely on behalf of the taxpayers of the State of New York, rather than in an adverse position to them, and in that regard I think his sensitivity is highly appreciated by all of those who have had the opportunity to work with him.

Commissioner Roth's education is substantial. He got his bachelor of science degree from Syracuse, attended the University of Pittsburgh Graduate School of Business. He

is a certified public accountant, senior consulting director of Coopers & Lybrand, previously, a director of the Financial Services Advisory Practice of Upstate New York, and a founder and managing director of Roth Nobis & Company, P.C., from 1968 to 1992.

He's had over 30 years of experience in public accounting. The clients he has served include high technology, manufacturing, professional practice, retailing, and nonprofit organizations. And he's a member of every major certified public accounting organization which is greatly respected here in the East in the United States. He's also acted as chairman of the Special Commission on Tax-Exempt Property for the City of Albany and in a wide variety of other specific responsibilities related to his specialization and expertise.

Now, Mr. President, let me say that in Commissioner Roth we're very fortunate to have someone who's both scholarly and profoundly versed in the work that he does, but also who's a mensch. That word, as you know, is an accounting term which means a good

guy and a guy who understands the problems of people, little people and big people alike.

Commissioner Roth should be highly respected for the work he's now doing to try to rationalize some of the absurd things which have crept into the sales tax which, for example, permit sales tax to be levied against adult diapers but not baby diapers, things of that sort which we've gone into in considerable detail. The Commissioner shows a very definite inclination to reform the Tax Code where needed and to enforce it vigorously where that's appropriate.

And for all of these reasons, I present his name to you with both enthusiasm and a certainty that he will carry out this sensitive job with great efficiency and effectiveness for all the taxpayers and the public of the State of New York.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

Again, I rise to commend the Governor for the appointment of Arthur Roth to

succeed Mike Urbach, another fine commissioner.

Art Roth is from Albany. And through the years, when you mention the Roth family generally, and Arthur specifically, you talk about integrity, intelligence and commitment. All three of those values will serve him well as Tax Commissioner. His brother Howard has been a friend for 30 years, who's also another fine member of our community.

But again, a very, very fine public servant who has the total background to serve as Tax Commissioner. And I thank you very much.

ACTING PRESIDENT MEIER: Senator Markowitz.

SENATOR MARKOWITZ: Thank you very much.

I'm in the unusual position of having to stand or wanting to, in this case, to commend our Governor. It's not -- it doesn't come often to me, that's for sure. But this is one example that I'm absolutely thrilled to commend the Governor, because our

new commissioner has always done the work in this department. In fact, his predecessor, who was a tremendous commissioner, when anything had to be done, it was always "Call Arthur," and Arthur got it done.

And he is a one hundred percent professional. I can't imagine anybody in this state that the Governor could have asked to serve better than our new commissioner, Arthur Roth. I know he will serve with distinction. I know that the members of his staff respect him enormously. The industries that he works with closely respect him, and the consumers, the taxpayers.

It's not the happiest department for taxpayers, that's for sure. But one thing we know is that if you have a problem and you go to the Tax Department, under his leadership you'll be heard, it will be reviewed fairly, expeditiously, honestly. Whichever way it comes up, you know you've been given a fair shake.

And so I commend the Governor on this particular appointment and also congratulate Arthur and his family.

And all I can say is good luck and mazeltov.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: I rise to second the nomination of Arthur Roth.

You know, we're very fortunate to have people of this quality and with this background to be able to serve in public service. And certainly the Department of Taxation is one of the most sophisticated and busiest agencies we have. And to have somebody at the helm of it like Arthur Roth, who has been very active also with the state campus at SUNY Albany and teaching accountants and so forth, the high esteem that he is held by his entire profession is truly a tribute to him.

I wish you well. We're fortunate to have somebody as gifted and as capable heading up this very important agency. Good luck to you, Arthur.

ACTING PRESIDENT MEIER: Any other Senator -- Senator Onorato.

SENATOR ONORATO: Mr. President,

I too rise to join my colleagues in commending the Governor on his wonderful nomination. I know Arthur Roth has been a hands-on individual who has the experience over the years as second-in-command of the Tax Department, and I know he's going to do an outstanding job.

And I hope one of the first things he does as the new Tax Commissioner is to review the records and find out if there's any of these Senators or Assemblymen who haven't gotten paid, have any tax money coming to them, and make sure that they get it posthaste.

Congratulations and good luck to you, Arthur.

ACTING PRESIDENT MEIER: Senator Mendez.

SENATOR MENDEZ: Thank you, Mr. President.

I also rise to commend the Governor for the appointment of Mr. Arthur Roth as the Tax Commissioner. Everybody knows of his intelligence. Everybody knows about his dedication. I can vouch for the fact that

whenever I have had problems, constituents of mine with problems in terms of taxes, that I've been able to call, he's been accessible, and he has been very fair in reviewing my constituents' problems.

So he is a great appointment, and we all do appreciate it enormously. Thank you.

ACTING PRESIDENT MEIER: The question is on the confirmation -- I'm sorry, Senator DeFrancisco.

SENATOR DeFRANCISCO: I just want to clarify one thing that many might suspect. I just want to make certain that people know that the Senators that stood up to speak do not have problems with the state tax commissioner.

It's simply that they are making sure that we recognize the great work that's been done over the last four years and the great work that no doubt is going to take place in the future under Arthur's leadership. We -- there really has been a change in the way the Department of Taxation has worked over the last few years. Constituents that used to

call me claiming they couldn't get any kind of responses, let alone a good or a bad one, are very pleased with the fact that the department is so responsive and we're able to at least get issues resolved on a timely basis. And usually they're pleased with the fairness of what had happened, even though maybe they have to pay a little more tax.

So congratulations on the work you've already done, and congratulations on taking over the helm. And I'm sure things are even going to get better.

ACTING PRESIDENT MEIER: Does any other Senator wish to be heard on the nomination?

The question is on the confirmation of Arthur J. Roth as Commissioner of Taxation and Finance for the State of New York. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: Arthur J. Roth is confirmed as Commissioner of

Taxation and Finance of the State of New York.

(Applause.)

ACTING PRESIDENT MEIER: Commissioner Roth is with us today in the gallery. He is joined by his wife, Nancy, by his daughter Amy Hoffman, his daughter Laura Roth, his brother Howard, and his sister-in-law Judith.

Commissioner Roth, we wish you well. And I don't have any tax problems either, but good luck with your duties.

The Secretary will continue to read.

THE SECRETARY: As Commissioner of Health, Antonia Coello Novello, M.D., of Washington, D.C.

SENATOR STAFFORD: It's a pleasure, Mr. President, for this outstanding nominee, to yield to Senator Bruno on this day of such outstanding nominees.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Thank you, Senator Stafford.

Mr. President and colleagues, I'm

very, very happy to be on my feet echoing the sentiments of Senator Stafford that today we have some of the most dedicated, conscientious public servants before the Senate that will be serving the people of this state. And Dr. Novello is certainly in that category.

She has dedicated herself through her entire life helping people, those in need, especially as relates to proper health care. She was a pediatrician in private practice, so she knows what that world is all about. She distinguished herself by being the first woman -- Hispanic? Puerto Rican? Thank you all -- Surgeon General in the United States, appointed in '89 by President Bush.

Prior to serving as Surgeon General, Dr. Novello was with the U.S. Public Health Service and the National Health Institutes. From '93 to '96, Dr. Novello served as Special Representative for Health and Nutrition to the United Nations Children's Fund, where she advised UNICEF's executive director on issues pertaining to women, children and youth. Most recently, she has been a visiting professor of health policy and

management at Johns Hopkins University School of Health Sciences.

Dr. Novello's background and her world-class credentials truly speak for themselves. Not only does she have the experience to be New York's Health Commissioner, but she has the compassion and the dedication to be one of the best health commissioners New York State has ever had.

We're extremely fortunate that she has chosen to come to New York, and I strongly support her nomination.

ACTING PRESIDENT MEIER: Senator Hannon.

SENATOR HANNON: Thank you, Mr. President.

I rise to support this nomination. Dr. Novello was nominated by the Governor towards the beginning of this month. And in the brief time I've had a chance to converse with her, to go through hearings with her, I can recite to you that her knowledge about the issues, her breadth of experience, her intellect, her ability to not only address questions that have been, that I would say

with understatement, extensive questions, but to explain well and very clearly and succinctly to those asking the questions why she comes to the conclusions, how she comes to the conclusion, and frankly has used this process to educate all of us in a very welcome manner.

I have found her to be very knowledgeable about all aspects of health care. I welcome her coming from Washington, because so many of the regulations, the financing, the policies that now affect this state start there. Or actually they adopt what we have begun, but we have to make sure, when it comes back in a boomerang, that it's palatable. Such as what happened with the children's health program starting here in New York, adopted by Congress, but as we went through the regulations we had to make sure that the good things we had established were able to continue.

The fact that she did her medical training outside New York is also a welcome breath of fresh air. We have some great major academic research medical centers here in New

York, but, you know, we don't exist alone as an island. So that, I think, is something welcome.

I can tell you that through the long hearing we had yesterday in the Health Committee, from what I'm told happened in Finance today, and from the meetings that Dr. Novello went through in getting acquainted with members of this Senate on both sides of the aisle last week, that she has addressed every issue I think there is to address. The outstanding public health issues -- smoking behavior, wellness, specific questions about delivery of service such as managed care, school-based health clinics, questions of breast cancer, AIDS confidentiality -- all of these things were asked of her. And even the one topic of reproductive rights, which she addressed forthrightly in her statement to both committees, and I think has impressed everybody with how she's able to articulate her positions.

So it is with great pride that I join, and I know that there are many others in this house who join in looking forward to

working with her. All of us have many issues that we hold individually that we want to champion, and I think that this is an individual who will be able to help us, guide us, and focus those efforts in a productive manner.

ACTING PRESIDENT MEIER: Senator Waldon.

SENATOR WALDON: Thank you very much, Mr. President. I am privileged and pleased to rise to second the nomination of Dr. Antonia Coello Novello.

This is a brilliant move by the Governor. He has not only brought to our health care situation here in New York someone of national stature but someone of international stature. A lady who has a 45-page resume and 32 honorary degrees can be characterized as a Renaissance woman, as an icon, as a legend in her own time. And the Governor's brilliance is he has taken this person of such stature and convinced her that she should come here to New York State and to do right by our health care system, to be an innovative leader at this time in the history

of New York State.

