NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

December 14, 1999

2:10 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

SENATOR JOHN R. KUHL, JR., Acting President

SENATOR RAYMOND MEIER, Acting President

STEVEN M. BOGGESS, Secretary

THE PRESIDENT: Everyone present? Please rise and repeat with me the Pledge of Allegiance.

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

THE PRESIDENT: The invocation today will be given by Father Peter G. Young from Blessed Sacrament Church in Bolton Landing.

REVEREND YOUNG: Let us pray.

Dear God, as we gather in this holiday season, may we thank two members of this community -- one our Journal Clerk, for 31 years of dedicated service; and another, Senator Waldon, for his appointment as a Court of Claims judge. We thank them for their commitment to this house and we thank and wish them well in their journey.

As we gather in Your blessing and in Your prayer, we come to express our concern about the welfare of our community, to learn from each other, to grow in spirit and in character, to find Your will for our lives and in our neighborhoods.

We thank you for the opportunity in

this country to assemble here in this Senate at any time and any place to discuss our concerns as citizens. We are mindful that many in our world do not enjoy such freedom.

Grant us the wisdom to carry out our decisions within Your will. Bless us as we conduct our business with dignity and sensitivity. Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, December 13th, the Senate met pursuant to adjournment. The Journal of Sunday, December 12th, was read and approved. On motion, Senate adjourned.

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

Presentations 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: Madam President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate Number 2017.

THE PRESIDENT: So ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: I wish to call up Senator Morahan's bill, Senate Print Number 5773, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

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

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: The Secretary

will call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Rules.

THE PRESIDENT: So ordered.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

Madam President, pursuant to Rule 11, I am providing notice of my intention to move to alter the Senate rules on December 15, 1999, or as soon thereafter as the Senate may reconvene, to amend the rules to add provisions relating to the enactment of ethical standards for members, officers, and employees of the New York State Senate.

Thank you, Madam President.

THE PRESIDENT: The notice of motion has been received, and it will be entered in the Journal.

Senator Fuschillo.

SENATOR FUSCHILLO: Madam

President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause:

Senate Number 1732, 5217, 1193, 3380, 4387, 1146, 1195, 1491, 3950, 2167, 2818, 2819, 3077, 3672, 3674, 3675, 3733, 4820, 6150, 1551, 3466, 3658, 641, 643, 697, 701, 3018, 5374, 5378, 496, 2052A, 2571, 6226, 1228, 3948, 5023, 5958, and 5968.

THE PRESIDENT: So ordered.

Senator Fuschillo.

SENATOR FUSCHILLO: I wish to call up Print Number 1638, recalled from the Assembly, which is now at the desk.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 398, by Senator Maltese, Senate Print 1638, an act to amend the Penal Law.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to reconsider the vote by which the bill was passed.

THE PRESIDENT: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 37.

THE PRESIDENT: Senator Fuschillo.

SENATOR FUSCHILLO: I now move to recommit the bill to the Committee on Rules.

THE PRESIDENT: The bill is recommitted.

Senator Bruno.

SENATOR BRUNO: Madam President, can I just take a second and welcome Senator Stavisky, Toby Stavisky, to this chamber.

I believe that this is the first official session that you will be attending, and I want to tell you how pleased we are here that you are joining us in this chamber. And as you know, you follow in the footsteps of someone that was very close to you and dear to your heart and to ours, who distinguished himself over the years. And we're confident that you will certainly follow in that great tradition.

So welcome, Senator Stavisky.

(Applause.)

THE PRESIDENT: Thank you, Senator.

As president of the Senate, Senator Stavisky, I also want to send you a very warm and sincere welcome.

Senator Bruno.

SENATOR BRUNO: Madam President, can we ask for a immediate meeting of the Finance Committee in Room 332.

THE PRESIDENT: There will be an immediate meeting -

SENATOR BRUNO: I'm sorry, it's in 124.

THE PRESIDENT: There will be an immediate meeting of the Finance Committee in Room 124. 124.

Senator Bruno.

SENATOR BRUNO: Madam President, I would ask that the Senate stand at ease pending the report of the Finance Committee. Thank you.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at

ease at 2:20 p.m.)

(Whereupon, the Senate reconvened at 2:45 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. I ask the members to take their chairs, staff to find their places.

Senator Skelos.

SENATOR SKELOS: Mr. President, on behalf of Senator Lack, there will be an immediate meeting of the Judiciary Committee in the Majority Conference Room.

ACTING PRESIDENT KUHL: Immediate meeting of the Judiciary Committee, immediate meeting of the Judiciary Committee in Room 332, the Majority Conference Room.

Senator Skelos.

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

ACTING PRESIDENT KUHL: We will return to the order of standing committees.

There is a report of the Finance

Committee at the desk. The Secretary will read.

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

As a member of the Metropolitan Transportation Authority, Peter S. Kalikow, of New York City.

SENATOR STAFFORD: Move confirmation, please.

ACTING PRESIDENT KUHL: The question is on the confirmation of Peter S. Kalikow, of New York City, to become a member of the Metropolitan Transportation Authority. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Metropolitan Transportation Authority,

Joseph J. Lhota, of Brooklyn Heights.

SENATOR STAFFORD: Move confirmation, please.

ACTING PRESIDENT KUHL: The question is on the confirmation of Joseph J. Lhota, of Brooklyn Heights, to become a member of the Metropolitan Transportation Authority. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Metropolitan Transportation Authority, Rudy Washington, of Laurelton.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT KUHL: The question is on the nomination of Rudy Washington, of Laurelton, to become a member

of the Metropolitan Transportation Authority.
All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Niagara Frontier Transportation Authority, Luiz F. Kahl, of Williamsville.

SENATOR STAFFORD: Move nomination.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The

nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As members of the State Council on the Arts, Debra Ressler Black, of New York City, and Ruth W. Houghton, of New York City.

ACTING PRESIDENT KUHL: The question is on the nomination of Debra Ressler Black, of New York City, and Ruth W. Houghton, of New York City, to become members of the State Council on the Arts. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: As members of the Empire State Plaza Commission, Kate Johns, of Old Chatham, and Dolores Sarno, of Saratoga Springs.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT KUHL: The question is on the nomination of Kate Johns, of Old Chatham, and Dolores Sarno, of Saratoga Springs, to become members of the Empire State Plaza Commission. All those in favor of the nominations signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominees are confirmed.

The Secretary will continue to read.

THE SECRETARY: As a member of the Republic Airport Commission, Joan Flaumenbaum, of Farmingdale.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT KUHL: The question is on the nomination of Joan Flaumenbaum, of Farmingdale, to become a member of the Republic Airport Commission.

All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

The Secretary will continue to read.

THE SECRETARY: As sheriff of Steuben County, Richard C. Tweddell, of Wayland.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT KUHL: The question is on the nomination of Richard C. Tweddell, of Wayland, New York, to become the sheriff of Steuben County. All those in favor of the nomination signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is confirmed.

We're very, very pleased to have the new sheriff of Steuben County in the gallery to your left.

Sheriff Tweddell, congratulations. It's nice to have you and your wife join us today. Good luck.

(Applause.)

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could return to motions and resolutions and adopt the Resolution Calendar its entirety, with the exception of Resolutions 2638 and 2619.

ACTING PRESIDENT KUHL: We'll return to the order of motions and resolutions.

The motion is to adopt the Resolution Calendar on the members' desks, with the exception of Resolution 2638 and 2619. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up Resolution Number 2619, by Senator Farley. I ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read Resolution Number 2619, by Senator Farley, in the entirety.

THE SECRETARY: By Senator Farley, Legislative Resolution Number 2619, honoring the 109th Airlift Wing.

"WHEREAS, The State of New York takes great pride in acknowledging the outstanding achievements of its esteemed military branches; and

"WHEREAS, The 19th Airlift Wing, based at the Stratton Air National Guard Base in Scotia, New York, has just successfully completed a dangerous and challenging mission to Antarctica. The 109th is the only unit in the world that operates the ski-equipped LC-130 cargo aircraft in the polar regions.

The unit took over sole support of LC-130 airlift for the U.S. Antarctic program in 1998, and began to develop medical evacuation protocols following an air drop of medical supplies by the United States Air Force in the summer of 1999; and

"WHEREAS, A National Science Foundation physician, Dr. Jerri Nielsen, used the supplies to treat herself for a serious medical condition while she was unable to leave Antarctica due to severe weather conditions. On September 29, 1999, a request for a medical evacuation to pick up Dr. Nielsen was forwarded to the 109th.

"On October 6, 1999, the 109th launched two LC-130 aircraft from Schenectady, New York, for Christchurch, New Zealand, with an additional crew leaving by commercial airliner the next day. The crew was delayed in New Zealand for three days before weather allowed them to continue the journey to McMurdo Station, the NSF's research base on the Antarctic coast. Adverse weather at the South Pole once again postponed the crew's launch for more than 24 hours, until they

finally departed for the South Pole; and

"WHEREAS, At the time of the launch, the temperature was minus 53 degrees Celsius, and three hours after their launch temperatures had warmed to the required minus 50 degrees Celsius, as expected. The crew landed in poor visibility, and less than 25 minutes later was on its way back to McMurdo with Dr. Nielsen. At McMurdo, Dr. Nielsen was evaluated and deemed suitable for further flight, and the crew proceeded to Christchurch, along with a C-141 craft from the 62nd Airlift Wing of the Air Force Reserve.

"The 109th completed this historical medical evacuation flight at approximately 7:50 a.m. Eastern Standard Time on October 16, 1999, perhaps the earliest flight to the South Pole in the history of human exploration of Antarctica. Dr. Nielsen now is able to seek further medical care for her condition, which would not have been possible without the extraordinary efforts of the 109th; and

"WHEREAS, Crew members of this

historic flight were Major George R. McAllister, Major David Koltermann, Colonel Marian G. Pritchard, Lieutenant Colonel Bryan M. Fennessy, Chief Master Sergeant Michael T. Cristiano, Senior Master Sergeant Kurt A. Garrison, Technical Sergeant David M. Vesper, Major Kimberly Terpening, Chief Master Sergeant Michael Casatelli, and Master Sergeant Kelly McDowell, and

"WHEREAS, The crew was awarded New York State Military Meritorious Service Award medals, and approximately 20 members of the 109th were presented with New York State Military Commendation medals in recognition of this outstanding achievement; and

"WHEREAS, These brave members of the 109th are a source of pride and inspiration for residents of New York State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the 109th Airlift Wing on the successful completion of this challenging mission; and be it further

"RESOLVED, That a copy of this

Resolution, suitably engrossed, be transmitted to the 109th Airlift Wing."

ACTING PRESIDENT KUHL: The chair recognizes Senator Farley on the resolution.

SENATOR FARLEY: Thank you, Mr. President.

It's with a great deal of pleasure and honor that I have to speak of this courageous crew that flew to Antarctica in incredible weather conditions, 50 below zero temperatures, wind chills which they couldn't even measure.

And we're fortunate to have with us today two of the members that went there, Major Kimberly Terpening and Chief Master Sergeant Michael Casatelli, who are with us in the gallery.

And let me just say how proud we are of this group, as the whole world watched and prayed for this rescue mission, which verged on Mission Impossible, and which was successfully brought off by the 109th Air Wing, which is located in the Stratton Air Force Base in Schenectady, named after a late, great Congressman, Samuel Stratton.

We're very, very proud, Mr. President, to have these two members with us, Major Kimberly Terpening and Master Sergeant Casatelli with us in the gallery, and I'd like you to give them the welcome of the Senate and to acknowledge them. And if they would stand.

Thank you, Mr. President.

(Applause.)

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

(No response.)

ACTING PRESIDENT KUHL: Hearing none, the question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is unanimously adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, could we take up Resolution Number 2638, by Senator Marcellino, have it read in its

entirety, and move for its immediate adoption.

ACTING PRESIDENT KUHL: The Secretary will read Resolution Number 2638 in its entirety.

THE SECRETARY: By Senator Marcellino, Legislative Resolution 2638, memorializing Governor George E. Pataki to proclaim December 15th of each year as "Bill of Rights Day" in the State of New York.

"WHEREAS, The Bill of Rights, the first 10 amendments to the Constitution of the United States, limits governmental powers and protects individual rights; and

"WHEREAS, The Bill of Rights traces its roots to the signing of England's Magna Carta in 1215. The American colonies drafted their charters with declarations of inalienable rights which were later threatened by the British crown, leading to the war for independence. After gaining independence, seven of the 13 states adopted constitutions that included some form of a bill of rights, and five states listed individual rights in the bodies of their constitutions. The failure of the United States Constitution to

include a Bill of Rights gave rise to popular dissatisfaction and debate, resulting in Congressional submission of amendments for ratification by the states; and

"WHEREAS, The Bill of Rights guarantees certain fundamental rights and privileges of individuals, such as freedom of religion, speech, press, and assembly, and offers protection against deprivation of life, liberty or property without due process of the law, the United States Bill of Rights has served as a worldwide standard for subsequent attempts to safeguard human rights; and

"WHEREAS, On February 27, 1790, New York State ratified 11 of the 12 amendments to the Constitution submitted to the Legislature; only 10 amendments were ratified by a sufficient number of states; and

"WHEREAS, On December 15, 1791, Virginia, the last of the necessary 11 states to ratify, approved 10 amendments to the Constitution of the United States; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize

Governor George E. Pataki to proclaim December 15th of each year as 'Bill of Rights Day' in the State of New York to commemorate the date on which the Bill of Rights took effect in the United States of America and to recognize and to heighten awareness of the importance of the Bill of Rights to the people of this State and of our Nation; and be it further

"RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Governor George E. Pataki."

ACTING PRESIDENT KUHL: The chair recognizes Senator Marcellino on the resolution.

SENATOR MARCELLINO: Thank you, Mr. President.

This resolution commemorates and honors the day on which the first 10 amendments to the -- or the Bill of Rights, as they're more commonly known, were ratified by the states. These 10 amendments, these Bill of Rights, are what make this country great. These guarantee every citizen the rights that were enumerated in the resolution, and many,

many more.

I won't go on too long, because everybody has read about them and studied these things. But I think it's time that this state commemorate these important rights and privileges that make our country as great as it is.

Mr. President, I would also offer this resolution to be open to all the members of the chamber who wish to be on it.

ACTING PRESIDENT KUHL: Are there a number of members who would like to cosponsor the resolution?

Senator Skelos.

SENATOR SKELOS: Mr. President, with the consent of the Minority Leader, why don't we open it up to sponsorship. Anybody that doesn't wish to be on the resolution should so indicate to the desk.

ACTING PRESIDENT KUHL: All right. The chair will direct that the Secretary include all the members as cosponsors of the resolution except for those members who notify the desk that they don't wish to be cosponsors.

The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time if we could stand at ease.

ACTING PRESIDENT KUHL: Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:02 p.m.)

(Whereupon, the Senate reconvened at 3:45 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room. And then if the Senate could stand at ease.

