NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 5, 2000

12:10 p.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

I ask everyone present to 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 the Right Reverend Daniel W. Herzog, Bishop of the Episcopal Diocese of Albany, New York.

BISHOP HERZOG: Eternal Father, You entrust order and freedom and mercy to us. We ask for Your grace not to pervert this trust, but to regard the poor equal to the powerful and to decide according to Your will rather than some selfish way. So that at the end, when we shall surely stand before You and see the eyes of those we ruled, our consciences may not be afraid.

To this end, protect these Senators and their households and their staffs from all evil, preserve them in all goodness, and bring them to everlasting life. Amen.

THE PRESIDENT: The Secretary will call the roll to ascertain a quorum.

THE SECRETARY: Senator Alesi.

(Senator Alesi was recorded as present.)

THE SECRETARY: Senator Balboni.

(Senator Balboni was recorded as present.)

THE SECRETARY: Senator Bonacic.

(Senator Bonacic was recorded as present.)

THE SECRETARY: Senator Breslin.

(Senator Breslin was recorded as present.)

THE SECRETARY: Senator Bruno.

SENATOR BRUNO: Here.

THE SECRETARY: Senator Connor.

SENATOR CONNOR: Here.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Here.

THE SECRETARY: Senator Dollinger.

SENATOR DOLLINGER: Present.

THE SECRETARY: Senator Duane.

Senator Farley.

SENATOR FARLEY: Here.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Here.

THE SECRETARY: Senator Gentile.

Senator Gonzalez.

Senator Goodman.

SENATOR GOODMAN: Here.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Here.

THE SECRETARY: Senator Hevesi.

Senator Hoffmann.

(Senator Hoffmann was recorded as present.)

THE SECRETARY: Senator Johnson.

SENATOR JOHNSON: Here.

THE SECRETARY: Senator Kruger.

SENATOR KRUGER: Present.

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Present.

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: Present and accounted for.

THE SECRETARY: Senator Lack.

(Senator Lack was recorded as present.)

THE SECRETARY: Senator Larkin.

THE SECRETARY: Senator LaValle.

(Senator LaValle was recorded as present.)

THE SECRETARY: Senator Leibell.

(Senator Leibell was recorded as present.)

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Here.

THE SECRETARY: Senator Maltese.

(Senator Maltese was recorded as present.)

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Markowitz.

Senator Maziarz.

SENATOR MAZIARZ: Here.

THE SECRETARY: Senator McGee.

SENATOR McGEE: Here.

THE SECRETARY: Senator Meier.

(Senator Meier was recorded as present.)

THE SECRETARY: Senator Mendez.

(Senator Mendez was recorded as present.)

THE SECRETARY: Senator Montgomery.

Senator Morahan.

SENATOR MORAHAN: Here.

THE SECRETARY: Senator Nozzolio.

SENATOR NOZZOLIO: Present.

THE SECRETARY: Senator Onorato.

SENATOR ONORATO: Here.

THE SECRETARY: Senator Oppenheimer.

Senator Padavan.

Senator Paterson.

(Senator Paterson was recorded as present.)

THE SECRETARY: Senator Rath.

(Senator Rath was recorded as present.)

THE PRESIDENT: Senator Bruno, a quorum is present.

The Chair hands down a communication from the Governor. The Secretary will read.

THE SECRETARY: "Dear Madam President, I would appreciate the privilege of appearing before your honorable bodies in joint session on January 5, 2000, at 1 p.m., or as soon thereafter as may be convenient, to personally deliver my annual message to the Legislature.

"Sincerely, George E. Pataki."

THE PRESIDENT: To be filed in the Journal.

Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

Madam President, I'd like to open and wish you and my colleagues in the Senate and everyone in the chamber a very happy new year.

We are in a new millennium. We are in a new century. We are in a new year, the year of 2000. And we open today the 223rd session of this Legislature. That's even before Senator Marchi's time.

(Laughter.)

SENATOR BRUNO: And it seems that we hardly left. It seems that I have a vision of being here just last week.

And we concluded last year's session a few minutes ago. And we in this chamber can be very proud of what we did last year, including last week's Health Care Reform Act dealing with HCRA, Medicaid, Family Health Plus, including the budget that we did with the substantial tax cuts for the people of this state, increased amounts for education, higher and secondary, and so many other good things.