She is brilliant, and obviously this move is brilliant on his part. I applaud him. I applaud her. I think nothing but naches -- and some of us in the room understand that -- can come from this appointment. This is a super, super move by our Governor to bring a super, super professional, a lady of great stature to our state. I welcome her. I wish I had a health problem I could discuss with her, but I don't at the moment.

But thank you for accepting this position, Doctor. I am sure that nothing but goodness will come of your appointment. And again, I applaud the Governor on his brilliance.

Thank you very much, Mr. President.

ACTING PRESIDENT MEIER: Senator Marchi.

SENATOR MARCHI: Mr. President, we heard earlier mention of -- that she was a Latino, and a Latino includes Senator Bruno and myself, because Latino is the translation for Latin, and we are both Latins. So I was

very much cheered.

But then when I heard that she had -- she started out as a pediatrician, which is a long way from where I am today. And her solicitation and care that she lavished in her studies and dedication to children, fine. But, you know, where does that leave me? I'm -- I feel like a yearling, but actuarial experts tell me that I'm a long way down that road. And I just wanted to know whether she had the same sensitive feeling for the gerontologists. In the preparation of people who are going through their medical training, the nonprofessional and all those who are in the health delivery system realize that the changing demographics of our population entails special challenges that are certainly going to be very pressing and dire.

She is the -- the past is prologue. I believe Senator Waldon pointed out the many assets and facets of her development. They are all reassuring. That she cares about the whole person that -- the holistic approach to health generally, applying it in a very conscientious manner to specifics, I think

augurs well for the kind of service that she will be rendering.

So I do hope and pray with all my heart that, Antonio Novello, buena suerte - all the best to you. And let us hope for unanimous expression by this great body here that our hopes and aspirations go with you. And we pray for your success, because you have all the elements that spell out the truthfulness and the accuracy of the objective that we have and that -- and the expectations which we behold in you.

ACTING PRESIDENT MEIER: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President and my colleagues, I rise to echo the comments of my previous colleagues who have expressed praise and admiration for this wonderful appointment. It's not often I agree with my good friend Senator Waldon. It seems like we're agreeing on more and more lately, Senator -- I mean Judge.

This body has had the opportunity

to review the qualifications of many appointments through the years. But I daresay of all the appointments that we have ever reviewed, none has come to the position with such a depth of qualification, such a broad breadth of experience, and experience and qualification recognized by so very many.

I have the honor of representing in my district the place where I was born, Seneca Falls. And Seneca Falls houses the national Women's Hall of Fame. That Hall of Fame is dedicated to recognizing the contributions of women throughout American history, icons of strength, of leadership, like Elizabeth Cady Stanton, Lucretia Mott, women who stood very tall to bring rights to women, like Susan B. Anthony.

Among those recognized as true American heroes is the nominee of Governor Pataki, Dr. Novello. Dr. Novello is recognized to be a member, to be an honoree, to be one given tribute by the National Women's Hall of Fame. And she, involved in her career as she has been, has that recognition, one that is usually given long

after a career is over.

We are very blessed to have Dr. Novello decide to take on the challenges of our health-care system in all the myriad of issues that is considered by the Department of Health. I would also say parenthetically that during the interim period between commissioners, Dennis Whalen has done an excellent job in managing the day-to-day operations of the Health Department. But we are simply blown over by Dr. Novello's qualifications and what she will bring to this job.

I congratulate Governor Pataki for finding a diamond here to run the most important department in New York State government. I congratulate him. I thank Dr. Novello for taking on this challenge and urge a resounding confirmation of this very, very qualified individual.

ACTING PRESIDENT MAZIARZ: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I've now interacted with

Dr. Novello on three occasions -- once when the chairman of the Health Committee invited her to come and talk to me, which I greatly appreciate; secondly, when she appeared before the Senate Health Committee and I asked the long litany of questions that again I appreciate the chairman of the Health Committee permitting me that opportunity; and today in the Finance Committee.

I guess the best thing for me to say is that when I read the press accounts or when you first size someone up only by reputation through the media, you develop an impression. Whatever impression that had, in the last three days, Doctor, you've done a tremendous job, at least in my own experience, of erasing whatever those impressions were on the blackboard and writing in sort of clear and very well defined letters a message about your role as a physician and, more importantly, as a public health leader.

And I stand here today -- I'm going to vote in favor of this nomination with an enthusiasm. And that's because there were critical issues for the constituencies that

are represented on this side of the floor, and I think on all sides of the floor, and critical questions were asked about personal choices and women's reproductive rights. And, Doctor, I'll tell you I -- we disagree on some issues, but I respect the integrity and the character which put you in a position to say to us, "This is my personal view, this is what I do as a public health teacher and leader." And I respect that character that puts you in a position where you make that definition and take those roles and assume those responsibilities. I think that's a testament to your integrity.

I was also pleased in our discussion about school-based health clinics, which is, I know, a critical issue for many of us who represent poor constituencies. I was pleased to hear you say that we have to reach out in our health-care system to some children for whom school is their only contact, their only connection with a society that says you need health care, you need respect, you need dignity. And that too often, if we turn them away in the school context, we will leave them

with none of those important not only health connections but mental health connections and societal connections.

I think your sensitivity on the issue of HIV and AIDS and how do we deal with the epidemic which has gone through so many different changes already and faces so many more in the future, your comment -- and I never thought I'd say this on the floor of the Senate -- that a condom is not enough, it's not enough to just give someone a tool for preventing spread of disease, it's equally as important that we educate, we change opinions, that we alter behaviors.

And that's the commitment of a public health system, is not just to necessarily provide the medicine, but provide the education and the changes that are necessary so that we change behavior and create healthier behaviors.

I'd also say, Doctor, that in our discussions about tobacco I will continue to push for measures that will reduce the incidence and the exposure of children to tobacco. I believe that your record is

outstanding on that issue.

And I would hope that at some point, when we've explored those other options that you talked about, maybe we'll look to even increasing the cost of cigarettes in this state by putting a higher tax on them, something I know that is not easily digestible to anyone in this room, not a favored option. But maybe we'll look at that option and say that's the final step. We've increased our public awareness, we've promoted it through ads, maybe we should raise the price as the final step in trying to put an end to this country's dependence upon tobacco products.

Doctor, I guess I can only say one thing in conclusion. I have never been your patient, but I can now understand how a pediatrician with your skills has risen to this level. Because I will be the first to acknowledge that I may have been one of those petulant little children that was unwilling to take a shot when they were a little kid, but you put me at ease, you've administered my medicine, and I stand here today urging all of my colleagues, since I got the medicine, I

think it's been a good medicine, and I think your medicine, your temperament, your disposition, your obvious exuding compassion will be the right thing for the public health of this state. Godspeed.

ACTING PRESIDENT MAZIARZ: Senator Larkin.

SENATOR LARKIN: Thank you, Mr. President.

I'm really honored that we're standing here this afternoon finally confirming the new Commissioner of Health. And I want to congratulate Senator Dollinger for getting the medicine as quickly as he did, because I think that the presentation that Dr. Novello gave to us yesterday was clear, spread out, no holds barred about what she felt we need to do in New York State, what her credentials were in order to accomplish this.

Her knowledge was outstanding. I for one didn't know that we had 2,000 cases of tuberculosis. And I was surprised to see some of my colleagues -- AIDS was the biggest concern, but Dr. Novello had other areas of concern and spelled them out for us. No small

task.

Her knowledge of every aspect of what we should be looking at, whether it was the tobacco issue, whether it was early prevention and what other things we could do for our seniors that were asked by Senator Maziarz -- and I thought that she wasn't just prepared, she had the knowledge of what it takes to be a Commissioner of Health and how to carry on this function.

One of the questions was more of a statement than a question. And I looked at her in her response to Senator Montgomery, and the response came clear to me as "I am willing to listen to you because you are as important as anybody is, in order that we carry out our functions."

Somebody said about her references -- I called a friend of hers - more than one -- and he said, "You know, Bill, I have to question her, what is the matter with her, going to New York? You know, its baseball players don't want to go there because of the media." And I said, "But, you know, we're lucky." He said, "Lucky? You're

not lucky. You've got the commitment from the finest in this country." Not the finest in New York, the finest in this country.

You know, it takes a person with a lot of energy, a lot of talent to take on such a job as this. I commend you. You are the right person, you are the right reason we are here today. God bless you in your endeavors.

ACTING PRESIDENT MAZIARZ: Sena tor Gentile.

SENATOR GENTILE: Thank you, Mr. President.

And I also rise on the nomination of Dr. Novello. While I will support this nomination, I'm very pleased to hear that during the nomination process Dr. Novello has indicated that in regard to needle-exchange programs that community support must be demonstrated for needle-exchange programs to work.

I just make note -- and I think Senator Marchi knows -- that there's such a waiver application on Staten Island. The waiver application on Staten Island in my estimation has not shown the necessary

community support for that waiver to be accepted and approved by the Department of Health.

So while I support this nomination, I remind Dr. Novello that that fight is still to be fought and that decision is still to be made, and the people of Staten Island have voiced their opposition to the needle-exchange program. Thank you.

ACTING PRESIDENT MAZIARZ: Senator Oppenheimer.

SENATOR OPPENHEIMER: Thank you. I will be voting no, and I want to be making a statement in doing this.

I do admire Dr. Novello. I found her, in the Finance Committee meeting we had, to be charming and articulate, direct, and a brilliant woman, down to earth. My problem is less with Dr. Novello, who I think is very qualified in almost every area of public health and women's health. What disturbs me is that the Governor nominates the first antichoice person to be Health Commissioner of New York State since the passage of the Roe versus Wade decision in 1973.

And I do understand that Dr. Novello says that this is a personal feeling and that it would not be involved in her professional decisions. My concern is that Dr. Novello is a member of the Pataki administration, and she may not withstand the pressures directed to her by that administration.

She supports strongly, if I hear correctly, preventive measures to reduce the need for abortion, which is the primary focus, after all, of pro-choice advocates; that is, to reduce the need for abortion by preventing the need for abortion. She supports, I believe, more funds for family planning services, because the lowest rate of abortions are in those counties where those services exist. But will Dr. Novello advocate forcefully enough for increased funding?

She supports sex education, although in New York State we spend only a pittance, $350,000, on sex education. And will Dr. Novello be able to advocate for increased funding forcefully enough? She purports that health clinics that receive

state and federal funding, that are the ones also that are providing for abortion services, that they will not be penalized. But will Dr. Novello be able to advocate forcefully enough for the increased funding where we have not seen that funding increased in recent years?