ACTING PRESIDENT KUHL: There

will be an immediate meeting of the Rules Committee, immediate meeting of the Rules Committee in Room 332, Room 332, the Majority Conference Room.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:48 p.m.)

(Whereupon, the Senate reconvened at 3:50 p.m.)

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, if you would recognize Senator Dollinger at this time.

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I'd just ask for the chairman of the Democratic Conference to make an announcement on behalf of the conference, Senator Mendez.

ACTING PRESIDENT MEIER: Senator Mendez.

SENATOR MENDEZ: Mr. Chairman,

there will be an immediate conference in Room 314.

ACTING PRESIDENT MEIER: Immediate conference of the Minority Conference in Room 314.

SENATOR SKELOS: The Senate will stand at ease.

SENATOR DOLLINGER: Thank you.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 3:52 p.m.)

(Whereupon, the Senate reconvened at 4:17 p.m.)

ACTING PRESIDENT KUHL: The Senate will come to order. I ask the members to take their chairs, staff to find their places. If you need to have a conversation, let's take it out of the chamber.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to reports of standing committees, I believe there's a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT KUHL: We will return to the reports of standing committees.

There is a report of the Rules Committee at the desk. I'll ask the Secretary to read.

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

Assembly Print 7076, by Member of the Assembly Nolan, an act to amend Chapter 511 of the Laws of 1995;

Senate Print 3585, by Senator Trunzo, an act to amend the Administrative Code of the City of New York.

5631, by Senator Libous, an act to amend the Tax Law;

6169, by Senator Bruno, an act to establish certain boundaries;

6170A, by Senator Wright, an act to amend the Tax Law;

6172, by the Senate Committee on Rules, an act making an appropriation to pay Toby Stavisky;

6178, by the Senate Committee on Rules, an act to amend the Racing, Pari-Mutuel

Wagering and Breeding Law;

5945A, by Senator Spano, an act to amend the Labor Law;

6183, by the Senate Committee on Rules, an act to amend the Public Health Law;

6184, by Senator Bruno, an act to amend the Legislative Law;

6179, by Senator Bruno, an act to amend the Labor Law;

And 6181, by Senator Leibell, an act to amend the Retirement and Social Security Law.

All bills ordered direct for Third Reading.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT KUHL: The motion is to accept the report of the Rules Committee. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The Rules report is accepted. The bills are ordered directly for Third Reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could return to motions and resolutions, I believe there's a second Resolution Calendar at the desk. I move its adoption.

ACTING PRESIDENT KUHL: We will return to the order of motions and resolutions. A second Resolution Calendar is on the desk of the members.

The motion is to accept the Resolution Calendar. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The Resolution Calendar is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could take up the noncontroversial

reading of the calendar.

ACTING PRESIDENT KUHL: The Secretary will read the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 369, by Member of the Assembly Nolan, Assembly Print Number 7076, an act to amend Chapter 511 of the Laws of 1995, relating to establishing a Public Work Enforcement Fund.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1718, Senator Trunzo moves to discharge, from the Committee on Rules, Assembly Bill Number 6027 and substitute it for the identical Third Reading Calendar, 1718.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number 1718, by Member of the Assembly Vitaliano, Assembly Print 6027, an act to amend the Administrative Code of the City of New York.

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

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1719, Senator Libous moves to discharge, from the Committee on Rules, Assembly Bill Number 7944 and substitute it for the identical Third Reading Calendar, 1719.

ACTING PRESIDENT KUHL: The substitution is ordered.

The Secretary will read the title.

THE SECRETARY: Calendar Number 1719, by the Assembly Committee on Rules, Assembly Print Number 7944, an act to amend the Tax Law, the Education Law, and Chapter 415 of the Laws of 1913.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1720, by Senator Bruno, Senate Print 6169, an act to establish certain boundaries in the towns of North Greenbush and East Greenbush in the County of Rensselaer.

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

The Secretary will read the last section.

THE SECRETARY: Section 5. This act shall take effect January 1, 2000.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1721, by Senator Wright, Senate Print 6170A, an act to amend the Tax Law, in relation to the sales and compensating use taxes.

SENATOR CONNOR: The Secretary will read the last section.

THE SECRETARY: Section 20. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

1722, by the Senate Committee on Rules, Senate Print 6172, an act making an appropriation to pay Toby Stavisky, widow of the late Leonard P. Stavisky, member of the Senate from the 16th senatorial district.

ACTING PRESIDENT KUHL: Senator Paterson.

Senator Stavisky, why do you rise?

SENATOR STAVISKY: Mr. President, I request that I be permitted to abstain from voting on this bill.

ACTING PRESIDENT KUHL: No objection heard, the request is granted.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Note the abstention and announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 1723, by the Senate Committee on Rules, Senate Print 6178, an act to amend the Racing, Pari-Mutuel Wagering and Breeding Law, in relation to the disposition of certain facilities.

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

THE SECRETARY: Section 18. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: In relation to Calendar Number 1724, Senator Spano moves to discharge, from the Committee on Rules, Assembly Bill Number 8801A and substitute it for the identical Third Reading Calendar, 1724.

ACTING PRESIDENT KUHL: The substitution is ordered.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

SENATOR PATERSON: Thank you, Mr. President.

THE SECRETARY: Calendar Number 1725, by the Senate Committee on Rules, Senate Print 6183, an act to amend the Public Health Law, in relation to extending the application of general hospital inpatient reimbursement.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1726, by Senator Bruno, Senate Print 6184, an act to amend the Legislative Law, in relation to enacting the Lobbying Law.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1727, by Senator Bruno, Senate Print 6179, an act to amend the Labor Law, the Private Housing Finance Law, and Chapter 596 of the Laws of 1995.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 1728, by Senator Leibell, Senate Print 6181, an act to amend the Retirement and Social Security Law, in relation to benefits for members of the uniformed personnel in institutions.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negatives and announce the results.

THE SECRETARY: Ayes, 59. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

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

SENATOR SKELOS: Mr. President, I believe Calendar Number 1724 was in

inadvertently laid aside. If we could take that up at this time.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 1724.

THE SECRETARY: Calendar Number 1724, substituted earlier today by the Assembly Committee on Rules, Assembly Print 8801A, an act to amend the Labor Law, in relation to original claims.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, under motions and resolutions, Senate Bill 4820, by Senator Maltese, we struck the enacting clause in error. If that could be reinstated.

ACTING PRESIDENT KUHL: I direct the Secretary to do that. So ordered.

Senator Skelos.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time take up the controversial reading of the calendar.

ACTING PRESIDENT KUHL: The Secretary will read the controversial reading of the calendar.

THE SECRETARY: Calendar Number 1725, by the Senate Committee on Rules, Senate Print 6183, an act to amend the Public Health Law, in relation to extending the application of general hospital inpatient reimbursement.

SENATOR PATERSON: Explanation, please.

ACTING PRESIDENT KUHL: Senator Bruno, an explanation of Calendar Number 1725 has been asked for. Who do you wish to explain the bill?

SENATOR BRUNO: Mr. President, let me relate to that.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: This is a simple extension of the Health Care Reform Act that we enacted in this Legislature in 1996. And I believe, Mr. President, my colleagues know that that law expires December 31st this year.

So this two-year extension continues existing law, makes no other changes, and ensures the orderly transition into the year 2000 if there is no other agreement that takes place. And negotiations are underway as relates to the Health Care Reform Act and some of the other health care concerns of the people of this state.

ACTING PRESIDENT KUHL: Senator Dollinger, you wish to be recognized?

SENATOR DOLLINGER: Yes, Mr. President. I believe there's an amendment at the desk. And I would waive its reading and ask to be heard, Mr. President.

ACTING PRESIDENT KUHL: Is this being offered by you, Senator Dollinger?

SENATOR DOLLINGER: Yes, it is, Mr. President.

ACTING PRESIDENT KUHL: It's just coming to the desk. So if you'll forgive us

for not being able to -

SENATOR DOLLINGER: That's fine, Mr. President. It's late in the year. It's late in the day.

ACTING PRESIDENT KUHL: Senator Dollinger, you're asking that the reading of it be waived and that you be afforded an opportunity to address the amendment; is that correct?

SENATOR DOLLINGER: I am, Mr. President.

ACTING PRESIDENT KUHL: Reading of the amendment is waived, at your request, and you're now afforded the opportunity to explain the amendment.

SENATOR DOLLINGER: Thank you, Mr. President.

Last year Senator Breslin and I and several members of the Democratic Conference held a series of hearings around the state of New York to discuss the problem of the uninsured. One of the consequences, one of the aspects of New York's health insurance program statewide is the rising tide of uninsured. And it seems to me, while I

appreciate Senator Bruno's comment that there are negotiations underway and that there have been extensive discussions about the Health Care Reform Act and what should happen in the future of this state, whether we should just extend the statute or make other changes, it seems to me that this is the time to stand up and say that we can no longer afford in this state to have more than 3 million people without health insurance.

And I would call all my colleagues' attention, the next time you get into a taxicab, ask your driver a simple question. Ask him whether he or she has health insurance. This is someone who works every day, someone who goes to work, puts in a full day's work. Ask them whether they have health insurance.

I've been all through the city of New York, I've been in Albany taking cabs, I've been in Rochester taking cabs. And I've never met a taxicab driver who had health insurance.

Well -- Senator Hannon suggested I should tip them. Here's my chance to give

them a huge tip. Here's a chance for my colleagues in this chamber to give a great tip to everybody that drives a cab. Give them the ability, if they meet the qualifications, give them the ability to help their children and their families by extending what is now our Child Health Plus program into a Family Health Plus program. So that we take children, we take young adults who are within certain standards of the poverty limit and we give them the opportunity to get subsidized health insurance rates.

I think the one thing that everybody acknowledges in the health care reform debate is that there are far too many uninsured and that the best thing we can do is to get more people into insurance, so they're not deterred from going to their physician or their health-care provider -- be it physician, nurse practitioner, or whomever -- but in fact they have the insurance so that they're encouraged to do it. What it will do is it will raise the standard of health care in this state, throughout this state, and it will put our hospitals and put our health-care

providers in a position where they're not drawing down massive sums from other pools of available funds.

Mr. President, I recommend this amendment wholeheartedly. I think we have to reach a hand across the divide in this chamber and unite and say to everyone in the spirit of the holiday that this is the time we're going to provide health insurance to as many people as possible in this state. There is no better Christmas present that we could give the middle-income and the low-income families in this state than the assurance that in the future they're going to have access to health insurance and better-quality health care.

This is the first step to do it. It doesn't start this year, it doesn't fully fund this year. It would be phased in over time. Under this amendment, we can hold out the ultimate Christmas present for everyone in this state who needs health insurance and who should be entitled to have it.

I recommend this amendment, Mr. President.

ACTING PRESIDENT KUHL: Is there

any other member wishing to speak on the amendment?

(No response.)

ACTING PRESIDENT KUHL: Hearing none, the question is on the amendment. All those in favor of the amendment -

SENATOR CONNOR: Party vote in affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT KUHL: The Secretary will call the roll on the amendment and record the party-line vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Seabrook, why do you rise?

SENATOR SEABROOK: Mr. President, I believe there's an amendment at the desk. I ask that the reading of the amendment be waived, and I would like to be heard on the amendment.

ACTING PRESIDENT KUHL: Hold on

just a minute, Senator.

Senator Seabrook, you're asking that the reading of the amendment be waived and that you be afforded the opportunity to explain the amendment?

SENATOR SEABROOK: Yes, Mr. President.

ACTING PRESIDENT KUHL: Reading of the amendment is waived, and you now have the floor for purposes of explaining the amendment.

SENATOR SEABROOK: Yes, Mr. President.

This amendment is to repeal the 8.18 percent surcharge for clinical laboratories, hospital outpatient services, and the diagnostic and treatment centers, also known as freestanding clinics.

As you know, there is a surcharge that's being charged to these freestanding clinics for those lab tests that are basically used, whereas doctors do not have to pay this surcharge. So this amendment will level the playing field by allowing it to be eliminated, and therefore the amount that's paid will be

equal to that which is for doctors, so there will be no surcharge for this treatment.

And so I would ask that we pass this amendment so that this injustice in terms of this added surcharge be eliminated.

ACTING PRESIDENT KUHL: Any other member wishing to speak on the amendment?

(No response.)

ACTING PRESIDENT KUHL: Hearing none, the question is on the amendment. All those in favor signify by saying aye -

SENATOR CONNOR: Party vote.

SENATOR PATERSON: Party vote.

ACTING PRESIDENT KUHL: Senator Connor, were you calling for a party-line vote on this amendment?

SENATOR CONNOR: Yes.

ACTING PRESIDENT KUHL: The Secretary will call the roll. Record the party-line vote and announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Oppenheimer, why do you rise?

SENATOR OPPENHEIMER: I believe there's an amendment at the desk, and I would request that we waive the reading and let me be heard on it.

ACTING PRESIDENT KUHL: If you'll give me just one moment, Senator.

Senator Oppenheimer, the reading of the amendment is waived. You're now afforded the opportunity to explain the amendment.

SENATOR OPPENHEIMER: Thank you, Senator.

This would be called the HMO financial accountability amendment. And I'll just read three sad, short tales. St. John's Hospital on Long Island is laying off 60 employees as a result of payment problems involving HMO and health insurers. Second.

Sad tale. Citing late payments from HMOs, Episcopal Health Services on Long Island is instituting 10-day unpaid furloughs for all managerial and nonpatient care personnel.

Third sad story. Ellenville

Hospital in Ulster County filed for Chapter 11 bankruptcy, largely due to WellCare's recent financial failure.

What is this? This is a major problem for health-care providers and for customers, the failures of HMOs and other health insurers to pay their bills promptly and to pay them fairly. When HMOs fail to pay, customers get caught in a crossfire between their health-care provider and their health-care insurer. And in some cases, HMOs are even refusing to pay for services that are very clearly spelled out and are included in their policies. Again, who is left with the bill? It's the consumer.

My amendment will improve payment practices in a few ways. It reduces the deadline for payment to 30 days for properly submitted written claims and to 15 days for electronic claims in the correct amount.

Secondly, it requires payors to notify the policy holder and/or the provider of determinations to deny payment, including the reasons offered for that denial.

It's requiring the Superintendent

of Insurance to impose the maximum penalty if a payor willfully fails to pay the interest on late payments.

And lastly, it requires the Superintendent of Insurance to impose a periodic interim payment system on payors that withhold payments as a regular, ordinary business practice.

I think everybody in this chamber would agree with me that these -- these conditions and these really outlandish rules of several of our HMOs is simply not acceptable to most of us. And I think we have to get on and do this as the business in order to regulate them.

Thank you.

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

(No response.)

ACTING PRESIDENT KUHL: Hearing none, the question is on the amendment. All those in favor -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the

negative.

ACTING PRESIDENT KUHL: The Secretary will call the roll on the amendment. Record the party-line vote and announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Breslin.