And we can look forward in the year 2000, now, to this session, to building on our successes of last year and the previous years. And we can be proud of our successes, as we can be proud of Governor George Pataki and the leadership that he has provided over the last five years for us and the people of this state. And we're proud that we have been able to partner with him.

And I'm also very, very pleased that we could partner with the Speaker in the

Assembly, the Republican leader, John Faso, all of the Assembly people, in doing some of the most meaningful things on behalf of our constituency in this state.

And the dialogue that we have and the discussions that we have with our colleagues on this side of the aisle -- and I know I speak for the Republican Conference to the Democratic Conference when I say that most of the time we enjoy the dialogue and the discussion. Occasionally you go on too long, but we understand that. But you have a lot to say and feel that you have a lot to do. And we respect that, and I mean that.

And you're ably led by Senator Connor, your leader, who represents your interests as well as they can possibly be represented. And we respect that. And we get by whatever differences that we have.

And we have done some of the most meaningful things together for the people of this state. If you look back over the decades, we can be proud of what we have done. And we do it together, with the Governor, with our colleagues on both sides of the aisle,

with the Assembly, with the staff, with all the input that we get.

We're going forward, and we are going to continue that dialogue, we're going to continue that relationship. And we are recognizing that we are providing for the people of this state not just increased health care benefits, greater access to health care, money for education and continuing education, increased tax cuts -- you name it. Roads, bridges, mass transit. Why? Because the people of this state support us. They support us in government, and they support us because they depend on us to help them meet their needs.

And we all can be proud of how we have helped the people of this state meet their needs. And we can look forward together to continuing the economic prosperity, the revitalization of New York State, and be proud in the year 2000 that we are all part of the Empire State.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

Here we are starting a new session in the final year of the last century, to be accurate. Or the present century, I suppose. But everyone says we're starting a new century, so what the heck.

I would add to -- I appreciate that Bishop Herzog prayed for all the Senators, for all of us to be safe from all people. I also pray that all people be safe from the Senate and the Assembly of the State of New York. Certainly in past history, upon reflection, we haven't always legislated -- and of course, hindsight is perfect, but it proves to be later on perhaps we didn't always pass the wisest legislation or the wisest budgets.

Although I do think we're making progress. If imitation is the best form of flattery, then we Senate Democrats are delighted to accept the compliments from the Governor, who's adopted Senator Dollinger's plan to repeal the gross receipts tax, starting with manufacturing, a proposal he

brought to the floor for the last four years, which the Majority voted down. I hope you have a change of heart now that the Governor is proposing it.

We absolutely are delighted with the compliments we received from Senator Bruno, who has adopted Senator Gentile's EPIC eligibility plan, which Senator Gentile's held hearings on, on expanding the eligibility. We're delighted to see that.

And of course we're delighted that the Assembly is now -- the Assembly Majority now is going ahead to set up a task force on air fares in New York State, something that members of this Senate Minority have done a lot of work on -- former Senator Abate started with it, others have picked it up -- because it really is important to the upstate economy, which needs a lot of help.

And hopefully, working with people on both sides of the aisle in both houses, this year we will be able to address what has remained for many, many New Yorkers who aren't in the metropolitan area some rather strained economic times and a lack of economic

opportunity, even while the other half of the state -- it's a tale of two cities, if you will -- the other half of the state has had a booming economy. Although I haven't checked to see what the market's doing today; yesterday wasn't so good.

The Senate Minority have our priorities for the year 2000. They're not new issues. They're things you've heard from us before, about things you will hear again from the Minority about, things you will have an opportunity to voice your opinion on when you vote on amendments and motions to discharge.

We must deal with the problem of guns. We must ban semiautomatic weapons. We have to adopt a series of get-tough measures on people who misuse guns.

Health care reform, we did so, so much in that bill last week, but we still have the problem of HMOs. We have not afforded the kind of protection our citizens want from the bean-counter mentality that many HMOs impose upon people from, in effect, medical care decisions being made by nonprofessionals in order to save money rather than to serve the

best interests of the patients. We intend to make that a priority.

Hate crimes is something that's out there. I hope -- I hope -- there are no new incidents or tragedies for us to point out to you during the course of this session. Because there have been far too many past ones. And we have all -- we certainly have all the examples of why we need strong antibias violence legislation already. I hope there are no new ones. I fear there will be unless we take action on the antibias violence bill.