Dr. Novello supports school-based clinics as the most direct method of providing health services to our children. But will Dr. Novello be able to advocate forcefully enough for the increased funding? Many low-wage working women cannot afford prescription contraceptive costs. Will she advocate for insurance coverage for contraception?

These are serious concerns. They're not only concerns for me, but they're concerns for many pro-choice supporters. And we do very much wish Dr. Novello the very best, but I cannot support this nomination. But I do sincerely hope that she will combat the pressures brought to bear by the Governor's office and work towards funding appropriately the preventive services

essential to reproductive health and to reproductive freedom.

I wish Dr. Novello the best. She will have the support of most everyone in the chamber.

ACTING PRESIDENT MAZIARZ: Thank you, Senator.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we ask for an immediate meeting of the Rules Committee in Room 332?

ACTING PRESIDENT MAZIARZ: There will be an immediate meeting of the Rules Committee in Room 332. Immediate meeting of the Rules Committee.

Senator Mendez.

SENATOR MENDEZ: Yes, thank you, Mr. President. And I'll be very brief, because I have to go to the Rules Committee.

But really, I believe Governor Pataki has to be congratulated for having submitted to this body a group of individuals that are superbly qualified for the positions that they have chosen to accept. And I tell you I think that the jewel of the crown is in

fact my friend Dr. Novello.

And to think that those that went to hear her testimony were impressed with her clear thinking, were impressed with her devotion to public health for children, women, and even seniors, like some of us are.

But anyhow, those who oppose her - and everybody, of course, in a democracy is entitled to decide on their own -- are doing so, in my view, because they are a group of lobbyists with a very well defined, narrow point of view, is unable to see what is good for New York State and is unable to see that this woman with international fame, this pediatrician that has been involved in the area of public health for 25 years with an excellent record of accomplishment, that those groups are very narrow individuals unable to see the treasure that we will be getting in her for the -- as the Commissioner of Health.

But to each his own. And everybody is entitled to their own belief. There are small minds that at times are unable to distinguish one thing from another.

So it is a great pleasure for me,

Mr. President, to stand up on behalf and support the nomination of this great woman that deserves our respect and our appreciation for taking over a job that is so very important for women, children, and all residents of New York State.

Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Thank you, Senator Mendez.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I'd like to raise a couple of points that I think are important at this stage of the proceedings.

And the first one is that, you know, there is an initial impression that people get from the first publication of information about an individual who is either going to run for public office or be nominated for a position. And I want to commend Senator Dollinger for indicating that he had that first impression and took the time to learn about the individual, learn about the person, and determine himself, objectively, whether or not the person was a suitable person for the

particular job. And I commend him for changing that initial impression.

Nowadays everybody is categorized into conservative, liberal, this, that or the other thing. Unfortunately, no one fits in a -- or fortunately, no one fits in any particular category. And to either -- to say no to a nominee of this qualification because they are fit into a specific category by somebody else I think is a very sad situation.

Especially in this case, where we have probably the most qualified person we could possibly have in this position. She knew the heat she was going to take. The options that she has in her life to do whatever she wants with these qualifications are so plentiful, and she still decided she wants to put up with the heat and take this position despite this categorization.

She stated clearly in the Health Committee what her personal opinion was and stated equally clearly that she is here to follow and administer a policy set by other people, including the Governor and ourselves. She's going to separate her personal opinions

from the policy that's set by us and the Governor. And I think it's extremely important to separate personal feelings with policy. And that's what she said she will do, and no doubt she is a woman of her word.

I mentioned in the Health Committee that I've been married to my wife for 31 years. I don't agree with her on everything, and she certainly doesn't agree with me on everything. But we've got a great relationship, and we've had a great 31 years and we hope for 31 more.

There is no candidate that can come before this body for any particular position that agrees with everybody on everything. But to say no to a candidate of this stature is just wrong. And I feel very strongly that this nominee is going to be the best Health Commissioner we've had.

There are so many issues. Senator Oppenheimer mentioned all of these issues. I mean, it just boggles the mind the issues that she's going to have to deal with. She's going to take that responsibility, and you know she's going to do a phenomenal job from what

her record was in the past.

So I wholeheartedly endorse this nominee, and I congratulate the Governor. And most importantly, I thank the good doctor for being willing to take this job on. It's such an important job at this time in our history.

Thank you, Dr. Novello.

ACTING PRESIDENT MAZIARZ: Sena tor Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. Chairman.

I rise -- and it's interesting, following my colleagues Senator Mendez, Senator DeFrancisco, I suppose I have to plead guilty to maybe being someone who puts people in categories based on an issue that you all know is tremendously important to me, which is abortion rights. It's something that I've worked on my whole adult life, it's something that I've been devoted to since I was a teenager.

And I must say that when I first heard, along with other pro-choice advocates, that the Governor was going to nominate someone who is antichoice for health

commissioner, I was upset, I was outraged, everyone did all the things we've just been accused of doing -- mobilized, said, "Oh, my God, how can this happen in New York State."

And the reason for that is very simple. It has nothing to do with the nominee. It has to do with the fact that we have a crisis of access to reproductive health services in this state. In New York State over the last ten years, the number of providers has gone down, the number of medical schools teaching abortion procedures has gone down. Force and the threat of force are being used every day to frighten doctors out of the business and frighten women away from their doctors. And many of us view that as a crisis.

We have been unable this session to move forward a clinic access bill, even though the Governor purports to support that. So when we heard he was nominating an antichoice health commissioner, everyone was very upset.

I had the privilege, through Senator Hannon's offices, of meeting with Dr. Novello last Thursday. And I must say

that after that meeting I called, you know, the eight abortion rights groups that I'm either a member of or on the board of and said, "We may have this woman a little bit wrong."

And in particular, I want to set the record straight on something relating to the gag rule, which is something that is more offensive, probably, to abortion rights advocates than anything else. It's a rule that prevented doctors from honestly talking to their patients about reproductive health issues.

My strong impression, having met with Dr. Novello privately and having heard her in the Health Committee, is that this is not someone who ever supported the gag rule. And I went back and challenged my pro-choice colleagues to go out and find a statement by her in support of it. And I'm pleased to report that they could not. So the issue of disinformation may have something to it.

I have to say, though, that in a state where there's a crisis, in a state where we need, in my view, a very vigorous advocate

for abortion rights, it's very hard for me to believe that someone who sincerely and deeply, as a matter of religion, is antichoice can be such an advocate, that Dr. Novello has gone a long way towards convincing me that I might be wrong in her case.

And while I think that we have a serious problem in this state, and a lack of leadership, and I really have been put into a quandary because of how impressed I am with her in many areas -- I can't support a nominee who is antichoice, but I have to tell you, I think in this case I may be proved wrong. I hope I'm proved wrong.

But if Dr. Novello's going to prove me wrong, she's going to have to do it in spite of the Governor. Because she's not going to do it by just following his policies. And I think it's time for those of us in the pro-choice community to acknowledge at the end of this session that the Governor has not lifted a finger to pass a clinic access bill, which he supposedly favors, he's not doing anything to deal with the crisis in this state. And I look forward to working with Dr.

Novello to overcome that obstacle. The problem really is not with her. And I have to say that I'm pleased to have been able to clear up some of the disinformation.

And I suppose maybe -- some people were concerned that a website was created to monitor what she's doing. The fact that there's a website to monitor what she's doing reflects the fact that the abortion rights community largely stepped back from trying to lobby to oppose her nomination and said we're not going to be able to oppose this person, we're just going to have to keep track of them. If she's true to her word, then, you know, more power to her.

I think she's done a very impressive job here. And as I say, I hope that she proves that she can accomplish all the things that she's set forth, and that she maybe can have an influence within this administration to try and move things forward on the issue of abortion rights in New York State.

ACTING PRESIDENT MAZIARZ: Any other Senator wishing to speak on the

nomination?

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

I've reviewed, certainly, Dr. Novello's credentials, and I am truly, truly impressed with her professional accomplishments, her professional credentials, and her professionalism. And I have no hesitation whatsoever in voting for this nominee. I may disagree with her about certain of her personal positions on public policy issues, as opposed to personally held views, but I know as a professional I accept her word and have no doubt whatsoever she will abide by the law and certainly, as all commissioners do, abide by the policies set by the elected governor.

And therefore, I'm delighted, really, to vote in favor of this woman of such great accomplishment. And I look forward to her making a difference for New Yorkers.

Thank you.

ACTING PRESIDENT MAZIARZ: Any other Senators wishing to speak on the

nomination?

The question is on the confirmation of Dr. Antonia Coello Novello as Commissioner of Health. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Oppo sed, nay.

(Response of "Nay.")

ACTING PRESIDENT MAZIARZ: Dr. Novello is hereby confirmed as Commissioner of Health.

Dr. Novello, on behalf of Senator Bruno -

(Applause.)

ACTING PRESIDENT MAZIARZ: Dr. Novello, on behalf of Senator Bruno and all my colleagues in the Senate, we certainly want to wish you well in what is going to be a very difficult job. But we are absolutely certain that you are up to the task, and we think that the Governor has made an excellent choice.

Congratulations.

The Secretary will read.

THE SECRETARY: As a member of

the Crime Victims Board, Joan A. Cusack, of Brooklyn.

ACTING PRESIDENT MAZIARZ: Sena tor Stafford.

SENATOR STAFFORD: On this very fine day, another very fine nominee, joining the nominees that were just mentioned who are such outstanding nominees, as is Joan A. Cusack, it's a pleasure to yield to the Senator from Queens, Senator Maltese.

SENATOR MALTESE: Thank you, Senator Stafford -

ACTING PRESIDENT MAZIARZ: Senat or Maltese.

SENATOR MALTESE: -- I think since one of the eminent trustees of the SUNY system was a boxer, I think Senator Stafford has reverted back to those days in his introduction, and -

ACTING PRESIDENT MAZIARZ: Excuse me, Senator Maltese.

Can we have just a little bit of quiet in the house?

Senator Maltese.

SENATOR MALTESE: -- in his

introduction in yielding to me. But I feel that same enthusiasm in speaking on the Governor's nomination of Joan Cusack for reappointment to the Crime Victims Board.

I've known Joan many, many years, both on a personal level and a professional level. She graduated from a local high school, went to Parsons School of Design, the Fashion Institute of Technology, graduated from Bay Ridge High School in Brooklyn. After high school, she received many scholarships and awards.