SENATOR BRESLIN: Mr. President, I believe that there's an amendment at the desk.

ACTING PRESIDENT KUHL: There is.

SENATOR BRESLIN: And I would waive reading of that amendment and request that I be heard on it.

ACTING PRESIDENT KUHL: The reading of the amendment is waived, Senator Breslin. You're now afforded the opportunity to explain the amendment.

SENATOR BRESLIN: In the HCRA as it was passed in 1996, there was a test pilot program, NYSHIP, the New York State Health

Insurance Partnership program, which provided small businesses from zero employees -- a sole proprietor -- up to 50. And it said that if you provide 55 percent of the health coverage, we the state will provide up to 45 percent. In some instances, the employee would pay some amount.

That program has worked very well. And there's a very, very strong waiting list for it right now. We provided $6 million in the inception of HCRA, and that $6 million isn't enough. And we have people calling my office, and I'm sure many of your offices, seeking information on how to sign up. But with a waiting list, it's impossible.

So this amendment would increase the amount. It's a very effective program. It's one of the strongest parts of HCRA. The test was a success. And we request that you pass this amendment to increase the amount of money from 6 million to 25 million.

Thank you very much, Mr. President.

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

(No response.)

ACTING PRESIDENT KUHL: Hearing none, the question is on the amendment. All those in favor signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

ACTING PRESIDENT KUHL: The Secretary will call the roll. Record the party-line vote and announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Gentile, why do you rise?

SENATOR GENTILE: Mr. President, I believe there's an amendment at the desk. I'd ask that the reading be waived and you allow me to speak on the amendment.

ACTING PRESIDENT KUHL: The reading of the amendment will be waived. You're now afforded the opportunity to explain the amendment, Senator.

SENATOR GENTILE: Thank you, Mr. President.

It was more than a year ago that I

began clamoring about increasing the coverage for senior citizens that this state affords under the prescription drug insurance program known as EPIC. That program is something that is important to seniors, but it's more important since as of January 1 of this year, 55,000 seniors in this state were dropped by their HMOs and their Medicare coverage as of January 1st. And part and parcel with that dropping of their Medicare coverage was the fact that they no longer had coverage for prescription drugs.

This amendment that I present today would mirror some of the things that have gone on recently in this past year. I offered legislation in this regard. I offered an amendment to our budget resolution to add EPIC into it. I even debated my colleague, Senator Morahan, at a senior center in the Orange County portion of his district about this issue of senior prescription coverage for -- prescription drug coverage for seniors.

And kudos to our Majority Leader, Senator Bruno, who just this month, after many, many months of this campaign to make

people aware of what's happening to our senior citizen population, Senator Bruno has come forth with a proposal to increase the EPIC coverage for senior citizens.

We now today, we Senate Democrats today now join forces with Senator Bruno and ask this Senate to add this amendment into this bill and increase the EPIC limits. Indeed, it would increase those limits to mirror the proposal that Senator Bruno has put forth. It would increase the proposal to $35,000 for couples and $30,000 for individuals. That would double the coverage in this state for seniors who are eligible to participate under EPIC.

The cost of prescription drugs, under Senator Bruno's own estimation, has increased about 11 percent each year between 1992 and 1997. Seniors in this state need this coverage. This is the appropriate place to do it, right now, right here, 1999, at this session.

I ask that this amendment be passed. Thank you.

ACTING PRESIDENT KUHL: Any other

Senator wishing to speak on the amendment?

(No response.)

ACTING PRESIDENT KUHL: Hearing none, the question is on the amendment. All those in favor signify by saying aye.

SENATOR CONNOR: Party vote in the affirmative.

ACTING PRESIDENT KUHL: The Secretary will call the roll, record the party-line vote, and announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President. I believe there's an amendment at the desk. I would ask that its reading be waived and that I be heard on the amendment.

ACTING PRESIDENT KUHL: The reading is waived. You're now afforded the floor for the purposes of explaining the amendment.

SENATOR DOLLINGER: Thank you,

Mr. President.

This is the final in a series of amendments from the Democratic Conference to strengthen the debate over the future of health care in this state. I talked about the uninsured. Senator Seabrook talked about removing an unnecessary tax on labs. Senator Oppenheimer talked about HMO accountability and payments to hospitals, we shouldn't allow them to lag and become bad-pays. Senator Breslin talked about strengthening the private sector and allowing small businesses to participate in what has been really perhaps the most successful part of the HCRA program and of innovations that have come out of this body, the NYSHIP program to subsidize the use of health insurance through small businesses. Senator Gentile focuses on seniors and talks about the need to provide them with that gap coverage so that they can get prescription drugs.

The final piece of this, Mr. President, is an amendment that would increase the indigent care pool by $82 million for hospitals and add an additional $36 million

specifically for rural hospitals. I don't need to tell my colleagues from upstate New York that in our rural communities, hospitals are not only the center of care for people from as far as a hundred miles around, but oftentimes they are the major employer in a community.

And these hospitals have been significantly stressed as the move toward competition and the changes brought by HCRA come down. They have been stressed by changes at the federal level, more than a billion dollars in Medicare cuts that have occurred during the course of the last 2½ years as the federal government meets its balanced budget responsibilities. These hospitals are struggling.

And the concern that this amendment raises in this struggle for rural hospitals and hospitals that provide large amounts of care to the indigent, that they shouldn't skimp on that care, that they should have an adequate source of funding to make sure that the quality of health care that we give the poor and indigent is equal to that of those

who obtain their health care through private insurers.

This bill would rectify that by increasing the amount in the indigent care pool. It would earmark $36 million for rural hospitals, to allow this transition to competition to occur, but at the same time provide them with a buffer during this competitive transition.

I would just point out, and it's no secret to anyone in this chamber, that New York's hospitals are in among the worst financial condition of any in the nation. I'll just tell you, if you look at their performance indicators, whether it's their ratio of long-term debt or their ability to repay debt, their liquidity and their ability to meet short-term obligations, New York's hospitals and our employers in the last bastion of care to many of the people that I represent and many of the people that you represent, they are in trouble.

This amendment would give them the wherewithal during the period of transition to continue to provide care to the indigent and

make sure that we don't end up with a two-tier system of health care in New York where those that are privately insured get quality, those who don't have it or those who are indigent get barely no treatment at all.

I would just encourage this, Mr. President. It's part of a package from the Democratic Conference. We hope these issues are part of the continuing HCRA debate. But more importantly, we think they represent the values of this conference, that those who are uninsured should be able to get health care, unnecessary taxes should be eliminated, and in the case of these hospitals, as competition occurs, as change occurs, we give them the ability to buttress themselves so that they can make the transition and continue to provide quality care to people throughout our state.

Mr. President, I recommend the amendment to the floor.

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

Hearing none, the question is on the -

SENATOR HANNON: Mr. President.

ACTING PRESIDENT KUHL: You wish to speak to the amendment, Senator?

SENATOR HANNON: Yes, sir.

ACTING PRESIDENT KUHL: Senator Hannon, on the amendment.

SENATOR HANNON: The proponent of these for the minority says that New York hospitals are in the worst financial condition of any state's in the nation. I believe I quoted that correctly.

If you adopted any of these, you would take that financial condition and worsen it. Because all of these amendments that deal with hospital finance provide no way of funding -- and, by the way they're drafted, would take money away from hospitals that they get now. It would take money away from their bad debt and charity care, and it would take money away from their medical education. So we would make it even more difficult.

Health care is a pretty intricate thing to do. Health care financing is even more intricate. And you can't do it in this lopsided way. We'd only hurt the people we're

trying to help. Thank you.

ACTING PRESIDENT KUHL: The question is -- Senator Oppenheimer.

SENATOR OPPENHEIMER: If I might just question the Senator's statement now, I don't understand how having HMOs pay their bills in a prompt fashion would in any way harm our health system.

SENATOR HANNON: Good question, Senator.

My view of your amendment, which is not, by the way, as reforming as one of the bills I have in, is that your bill is simply not germane to the HCRA. Health HMOs have never been part of the debate. So I didn't think it was a germane amendment.

SENATOR OPPENHEIMER: I was just questioning the statement.

ACTING PRESIDENT KUHL: The question is on the amendment. All those in favor of -

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT KUHL: The secretary will call the roll, record the party-line vote, and announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Dollinger, why do you rise?

SENATOR DOLLINGER: Mr. President, I just have one question on the bill, one technical question on the bill. And I'm not sure whether it should go to Senator Bruno or Senator Hannon.

It's just a technical question about the funding for graduate medical education. And a portion of -- well, I'll explain it in a second, Mr. President, if there is someone who would take just a brief question.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: The chair of our Health Committee is the most learned on this subject in this chamber. Senator Hannon.

SENATOR DOLLINGER: I concur with that, Senator Bruno, so I'll ask a learned question.

Through you, Mr. President, if Senator Hannon will yield.

SENATOR HANNON: Yes.

ACTING PRESIDENT KUHL: Senator Hannon yields.

SENATOR DOLLINGER: I am dealing with page 16 of the bill, and I apologize for being so specific. But my concern is that on page 16 of the bill, there is language in Section 32 which mirrors a section contained in 2870(s) of the Public Health Law.

And here's my question. In the statute as it currently reads, it says we're going to fund graduate medical education "as follows," and it lists from 1997 -- or, yeah, '97, '98, '99, in subdivisions 1, 2, and 3. In the bill that's before the house, it says "as follows," we shall fund it as follows. It leaves a colon, but it doesn't describe how much money we're putting into the account.

Have I read the bill wrong, or are we missing something?

SENATOR HANNON: No. Just by the nature of the way it's drafted, it continues current methodology.

SENATOR DOLLINGER: Again, through you, Mr. President, if Senator Hannon will yield.

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

SENATOR HANNON: Yes.

SENATOR DOLLINGER: I understand that the current statute lays out the amount that goes into the GME pool each year and that there's a number that flows from that. But in this statute it leaves "as follows" with a colon, and then -

SENATOR HANNON: What's underlying the statute would come forward. It is the -- when we did the transition to HCRA, we did not repeal all the old statutes. We left a huge body of law in place. That would continue.

SENATOR DOLLINGER: Okay. So again through you, Mr. President, just for clarification, that language in the current statute, even though it's not incorporated in

the bill before us, would still be incorporated in the -

SENATOR HANNON: The coverall section at the end, Section 42, which allows that the general revenue raising expenditures for all public goods, which would include GME and bad debt and charity care.

SENATOR DOLLINGER: Thank you, Mr. President.

In reading the statute, I did not see the specific statutory allocations, the numbers, listed in that. And I was concerned that while we were renewing GME, we weren't actually telling people to put the money in those pockets. But we're incorporating the prior body of law; is that correct?

SENATOR HANNON: Yes.

SENATOR DOLLINGER: Thank you, Mr. President. I agree with Senator Bruno. Senator Hannon is the one who knows the answer.

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

Senator Onorato.

SENATOR ONORATO: I would like to

ask a question of Senator Bruno or Senator Hannon regarding the HCRA bill.

My question is this, whoever wants to tackle it, is that we're not positive that the Assembly and the Senate are on track to pass this bill before December 31st arrives. In the event -- there was some talk that we might be coming back in January to make whatever we do agree on retroactive. My question is this. I don't have any problem with making it retroactive regarding the state reimbursement. But how will this affect the federal reimbursement? Are we empowered to mandate that the federal government make their reimbursements retroactive?

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: It's my understanding that this in no way affects the cash flow from the federal government to the state. What we're dealing with is the state flow.

ACTING PRESIDENT KUHL: Is that sufficient, Senator Onorato?

SENATOR ONORATO: Yes, thank you.

ACTING PRESIDENT KUHL: Any other Senator wishing to speak?

Senator Bruno, to close.

SENATOR BRUNO: Mr. President and colleagues, I want to just close the discussion on this two-year extension of HCRA.

And our colleagues on this side of the aisle advanced some very worthwhile proposals and voted in the affirmative on all of them. You'll notice that we didn't debate them, primarily because they are all procedural motions. They don't relate to the merits. I think Senator Hannon related that when you talk about doing things piecemeal, that the consequences are negative instead of positive.

But, Mr. President, that's on the merits. So on the merits, all of the things -- almost everything that has been advocated, we support and we feel will be part of a final resolution of the health care totally and completely for the people of this state.

So I really conclude to clarify that we are not debating the specifics. Many

of the -- my colleagues support those specifics in a total plan. And that will be evidenced when that is put on the floor of this house, which I hope will be sooner rather than later.

So again, procedurally, the majority was voting in the negative. And I think, for those that are thinking forward, maybe 11 months from now -- which I think is November of 2000 -- you will note that at the top of all of these sheets with your amendments that it says "Procedural Motion." It doesn't relate to the merits of the discussion.

Thank you, Mr. President.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Record the negative and announce the results.

THE SECRETARY: Ayes, 59. Nays,

1. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Bruno. Which bill would you like to take up next, Senator?

SENATOR BRUNO: Mr. President, can we take up Calendar Number 1727.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 1727, by Senator Bruno, Senate Print 6179, an act to amend the Labor Law, the Private Housing Finance Law, and Chapter 596 of the Laws of 1995.

ACTING PRESIDENT KUHL: Senator Duane, why do you rise?

SENATOR DUANE: I believe there's an amendment at the desk, Mr. President.

ACTING PRESIDENT KUHL: There is. You're asking that the reading of it be waived and that you be afforded an opportunity to explain it?

SENATOR DUANE: You anticipated my comments exactly.

ACTING PRESIDENT KUHL: The floor

is yours, Senator, for explanation.

SENATOR DUANE: Thank you very much.

I agree that making it so that farm workers will be able to make the minimum wage for the incredibly hard and important work they do to feed the citizens of our state, and indeed to feed people throughout the United States and, in fact, the world. However, I think that we should take this a step further and empower the farm workers to have the same rights that all working New Yorkers have, and that is the right to be a member of a union and the right to collective bargaining.

In the past few years, in addition to what the bill is that we have before us today that allows workers to make the minimum wage, the only real advances that farm workers have made -- and it's shocking that they even had to have this legislated, that there was resistance to this -- was their ability to have safe drinking water and toilets while they worked.

We could do the greatest service of all in this body for farm workers by

empowering them to be able to fight for decent working conditions and wages and really to make right what has been wrong with working conditions and pay for farm workers for so many years. And that is to enable them to join together into unions if they wish and collectively bargain and empower themselves so that their work conditions can be improved and the lives of them and their families can improve.

My amendment would just make them equal to what other workers in the State of New York have, and that is the right to organize and to collectively bargain. And I urge all of my colleagues to vote in favor of this.

And I also want to commend all of those people through the years who've been active in the struggle for farm workers, because they really do -- have not had the allies, I think, that they so deserve. And today's legislation, in addition to my amendment, is really a tribute to the work that they've done for our state and a tribute to those who have championed their cause.