And of course, education remains our number-one priority. For the future of this state, we have to fund education adequately and we have to be innovative and creative about where those dollars go.

So, Madam President, I look forward to working with Senator Bruno and the members of the Majority. I know I speak for my colleagues on this side of the aisle when I say that. I think it's going to be a productive year, a busy year. And I think it's an election year too, and that may have

some effect on proceedings as we go on.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Connor.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, the last word is not necessarily the best.

(Laughter.)

SENATOR BRUNO: I hereby give written notice, according to Senate Rule 11, that I will move to amend the rules in relationship to the standards of conduct in the Senate.

THE PRESIDENT: Notice will be filed in the Journal.

Senator Connor.

SENATOR CONNOR: Madam President, not having seen what rule Senator Bruno may be offering, I similarly give notice of my intention to move to alter the Senate rules on January 10th, 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.

And may I add, I trust -- I trust that by next week perhaps we won't need to have two competing motions, but perhaps one. We'll talk about that.

Thank you, Madam President.

THE PRESIDENT: Notice will be filed in the Journal.

Senator Bruno.

SENATOR BRUNO: Madam President, I offer up the following resolution, ask that it be read in its entirety, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Concurrent Resolution Number 2675, of the Senate and the Assembly, providing for a joint assembly for the purpose of receiving a message from the Governor.

"RESOLVED, if the Assembly concur, that the Senate and Assembly meet in joint assembly in the Assembly Chamber at 1 o'clock p.m. today, for the purpose of receiving a message from the Governor."

THE PRESIDENT: On the

resolution, all those in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President, I offer up another resolution, ask that it be read, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution 2676, notifying the Governor of a joint session with the Assembly to receive the Governor's message.

"RESOLVED, That a committee of two be appointed by Senator Bruno to inform the Governor that the Senate has adjourned its 222nd session sine die and has again convened and is organized and ready to proceed to business, and will meet with the Assembly in joint session in the Assembly Chamber at 1 o'clock p.m. today, to receive the

Governor's message."

THE PRESIDENT: On the resolution, all in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno appoints Senator Fuschillo and Senator Duane to wait upon the Governor.

Senator Bruno.

SENATOR BRUNO: Madam President, I offer up another resolution, ask that it be read, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Senate Resolution Number 2677, notifying the Assembly of a joint session with the Assembly to receive the Governor's message.

"RESOLVED, That a committee of two be appointed by Senator Bruno to inform the Assembly that the Senate has adjourned its

222nd session sine die and has again convened and is organized and ready to proceed to business, and will meet with the Assembly in joint session in the Assembly Chamber at 1 o'clock p.m. today, to receive the Governor's message."

THE PRESIDENT: On the resolution, all in favor signify by saying.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

Senator Bruno appoints Senator Morahan and Senator Stavisky to wait upon the Assembly.

Senator Bruno.

SENATOR BRUNO: Madam President, if we could stand at ease for just a few moments. We are awaiting a message from the Assembly that they are organized, and they are not as prepared, apparently, as we are.

THE PRESIDENT: The Senate stands at ease.

(Whereupon, the Senate stood at

ease at 12:27 p.m.)

(Whereupon, the Senate reconvened at 12:36 p.m.)

THE PRESIDENT: The Senate will come to order.

ASSEMBLYMAN FARRELL: Madam President, I've been sent here by the Assembly to -

THE PRESIDENT: The Senate Chair recognizes Assemblymen Flanagan and Farrell.

ASSEMBLYMAN FARRELL: Thank you, Madam President.

I have been sent here by the -- we have been sent here by the Assembly to announce that we have organized and we are preparing and waiting upon you and the Governor so he may deliver his State of the State speech.

Thank you.

THE PRESIDENT: Thank you.

Senator Bruno.

SENATOR BRUNO: I thank the ably capable Assemblymen for their welcome message.

And I would now recommend that we in the Senate join our colleagues in the

Assembly to receive the Governor's 223rd State of the State message.

And there being no further business to come before the Senate, I would move that we stand adjourned until January 10th, 3 p.m., intervening days to be legislative days.

THE PRESIDENT: Thank you, Senator Bruno.

On motion, the Senate stands adjourned until Monday, January 10th, at 3 p.m., intervening days being legislative days.

(Whereupon, at 12:39 p.m., the Senate adjourned.)