She has over 30 years of community service, including teaching art to children at risk due to abuse and violence. She has volunteered in many, many programs assisting unwed mothers and victims of domestic violence, an experience that has stood her in good stead as a member and chairwoman of the Crime Victims Board. In addition, as a community activist she worked very closely with the police department, especially the narcotics division, in helping young adults who were victims of drug dealers and drug abuse. She also served as our former

colleague Senator Bill Conklin's representative on the State Council on the Arts.

From 1989 to her appointment on the board, she was a special assistant to our former legislative colleague, Guy Molinari, and was a participant and a very active participant in the development of the Crime Victims Bill of Rights. She has numerous years -- over six years in experience in the field of law, serving as a staff member of the former appellate court judge, Judge Moses Weinstein, and 13 years prior legal experience for a Brooklyn law firm, where she dealt extensively in family court with the criminal justice system.

She was appointed chairwoman of the New York State Crime Victims Board by Governor Pataki in December of 1996 after serving as a member of the board for a year and a half, from June of '95. She directs the activities of the board in meeting its threefold mission: providing compensation to innocent victims of crime, advocating for the rights and interests of crime victims, and providing grants.

As chairwoman of the Crime Victims Board, it is her goal to increase victims' awareness of the services offered by the board to assist in the expansion of victims' service programs and to work with rape crisis programs, elder abuse programs, domestic violence shelters.

Mr. President, in short, Joan Cusack has been absolutely exemplary in fulfilling the duties of a member of the board and as chairwoman of the board. But more than that, in all my years dealing not only as a Senator but prior to that, dealing with the State Legislature, I have never seen a chairwoman or a member of the board as active in reaching out to victims of crime. I know from personal experience in her reading of the daily papers or reading, personal reading of the correspondence that comes into the board -- she's forever on the phone or visiting with crime victims. She reaches out to them, making sure that they receive their full entitlement. This is a chairwoman who does credit to this body, does credit to the State of New York and does credit to herself

and her family.

I am very proud to assist in the nomination of Joan Cusack as a member and chairwoman of the Crime Victims Board.

ACTING PRESIDENT MAZIARZ: Sena tor Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

I rise to support this fine nomination -- I should say renomination. As Senator Maltese has so eloquently articulated the qualifications of Commissioner Joan Cusack, I only, as chairman of the Crime Victims, Crime and Corrections Committee, would like to echo those sentiments as well as state that in her tenure as commissioner, chairwoman of the Crime Victims Board, Joan has brought the Crime Victims Board from the Stone Age to the Information Age through her efforts in computerization, in putting together the clerical and other dynamics that needed to be corrected in order to provide adequate service to those who really need it, those who have been the victims of criminal action against them.

As chairwoman, Joan has worked tirelessly to push those very, very important -- Mr. Chair, could I please have some order?

ACTING PRESIDENT MAZIARZ: Can we please have some order in the house.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Again, let me reiterate Joan Cusack's dedication and extreme, extreme caring for the crime victims of our state. She deserves renomination. I'm very pleased that Governor Pataki took this step. And it is my honor to support this fine nomination.

ACTING PRESIDENT MAZIARZ: Se nator Marchi.

SENATOR MARCHI: I came in a little late, Mr. President, because I was attending a Rules Committee meeting. But I'm delighted that we have not reached the final punctuation on this nomination.

In addition to being beautiful, she's a very, very effective public servant. And those of us who know her on Staten

Island -- and this precedes the more general -- the more specialized study that she is providing so effectively in her field of endeavor, she was an executive assistant to the executive borough president of Staten Island. She assisted the honorable Moses Weinstein of the Appellate Division in the Second Department. And in addition to that, in the borough president's office she performed a myriad series of tasks administratively, did them very, very well.

You can understand, Mr. President, in a smaller community where you're required to answer the bell on so many different things, you don't have a lot of chiefs presiding over an army of Indians, you've got to be able to pick them all up and deliver if you're going to be effective. And she has done that with admirable perfection.

So I came in on the words that were just made by my colleagues, and they rang so true because she's in a -- an agency that was designed to meet a need, and she feels that we ought to do so more because she knows what the need is. And she knows what the public

commitment should be when we develop public policy that requires our interest and concern.

So I'm very, very delighted to join with my colleagues. It does reflect a great deal of credit on the Governor and on the process by which we are now about to hopefully cast a unanimous vote in favor of this wonderful lady. I know that she is going to exceed our expectations, which are very, very high.

Good luck.

ACTING PRESIDENT MAZIARZ: Sena tor Hoffmann.

SENATOR HOFFMANN: Thank you, Mr. President.

I too am delighted to rise to second the nomination of Joan Cusack. I think this is a very special individual for an extremely difficult and vitally important position before us today.

And I am reminded by Ms. Cusack of the changes that we've seen take place in the Crime Victims Board over the last few years. And sadly, the need for this board continues to grow. And it requires people who have an

ability to understand with rare sensitivity the needs of the victims of this state and to keep meeting those needs.

Faced sometimes with increasing pressure on the budget and a widening variety of criminal activities, it's hard to keep a good attitude, it's hard to be positive and proactive about this job. It takes a very special individual to both be caring for the crime victims and willing to fight bureaucratic red tape to make sure that the services are delivered in an appropriate and far-reaching manner.

One example of many in Joan's tenure is the fact that she's personally responsible for implementing a training program with the State Police while they're in the Academy so that they learn more empathy, have a greater sense of awareness of what type of victimization they will discover when they go out into the field as state troopers.

She is also responsible for bringing a great deal of victim assistance into rural parts of this state, and for that I am especially appreciative. Far too often it

is difficult to deliver services of any kind in rural areas. You can always take a little pot of money and drop it in a large metropolitan area and have a splash. Whether it's housing or any other type of program, there it is, voila, we've impacted on people. But in a rural area, it's much harder to deliver services of any sort, because the people are so diffuse, there's no collective voice to record the impact of such a service.

And with victims, it's even a greater problem, because victims do not often know how to express their own need and they're therefore unable, frequently, to express the need of advocacy to provide for future victims. It takes someone to do that for them. And for this we are fortunate to have Joan Cusack in her important position.

I am delighted that she has been nominated for another term, and I urge all my colleagues to support her with enthusiasm, not just today in the confirmation process but during the tenure with this extremely important job.

ACTING PRESIDENT MAZIARZ: Thank

you, Senator.

Are there any other Senators wishing to speak on the nomination?

Seeing none, the question is on the confirmation of Joan A. Cusack, of Brooklyn, as a member of the Crime Victims Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opp osed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Joan A. Cusack is hereby confirmed as a member of the Crime Victims Board.

Joan, congratulations.

(Applause.)

ACTING PRESIDENT MAZIARZ: Joan, on behalf of Senator Bruno and all of our colleagues, congratulations and best of luck to you in your position. Thank you.

The Secretary will read.

I'm sorry, Senator Oppenheimer.

SENATOR OPPENHEIMER: If I could have unanimous consent to be recorded in the negative on Calendar 1379.

ACTING PRESIDENT MAZIARZ: With out objection, so ordered.

The Secretary will read.

THE SECRETARY: As a member of the Public Employment Relations Board, Michael R. Cuevas, Esquire, of Schenectady.

ACTING PRESIDENT MAZIARZ: Sena tor Stafford.

SENATOR STAFFORD: Thank you, Mr. President. Again, a pleasure to yield for these fine -- we have another fine nomination, to the Senator from Schenectady.

SENATOR FARLEY: Thank you, Senator Stafford.

ACTING PRESIDENT MAZIARZ: Se nator Farley.

SENATOR FARLEY: My colleagues, it's with a great deal of pleasure that I rise to nominate -- urge the nomination of the chairman, I must say, of the Public Employment Relations Board, Michael Cuevas of Schenectady.

Let me just say something about Michael, who I consider a semiprotege of mine. I've seen him rise through success in

Schenectady. And let me just tell you a little bit about his background. Michael is a Puerto Rican with an Irish mother. Now, that's a beautiful combination.

Michael pulled himself up by his bootstraps, a graduate of Stuyvesant High School in Brooklyn and New York University and Albany Law School. Every job that he's had, he's done and he's done it well. He was a practicing attorney in the city of Schenectady, a very successful practicing attorney. He became the corporation counsel for the City of Schenectady, with eight attorneys and a budget of over a million dollars. And I can recall members of the press even saying to me what an outstanding person and what an outstanding job that he did there.

He was appointed as chairman of the Unemployment Insurance Appeals Board, did such a terrific job there. And the Governor's office was so pleased with the job that he did as head of the Unemployment Insurance Appeals Board that he was appointed as chairman of PERB, or the New York State Public Employment

Relations Board.

Michael has been a success in everything that he's done. And again, these outstanding nominees that have come forward to be confirmed today -- this is a reappointment, but the reappointment has been based on merit, it's been based on the fact that Michael Cuevas has done an outstanding job.

And those of us in the Senate and everybody in New York State that has dealt with PERB knows that you've done a great job, Michael. We're very proud of you. Congratulations to you, and my congratulations to the Governor for recognizing quality and reappointing you as chairman of the board.

ACTING PRESIDENT MAZIARZ: Thank you. Any other Senators wishing to speak on the nomination?

The question is on the confirmation of Michael R. Cuevas, of Schenectady, as a member of the Public Employment Relations Board. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opp osed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Michael Cuevas is hereby confirmed as a member of the Public Employment Relations Board.

Mr. Cuevas is joined here with us in the chamber by his wife, Judith, and mother, Mary.

On behalf of Senator Bruno, congratulations and best of luck. Thank you.

(Applause.)

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: As a member of the New York State Olympic Regional Development Authority, Jack Shea, of Lake Placid.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

ACTING PRESIDENT MAZIARZ: The question is on the confirmation of Jack Shea, of Lake Placid, as a member of the New York State Olympic Regional Development Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Jack Shea, of Lake Placid, is hereby confirmed as a member of the New York State Olympic Regional Development Authority.

The Secretary will read.

THE SECRETARY: As a member of the Capital District Transportation Authority, Joseph Parillo, of Schenectady.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

ACTING PRESIDENT MAZIARZ: The question is on the confirmation of Joseph Parillo, of Schenectady, for appointment as a member of the Capital District Transportation Authority. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Joseph Parillo is hereby confirmed as a member of the Capital District Transportation Authority.

The Secretary will read.

THE SECRETARY: As a member of the Genesee State Park, Recreation and Historic Preservation Commission, Peter G. Humphrey, of Warsaw.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MAZIARZ: The question is on the confirmation of Peter G. Humphrey, of Warsaw, as a member of the Genesee State Park, Recreation and Historic Preservation Committee. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Peter G. Humphrey, of Warsaw, is hereby confirmed as

a member of the Genesee State Park, Recreation and Historic Preservation Committee.