Thank you, Mr. President.

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

Senator Connor.

SENATOR CONNOR: Yes, Mr. President. I'll speak on the amendment and on the bill.

I want to take the opportunity to thank Senator Bruno for bringing this bill. I know there's been, over the years, significant opposition to including farm workers within the minimum wage. And Senator Bruno has sort of taken it in hand and is doing the right thing here, and I appreciate that.

I many, many years ago, before I was elected to the Senate, was involved in things like lettuce and grape boycotts and things on behalf of farm workers in places like California and so on, and have, since I've been in the Senate, if you go way, way back to my early years here, sponsored bills to give collective bargaining rights to farm workers.

And I know Senator Mendez very effectively over the years has taken up the

cause of farm workers in New York State. She's held hearings, she's advanced bills which, when you think about it, it seems incredible that we had to pass a law, but to provide potable drinking water for farm workers, to provide basic sanitary conditions for farm workers, for their health and for the health of the public. And now we recognize them with a minimum wage.

I support the amendment, because I think Senator Duane's amendment goes to the real point. It embodies a concept that Senator Mendez has sponsored in the past, and that is the total dignity to the worker that goes with the protection of the right to bargain collectively. The concept goes back, it goes back in political thought certainly more than a century ago. It goes back in my own religious and philosophical tradition, to an encyclical called Rerum Novarum, which I'm sure Senator Marchi can quote chapter and verse of, about the dignity of working people.

And it's nice that we want to include farm workers in the protection of minimum wage, but rather than -- and I know

farmers have problems. I know it's seasonal work and if you don't get the crop in, you lose it all. And I know the economics aren't easy for people who own farms. But on the other hand, we are in New York. And no matter what conditions prevail in the Third World, against all odds and all economic pressures, we have to strive to uphold the kind of standards that New Yorkers led the nation in over the past century we're about to leave in just a couple of weeks.

And wouldn't it be great to start the new century, the new millennium, by not only giving fundamental human protections in some sort of -- and I don't mean this derogatorily, but it's -- almost patronizing way, and instead recognize that those farm workers have the fundamental dignity of working men and women and have a right to bargain collectively. Because if they had that right, they wouldn't need a law to get fresh drinking water. If they had that right, they wouldn't need a law to have sanitary housing conditions. If they had that right and exercised it, they would have certainly

been making the minimum wage in the past.

So I'm going to support the bill, but I support the amendment, because let's go all the way. Because it's not just an economic issue. The right to bargain collectively is a recognition of the fundamental dignity of working men and women.

ACTING PRESIDENT KUHL: Senator Dollinger, on the amendment.

SENATOR DOLLINGER: Mr. President, I agree with the sentiments of Senator Connor both on the bill and on this amendment. I only want to add one factor. And Senator Connor and I actually share the same religious heritage, and go back in Rerum Novarum and other aspects of collective bargaining.

But I'd just like to call everybody's attention to that more perfect union that was founded about 225 years ago because a group of people got together with common interests and decided not only would they bargain with their king but they would, if necessary, fight their king so they could establish their own union. It seems to me

that's what this is all about. You can't stand here as an American and not believe that people should have the right to get together to promote their collective interest.

This amendment goes right to the core of our political experience in this country -- the notion that people can come together, form a union, form an organization, establish their own officers, and then, if necessary, rebel against their king or collectively bargain with their employer. This is right at the core of what we're all about.

And if we believe anything, we should vote in favor of this amendment.

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

(No response.)

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

SENATOR CONNOR: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT KUHL: The secretary will call the roll and record the party-line vote. Announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Anybody wishing to speak on the bill?

Senator Mendez.

SENATOR MENDEZ: Yes, Mr. President.

Five years ago a woman, a constituent of mine, came to my district office to -- seeking my help because her son had been arrested or was entangled in a county near Niagara Falls. He was a farm worker. At the time, I didn't know that that woman would enlighten me in terms of the unfairness that the farm workers here in the state of New York have been living with for so long.

I must say that the problems of that young man were resolved thanks to the efforts, the cooperative efforts of the late

Senator John Daly, who helped me resolve the issue make, may he rest in peace. After that we had -- yes, we had hearings, and we embarked on a list of bills in an effort to correct that social and economic injustice.

I must say -- and I participated together with Bishop Hobart, the Archbishop O'Connor from -- the cardinal from New York City, O'Connor, and a group of wonderful, decent human beings who wanted to work hard to ensure that these people that provide so many things that we need in our daily living would receive some justice.

I must say that were it not because of the understanding and help that Senator Bruno gave me, we wouldn't have been able to even be considering this issue here today. I remember when the first what I call little bill was passed, making it mandatory for the farmers to provide potable water to the people working in the fields, I remember that I called Senator Bruno on a Tuesday and I said to him that my little bill was in the inactive calendar and that I would appreciate it so very much if he would move it to the active

calendar for that Wednesday, next day, so that all these people that were coming over to Albany could at least have a little joy or some feeling of accomplishing something. And since then, every year they do come around.

I also want to mention that in the Assembly, Mr. President, Cathy Nolan has been an extraordinary person, pushing forth to redress the issue at hand. And I must mention that Senator Spano also cooperated.

So, yes, I voted for the amendment of collective bargaining being granted to the farm workers. I do know and I feel that at a later point, maybe in next year's session, we will be able to provide that to the far workers. In the final analysis, we know that the only reason why in New York State farm workers do not have collective bargaining is the result of what the federal government did 40 or 50 years ago, when the economic situation of the nation was very, very bad indeed -- in the twenties and in the thirties, when they worked on the Labor Laws, they excluded the farmers because they felt that it was a seasonal industry and that it could

hamper the main supply, let's say, of food in the nation.

So for about 40 years, nothing had been done, either in this state -- it was in the fifties that the famous journalist Murrow had a series on TV illustrating the plight of the farm workers. Now, since then until now, nothing had been done in New York State to help the farm workers.

Today this bill that Senator Bruno is presenting, I think it's a big accomplishment, because it will be reducing the two-tier system that exists, one public policy towards all the workers and another, less favorable public policy for the farm workers. I am hopeful that because in the last five years we were able to accomplish something after about 40 years of being unable to do a thing, that the future of collective bargaining for the farm workers will be accomplished.

And I want to thank all those wonderful people in the coalition, Reverend Wheaton and others, Senator Bruno and all the wonderful people here that have been helpful

in this. So I urge all my colleagues to really support this very important bill.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno, to close.

SENATOR BRUNO: Thank you, Mr. President.

I want to thank Senator Mendez for her closing comments.

Again, there are some very worthwhile objectives that are presented in the form of amendments we are procedurally voting against on the procedural motions. We have already established that we will have at least three hearings on the entire subject of migrant workers, farm workers, and all the conditions that relate here in this state, so that we are in front of it.

But we felt that this was the time, as we move into the next century, that we do this, because it's the right thing to do. And we will do the other things that will be appropriate after discussion and through the hearing process, which hopefully will be chaired -- not hopefully, will be chaired by

our chair of labor, Senator Spano; the chair of agriculture, Senator Hoffmann. And hopefully in March we'll be in a position, at the conclusion of these hearings, with all of the public input, to do whatever is necessary to make sure that people in this state have equal opportunity and are treated equally.

Thank you, Mr. President.

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

THE SECRETARY: Section 10. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: To speak on the bill, Mr. President.

ACTING PRESIDENT KUHL: We're on a roll call now, Senator Duane. You want to explain your vote?

SENATOR DUANE: To explain my vote, I'm sorry.

ACTING PRESIDENT KUHL: Senator

Duane, to explain his vote.

SENATOR DUANE: I'm a little rusty.

I'm pleased that we have made this step forward for the farm workers. But I have to say I'm not that compelled by the issue that a lot of what we do here is procedural. If what's happened is being portrayed as procedural and it's leading toward having hearings on the plight of farm workers, I'm happy about that.

But in the course of this session, we had procedural votes, for instance, on the bias bill, trying to amend it and bring it to the floor. And all of those, under the guise of their just being procedural votes, failed.

So I'm hopeful that in the course of the discussion about the procedural votes which took place that very soon we'll be able to have hearings on the bias bill so that people can actually hear and my colleagues will be able to hear the plight of people who are being beaten up and accosted every day in the streets of the State of New York.

Thank you, Mr. President. And I'm

voting aye on this bill.

ACTING PRESIDENT KUHL: Senator Duane will be recorded in the affirmative.

Announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT KUHL: The bill is passed.

The Secretary will read Calendar Number 1726.

THE SECRETARY: Calendar Number 1726, by Senator Bruno, Senate Print 6184, an act to amend the Legislative Law, in relation to enacting the Lobbying Law.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT KUHL: Senator Connor, do you wish -

SENATOR CONNOR: Mr. President, I have an amendment at the desk. I think this is -- is this the bill to ban the force-feeding of legislators by lobbyists?

(Laughter.)

SENATOR CONNOR: I have an amendment -- no, it's not that bill?

(Laughter.)

ACTING PRESIDENT KUHL: Senator Connor.

SENATOR CONNOR: First of all, let me say in general, in talking about the amendment -- about the bill itself, again, I find myself recognizing today and congratulating Senator Bruno for this one-day session and some of the activities. And I have to say I was delighted last Friday to hear that Senator Bruno had called for fundamentally a gift ban embracing meals and entertainment and so on.

I think we shouldn't look back, but I think again, as we leave this century and go forward, we ought to take stock of where we are with respect to public appearances and the way the public perceives the Legislature and take some steps to restore the public's confidence in its elected officials. And I think Senator Bruno has taken the most important first step in doing that. He did that Friday with his call for that ban. That indeed has been done.

And I think when you do that, my colleagues, it's like letting the genie out of

the bottle. Once a legislative leader such as Senator Bruno says we ought to ban it, it's an important statement by an important person that, in effect, in the future taking such gifts or entertainment is wrong.

He's introduced the bill which is before us, which says -- would make it a law that would forbid lobbyists from tendering such gifts. I assume in the future we'll look at things like the ethics law, because this law only deals with the obvious. It makes tendering the gift wrong, illegal, but not accepting the gifts. Because this bill doesn't deal with legislators and staff. But we can do that later.

Just Minority Leaders? (Laughing.)

But having done that -- and I bet every member of this body votes for this bill today. When you vote for this bill, I guess you're saying, well, from now on it's wrong and whether it's illegal or not, if it's wrong, I don't think any of us are going to do it.

And I note that there's been a statement from Senator Bruno that the members

of his conference are going to follow this provision whether it becomes law or not. There's a similar rule by colleagues in the Democratic Conference adopted this morning, that we're going to observe it. In fact, we all signed a pledge to follow the Bruno rules. I had to stop some of them from going even further about what they wanted to follow Senator Bruno. But we can follow the Bruno rules on gifts. And I'm going to vote for this bill.

We do have some amendments, and most of them really border on looking at some of the draftsmanship that I think may have left, hopefully unintendedly, some loopholes and so on. So we will offer them as amendments.

We also -- earlier today I noticed a rule for the next time we meet. Because as one reporter said to me earlier, "Why didn't you propose this before?" And I said, "Because Senator Bruno has more votes than I do." And when he proposed it, I said now we can do it.

And we can actually, next time we

meet, do a rule, vote on a rules proposal to, as a rule of the Senate, adopt this. And it would certainly be binding on the Senators and our staffs, even as the House of Representatives and the Senate in Washington have rules -- they don't have a law, they have rules. And as to a member or a staff member, a rule of the house certainly has the force of law.

So the amendment I'm doing now, though, is really what I would call a loophole in the bill. And it does several things. It explicitly prohibits gift to family members of the public officer. There's an exception in the bill that says there's an exception for family members. And I think -- you know, I had to look at it for a while. My counsel said to me, "Why would a lobbyist be able to give all this stuff to your wife or your kids?"

Then I realized, I think the intent of the bill is to provide an exception for family members of the lobbyist. Which makes a lot of sense. I mean, a lobbyist who happens to be, for example, a spouse of a staff member

could hardly -- I think would hardly get away with saying "Happy anniversary, dear. Here's a bag of potato chips and a Diet Coke," and the Coke -- and it's food and beverage and it's permitted. And I don't think anybody would think that an appropriate gift to one's spouse or child or whatever would be inappropriate.

So I just want to point out in the drafting it's not clear whose family member we're talking about. The amendment would make it clear we prohibit gifts from lobbyists to our family members but not from lobbyists to their family members, who may be legislators or staff members.

This amendment would also eliminate the exception for payment of travel and accommodation expenses for panelists or speakers at an informational event. It would eliminate the reimbursement for meeting expenses, some other group's meetings. And it would go and prohibit the offering of a gift by any lobbyist, client, or person with a business interest before state agencies.

Let me say that one great thing

that Senator Bruno's bill does, and the reason we need a law -- besides a rule of the house, but why we need a law -- is Senator Bruno's bill takes in other state agencies and localities, and that's a good thing. That's an excellent thing we ought to do. And I congratulate him, really. That's forward thinking. And I hope the Governor as well as the Assembly get on board on that. And I mean that sincerely.

So I offer my amendment in the spirit of suggesting a little better draftsmanship -- draftspersonship, I guess, is the correct word these days -- and that we make it clear.

Now, why am I looking at, like, travel to these meetings and things? You know, do I think they're legitimate state business? Absolutely. I think it is legitimate for a member to go to a substantive conference, whether it's held in a place that grows palm trees or fir trees. And I think as a mature Legislature we ought to provide for that. We ought to provide a method of travel reimbursement for members to go to appropriate

things.

If it's state business, the state ought to pay your way there. You're a state officer, my colleagues. Your staff are state employees. Let the state pay for it. Let the people pay for it if you're doing the people's business. And let's not have some other group of lobbyists or special interests paying for you to do the people's business. We don't need it. And the people don't want it. You know? The people don't want it.

I will support any member of this house going to a conference or to speak before or educate a group anywhere in a legitimate business meeting being reimbursed out of Senate funds. I support that. I'd rather do that. I'd rather see their going there, doing legislative business, doing the people's business and letting the people pay for it, than having you go there to do the -- what appears to be and is the people's business, but why should some special interest pay for it then? That adds the element of unseemliness, and you shouldn't have to beg that group, frankly. You shouldn't have to be

beholden to that group. And when I say "beholden," I don't mean you sold your votes or you sold yourself. You shouldn't have to say "thank you" to that group.

When you go there to do the people's business or make a speech and articulate legislative business, they should say "thank you" to you. You shouldn't have to say thank you for my dinner, thank you for my air fare. You know, thank you for the lovely double occupancy or single occupancy room; thanks for reimbursing my cab. You shouldn't have to say that. They should say, "Thank you for giving me your time to come here to Florida, or wherever it is, and do the people's business."

And the State of New York ought to pay your expenses, and you don't have to thank anybody. And you can hold your head up and say to the people you represent, "I went there because I had a message to carry on your behalf, my constituents, not on behalf of the group that took me."