The Secretary will read.

THE SECRETARY: As a member of the Saratoga-Capital District State Park, Recreation and Historic Preservation Commission, Carl V. Wortendyke, of Upper Nyack.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MAZIARZ: The question is on the confirmation of Carl V. Wortendyke, of Upper Nyack, 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.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Carl V. Wortendyke 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 board of directors of the New York Convention Center Operating Corporation, Mary A. D'Elia, of New York City, and Eric M. Javits, Esquire, of New York City.

SENATOR LACK: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I would like to rise very briefly just to note the confirmation of Eric M. Javits as a director of the New York Convention Center Operating Corp. I rise because Eric Javits was my first boss after I graduated from law school, and he was a partner in Javits & Javits, and he hired me as an associate in the firm. And that was more years ago than I care to think about. But Eric and I see each other every so often. He is still a very old friend. And I just rise for a moment to remember fondly the days of my first years out of law school as an associate

of Javits & Javits and my old friend Eric Javits, and to congratulate him on his appointment as a director of the Convention Center Operating Corp., and certainly a worthwhile appointment for a very good attorney in New York City.

ACTING PRESIDENT MAZIARZ: Any other senators wish to speak on the nomination?

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I'm rising to speak on the nomination of Mary D'Elia for the board of directors of the New York Convention Center.

She is a long-time community activist in the community around the Convention Center. And I think it's wonderful for those of us who are concerned about the operations of that enterprise to see someone who's not just such a fine person, but someone who is so knowledgeable about the issues that arise in the community in connection with the operations of the Javits Center. I'm very pleased she is being reappointed, and I'm pleased to rise in support of her nomination.

ACTING PRESIDENT MAZIARZ: Any other Senators wishing to speak on the nomination?

Senator Duane.

SENATOR DUANE: Thank you very much.

I also want to add my voice for Mary D'Elia, with whom I served many years as a district leader and served for seven years with her as a member of the Manhattan Community Board. She truly is the voice of the neighborhood. I'm continuing to work with her on issues surrounding the Clinton Urban Renewal Area. She again has been a champion to get projects in that area going. I think we could not have a better voice on the Javits board than to have Mary D'Elia, and I am happy and thrilled and proud to cast my vote in favor of her nomination.

Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Any other Senators wishing to speak on the nomination?

Seeing none, the question is on the confirmation of Mary A. D'Elia and Eric M.

Javits, both of New York City, as members of the board of directors of the New York Convention Center Operating Corporation. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Oppo sed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Mary A. D'Elia and Eric M. Javits are hereby confirmed as members of the board of directors of the New York Convention Center Operating Corporation.

Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, could I have unanimous consent to be recorded in the negative on Calendar 1394?

ACTING PRESIDENT MAZIARZ: Without objection, so ordered.

The Secretary will read.

THE SECRETARY: As members of the New York State Hospital Review and Planning Council, Joan A. Camera, of Port Washington, and Robert B. Glock, of Altamont.

ACTING PRESIDENT MAZIARZ:

Senator Stafford.

SENATOR STAFFORD: Move confirmation, please.

ACTING PRESIDENT MAZIARZ: The question is on the confirmation of Joan A. Camera, of Port Washington, and Robert B. Glock, of Altamont, as members of the New York State Hospital Review and Planning Council. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Joan A. Camera and Robert B. Glock are hereby confirmed as members of the New York State Hospital Review and Planning Council.

The Secretary will read.

THE SECRETARY: As a member of the Minority Health Council, Brenda Williams McDuffy, of Buffalo.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MAZIARZ: The question is on the confirmation of Brenda Williams McDuffy, of Buffalo, as a member of the Minority Health Council. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Brenda Williams McDuffy is hereby confirmed as a member of the Minority Health Council.

The Secretary will read.

THE SECRETARY: As sheriff of Warren County, Larry J. Cleveland, of Queensbury.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: It's a pleasure for move confirmation for the next sheriff of Warren County.

ACTING PRESIDENT MAZIARZ: Any other Senators wishing to speak on the nomination?

The question is on the confirmation

of Larry J. Cleveland, of Queensbury, as sheriff of Warren County. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Larry J. Cleveland is hereby confirmed as sheriff of Warren County.

The Secretary will read.

THE SECRETARY: As a member of the Board of Trustees of the City University of New York, Randy M. Mastro, of Manhattan.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: It's a pleasure to yield to Senator LaValle.

ACTING PRESIDENT MAZIARZ: Senator LaValle.

SENATOR LAVALLE: Thank you, Mr. President.

Yesterday Mr. Mastro appeared before the Senate Committee on Higher Education, and the committee reviewed his

qualifications and felt that his experience in city government, his temperament, his expression on the issues to ensure that the City University will be all that it can be - and I must tell you, Mr. President, and members of this body, that members from both sides of aisle just heaped enormous praise on Mr. Mastro, to the point that I looked at the cover sheet on what we were appointing him to, and I thought for one brief fleeting moment that we were appointing him to the College of Cardinals.

The input from the committee was that strong, and again today in the Finance Committee.

So I believe that Mr. Mastro will be a great addition to the CUNY Board of Trustees. Once again, I compliment the Governor -- the Mayor, because Mr. Mastro is a mayoral appointment -- Mayor Giuliani, in bringing this nomination to our attention.

ACTING PRESIDENT MAZIARZ: Any other Senators wishing to speak on the nomination?

The question is on the confirmation

of Randy M. Mastro, of Manhattan, for appointment as a member of the Board of Trustees of the City University of New York. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: Randy M. Mastro is hereby confirmed as a member of the Board of Trustees of the City University of New York.

The Secretary will read.

Senator Kuhl.

SENATOR KUHL: Mr. President, I understand there's some housekeeping at the desk we'd like to take care of before we go any farther. So could we return to the order of motions and resolutions and take care of that housekeeping.

ACTING PRESIDENT MAZIARZ: Return to the order of motions and resolutions.

Senator Meier.

SENATOR MEIER: Thank you, Mr. President.

On behalf of Senator DeFrancisco, on page number 19 I offer the following amendments to Calendar Number 650, Assembly Print Number 1237, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MAZIARZ: Amendments received. The bill will retain its place on Third Reading Calendar.

Senator Meier.

SENATOR MEIER: Mr. President, on behalf of Senator Skelos I wish to call up his bill, Senate Print 5434, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1164, by Senator Skelos, Senate Print 5434, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MAZIARZ: Senator Meier.

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

ACTING PRESIDENT MAZIARZ: The

Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAZIARZ: Senator Meier.

SENATOR MEIER: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MAZIARZ: Amendments received.

Senator Meier.

SENATOR MEIER: Mr. President, on behalf of Senator Trunzo, I wish to call up his bill, Senate Print Number 4412, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 573, by Senator Trunzo, Senate Print 4412, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT MAZIARZ: Senator Meier.

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

ACTING PRESIDENT MAZIARZ: The Secretary will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAZIARZ: Senator Meier.

SENATOR MEIER: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MAZIARZ: Amendments received.

Senator Kuhl.

SENATOR KUHL: Yes, will you recognize Senator Dollinger for a couple of votes?

ACTING PRESIDENT MAZIARZ: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, thank you. I'd ask for unanimous consent -- I was in the Finance Committee in its deliberation over nominations and in several Rules Committee meetings, and I missed the following votes. I was not recorded.

Could I have unanimous consent to be recorded in the negative on Calendar 1351,

1162, and 1394? And if I could also have unanimous consent to be recorded in the affirmative on 1376, which is the Warren County incinerator bill which I voted for last year. I was recorded in the negative this time. I'd like to be recorded in the affirmative.

ACTING PRESIDENT MAZIARZ: Without objection, so ordered.

SENATOR DOLLINGER: Thank you, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Kuhl.

SENATOR KUHL: Now, Mr. President, may we return to the order of reports of standing committees. I understand there's a report of the Rules Committee at the desk. I'd ask the Secretary to read.

ACTING PRESIDENT MAZIARZ: Return to the report of standing committees. The Secretary will read.

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

Senate Prints 2533, by Senator

Larkin, an act to authorize retroactive membership;

2698, by Senator Johnson, an act to amend the Retirement and Social Security Law;

3279A, by Senator Velella, an act to amend Chapter 576 of the Laws of 1975;

3605A, by Senator Marchi, an act to amend the Not-For-Profit Corporation Law;

3796A, by Senator Leibell, an act to amend the General Municipal Law;

3971, by Senator Larkin, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law;

3994, by Senator Wright, an act to amend the Public Service Law;

4124A, by Senator Alesi, an act to amend the Workers' Compensation Law;

4377B, by Senator Bonacic, an act to amend the Real Property Actions and Proceedings Law;

4457, by Senator Marchi, an act to amend the Not For Profit Corporation Law;

4993, by Senator Goodman, an act to amend the State Finance Law;

5003A, by Senator Balboni, an act

to amend the Penal Law;

5025B, by Senator Larkin, an act to amend the Insurance Law;

5207, by Senator Seward, an act to amend the County Law;

5212, by Senator Alesi, an act to amend the Insurance Law;

5213, by Senator Alesi, an act to amend the Public Health Law;

5276, by Senator Trunzo, an act to amend the Real Property Tax Law;

5479A, by Senator Leibell, an act to amend the Retirement and Social Security Law;

5587, by Senator Alesi, an act to amend the Tax Law;

5635, by Senator Lack, an act to amend Chapter 83 of the Laws of 1995;

5668C, by Senator Johnson, an act to amend the Environmental Conservation Law;

5691A, by Senator Johnson, an act to amend the Environmental Conservation Law;

5696B, by Senator Johnson, an act to amend the Environmental Conservation Law;

5713, by Senator Stachowski, an act

to amend the Executive Law;

5718A, by Senator Johnson, an act to amend the Environmental Conservation Law;

5815, by the Committee on Rules, an act to amend the Administrative Code of the City of New York;

5816, by the Committee on Rules, an act to amend the Administrative Code of the City of New York;

5817, by the Committee on Rules, an act to provide for pension credit;

5834, by Senator Goodman, an act to amend the Public Health Law;

5836, by Senator McGee, an act to amend the Navigation Law;

5848, by Senator Meier, an act to amend the Social Services Law;

5850, by Senator Meier, an act to amend the Social Services Law;

5857, by Senator LaValle, an act to amend the Education Law;

5880, by Senator DeFrancisco, an act to amend the Tax Law;

5887, by Senator Meier, an act in relation to creating;

5891, by Senator Morahan, an act to amend the New York State Veterans Bill of Rights;

5908, by Senator Meier, an act to amend the Tax Law;

5909, by Senator Morahan, an act to amend the Not-for-Profit Corporation Law;

5912, by Senator Farley, an act to amend the Banking Law;

5920A, by Senator Goodman, an act to amend the General Municipal Law;

5924, by Senator Lack, an act to amend the Insurance Law;

5932, by Senator Meier, an act to amend Chapter 942 of the Laws of 1983;

5933, by Senator Meier, an act to amend the Social Services Law;

5940, by Senator Lack, an act to amend the Criminal Procedure Law;

5947, by Senator Maziarz, an act to amend the General Business Law;

2848, by Senator Breslin, an act authorizing the reopening of the twenty-year retirement plan;

And 3921, by Senator Leibell, an

act to amend the Retirement and Social Security Law.

All bills directly for third reading.

ACTING PRESIDENT MAZIARZ: Senator Kuhl.

SENATOR KUHL: Move to accept the report of the Rules Committee.

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

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The rules report is accepted.

Senator Kuhl.

SENATOR KUHL: Yes. For the benefit of the members, the plan is to take up five bills in succession, then return to the reports of standing committees and take up the confirmation that remains before us.

So the first bill we'd like to call up is Calendar Number 818, by Senator Seward,

which I think is on everybody's regular calendar.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 818, by Senator Seward, Senate Print 2935A, an act to amend the Insurance Law.

ACTING PRESIDENT MAZIARZ: Senator Kuhl.

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

ACTING PRESIDENT MAZIARZ: Yes.

SENATOR KUHL: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The message is accepted.

Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Kuhl.

SENATOR KUHL: On the regular calendar, the next bill, 834, by Senator Padavan.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 834, by the Assembly Committee on Rules, Assembly Print 8301, an act to amend the General City Law and the Administrative Code of the City of New York.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Could you call up, on the regular calendar again, Calendar Number 1249, by Senator Bonacic.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1249, by Senator Bonacic, Senate Print 5732A, an act in relation to adjusting certain state aid payments.

ACTING PRESIDENT MAZIARZ: There is a local fiscal impact notice at the desk.

Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAZIARZ: Senator Dollinger.

SENATOR DOLLINGER: Just to

explain my vote on 1249, Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: This is a good idea. I commend Senator Bonacic for doing it. It's something we ought to do for every school district, so that payments, where they are repaying money that they've been overpaid, they get to space it out over six years.

The problem we have is that the current policy in effect says if we overpay them, they have to pay it back the first year; if they overpay us, we get six years to pay it back. There ought to be parity on both sides. This is the right thing to do for the Liberty Central School District. We ought to do it everywhere.

ACTING PRESIDENT MAZIARZ: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Would you call up

Calendar Number 625, please.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 625, by Senator LaValle, Senate Print 2657A, an act to amend the Executive Law, the Town Law, and the Village Law.

ACTING PRESIDENT MAZIARZ: Senator Kuhl.

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

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

SENATOR KUHL: Move we accept the message.

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

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The message is accepted.

SENATOR KUHL: Read the last

section.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Now, Mr. President, could you call up Calendar Number 1431? The bill has been just distributed on the members' desks.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1431, by Senator Johnson, Senate Print 5668C, an act to amend the Environmental Conservation Law.

SENATOR KUHL: Mr. President, is there a message of necessity at the desk?

ACTING PRESIDENT MAZIARZ: There

is a message at the desk.

SENATOR KUHL: Move we accept the message.

ACTING PRESIDENT MAZIARZ: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(No response.)

ACTING PRESIDENT MAZIARZ: The message is accepted.

SENATOR KUHL: Read the last section.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Senator Kuhl.

SENATOR KUHL: Now, Mr. President, could we return to the order of reports of standing committees. And there's still the continuation of the report of the Finance Committee.

ACTING PRESIDENT MAZIARZ: Senator Kuhl, before we do that, can we take up a motion by Senator Fuschillo.

Senator Fuschillo.

SENATOR FUSCHILLO: Thank you, Mr. President.

On behalf of Senator Larkin, on page number 2 I offer the following amendments to Calendar Number 1423, Senate Print Number 5025B, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT MAZIARZ: The amendments are received, and the bill will retain its place on Third Reading Calendar.

SENATOR FUSCHILLO: Mr. President.

ACTING PRESIDENT MAZIARZ: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to discharge, from the Committee on Rules,

Assembly Print Number 8074B and substitute it for the identical bill, 5025C.

ACTING PRESIDENT MAZIARZ: The Secretary will read.

THE SECRETARY: Calendar Number 1423, by the Assembly Committee on Rules, Assembly Print 8074B, an act to amend the Insurance Law and the Tax Law.

ACTING PRESIDENT MAZIARZ: Read the last section.

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

ACTING PRESIDENT MAZIARZ: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT MAZIARZ: The bill is passed.

Return to the reports of standing committees. The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, offers up the following nomination. As a member of the Board of Trustees of the City University of New York, Jeffrey S. Wiesenfeld, of Great

Neck.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President. Again, a fine day of nominations. And our final nomination for the day, with these fine nominations, including this one, I now yield to Senator LaValle.

ACTING PRESIDENT MAZIARZ: Senator LaValle.

SENATOR LAVALLE: Thank you, Mr. President.

As I have started each and every nominee, I have indicated that the Governor should be complimented on advancing the nominee before our body. Both yesterday and today Mr. Wiesenfeld appeared before the Senate Committee on Higher Education, yesterday; today, the Finance Committee. In both instances, he began his remarks by saying that his parents were Holocaust victims. He is a first-generation American in this country and understands what it means to come up the hard way. If it were not for Queens College and having that opportunity to attend that

fine institution, the City University, God only knows where his career might have gone without that opportunity.

Both yesterday and today his focus was on access, providing opportunities, ensuring that students had the wherewithal to fulfill whatever their aspirations might be, having personally experienced what it means to have an opportunity to attend City University of New York. The committee yesterday in Higher Education were satisfied and explored what the responsibilities are of a trustee of City University.

Mr. Wiesenfeld has a very rich and broad background of public service that goes back 20 years, serving many representatives in a bipartisan nature, some Democrats and some Republicans. In answer to questions both yesterday and today, I think Mr. Wiesenfeld indicated that that service over a twenty-year period was one that has stood the test of time. And, after all, one's record is one's record. The committee yesterday in Higher Education really focused in on the role of the trustee and some of the questions that are

generic that a trustee would have to vote upon when in office.

Today in the Finance Committee, as often, the Finance Committee had a broader scope and a broader involvement. Sometimes the questions indicate that there are undercurrents, whether they be political or personal. But I must say that members of our body, regardless of what committee they serve on -- and certainly the Finance Committee, under the leadership of our chairman, Senator Stafford -- I think look at issues, look at both sides of the issue, and ultimately come to a reasoned and sensible judgment, as it did. I believe the nominee received but only one negative vote in committee.

And I must say that it is never easy for a person, a human being, to be before our body. We as members sometimes take it for granted; it becomes part of our persona. But for someone from the outside to sit before us and be peppered by questions that the individual never knows where a question is coming from or what the appropriate answer is -- I'm sure that each of us as members in

our own lives can remember situations before we were elected to this august body of having sweaty palms and being very nervous in going for an interview.

Mr. Wiesenfeld, I believe today, after a lot of questions over a prolonged period of time, I think demonstrated that he is both a tough individual, a bright individual, and I believe came through both the Higher Education Committee questioning and today's Finance questioning with a very high approval rating, based on how people voted.

And so, Mr. President, it is a pleasure to move the nomination forward before this body, the nomination of Jeffrey Wiesenfeld as trustee of the City University of New York.

ACTING PRESIDENT MAZIARZ: Senator Maltese.

SENATOR MALTESE: Mr. President, I rise to second the nomination of Jeff Wiesenfeld.

I've known him for over ten years as both a colleague and a friend. Our acquaintance goes back to the time when he was

an assistant to the Congressman Tom Manton, who was my opponent in the Congressional race in '84. And yet the -- despite the difference in our parties at the time, I always found him to be reasonable, approachable, very professional. Subsequently, he served as assistant to the borough president and as - certainly I got to know him much better when he was executive assistant to Senator Alfonse D'Amato.

I think he served, in addition, as a member of the board of the United Nations Development Corporation, and in his capacity as executive assistant to the Governor, many of my friends and colleagues here in Albany came to know him many better.

I especially applaud, as the chairman of the Higher Education Committee alluded to, his background with CUNY and his background with the public school system as a graduate of the prestigious Bronx High School of Science.

I think this is a time for New Yorkers, people with a close knowledge of the CUNY system, to be involved to carry out some

of the programs of the Governor and the Mayor of the City of New York for the CUNY system at a time of transition and indeed crisis. Jeffrey Wiesenfeld is that type of a person. I've received scores of commendation letters from groups all across the ethnic horizon, of every group and every background, lauding his achievements and his personality and the accomplishments that he has achieved.

I am indeed proud to second the nomination of Jeffrey Wiesenfeld for the CUNY board.

ACTING PRESIDENT MAZIARZ: Thank you, Senator.

Senator Waldon.

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

I'm pleased and privileged to rise on behalf of Jeffrey Wiesenfeld for a host of reasons. Each of us who comes to this, using a phrase of one of my colleagues earlier, august body, we come here not alone. We come here because of all of the interactions that we've had over the course of our lives. All of those people who have touched us to make us

who we are allows us to come here.

Not dissimilar is Jeffrey Wiesenfeld, City University of New York product, public school product, not dissimilar to Al Waldon, although he is much, much younger.

But the reason I really rise on behalf of Jeffrey is I've had a long relationship working with him. So I am not reading something from a piece of paper to give you my impressions of him, I'm talking about personal experience. He keeps his word. He works hard on behalf of his constituents. And my area of Queens County was his constituency when he served as the borough coordinator and now even as a citywide coordinator for the Governor. He's a person who has been approachable, from my perspective, and a person who has been prepared to work with a diverse population that is in southeast Queens.

I think the Governor's been very smart again. He has picked someone who understands the diversity of the city, someone who can relate to those who are

African-Americans and Caribbean-Americans, Latino-Americans, as well as all of the other people who make up the mosaic that is New York City.

I think the fact that he has had a long-lasting relationship with the City University of New York is going to allow him to function in that capacity in a very, very fine way.