And that's what this amendment would do. Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Connor, you did offer that amendment up. The reading was waived.

SENATOR CONNOR: Yes, I did, Mr. President -

ACTING PRESIDENT KUHL: Does any other Senator wish to speak on the amendment?

SENATOR CONNOR: I think I even commented about it, Mr. President. Thank you.

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

(Response of "Aye.")

SENATOR CONNOR: Party vote in the affirmative.

ACTING PRESIDENT KUHL: The Secretary will call the roll. Record the party-line vote and announce the results.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Dollinger, for purposes of amendment.

SENATOR DOLLINGER: Thank you, Mr. President. I also have an amendment at the desk. I'd ask that its reading be waived and I be allowed to comment on the amendment.

ACTING PRESIDENT KUHL: The reading is waived. The amendment is accepted at the desk. And you're now afforded the opportunity to explain it.

SENATOR DOLLINGER: Thank you, Mr. President.

I again rise to echo the sentiments of Senator Connor with respect to Senator Bruno's leadership. I have been in this house for seven years, and I believe that this is the strongest step in leadership on our agenda, the agenda of establishing credibility for this Legislature among the public, that any leader has taken.

And I want to make it clear, Senator Bruno, that I regard this as a step not only in the right direction, not only a bold step, but, frankly, my democratic colleagues who have criticized this step ought to be chastised for doing it. That's just not, in my judgment, fair. I think this is a

legitimate step down what may be a longer road before we get a final bill we can all agree on. But the person who plants their foot in the garden first is making the critical first step.

Let me tell you, I think that this bill will give rise to a whole new theory of governing called the "Albany diet." I frankly look around and expect that we'll see lots of thinner people in the chambers, because we won't be able to be fed on somebody else's nickel, which I think is a good thing. And I think what we'll see is maybe a little bit more of that Cassius look among legislators. You remember that time that Julius Caesar went to the Senate chamber in Rome and described "yonder Cassius" and said that he was one of those lean and hungry men. And yet Caesar, what did Caesar want? He wanted to be surrounded by fat and idle men rather than the lean and hungry. He's seeing that there might be a chance that one might usurp his ability to be the emperor.

I would suggest that certainly we on this side of the chamber expect to be the

lean and hungry men and women in the course of the next year, and we'll see what happens in the Senate at that time. But I think this is an important step forward.

My amendment, Mr. President, which I'll just address briefly, would take one small provision of this bill and it would improve it, I think, and improve the public information that flows from this bill. This amendment would require reporting on a monthly basis rather than a quarterly basis. We have another amendment we'll talk about later. But reporting these days that this bill becomes law will simply be taking your Quicken program, pushing the "enter" button, attaching it to an E-mail message, and sending it off to the Lobbying Commission.

The other thing that this amendment does, Mr. President, is it decreases the threshold for detailed reporting of expenses from $75 to $25, which would track with the language on the new $25 gift limit. So that you could track whether gifts were given, and you would have a threshold of reporting expenses. You would eliminate what I would

call the McDonald's exception. And that is if you buy somebody a Big Mac and a shake and fries, it's under the limit; you can keep buying them as long as you want. My expectation is that Jack's may suffer, McDonald's may boom if this amendment isn't approved.

I still think, Mr. President -- and I commend Senator Bruno -- this is a good bill. My proposal would make it better. It would increase the reporting, it would give more information to the public. Because in my opinion, this bill, although it's called the extension of the Lobbying Law, should have a different name. It should be called the "Legislator Credibility Law," because this bill will give us greater credibility in the eyes of our public.

And frankly, I'm sick and tired of going back to Rochester, New York, and when I say I'm a member of the State Legislature, people kind of smirk. And they think, oh, you're one of those guys who goes down there and is wined and dined by the special interests, and you're in the pocket of those

who give you campaign contributions and who buy you dinner. I don't believe that's ever been true. But I think to eradicate that perception completely and to reestablish our credibility, this bill is a good thing. This amendment makes it only better.

ACTING PRESIDENT KUHL: The question is on the amendment. The Secretary will call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT KUHL: Record the party-line vote and announce the results.

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

Senator Paterson, for the purposes of amendment.

SENATOR PATERSON: Mr. President, I have an amendment at the desk, and I waive its reading for the purposes of -

ACTING PRESIDENT KUHL: The reading is waived, Senator. The floor is yours to explain the amendment.

SENATOR PATERSON: Mr. President, we'd like to amend Section 6184 of the legislation, which we think continues the rather meager reporting requirements that are in the current law. It really fails to address the issue of the increased public access and interest in the Internet.

So therefore, we'd simply just like to change the law by mandating that the commission report all of its findings on the Internet, to facilitate public access. In addition, we would ask that the commission set up an entire reporting system that would be very analogous to what we have right now in the State Board of Elections.

Finally, Mr. President, what we would want to do is where filings are due, and at more than the ministerial period of five days after the deadline, we'd want the names of those who don't file within five days reported, so that people know who isn't keeping up with their mandated requirements to

file. We don't want any more issues of claims of ministerialness when actually we have a public duty and we should be reporting on time.

So those are the three issues we're seeking, is electronic reporting, increased access to the Internet so this information is available, and a mandated five-day period for filing, otherwise the individuals who don't file will have their names published.

ACTING PRESIDENT KUHL: The question is on the amendment.

The Secretary will call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, I'm going to ask for a party vote in the affirmative. But I know everyone going to vote their conscience on this one, since it's an ethics bill.

ACTING PRESIDENT KUHL: Record the party-line vote. Announce the results.

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The consciences are against you. The amendment is lost.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Yes, Mr. President. I believe there's an amendment at the desk. I request that the reading be waived.

ACTING PRESIDENT KUHL: Senator Schneiderman, you have three of them at the desk. Which one do you want to take first?

SENATOR SCHNEIDERMAN: I'd first like to do the amendment to page 4, line 8. It's the amendment having to do with aggregate gift limits of nominal gifts.

ACTING PRESIDENT KUHL: The reading of it's waived.

SENATOR SCHNEIDERMAN: Thank you.

ACTING PRESIDENT KUHL: You now have the opportunity to explain it.

SENATOR SCHNEIDERMAN: Thank you, Mr. President.

In keeping with the theme sounded by Senator Dollinger, this is all about our credibility. And I think it's great that

we're getting this issue out on the table, we're starting to talk about it seriously. I'm sorry we waited so late into the year in a year when we knew the law was going to expire.

But we don't do anything for our credibility when we pass laws that have obvious loopholes. And what I'm going to talk about in my three amendments are really some very obvious loopholes that we can close quite easily. The first one deals with the issue of nominal gifts -

ACTING PRESIDENT KUHL: Senator Schneiderman, are you going to speak to all three amendments at the same time now?

SENATOR SCHNEIDERMAN: I think we have to have three separate votes, so I think I'd better do one at a time.

ACTING PRESIDENT KUHL: Well, we can do that. I have this -- just this tremendous inclination to believe that all votes are going to be the same. But -

SENATOR SCHNEIDERMAN: You know, I know that's not a comment on my powers of persuasion, Mr. President. But I'm happy to go quickly through each one, or we can do all

at once.

ACTING PRESIDENT KUHL: Why don't we do all three at once. We'll accept the other two amendments and waive the reading of the other two and allow you to speak to all three.

SENATOR SCHNEIDERMAN: Thank you very much.

The first of these amendments provides for the aggregation of nominal gifts, so you don't have the situation that's permitted under the current law, and under this law, whereby you can receive nominal gifts over and over again from the same source with no prohibition.

It also prohibits something called "buydowns," which is a way to cut prices on something to make them available. And this has been done, we know, in other parts of country, where tickets to sporting events have been made available at special prices, nominal prices, to members of legislative bodies. Actually in Washington, D.C., there is an attempt to do this for members of Congress.

And finally, the first amendment

would prohibiting the relating of gifts so a lobbyist can't take you out to dinner for $500 and then divide it up among their 25 clients and somehow justify it.

Those are simple loophole-closing provisions that I think will make this law a better law and enhance our credibility.

The second amendment that I want to speak on, which I think is extremely important for our credibility, is we have to prohibit the receipt of gifts as well as the offering of gifts. This is one of the most embarrassing provisions of the current law when I try and explain it to my constituents. We're saying that lobbyists can get in trouble, but there's no bar on legislators actually breaking the law on our side.

That's something simple. That's something we can address also through the Senate rule, which I gather we're building support for as we go forward in this process. And I urge that that's something that could easily be added.

And finally, and I think most critically -- and this is something that the

reports of good government groups have focused on -- we have to provide for the Lobbying Commission to be able to randomly audit expenditure statements. In the current system, the toothless Lobbying Commission's most important tooth is its ability to get documents, go in and check up on what's going on. Right now you get annual reports, which are interesting, but they don't have the power to go in and find out what's happening.

The Lobbying Commission has done a decent enough job, considering the minuscule powers that we've given to it. But one thing we can do, very simply, that's been done in 22 other states is to allow the random audit of expense statements by lobbyists to force lobbyists to provide documentation so that we can have some assurance that the law is being complied with in the course of a session.

Those three amendments, Mr. President, I think the closed loopholes add to our credibility and make this a much better law. And I urge that we all support them.

ACTING PRESIDENT KUHL: The question is on the amendment.

The Secretary will call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the affirmative.

SENATOR BRUNO: Party vote in the negative.

ACTING PRESIDENT KUHL: Record the party-line votes. Announce the results on all three amendments.

THE SECRETARY: Ayes, 24. Nays, 36. Party votes.

ACTING PRESIDENT KUHL: All three amendments are lost.

Senator Lachman.

SENATOR LACHMAN: Mr. President, I believe there's an amendment at the desk which I would like to have reading waived so I can speak on it. Thank you.

ACTING PRESIDENT KUHL: The reading of it's waived. You're now afforded the opportunity to explain the amendment, Senator Lachman.

SENATOR LACHMAN: All right. Supreme Court Justice Louis Brandeis once said that "Sunshine is the best disinfectant." I

have to commend the Majority Leader, Senator Bruno, for bringing sunshine into an area which was previously quite dark.

It's an important first step, Senator Bruno, but it is only a first step. And I would like to suggest an amendment that might go to the second step, because I think there are many steps we can go to in terms of disinfecting what had existed prior to this day.

For example, on page 1, line 10, I would like to delete the word "temporary." On page 3, line 35, I would like to delete the word "temporary." On page 4, line 36, I would like to delete the word "temporary." On page 11, line 41, I would like to delete the word "temporary." If we are going to have a state commission on lobbying, why call it a temporary state commission on lobbying? It should be a permanent state commission on lobbying.

In light of that, also on page 11, I would like to delete the lines 46 through 53, which discuss sunset provisions seven years from now. If we are serious in our

intent of focusing sunshine upon an area of darkness that should have been changed and is being changed slightly today, I would go all the way. Eliminate the word "temporary" and have no sunsetting provision on this law.

In conclusion, the philosopher Voltaire once said "Nothing is as powerful as an idea whose time has come." This idea, the idea of extending lobbying disclosures to local government and increasing penalties for false reporting, is an idea whose time has come. And regardless of whether we're in the minority or the majority, I will predict to you that not only the good government groups, whether it's the League of Women Voters or Common Cause or NYPIRG, but the average citizen of the State of New York now wants to go the extra steps to perfect this law.

Thank you.

ACTING PRESIDENT KUHL: The question is on the amendment.

The Secretary will call the roll.

(The Secretary called the roll.)

SENATOR PATERSON: Party vote in the affirmative.

ACTING PRESIDENT KUHL: Record the party-line vote and announce the results.

THE SECRETARY: Ayes, 24. Nays, 36. Party vote.

ACTING PRESIDENT KUHL: The amendment is lost.

The Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect January 1, 2000.

ACTING PRESIDENT KUHL: Senator Bruno, to close.

SENATOR BRUNO: Thank you, Mr. President.

And I want to thank my colleagues for their comments of support. And I would hope that you will share those similar comments with our colleagues in the other house. And some of you mentioned that our colleagues in the Assembly, in the majority, are not as responsive or as receptive to this very bold and unprecedented legislation that is before us now. So if you use your considerable influence, when that house comes back, I believe that this will become law.

And the Governor will definitely sign it if it gets there.

And this really, as has been indicated -- and I appreciate the amendments and the procedural motions. And we're not debating, because you're being very supportive, and we appreciate that.

I really was almost shocked - shouldn't have been -- when some of the good government groups who have recognized the fundamental changes incorporated in this bill, who -- said, in quotes, sweeping, comprehensive, and light years ahead of the current law.

It is something that is timely, it's appropriate, doesn't allege any wrongdoing by anyone, because we all are aware of the integrity in this system. And no one out there in their right minds believes that any legislator, any good government individual is swayed by a meal, by a round of golf, by a ticket to some show. We all know, we've lived with it, it doesn't make a difference in how we vote on this floor.

But there is a public perception

out there that sometimes there's undue influence. So we're dealing with that perception. And we all believe in this chamber it is the right thing to do.

And I want to thank Senator Hoffmann for her leadership on this issue. Senator Lack, who has had a national position as president of NCSL -- he's been president of so many organizations I can't keep track of them -- but he worked in other states to implement what we are doing.

So this is a base. And it's appropriate. And again, the intent is to help the process, not to hinder the process. So that none of us get carried away with unreasonable, impractical thoughts, suggestions, motions that would inhibit our ability to communicate openly and directly with each other and with people who have a legitimate vested interest in advancing their position. This is realistic, practical, and reasonable, and truly is an improvement in good government.

And I am also pleased that Senator Connor joins us here in the majority, in that

since we're not sure what the Assembly will be doing with this legislation, that we and my conference unanimously supported and supports abiding by the regulations that pertain to legislators in this bill banning all gifts, entertainment, sports events, meals -- bans them. With the exceptions, with the minor exceptions that have been discussed in this bill.

So to my colleagues, everyone in this chamber that is supportive, I really want to commend all of you for voluntarily relating to the restrictions that we would hope will become law for everyone that deals at higher levels in government -- at the municipal level, state level, and the legislative, elected officials as well as the executive. So on a voluntary basis, we can implement what applies to us. We can't what applies to others. So we're there. We have done it.

So hopefully we will conclude this session at some reasonable hour, because it's now approaching dinnertime and people in this chamber will be without.

(Laughter.)

SENATOR BRUNO: And you are on your honor to do your best.

So, Mr. President, we -- again, we are moving forward in a very positive way to improve government here in New York State. And I commend all of my colleagues voting for this on both sides of the aisle.

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

THE SECRETARY: Section 4. This act shall take effect January 1, 2000.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT KUHL: The bill is passed.

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

Senator Bruno.

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

ACTING PRESIDENT KUHL: We'll return to the order of reports of standing committees. There is a report from the Senate Judiciary Committee at the desk.

The Secretary will read.

THE SECRETARY: Senator Lack, from the Committee on Judiciary, reports the following nominations:

As a judge of the Putnam County Court, Robert E. Miller, of Mahopac.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Thank you, Mr. President. I rise to move the nomination of Robert E. Miller, of Mahopac, as a judge of the Putnam County Court. We received the nomination from Governor Pataki. The committee, the staff of the Judiciary Committee has vetted the nomination, has found the candidate's credentials to be in very good order. Mr. Miller appeared before the Judiciary Committee earlier this afternoon and was unanimously moved to the floor.

And it's with great pleasure that I yield to Senator Leibell.

ACTING PRESIDENT KUHL: The chair recognizes Senator Leibell.

SENATOR LEIBELL: Thank you, Mr. President.

And I realize we are at a somewhat late hour, but I would like to offer some comments, if I may. I've had the good fortune over the last twenty years to know the nominee that is before this chamber today. I've known him as an attorney, I've known him as a community leader, and I've known him as a close personal friend.

We are very fortunate in Putnam County to have someone like Robert Miller to fill this vacancy on our Putnam County Court. Bob has served his state, his community and his nation in a variety of ways, not only as a successful attorney in our community but also as a United States Marine Corps officer. He had extensive service with the Federal Bureau of Investigation as a special agent. And he has been elected in the largest town in our county as town justice in the years 1984, '85, '89, '93, and '97, reelected and reelected overwhelmingly.

As I look at all of the characteristics and qualifications that we look for in a judge of our county court, his practical experience, his education, his community service, his temperament, his demeanor, his sense of fairness, and his compassion, I cannot think of anyone more qualified than Bob Miller.

So, Mr. President, I am very pleased here this evening to move this nomination, and thank also the Governor and his staff for sending us someone of such high qualifications. I'm very pleased to support Bob Miller for this position.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: The question is on the nomination of Robert E. Miller to become a judge of the Putnam County Court. All in favor of the nomination signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The

nominee is unanimously confirmed.

We're very, very pleased to have Judge Miller in the chamber with us, who's to your left.

(Applause.)

ACTING PRESIDENT KUHL: The judge is also joined by his children, Daniel and Lani Miller and Marta and Steve DeWitt.

Judge, good luck. Congratulations.

The Secretary will continue to read.

THE SECRETARY: As a judge of the Oneida County Family Court, Lawrence A. Sardelli, of New Hartford.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise to move the nomination of Lawrence A. Sardelli, of New Hartford, as a judge of the Oneida County Family Court. Mr. Sardelli has appeared before the committee. He has been unanimously moved to the floor, where he has been shepherded by the Senator I'm about to yield to, Senator Meier,

who beginning last week, knowing that this conceivably is the last time we'd be in session for the rest of the year, personally took on the rather strenuous effort to ensure that Mr. Sardelli's nomination would reach the floor in time for confirmation today.

So it is with great pleasure that I yield to Senator Meier for purposes of a second.

ACTING PRESIDENT KUHL: The chair recognizes Senator Meier on the nomination.

SENATOR MEIER: Thank you, Mr. President.

And I also thank Senator Lack, the chair of the Committee on the Judiciary, for his efforts on behalf of bringing this nominee to the floor.

And it's important to note that the Oneida County Family Court -- and some people may find this strange, but it's true -- has the highest caseload in the state, the highest per-judge caseload of any family court outside of the City of New York. So it's very important that this nomination be brought to the floor today.

I have known Larry Sardelli for probably more than 20 years now, as a practicing attorney, as a colleague, and as a friend. Larry is certainly no stranger to this chamber, having worked for the late State Senator Jim Donovan, my predecessor.

And, Larry, Senator Donovan would be very proud to see you sitting here today.

The family court is a court, perhaps more so than any other court, where people's lives are affected. There is probably no more solemn responsibility that can come before any judge than to have to make decisions that will affect the lives of children for the rest of their lives. And Larry Sardelli is the kind of person who we can, with a great deal of satisfaction, place that trust in.

Larry has a unique qualification in the midst of his legal resume for this position. He spent a couple of years early in his career as a case worker, as a social worker with the Oneida County Department of Social Services, seeing these kind of cases at the ground floor. In his practice as a lawyer

and as an assistant county attorney over the last few years, he's emphasized family court practice.

You can't just put anyone into family court. You have to have someone who knows the law and you have to have someone with a depth of human experience that brings compassion and a sense of justice and a sense of fairness to that job. I have every confidence that Larry Sardelli brings that to family court.

Larry, Godspeed. Good luck.

ACTING PRESIDENT KUHL: The question is on the nomination of Lawrence A. Sardelli, of New Hartford, to become a judge of the Oneida County Family Court. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is unanimously confirmed.

We're very, very pleased to be joined by Judge Sardelli here in the court,

together with his wife, Barbara, and daughter Lisa.

Judge, congratulations, and good luck.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Richard A. Molea, of New Rochelle.

ACTING PRESIDENT KUHL: Senator Lack.

SENATOR LACK: Thank you, Mr. President.

I rise once again to move the nomination of Richard A. Molea, of New Rochelle, as a judge of the Court of Claims. Again, this is another excellent nomination from Governor Pataki.

Mr. Molea has been examined by the staff of the Committee on the Judiciary, has been found eminently satisfactory. He appeared before the full committee meeting this afternoon, has been unanimously moved to the floor.

And it's with great pleasure that I yield to Senator Spano for purposes of a second.

ACTING PRESIDENT KUHL: Senator Spano.

SENATOR SPANO: Thank you, Senator Lack.

And it is my pleasure finally to stand on the floor of the Senate and to second the nomination of Richard Molea. I've known Richard for many years, and he is a consummate professional, having worked since 1969 in the district attorney's office in Westchester County, holding practically every office and position of responsibility in that office.

His reputation as a professional is only rivaled by his own devotion to his own family. I know his family members have been here very patiently waiting all day today.

I will not speak long about Rich Molea, except to say that through his civic and professional activities, his involvement in Westchester County -- he has been a lecturer on criminal justice issues for a long time, he serves as a professor and as a

graduate of my alma mater, Iona College in New Rochelle. And so that his career has been a long one, has been an impressive one in law enforcement.

And I have no doubt that as Judge Molea that he will serve the state in a manner that he is accustomed to. He'll serve us with integrity, he'll serve us with fairness and serve us with a deep sense of pride.

And I thank the Governor for an outstanding appointment and with great pleasure second the nomination of Richard Molea to the Court of Claims.

ACTING PRESIDENT KUHL: Senator Leibell, on the nomination.

SENATOR LEIBELL: Yes. If I could, Mr. President, I'll just echo my colleague's comments that what a wonderful career Richard Molea's had.

We started out many years ago - actually, Rich, you were ahead of me a few years in the Westchester DA's office. And I always remembered you as being such a fine prosecutor. But even more importantly, within the office, the great respect we all had for

you as a teacher for us new guys coming into the office.

A person with a wonderful disposition who has gotten along with everybody throughout his career. You're going to have a great career as a judge. Congratulations.

ACTING PRESIDENT KUHL: Senator Oppenheimer, on the nomination.

SENATOR OPPENHEIMER: Well, just to make this a bipartisan affair, I want to say that I can't imagine if there's anybody better than Judge -- I'm already calling him a judge -- than Richard Molea. And his background and his temperament, his personality, his intellect all qualify him immensely for this position.

I'm very proud to be a third -- not a second, but a third.

ACTING PRESIDENT KUHL: The question is on the nomination of Richard A. Molea, of New Rochelle, to become a judge of the Court of Claims. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The nominee is unanimously confirmed.

We're very pleased to have the judge with us, today with his wife, Virginia, their daughter, and some grandchildren.

Judge, congratulations and good luck.

(Applause.)

ACTING PRESIDENT KUHL: The Secretary will continue to read.

THE SECRETARY: As a judge of the Court of Claims, Alton R. Waldon, Jr., of Cambria Heights.

Senator Lack.

SENATOR LACK: Thank you, Mr. President.

This is one of those nice pleasures about being chair of the Senate Committee on the Judiciary. I get to stand up first to move a nomination of the Governor. And at this time it's particularly nice because it's a member of our own house.

It's even nicer that the Governor has seen fit to nominate a member of the Democratic party when the Governor is a Republican. It shows once again that I think Governor Pataki is more than evenhanded in picking his choices for the judiciary. And he certainly, if I can speak for a moment myself, has made an excellent choice in not only taking a person who's eminently qualified to become a member of the Court of Claims, but who has become a distinguished member of this chamber and who I think every one of my colleagues, both Republican and Democrat, will agree will be a serious loss to the chamber, who we've certainly enjoyed the years that Al Waldon has been amongst us.

And every one of us who has practiced law can foresee that with his even-handed temperament, his wise and courtly manner, he will be certainly an asset to a court that has been rapidly changing in its focus over the last few years. And it will be our loss, but certainly the Court of Claims' gain to have such a representative as Al Waldon leave this chamber and join that court.

So, Al, to you my personal congratulations. And I'll fall back on what has to be my additional duties, and that is yield the floor, first to the Senate Majority Leader, Senator Bruno, who would like to say a few words on your behalf, and then I'm sure to a lot of our other colleagues, who have similar things to say.

But in terms of formal, you have been screened by the staff of the Committee on Judiciary, you have been found eminently qualified, you appeared -- you left the committee today, appeared before the committee, have been unanimously referred to the floor.

It's with great pleasure I yield to Senator Bruno for purposes of a second.

ACTING PRESIDENT KUHL: The chair recognizes Senator Bruno.

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

And Senator Lack indicates all of the meritorious reasons why Senator Waldon should be assuming the bench and representing a different constituency in a different way.

I wanted to simply say what a pleasure it has been to serve with you, Senator, here in this chamber. You are a committed, dedicated public servant. Your family should be very proud of you, as your colleagues are proud of you, having served in the Assembly, in Congress, in the Senate, and now to the bench, to the Court of Claims. A very high honor, and one that you've earned and is well-deserved, in your deportment, in the way you've handled yourself and carried yourself here.

You have been a very worthwhile opponent at times. And when we have debated, I at those times wished that you had been on the bench.

(Laughter.)

SENATOR BRUNO: But you were here and we concluded those discussions, and you go on now in a different way. But all the relationships are here you will take with you, and all the memories that you have here with your colleagues you'll be taking with you. And we will have those same cherished thoughts. Because while we argue and we

debate, we all recognize that we're here to serve the public.

So I congratulate you, commend you, congratulate your family and wish you the very, very best of health and extended success into the millennium.

ACTING PRESIDENT KUHL: Senator Connor, on the nomination.

SENATOR CONNOR: Thank you, Mr. President.

Before I get personal, I think for the record we ought to reflect a moment upon a resume that's more than a resume. Al Waldon has an incredible -- he is an incredible story. Al graduated from Boys High School, served in the Army. I know he was in Germany. I once learned that when we encountered some people speaking German and Al was fluent in conversation with them. He joined the Housing Police Department and rose to the rank of captain in the police department.

While he was a -- I should say before that, Barbara, he was a singer; right? He was a singer, inspired professionalism. He once told me, though, when he fell madly in

love with Barbara and asked for her hand, her father said, "Young man, singing is not a real job. Singing in saloons is not a real job." And so that's how he found his way onto the police.

While he was a police officer, rising through the ranks, as I say, to the rank of captain, he also attended John Jay College of Criminal Justice and New York Law School, and thus his academic credentials as a lawyer. In law school he received the Thurgood Marshall scholarship, received that for academic achievement. He's been an attorney since 1975 and has had an interesting practice representing professional athletes in basketball, football, and tennis, and as well as some entertainers.

He has served as a deputy commissioner of the State Division of Human Rights, then was elected to the New York State Assembly. Then we know he was elected to Congress, and in fact was the first African-American member of Congress from the County of Queens. He later served on the - what do we call that, the crime -- the State

Commission of Investigation, and then was elected to the State Senate, where we have enjoyed his company as a colleague these past years.

Al has been a personal friend to me over the years. I actually really got to know him back when he was in the Assembly. One day he was looking for an election lawyer and he ran into me on the street outside, and we began a friendship -- more than just a professional relationship, but a friendship that's persisted. I've enjoyed his company and the company of he and Barbara on many, many occasions, many social occasions.

We've all enjoyed him on the floor here as a debater, as an extraordinarily - not just conscientious legislator, but I think we have seen the insight he has brought to many, many topics that we have debated. And the caring, the compassion, all born of his life experience, which has given us a perspective on so many different topics, whether my colleagues in the majority on occasion liked it or not. Usually we Democrats loved it.

And it just is wonderful that the Governor -- as Senator Lack commented, he thought it was especially wonderful that the Governor appointed a Democrat from this body. We think so too. In fact, we think he ought to keep it up.

(Laughter.)

SENATOR CONNOR: So, Al, as you go on to the bench, where I know you will make significant contributions to the jurisprudence of this state, I wish you well. I know my colleagues -- and I know many of them will speak -- wish you well. We're delighted for you.

Al is here with Barbara, with his son Alton the third and his guest, Laurette Lawrence. Al's son Ian is here with his fiancee, Natasha James, and Al's daughter Dana is here with her husband, Robert Carbuccia, and a very, very special person, their son, Al's grandson Kyle.

So, Al, to you and your family, we wish you well. We hold such fond regard for you, such enormous respect. And I personally, on my behalf, and I should say on behalf of my

spouse as well as our colleagues, we're just delighted at this appointment and this confirmation.

ACTING PRESIDENT KUHL: Senator Breslin, on the nomination.

SENATOR BRESLIN: Thank you, Mr. President.

I have been blessed in my 3½ years here by sitting next to Senator Waldon. You know, we have many lulls in this chamber. And as you've heard, Al was a policeman, a singer, Congressman, Senator, Assemblyman. Well, if I asked him the capital of Chechnya, he'd know it. If I asked him who was the president of Pakistan, he'd know it. Or the third baseman for the Chicago Cubs in 1942, for that matter. We sit and chat, but I'm always amazed at the depth of his knowledge.

But more importantly, when we see him on the floor, I'm even more impressed by his ability to be compassionate and understanding, to debate and not take it personally, to be a friend to the other side as well as this side, and present views that are very important to our society, to help us

make it a better society, a more level playing field.

And Al, if you listen to him, that's always underlying each of his arguments: How do we make this a better world. Well, Al will make the Court of Claims a better world. And we will miss him dearly.

Congratulations, Al.

ACTING PRESIDENT KUHL: Senator Nozzolio.

SENATOR NOZZOLIO: Mr. President, if Senator Waldon would yield.

(Laughter.)

SENATOR NOZZOLIO: Mr. President, as my bills come before this chamber from time to time, I can always rely on my good friend Al Waldon to ask me some question that I really didn't want to answer, to focus on some policy matter that I'm sure he and I disagreed with.

But I am rising because I compliment Governor Pataki on this truly wonderful appointment. Al is a tremendously sincere, dedicated public servant who I am honored to serve with. I wish him all good

wishes in his new position. I'm going to miss -- I don't think I'll go that far. I'll certainly look back on our colloquies with warm reflection.