I applaud the Governor. I applaud Jeffrey. I applaud his parents for having him. I think this is a good move on behalf of the Board of Trustees of the City University of New York, and I welcome him to that position.

ACTING PRESIDENT MAZIARZ: Thank you, Judge.

(Laughter.)

Senator Hevesi.

SENATOR HEVESI: Thank you, Mr. President.

Mr. President, I want to say I appreciate the comments of Senator Waldon and Senator Maltese and Senator LaValle.

Mr. President, I am a graduate of a

CUNY institution. My brother currently attends a CUNY institution. And my father was a long-time professor at a CUNY institution, and a graduate. So I care very, very deeply about this institution and where we're headed with this institution.

And as a natural consequence, I'm very concerned with the composition of the CUNY Board of Trustees, particularly in the wake of the release of a report which has really sparked a debate as to the future of the City University of New York.

And I was troubled, unlike the numerous nominees who came before the Senate Finance Committee today, most of whom I thought were terrific nominees -- another appointee to the CUNY Board of Trustees, former Deputy Mayor Randy Mastro, I actually spoke in the Finance Committee in support of his nomination. But I was troubled by the nomination of the nominee who is before us right now, for a number of reasons, and felt it only appropriate that, since this institution I don't believe should act as a rubber stamp in any case, that if there are

issues that may pertain to the qualifications or the character of an individual, that ensuring that we have the utmost of integrity on our boards and in commissions, that questions should be raised at the committee.

And so we had a meeting of the Senate Finance Committee today that was rather unpleasant. And I apologize for any unpleasantness. I am no fan of unpleasantness. But I want to assure everyone that this was not gratuitous, it was necessary. And what happened at that meeting has reinforced my belief that we do not have the most qualified nominee that is before us.

And I'm very disappointed in the outcome of that committee meeting. And I'm loath to reiterate my concerns during the committee meeting, but I feel a little bit of an obligation to do this here because there was some suggestion earlier that my intentions may have been somehow altered by some political consideration as to -- as opposed to making comments and asking questions that I felt were absolutely relevant to whether or not we in the Finance Committee should support

the nominee that was before us.

And so let me say now to everybody who is here that the questions that were asked in the Finance Committee, however unpleasant, were necessary in that if the allegations which had been made against the nominee -- I didn't make any allegations against the nominee. Those allegations were made by an individual. They were public. I articulated them. I knew that the individual who had made the allegations had agreed to come and testify before the Senate Finance Committee as to the veracity of the allegations and had also informed me that he was willing to take a polygraph examination. And since the allegations -- and I'm not going to get into them. I said my piece in the Finance Committee. But suffice it to say that since the allegations were regarding comments that the nominee had allegedly made -- and I don't know if they're true. But were these comments true, they were of a nature where they were - there was defamation of two ethnic groups - were they true, my colleagues, they are so serious as to disqualify a candidate from

appointment to the CUNY Board of Trustees or any other board or commission, for that matter.

And so I asked these questions. And in fact, we had a discussion during this meeting at which some of my colleagues on the other side of the aisle felt that the asking of those questions were in fact inappropriate. And I disagree with that, although I respect the right of my colleagues on the other side of the aisle to be upset with asking particular questions. But I'd be abdicating my responsibility if I didn't ask those questions.

And I would also like to say, as I said in the Finance Committee, that any other nominee who would appear before that committee, now into the future -- and I expect everyone to hold me to this -- who has similar allegations made against them, I'm going to bring them up, and I'm going to ask, and I'd like to get to the bottom of it.

And I want to commend Senator Stafford for allowing a vote as to whether or not additional witnesses could be called.

Now, the vote didn't go the way I wanted it to go, but that's the democratic process, and I appreciated that.

So I raised my objections not because I contended that the nominee before us made those allegations, but because I wanted them addressed. Then I made some other -- I asked some other questions, including substantive questions on educational policy, about the Tuition Assistance Program, and I got a nonanswer on the Tuition Assistance Program.

And then I asked -- I expressed my concern as to the independence of the nominee to serve on the CUNY Board of Trustees while he simultaneously serves as an employee of the Governor, and I didn't really get an adequate answer to that question.

And then I asked about statements that had been made in a conversation where the nominee has -- and you can read the transcripts yourself. I didn't make any of this up. I didn't solicit any of these allegations -- that the nominee had threatened the chair of the State Democratic Party.

Then I asked the nominee about failure to file financial disclosure information pursuant to receiving income from an inaugural committee, which he did fail to file.

Then I asked the nominee about whether or not he had used an antifemale slur against a former Assemblywoman, and I didn't receive answers to those questions.

And so I'm not going to get into the details of the substance of any of the allegations. I just would like it to be said here that these questions needed to be asked. I still would like to have had an opportunity to explore whether or not there is any truth to some of the allegations.

Anyone who has made an allegation that I raised during today's committee had already agreed, and I stated this at the committee meeting, had agreed to come before the Senate Finance Committee and testify as to its veracity, and agreed to be polygraphed. So I don't see how it was inappropriate to raise those questions, as unpleasant, Mr. President, as it was for me to do it. I have

no desire to be gratuitous in these dealings. But these were questions that needed to be asked.

So suffice it to say I'm not going to rehash everything. I said my piece during the meeting of the Senate Finance Committee. I have numerous problems with the nominee that's before us. But I will say that, respecting the decision of the Senate Finance Committee and what I believe will be the decision of this body to nominate Mr. Jeffrey Wiesenfeld, I would hope that he conducts his affair on the CUNY Board of Trustees the way that we all would expect that he would conduct those affairs, regardless of the bumpy road that this nomination took.

So with that, Mr. President, I have to vote in the negative on this nominee. But I appreciate the opportunity to be able to clarify the reason why it was absolutely necessary to raise these very unpleasant questions. Thank you.

ACTING PRESIDENT MAZIARZ: Thank you, Senator.

Senator Goodman.

SENATOR GOODMAN: Mr. President, suffice it to say that after the very lengthy exposition with regard to this matter that was made within the Finance Committee this morning, a vote of that committee was taken. And the only single dissenting vote on this nomination was that of my colleague who has just spoken.

Let me say that I think it's quite clear that the committee was prepared to give this endorsement its overwhelming approval, and that was not based upon any capricious or lightly considered matter, but based upon the fact that there is a weight of evidence which is very significant in support of this nominee.

Indeed, I have a stack of letters in my possession at this moment from many of the leading groups, both religious and civic, in the city of New York, all of whom attest to the outstanding qualities and the qualifications of the Jeff Wiesenfeld. His record is clear. He's been a public servant for the better part of a decade. He's served well and faithfully, and in my opinion the

Governor has chosen wisely in asking him to go before the board of CUNY to add his wisdom to their very complex deliberations.

Let me say, Mr. President, that Jeff Wiesenfeld is a self-made man. His family are Holocaust survivors. It was only through the sweat of his own brow that Jeff was able to rise to the positions of responsibility which he's assumed. It seems to me this is an American success story which is noteworthy and deserving of high praise. And in my opinion, it's appropriate that this body give its overwhelming approval to this nomination.

It's my hope that this will be a successful term of office, because CUNY's problems are very severe. Indeed, it's imperative that we clean up CUNY's problems, we do everything in our power to make available at CUNY the type of education which is so needed by so many of our fellow young citizens of New York State and New York City.

And I'm confident that with appropriate leadership of people who know what it's like to come up the hard way, who

themselves are alumni of CUNY, that this will be accomplished. So therefore, it's with confidence that I ask the body to approve this nomination.

ACTING PRESIDENT MAZIARZ: Thank you, Senator.

Senator Markowitz.

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

First off, Senator Hevesi, I know that you spoke with sincerity. Most of us, many of us in public life, especially someone like Jeff, who has been very visible, many of us right in this chamber have had suggestions made that we've said things every now and then which have proven false -- false -- if someone makes a statement that someone else made a statement. And so I've learned over the years I don't believe anything unless I heard it myself or unless the proof can come out absolutely.

Putting that aside for a second, Jeff comes in with some baggage, no doubt. He is combative, for sure. He is aggressive, he's zealous, he's passionate. He's exactly

the type of guy that those of us that are ambitious in political life would like to have working for them. There's not a doubt about it. When he believes in something, he definitely is enthusiastic in his approach.

I'm more concerned about not what was yesterday, to tell you the truth, but rather tomorrow. Because in this new position, Jeff will have to look at the City University as a gem for the City of New York and, indeed, the state. And that is that the last thing we ever want to see is CUNY become an elitist institution. There's a mission.

When I went to school at Brooklyn College, evening session, I'm the kind of student, Jeff, that graduated high school with marks that were not too great, because I had to support my mother and sisters at the time, because we were on welfare and Social Security. So my marks in high school, believe me, were not the strongest.

Had it not been for Brooklyn College evening session giving me an opportunity to go to school nine years at night, and summers, and graduate and move on

and run for office and lose and run for office and win, and run for office and lose, and win, or whatever, giving me that opportunity -- and by the way, a lot of us in this chamber, and many people across the country, had it not been for the mission of CUNY to provide higher education for those in need, for those that are in poverty, for those that for whatever reasons may have not secured the finest education in high school, then I know that so many lives would be so different today.

And that's the point. We want to be sure that when you sit on that board -- and I know you feel this way, and I pray that your actions will -- that your job is to make sure that every young person that wants a college education is given that opportunity. Because every young person that graduates from college in New York today is one less person that most of us have to worry about tomorrow. That's one more productive, taxpaying, family-rearing individual that will make their contributions in making Brooklyn, New York City, and New York State a better place to live.

That's the place that I want to go

forward, to make sure that those that graduate high school that may not have the skills for an elitist institution should have the chance at Brooklyn College, at Medgar Evers College and other parts of the City University, to give to them the skills, to shore them up so that they'll be able to pursue a higher education utilizing the gifts that God has given them, to become everything they can be, if only they're given the chance, the chance to succeed.

And so I hope, Jeff, that that combativeness, that that enthusiasm, that that kind of jumping your whole person into whatever you do, will translate itself on CUNY, and I know and pray it will. And if not, I'll tell Devorah that you're not living up to the promises.

But I know that -- and pray that you're going to do the job, that you'll prove all of us that are saying good things about you today that you will be one of the finest members that we've had in CUNY yet.

So I wish you well.

ACTING PRESIDENT MAZIARZ:

Senator Lachman.

SENATOR LACHMAN: There's an inscription inscribed on the Statue of Liberty, a poem written by Emma Lazarus over a hundred years ago, that should be inscribed on every campus of CUNY. It reads:

"Give me your tired, your poor.