And, Al, I know you'll be a tremendous judge. Mr. President - congratulations, Al.

ACTING PRESIDENT KUHL: Senator Maltese, on the nomination.

SENATOR MALTESE: Mr. President, first of all, I too wish to congratulate the Governor on such a fine appointment. To reach into the Senate of the State of New York and take such a talented, articulate candidate for the judiciary is an act that deserves credit and approbation.

Just reflecting on some of the things previously said by Senator Connor and others, here's a judicial candidate, soon to be judge, that was an Assemblyman, a Senator, a Congressman, commissioner, a housing police officer, a captain, a veteran, who went into the service after graduating from Boys High and then, after a successful career in the housing police, went to law school and became

an attorney and then went into government.

Senator Breslin has commented on the fact that Senator Waldon's humanity showed through many of the things that he said in this chamber. I'd like to just mention for a moment the scene from my end of the aisle, and as a fellow Queensite and a friend and colleague of Senator Waldon, many times when bills were being debated and Senator Waldon would debate, I didn't know how he was going to vote until the final vote. And this is a talent, Mr. President.

I think that Senator Waldon will be missed in this chamber. He's going to another arena, so to speak. He will bring with it a breadth of experience that is vast and I think, looking at his background and curriculum vitae, one that I haven't seen for a long time. I hope that he will maintain his contacts with us in the Senate.

I wish him and Barbara and his family the very, very best and extend congratulations to the new judge.

ACTING PRESIDENT KUHL: Senator Smith, on the nomination.

SENATOR SMITH: Thank you, Mr. President.

I too rise to second this nomination. But there's not very much left to be said. Everyone has talked about the background of Senator Waldon, and we all know about how he has excelled. But I want to talk about the ballplayer Al Waldon and all that he learned at Boys High. He learned gamesmanship. He learned how to play the game fairly and how to win. And all of those things will be important as he accepts his new role on the judiciary.

Al has excelled himself in this chamber, and he's truly been a friend in Queens. When I was reapportioned into Queens, I took a little portion of what was his district. And someone else may not have been as generous in assisting me to become acclimated to what we consider foreign territory.

I appreciate your friendship. I will miss you dearly. But I wish you and your family all of the best. And I look forward to seeing a lot more of you, because you'll have

a lot more free time.

ACTING PRESIDENT KUHL: Senator Seabrook, on the nomination.

SENATOR SEABROOK: Yes, Mr. President.

I rise to second this nomination of Al Waldon, one who exemplifies such character, distinction, and style. And he has displayed that for all of the years that I've known him, and that's for a lot of years.

And when I came into the Assembly with Al Waldon, Al Waldon was a role model in the Assembly. And his dynamic debate style, which carried over to the Senate, and he was such a character.

But Al Waldon that I like, he always provided us with so much information. And although, Barbara, he sung to you, I had to listen to the tapes in his office. And I said, "Al, when I become the chairman of the caucus, you will have the opportunity to sing at our annual dinner." And he wouldn't believe it. And Al sung at our annual dinner. And he was such a class act, until Time Warner was knocking at the door. But he decided that

it would be a better calling -- and the Governor was at the dinner, and the Governor decided that it would be a better call to place him on the Court of Claims.

And there is a character that will be on the Court of Claims that would exemplify what judicial temperament is, what fairness is, and what justice is about. And Al Waldon exemplifies all of that.

And I can say, Al, I followed you at John Jay, and Al Waldon was the implement of all the programs that we experienced at John Jay. So he has truly been a role model and one that I have looked up to for many years and asked for advice on a number of occasions. So he will certainly be missed in this chamber.

But, Al, you've done us proud.

ACTING PRESIDENT KUHL: Senator Mendez, on the nomination.

SENATOR MENDEZ: Thank you, Mr. President.

I too rise to congratulate Governor Pataki for making such a superb appointment in Al Waldon to the Court of Appeals. And as

Senator Smith previously said, everything already has been said.

What strikes me tremendously is the drive that this man has shown, the search for learning. In every occupation that he has gone into, he has achieved and excelled and kept on going. I think, Al, that you truly represent a tremendous, a tremendous role model for all though kids that we have in New York City, the young ones, with the housing police -- for them to hear about your career, your exemplary career. And I tell you, the only thing I didn't know is that you were a singer and that you sing well, according to people who have heard you.

So anyhow, we wish you the very best there. We're going to miss you here. We admire you as a debater. And again, you've been very fair. And I, coming from a culture of touchy people, we like to touch each other, I'm going to miss your warmth. You've been a very warm, wonderful colleague to all of us, the fifty -- 61 of us here. We appreciate your talents. We wish you the very best. And God bless.

ACTING PRESIDENT KUHL: Senator Sampson.

SENATOR SAMPSON: Thank you, Mr. President.

I too rise and commend the Governor for his appointment of Al Waldon to the Court of Claims. For the last couple of months I've been asking the Senator when he's going to be confirmed. And I wanted to make sure I was here. And today I was scheduled to go to trial this morning, and I told the judge that I couldn't go to trial this morning because I had to be here because one of my colleagues was being appointed to the Court of Claims.

And for 3½ years I've been blessed to have my office near Senator Waldon's. And not only has he served as a friend and a colleague but as a mentor to me, as to how to not only be a politician but to be an elected official. And I want to thank you for all the advice you have given me to be all the best that I can be.

And you indeed are a role model for all those young men in the city and throughout New York State, throughout this country, to

show that just because you may be born into poverty does not mean you have to stay in poverty, ladies and gentlemen.

And I want to thank you for all the advice you have shared with us, and your skills. And hopefully you will not be just as a conscience of the Legislature but also a conscience of the bench. Thank you very much, Senator Waldon.

ACTING PRESIDENT KUHL: Senator Maziarz, on the nomination.

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

I just want to add my congratulations to Senator Waldon, wish him well. I remember almost six years ago when I first came to this great institution, it was after a special election and it was right in the middle of session. It was in the middle of March, and it was a very busy time around here. And a new person walking in like that can get sometimes lost or forgotten in the shuffle.

And one of the first individuals from the other side of the aisle who came over

to shake my hand and welcome me to this great institution was Senator Waldon. And I have not forgotten that to this day, and I sincerely appreciate that.

Your family has a lot to be proud of. And, quite frankly, I think you're going to move up in the judiciary as you have throughout your career. And I offer my congratulations.

And I've got to tell you honestly, Senator, I'm not going to miss all those very same debates that you had with Senator Volker and Senator Nozzolio. They seem, after having been here for five years, to repeat themselves year after year. So it will be somewhat refreshing to hear a new voice over on that side of the aisle, too.

But we will miss you, Senator, and good luck.

ACTING PRESIDENT KUHL: Senator Volker, on the nomination.

SENATOR VOLKER: Mr. President - and I will be brief, although there are many things I could certainly say.

I was thinking one time that

Senator Waldon said to me, "When I grow up, I'll have a real job." Well, I guess this is his real job, this Court of Claims.

But let me say to you that -- and I mean this very sincerely -- that we confirm a lot of people here for judgeships, some very good people, excellent people, people that I feel very comfortable with are going to be super judges. But you, Al, are one of those people who I more than feel comfortable about. Having known you as long as I have, before actually you were here at the Senate, I know that you will be make a judge that will make not only this chamber proud but -- I mean it very sincerely -- will make this state proud, because of the kind of gentleman you are and the intellect you have and so forth.

But from my perspective, I guess, having been chairman of Codes since 1987 - it's hard to believe -- I've served with a lot of people, a lot of ranking members, and some very good and sharp ranking members. But no one that I've served with as a ranking member has been as good and sharp and yet as much a gentleman as you have as a ranking member of

my committee.

And I will miss you very much. And as you go off to become a judge, I hope that you do remember us here, because we'll remember you. You know, the fine people that have gone through this chamber -- and John Marchi, you've been here a few years longer than I have, although I've been here now - this next year will start my 26th year here in the Senate, 28th in both houses. I've been here long enough that I like to think that I can really see class. And you are a class act.

And my best to you and your family for the future.

ACTING PRESIDENT KUHL: Senator Paterson, on the nomination.

SENATOR PATERSON: There's a premise that many of the previous speakers have emphasized that I think needs to be stated and restated. We are here today to nominate a man who possesses a rare combination of skills. He's been a singer, an artist, a scholar, an athlete, a lawyer, an agent, a linguist, a Congressman, a Senator,

an Assemblyman, a commissioner, a police officer, a military officer. He is truly a person of distinction. His resume and his career somehow, to me, is very much comparable to the resume of former president George Bush, who had kind of done everything in government before he got elected.

His achievements as an individual in many respects remind me of Paul Robeson, who was someone who distinguished himself in so many different careers, had so many different types of skills. But I want to talk about the one that I will most miss Senator Waldon for, and it's his humanity. I want to talk about Al Waldon, Alton Waldon the man.

When I first came to the Legislature in 1985, he was an Assemblyman. He came my office and showed me all of his bills. And he said, "These are the ones that no one's sponsored in the Senate. If you'd like to sponsor them, I'd like you to have them." When I came to the Senate, I was so paranoid I thought he was sitting me up for something. I couldn't figure out why somebody would come to me to talk to someone they'd

barely gotten to know and make that kind of gesture.

I remember Senator Waldon - Assemblyman Waldon when he then became Congressman Waldon and in a very short period of time made an impact in southeast Queens, the district that he represented.

In 1991, he came back here to the Senate. When he was first elected, we were having a bit of a leadership fight on this side of the aisle. And you would have expected that a new member would come in and do whatever the leaders told them to do and that kind of thing. Alton Waldon turned right around and did what he thought he should do, which made quite an impression on me.

I've stood here in this chamber and watched what I thought was an opportunity for me to have a ringside seat in some of the celebrated battles between Senator Waldon, the ranking on the Codes Committee, and Senator Volker, the chair on the Codes Committee. On both sides, always very astute discussions, with a great deal of class on both sides of the aisle.

And certainly I will never forget the dinners that I had with Senator Waldon and Senator Smith where he would over and over tell us about the different ways in which he courted his wife. And I must say he always told the same story, but in a very eloquent and different way each time.

I'm going to remember him as an agent for a lot of well-known athletes. One of them, through the mentorship of Senator Waldon, was recognized as the National Basketball Association's Humanitarian of the Year. That was a basketball player named Tyrone Corbin.

And then probably one of his athletes for whom he was agent would probably want to be recognized as one of those who would lend his voice to the salute to Senator Waldon. Even though they've had similar intellect, they had varying personalities. And I'm talking about the former forward of the Detroit Pistons, Rick Mahorn, who enjoyed Senator Waldon's company so much he has promised to name his son after Senator Waldon.

Senator Waldon was actually my

agent before I was cut from the Mets.

(Laughter.)

SENATOR PATERSON: And so he hasn't won every argument that he was ever in. But he certainly was someone that I remember for some of his great contributions to this chamber.

Now, the next speaker is going to be Senator Dollinger, whose greatest desire in life is to be recognized in any way such as we are recognizing Senator Waldon. And I remember a particular day when Senator Dollinger and Senator Waldon had decided to get up and have kind of a questioning of each other over the famous Marbury v. Madison case. But in both of their great intellects, they did not realize that neither of them had spoken on the bill so that they could not ask each other a question, pursuant to a new Senate rule. The only person that had spoken on the bill was myself. So they asked me to go through what I remembered about the Marbury v. Madison case, which I read over 20 years ago and completely fumbled through. And then Senator Waldon got up and gave me really one

of the greatest compliments I've ever received in this chamber. That's the kind of person that we're saluting today.

When you go into a judge's chamber, when the judge comes into the chamber and you see the judge in his or her robes, we always rise. And we're not saluting the individual, because I daresay we've let a few people pass this chamber who really did not distinguish themselves in the courts for which we nominated them. But it's the tradition, it's the ritual, it's the spirit of our country and the values of the democracy that make us stand up whenever any judge comes in a room. It's the respect that we're showing for the office and for the platitudes of the office.

But when we come into your chamber, Judge Waldon, when you come into your chamber, when we stand up for you, it will never be out of any ritual. It's going to be for all of the times that you have stood up for us -- not only people from your community, but people from all communities who've recognized the tremendous work you've done in your life and the tremendous service you will give to our

state when you're on the Court of Claims.

ACTING PRESIDENT KUHL: Senator Dollinger, on the nomination.

SENATOR DOLLINGER: Thank you, Mr. President.

First of all, I have an announcement from the Democratic Conference. We have decided that our lifetime achievement award for the best-dressed member of the Senate will hereafter be called the "Alton R. Waldon, Jr., Award." We have three nominees this year for the award, for the first time after it's been held seven years by its namesake -- Senator Seabrook, Senator Montgomery, and Senator Smith are all expected to be nominated.

However, I want you to know for absolute certainty that the three-button suit that Senator Paterson wears will not qualify for the three-piece suit that Senator Waldon often wore in these chambers. And I would expect there will be a spirited contest for the best-dressed award this year, named in the honor of our new Court of Claims judge.

I also have a personal loss that

comes with the departure of tonight's nominees for the bench. And that is, Senator Waldon, you have filled an enormous void in my life and knowledge of sports. You are, without question, the world's expert on obscure New York City basketball playground players.

I have sat so many times with Senator Seabrook and Senator Paterson and Senator Sampson, and we will start talking and there will be a description of someone dunking in the playgrounds, and someone will say, "He was Ducky," or "He was Frankie." Senator Waldon happens to walk by, and he's got the name, address, knew what happened to him, knew where he played in JCC. He's got all the details on him.

I'm convinced, Senator Waldon, that you spent a lot of time on those playgrounds not only shooting hoops a couple of years ago but scouting the talent available on the playgrounds. And all I can say is, Senator, we want your telephone number. There will be debates about who these obscure players were and who they were dunking over. You will hold the final say on the bench.

I'd like to close on one other note, and it has to do with hats. Obviously this new Court of Claims judge has worn many hats -- a captain's hat, a Congressional hat, the hat of a Senator, an Assemblyman, and a lawyer. But I went to -- took some time off after I went through the election cycle, and I went to Puerto Rico, to the home of Senator Mendez. And I saw something there that reminded me of something about hats that I learned. I watched someone build a hat out of reeds, make a hat.

And I would just suggest to you, Senator, that it's not so much the other hats that you take on in your life that are important, but the hat that you build for yourself. It's built of character, it's built of love of family, love of God, love of country, and the ideals and the principles that characterize the human spirit. And Al Waldon, you have all that woven into a hat that I hope you will wear proudly on the bench.

I said it in the Judiciary Committee, I'll say it again. In cases that

involve the state, it's oftentimes the big guy, the State of New York, against the little guy. I have every belief that in the cases that are on your docket, the little guy will know that, because of the hat that you have created for yourself, that they will get justice in our courts. And that is the most important thing we can give to anyone in this state.

Godspeed.

ACTING PRESIDENT KUHL: Senator Lachman, on the nomination.

SENATOR LACHMAN: At this point, Senator Dollinger spoke about the little guy. I would like to direct my remarks to the littlest guy in this chamber, Senator Waldon's grandson, Kyle Carbuccia.

And I'm doing this because we share many things. We also share the fact that I have a little grandson a few months older than your little grandson. And I know that in years to come, his mother and father and his grandmother, not to mention his aunts and uncles, will be talking about grandpa and his elevation to the Court of Claims.

So, Kyle, I want to say to you that you might not realize it now, at the age of two months, but at the age of two years, I'm sure you'll understand it: You have a most unusual grandfather. He has brought to this Senate chamber grace, dignity, integrity, intelligence. Those are very, very rare things to bring to any chamber. Kyle, he's a grandpa who believes in the politics of inclusion at a time when many people develop issues of exclusion. And, Kyle, he's one of the best role models in this chamber or any other chamber or any way of life.

Now, I can say to you that you're not going to be able to follow grandpa, but grandpa doesn't want you to follow him. He wants you to do what he did in his life and what he will continue to do in his life for many years as a distinguished member of the Court of Claims. And that is to give it all, to do it the right way, to go as far as you can, and always remember -- always remember that the best way to do things is the right way to do things.

I'm going to miss grandpa a great

deal. Frequently -- I've only been here four years, and I came from a totally different environment. And frequently I would walk into the chamber and I'd turn behind me and I'd say, "Al, what's going on?"

The pressure will now be on you, Senator Breslin. Senator Waldon will no longer be here.

Al always knew what was going on, and he expressed what was going on in an inimitable manner which can't be replicated or duplicated.

Our loss today is the gain of the Court of Claims. And for many years from now, Kyle, your grandpa will not only be friendly with the members of the Court of Claims but I know will continue his friendship with the members of the New York State Senate.

Godspeed.

ACTING PRESIDENT KUHL: Senator Stafford, on the nomination.

SENATOR STAFFORD: Mr. President, it's all been said. I usually say that when I stand up. And I can actually say this to a member, I don't stand up -- well, anyway, the

point is it's all been said.

But please allow me to add one word with all of this -- and I second everything that's been said so well to a fine candidate. Collegiality. That's something we need. And that's something Senator Waldon has. And if I can put anything in the mix that's been said so well here, that's something we all should remember. And again, Senator Waldon has had that. He's a fine Court of Claims judge.

Thank you.

ACTING PRESIDENT KUHL: Senator Stachowski, on the nomination.

SENATOR STACHOWSKI: I too would like to join in congratulating the Governor and say a few words about Al.

I always try to think how I first met people when I got here or they got here. And in Al's case the first time, since we really don't do that much with the Assembly day to day, the first real memories I have of Al was playing softball against him. And I always like to put people in athletic context. And I remember that Al hit the ball very, very hard. I mean, there's no way I can describe

this otherwise. And not necessarily far, but hard.

And I must say I was very happy when he went to Congress, because the Assembly had, you know, a lot of younger guys -- and I was young when I first got here, obviously. I'm a lot older now. But they had a lot of guys who could play and a lot of guys who could hit, maybe far. But nobody hit the ball harder. It's a very heavy ball to deal with. So I didn't miss that when Al left.

I was glad to see him come back when he came as a Senate member, but unfortunately -- figuring we were going to take advantage of his hitting -- we stopped having the game, because most of the fellows in the Senate and the ladies that played all wanted to play in the big game, but nobody wanted to play in the practice games. So we kind of gave that up because people started getting hurt.

Then I learned all about Al's background in athletics and his basketball experiences and his representing people and people he knew from growing up with them. And

Al's always been my source for inside information in the NBA, so, since I don't follow it that closely since Buffalo doesn't have a team any longer -- I still follow it, but Al gives me all the good information, because his friend Len Wilkins tells him stuff. So I learn things I would never learn otherwise.

So I like to keep the athletic part of people, and it's easier for me to deal with. And actually, it's really lucky for Al during this last few months that he has that athletic background, because as people that play athletics know, that oftentimes to get the reward there's a lot of hard work and a lot of patience involved and a lot of wondering if it's going to finish good and you might be leading by a few points and you don't want to see the game fall apart at the end and you lose. But in this particular situation, that didn't happen, and the good team prevailed, and Al is getting to be going on the bench.

I think that Al brings a great deal of experience, as previously mentioned. I

think that his experience will serve him well, all the different things that he did. And yes, I too heard all the courtship stories, and they're all wonderful, and he regales us with all these family stories, and they're all wonderful. The fact is that ET is a great storyteller.

I think, though, that as a memory of Al in the chamber, what I'm going to take is the humanity he brings. And I was really mad when David said it, because nobody had used that word yet. So David stole my word. I think he saw it on my notes when he got up.

For those of you who know, he can't see that far. I read with his glasses once, so I feel free to joke like that.

(Laughter.)

SENATOR STACHOWSKI: I have always found it amazing that Al would be in these heated debates and, as Ron mentioned, would be so collegial with the person he debated with afterwards. And the thing that I found most out of his debates and where his humanity really came out was say it was a corrections issue or a codes issue and it was

talking about how you treated criminals or what they did and what their treatments were going to be and what we were proposing the state to do in steps of making the state a better place. And oftentimes it seems that the only things we're proposing are how to keep criminals in jail longer or make stiffer penalties and things of that nature.

And what always rang out in Al's debate was he never said that these people didn't do something wrong that got them in jail in the first place. But his main interest was how was he going to turn those people around to be better people when they got out and what kind of programs did we need to prevent other people from doing the same things, and where would we best spend our money -- would it be better spent in putting more people in jail or in having programs to make sure that less people got themselves in the position that they ended up in jail. And I think he was always in the right on those debates.

And I think that that attitude and that kind of humanity will serve him very well

on the bench. I think that there was always a sense of justice, but there was always a sense of what can I do to make this person a greater person. And I think that's just a wonderful trait he has, and nobody can take it away.

The only question I have out of all of this, and I think it's great that Al's going to the bench, is what's Rick Mahorn going to do without you?

Congratulations, Al.

ACTING PRESIDENT KUHL: Senator Marchi, on the nomination.

SENATOR MARCHI: Well, Al, I - I'm winding up my 39th year as a member of this house; before, I served on staff. And you certainly stand out. You are an exemplar. I remember, going back, Senator's Paterson's family, Senator Volker's family. This is the depth of the people that I've met. The hundreds, I don't -- I just can't count the number over 39 years. Including you, Mr. President.

You must be gathering something, and your family that's sitting there hearing all this must understand that beyond the

established record, beyond the fact that the public confers great approbation on what you've been doing and what they expect of you in the future, that we're all going to miss you. We're going to miss this person, because we have great affection for him. Great affection for him personally as a human being, as a wonderful person. And this is the feeling that we carry.

And I've seen so many numberless people, but you are a class person. I don't know how many times I'll speak again before I leave these hallowed halls, but I do hope that you find great fulfillment, great satisfaction from your future, because you've endowed every single aspect of your life with animation, with constructive input, and you've been simply great all the way.

And I'm so happy that your family is here to hear this, because that's the way we feel about him. It's a matter of affection by all of us for a great individual.

God bless you, and Godspeed.

ACTING PRESIDENT KUHL: Senator Hevesi, on the nomination.

SENATOR HEVESI: Thank you, Mr. President.

Mr. President, Senator Stachowski got me thinking when was the first time I met Senator Waldon. And memory doesn't serve me terribly well; I probably met him as a kid at some political function in Queens. But my first real memory of Al Waldon was in the second week of January, 1991. I walked into this chamber as an intern for a former Senator, Manny Gold. I sat on that bench right over there. And I didn't know what I was doing. Session was about to start, and I thought I had some other meeting I had to go to. So I reached over to the first Senator, who was sitting in one of these chairs right here, and I said, "Senator, how long is session going to go on for today?" And he said to me, "I have no idea. Today is my first day too."

(Laughter.)

SENATOR HEVESI: And it was Senator Al Waldon. And interestingly, in my experience in the last 18 years, that was the only thing Al Waldon didn't know.

I had the pleasure of his experience and intellect and humor and all those other wonderful characteristics which have been so adequately expressed here today in that session, and in this session here today.

And I'd just like to make the observation that if you were writing the job description of a member of the judiciary, Al Waldon is your guy. Forget all of the excessively impressive resume experiences and wonderful life experiences, but just the personal what are the qualities you want in a member of the bench -- deliberative, intuitive, thoughtful, compassionate, insightful, you name it. And that's Al Waldon.

And one other thing that I think, just because it's so obvious -- I don't believe I've heard anybody else said it today -- Al Waldon is the epitome of integrity. The most honest, straightforward, straight shooter, absolute role model for anyone. And the people whom he will now serve as a member of the bench are the true

beneficiaries of the Governor's wise decision and this body's wise decision to confirm him today.

Senator Waldon, I congratulate you and wish you the best of luck. You deserve it.

ACTING PRESIDENT KUHL: Senator Schneiderman, on the nomination.

SENATOR SCHNEIDERMAN: Thank you, Mr. President. I will be very brief.

Senator Waldon, as usual, ahead of the curve, foresight, has got lobbyist-free food available for himself and his family ready tonight. I don't know how he did it, but he knew that he had to start supplying his own, and he's taken care of it. So I'll let you get to it quickly.

I just wanted to say that in the short time I've been here, I've very much appreciated the fact that early in the session, Senator Waldon reached out to me. And there are two things that he impressed on me very early and that I think I've benefited greatly from. First of all, his approach to criminal justice issues is marvelous. And

this is an area we'll been working on for a long time to come. But the combination, the confidence he has that compassion and firmness work together, has been something of a real inspiration.

And the second thing, and it's been mentioned before -- and I'm glad Senator Volker is still here -- watching his interaction in the Codes Committee and on the floor and his interaction with Senator Volker has shown to me in a very rough partisan time, when some of us young hotheads get carried away, you can be very effective and be a gentleman. And one thing I will remember about this, and your efforts to impress this upon me -- and any failing is due to my ineptitude and not to your great example - you have been a true gentleman and yet you have been strong on the issues you care about and have been very effective.

And that means a lot to us, and I thank you. And I think there are a lot of other younger members of the Senate who have benefited from your counsel over the years who would echo this. You're going to make a fine

judge.

And I will stop now so we can get to a fine dinner. Congratulations.

ACTING PRESIDENT KUHL: Senator Onorato, on the nomination.

SENATOR ONORATO: Mr. President, I rise to join my colleagues. I've heard all of the wonderful superlatives that were cast in his direction. I've attended the committee meeting for him. I didn't have an opportunity to suppress all of the evidence, the reasons for not allowing his nomination to come to the floor. But as usual, they wouldn't allow me to speak.

Al, I've been reading over your resume. It's quite obvious, you can't hold a job.

(Laughter.)

SENATOR ONORATO: So I hope that this nomination now will be the culmination of your wanderlust and you'll set foot where you really belong, administering the justice that we make legislation for here in this chamber.

I am tremendously happy for you, and at the same time I'm very, very sad about

losing your constant companionship that we've shared ever since you got into this chamber. We broke bread together, we shared a lot of comical moments just to break up all of the seriousness in it, to realize that there are other important things in life besides politics and the Legislature.

You've gotten your new grandchild -- and I know I've lorded it over you, always letting you know that I've got six grandchildren, to make sure. So you've got a lot more to look forward to. I'm telling your children to work hard and make mommy and daddy six times over so that they can compete with me.

And again, everything that I wish for me and my family, Al, I wish for you and yours. God bless you and Godspeed.

ACTING PRESIDENT KUHL: Senator Hoffmann, on the nomination.

SENATOR HOFFMANN: Thank you very much.

It's been a real pleasure to serve with Senator Waldon. He is a remarkable gentleman and such a talented individual.

Rarely on the bench do you find someone with this varied background, from his days as a singer and a musician of considerable renown, a sports afficionado, an athlete, somebody with law enforcement experience and legislative experience at the federal and state level. Seldom do we find people on the bench who have all of these attributes in their own personal dossier.

When the individuals who will be appearing before Senator Waldon see him there in his black robes, little will they know of his wide range of personal experience that gives him an insight into the rest of the world far beyond what many of his counterparts will have.

But I think the thing that has impressed me most and been most satisfying over the years that we've worked together is the fact that he was always willing to understand, to take the time to learn about people with whom he might not have had personal familiarity or who were in other parts of the state.

There was little personal motive

for Senator Waldon to be concerned about agriculture in this state. Even though I regularly admonish everybody to pay attention because it is our most important industry in New York, it often falls on deaf ears. But Senator Waldon I know was willing to personalize the role, the lives, and the economy of farm families in this state. He truly cared about people when they would come and lobby him, want to talk with him about agricultural issues. And it's that sensitivity that is going to give him the compassion to be one of the state's finest judges.

I compliment the Governor on his excellent choice, and I'm proud to add my voice of support today.

Good luck, Al.

ACTING PRESIDENT KUHL: The question is on the nomination of Alton R. Waldon, Jr., of Cambria Heights, to become a judge of the Court of Claims. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed,

nay.

(No response.)

ACTING PRESIDENT KUHL: Judge Waldon is unanimously confirmed.

And we're very, very pleased to -

(Applause.)

ACTING PRESIDENT KUHL: Senator Bruno.

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

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, that spontaneous applause might have wiped out that I think you were trying to recognize the Senator's family.

ACTING PRESIDENT KUHL: Well, I was. They were previously acknowledged, I think. But Judge Waldon is here with his wife, Barbara, and their children and their grandson, as we've heard.

And Judge Waldon, I didn't speak, and let me just say I think it's obvious, and certainly obvious to your family, that this chamber cares very much about you, the

individual, and certainly the job you've done. And to put it very simplistically, we like you.

Good luck.

(Applause.)

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Mr. President, in consultation with Senator Connor, I have some minority committee assignments that I would like to have entered into the record.

ACTING PRESIDENT KUHL: Accepted, and it will be on file, Senator, and filed in the Journal.

SENATOR BRUNO: And, Mr. President, as we have concluded this year's business in a very appropriate way, with one of our esteemed colleagues going to the bench as our last official order of business for this year, there being no further business to come before the Senate, I would move that we stand adjourned, subject to the call of the Majority Leader, intervening days to be legislative days, and wish you all happy holidays.

ACTING PRESIDENT KUHL: Senator Bruno, Senator Waldon -- now Judge Waldon - did indicate to the chair that he was having a minor reception in the Minority Conference Room, and that he would welcome the opportunity to say thank you to all of you at that reception. That's Republicans, Democrats, everybody. Everybody in the Capitol, everybody.

And without objection, the Senate stands adjourned, subject to the call of the Majority Leader, intervening days to be legislative days. Happy holidays to all.

(Whereupon, at 6:47 p.m., the Senate adjourned.)