Your huddled masses yearning to breathe free.

The wretched refuse of your teeming shore.

Send these, the homeless, tempest-tossed, to me:

I lift my lamp beside the golden door."

CUNY historically, since its birth as CCNY in the 1830s, has been a mecca, a mecca for the disadvantaged, for the underprivileged, for the poor. I made use of this mecca because I came from a poor home and I could not afford to go to any college or university if not for CUNY. I even turned down a scholarship to a well-known New England institution because I couldn't afford to go there. Why? Because I had to have three

part-time jobs while going to Brooklyn College. And, yes, my parents were also briefly on welfare. And their great objective was education for their children.

Now, many of the people that CUNY serves came to this country voluntarily; others came to this country involuntarily. Blacks, Latinos, Asian-Americans, people from the Caribbean, Arab-Americans, white ethnics of every possible description, which is now continuing into a new generation of immigrants. And this is going to be a very, very difficult position for any person to handle.

I honestly believe that the candidate, Mr. Wiesenfeld, has the ability and the credentials and has proven in his professional life that he has this ability. He certainly had greater ability than I had when, at the age of 35, I was appointed to be a member and president of the Board of Education. And the political reason for that appointment was that I didn't know too much, I had credit cards supposedly in various political communities, and, most importantly,

no one had ever heard of Seymour Lachman.

Jeff Wiesenfeld, obviously that's not true of you, as was obvious through the day.

Now, as a member of the CUNY Board of Trustees, the most important words that you have to not only remember but live is access and excellence. You went to Queens College because you had to. I went to Brooklyn College because I had to. But my daughter, who's about 20 years older than your daughter -- (inaudible) your daughter over the last 24 hours -- went to Brooklyn College, when she could have afforded to go to any other college, because of the excellence of the faculty and the standards of Brooklyn College.

And that must be maintained. And any report and every report that is written about this should not just be accepted. And I agree with my colleague, Senator Hevesi. I have certain concerns about a recent report that was prepared on CUNY. There are many aspects of it that are positive I can agree with. There are other aspects I might not

agree with. And I would like to discuss this with the chairman of that committee who we - who has been appointed and will shortly appear before our committees.

On the issue of policy, which is the most important thing, a university is not just composed of trustees, Mr. Wiesenfeld. It's composed of faculty, it's composed of students, and it's composed of administrators. I would hope that you would consult with all of these groups, especially the president of the Professional Staff Congress, Professor Irwin Polisher. Which is a very small unit in NYSUT, because they can't produce the vote of the UFT. But many of these professors, many of these academics feel now their jobs are on the line.

You also have to consult with university college presidents that are fearful of what is happening at CUNY now in an interregnum of two years where we have not appointed a chancellor.

Finally, you must consult with your fellow trustees -

ACTING PRESIDENT MAZIARZ:

Senator Lachman.

SENATOR LACHMAN: -- regardless of their position -

ACTING PRESIDENT MAZIARZ: Excuse me, Senator Lachman. Could you address the Chair, please?

SENATOR LACHMAN: Yes.

ACTING PRESIDENT MAZIARZ: Thank you.

SENATOR LACHMAN: You must consult with your fellow trustees. And of course this means the new chairman of the CUNY Board of Trustees, Herman Badillo, who has a long lifetime of experience within higher education. But it also means consulting with other trustees, such as a trustee that Governor Pataki appointed, the Honorable John Morning, who in my opinion is a class act.

And finally, and I would be remiss if I did not mention her name, you should also consult with the minority voice on the CUNY Board of Trustees, and she wants to talk to you. And I'm referring to a grand lady, the Honorable Edith Everett. When she was appointed over twenty years ago, she had a

very difficult time. People wrote her off. They wrote her off as "that housewife from Brooklyn" before she became a philanthropist and executive vice president of Gruntal & Company, et cetera. She has very strong opinions about the direction of where CUNY should go.

And it is the obligation of this new trustee to consult with other trustees of diverse and different opinions.
Mr. Wiesenfeld, I am sure that you will do this. It is imperative that you do this.

And, finally, I want to congratulate your whole family. I want to congratulate your wife and your daughter and most especially your mother, who is with us today, who did survive the Holocaust and came to America in poverty. And only in America can a parent see a child born in poverty rise to this position.

I hope and pray that all of our expectations in you will bear fruit in a better, greater, more improved CUNY that will do for future generations what it did for past generations in serving as a means of upward

mobility with a quality education for all young people.

ACTING PRESIDENT MAZIARZ: Senator Marchi.

Thank you, Senator Lachman.

SENATOR MARCHI: Mr. President, I'm probably the only member in the chamber, as a member, that played a primary role in the development of the City University. It's been a -- it's been quite an experience.

And Senator Goodman cited a litany of organizations that professed their gratitude, their appreciation for the assistance and the contributions that were affirmative in nature that inured to the benefit of the City University.

Senator Markowitz, nine years of hard work, and you, Senator Lachman, the heavy investment that you both made, in the belief and in the conviction that you could do great things. And you both have, by investing so helpful of yourselves into this university.

And you, as a prospective joiner, it certainly appealed to me and it tugged at my heart that -- when I heard of the great

trauma your entire family experienced, especially your father, who suffered a great deal. And you took this as an inducement to greater effort. And this, I believe Senator Lachman pointed to the family, the sustaining factor in your life.

I also have to pay my compliments to Senator Hevesi, because he shared of himself of something that he felt should be shared. And if we learn from each other - because all of us at one time or another learn lessons from each other, and that's to draw strength from those moments of adversity.

But I believe yours are going to be glorious moments of positive accomplishments. And as one who has a tremendous institution in my county, in Staten Island, and in the larger city of New York, I wish you all of the best. And draw strength, draw strength from that adversity that you've known and conquered. And exhibit the goodness that has certainly been manifest in the brilliant and wonderful, dedicated service that you have rendered uniformly across the board.

Again, I plead for a -

ACTING PRESIDENT MAZIARZ: Thank you, Senator.

SENATOR MARCHI: -- unanimous endorsement of this nomination.

ACTING PRESIDENT MAZIARZ: The question is on the confirmation of -

SENATOR STAFFORD: Mr. President, very, very briefly.

ACTING PRESIDENT MAZIARZ: Senator Stafford.

SENATOR STAFFORD: And I'll be very brief.

But I want to point out today - today was a very, very interesting process. You know, we have a right to say what we want to say in this country. And I want to thank Senator Hevesi for your acknowledgment, but I also want to compliment the nominee and his family for a very, very difficult day. And I think today indicated that he will be an excellent, excellent trustee.

Thank you.

SENATOR KUHL: Move confirmation.

ACTING PRESIDENT MAZIARZ: Thank you. The question is on the confirmation of

Jeffrey Wiesenfeld as a member of the Board of Trustees of the City University of New York.

All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MAZIARZ: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT MAZIARZ: The record will reflect that Senator Hevesi cast his vote in the negative, at his request.

Jeffrey Wiesenfeld is hereby confirmed as a member of the Board of Trustees of the City University of New York.

Jeff is in the gallery today with his -

SENATOR LACHMAN: Another negative.

ACTING PRESIDENT MAZIARZ: Senator Dollinger is also in the negative. The record will reflect that. Senator Seabrook also.

Jeffrey Wiesenfeld is hereby confirmed as a member of the Board of Trustees of the City University of New York.

Jeff is in the gallery today with

his wife, Cynthia, and his daughter, Maxine, his mother, Hannah Fefhan, and Matt Fefhan.

Congratulations, Jeff. Good luck.

(Applause.)

ACTING PRESIDENT MAZIARZ: Senator Kuhl.

SENATOR KUHL: Mr. President, may we return to the order of motions and resolutions. I believe there's some housekeeping at the desk.

ACTING PRESIDENT MAZIARZ: The Secretary will read the substitutions.

THE SECRETARY: On page 45, Senator Skelos moves to discharge, from the Committee on Rules, Assembly Bill 5937A and substitute it for the identical third reading, 553.

On page 20, Senator LaValle moves to discharge, from the Committee on Rules, Assembly Bill 4735B and substitute it for the identical third reading, 673.

On page 21, Senator Hannon moves to discharge, from the Committee on Rules, Assembly Bill 3039 and substitute it for the identical third reading, 696.

On page 21, Senator Lack moves to discharge, from the committee on Rules, Assembly Bill 6933A and substitute it for the identical third reading, 700.

Senator Trunzo moves to discharge, from the Committee on Rules, Assembly Bill 8075 and substitute it for the identical third reading, 1427.

Senator Johnson moves to discharge, from the Committee on Rules, Assembly Bill 8128A and substitute it for the identical third reading, 1432.

Senator Morahan moves to discharge, from the Committee on Rules, Assembly Bill 3084A and substitute it for the identical third reading, 1446.

Senator Farley moves to discharge, from the Committee on Rules, Assembly Bill 8272A, and substitute it for the identical third reading, 1449.

Senator Meier moves to discharge, from the Committee on Rules, Assembly Bill 8237 and substitute it for the identical third reading, 1400.

ACTING PRESIDENT MAZIARZ: May we

have a little order in the house so the Secretary can read. Thank you.

THE SECRETARY: Senator Lack moves to discharge, from the Committee on Rules, Assembly Bill 8226 and substitute it for the identical third reading, 1454.

And Senator Breslin moves to discharge, from the Committee on Rules, Assembly Bill 5126 and substitute it for the identical third reading, 1456.

ACTING PRESIDENT MAZIARZ: Substitutions ordered.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President. By way of information for the members, there will be a Rules Committee meeting in the morning at 9:30 in the Majority Conference Room, Room 332. A Rules Committee meeting at 9:30 tomorrow morning.

The majority will conference tomorrow morning at 10:00 in the Majority Conference Room.

ACTING PRESIDENT MAZIARZ: Rules Committee meeting at 9:30 a.m. tomorrow morning, and Majority conference at 10 a.m.

tomorrow morning, both in the Majority Conference Room, Room 332.

Senator Kuhl.

SENATOR KUHL: Any other information or housekeeping at the desk?

ACTING PRESIDENT MAZIARZ: No, Senator Kuhl.

SENATOR KUHL: There being no further business, then, I move that we stand adjourned until tomorrow, Wednesday, June 16, at 11:00 a.m.

ACTING PRESIDENT MAZIARZ: The Senate will stand adjourned until tomorrow, Wednesday, June 16th, at 11:00 a.m.

(Whereupon, at 6:03 p.m., the Senate adjourned.)