NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 31, 2000

3:17 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: With us today to give the invocation is the Reverend Peter G. Young, from Blessed Sacrament Church in Bolton Landing, New York.

REVEREND YOUNG: Let us pray.

Dear God, as we dig ourselves out of the snow, we again see Your awesome power of nature that maintains Your state's balance and the beauty.

We humbly thank You for the gifts of your balance, and pray that our elected representatives from the New York State Senate will enjoy good health and accomplishment in their dedicated service to the citizens of our Empire State.

Amen.

THE PRESIDENT: Reading of the

Journal.

THE SECRETARY: In Senate, Sunday, January 30th, the Senate met pursuant to adjournment. The Journal of Saturday, January 29th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Spano, from the Committee on Labor, reports the following bills:

Senate Print 3315, by Senator Spano, an act to amend the Workers' Compensation Law;

4359, by Senator Spano, an act to amend the Workers' Compensation Law;

And 4360, by Senator Spano, an act to amend the Workers' Compensation Law.

Senator Alesi, from the Committee

on Commerce, Economic Development, and Small Business, reports the following bills:

Senate Print 1385, by Senator Padavan, an act to amend the State Administrative Procedure Act;

4578, by Senator Bonacic, an act to amend the Economic Development Law;

4579, by Senator Bonacic, an act to amend the Economic Development Law;

5108, by Senator Nozzolio, an act to amend the Economic Development Law;

5180, by Senator Maziarz, an act to amend the State Administrative Procedure Act;

5294, by Senator Hoffmann, an act to amend the Economic Development Law;

And 5299, by Senator Marcellino, an act to amend the Economic Development Law and the Public Authorities Law.

ACTING PRESIDENT MEIER: Without objection, all bills directly to third reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, if I could just interrupt, there will be an immediate meeting of the Finance Committee in

the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Finance Committee in the Majority Conference Room.

The Secretary will continue the reports of standing committees.

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

Senate Print 111A, by Senator Volker, an act to amend the Criminal Procedure Law;

537, by Senator DeFrancisco, an act to amend the Criminal Procedure Law;

728, by Senator Volker, an act to amend the Criminal Procedure Law;

743A, by Senator Alesi, an act to amend the Penal Law;

757, by Senator Johnson, an act to amend the Penal Law;

822, by Senator Marcellino, an act to amend the Criminal Procedure Law;

1012, by Senator Saland, an act to amend the Criminal Procedure Law and the Executive Law;

1016, by Senator Skelos, an act to amend the Penal Law;

1109, by Senator Goodman, an act to amend the Penal Law;

1589, by Senator Johnson, an act to amend the Penal Law;

1803, by Senator Padavan, an act to amend the Criminal Procedure Law;

1830, by Senator Saland, an act to amend the Penal Law;

4252, by Senator Volker, an act to amend the Criminal Procedure Law;

4332, by Senator Saland, an act to amend the Penal Law;

And 6173, by Senator Rath, an act to amend the Criminal Procedure Law.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills directly to Third Reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Wright.

SENATOR WRIGHT: Mr. President, I offer the following amendments to the Third Reading Calendar bills as follows:

Sponsored by Senator Maziarz, page Number 5, Calendar Number 19, Senate Print 3665;

Sponsored by Senator Alesi, page Number 7, Calendar Number 41, Senate Print 3483;

Sponsored by Senator Alesi, page Number 7, Calendar Number 43, Senate Print Number 3485;

Sponsored by Senator McGee, page Number 9, Calendar Number 83, Senate Print Number 4314;

Sponsored by Senator Hoffmann, page 12, Calendar Number 114, Senate Print Number 6175;

Sponsored by Senator Skelos, page Number 13, Calendar Number 127, Senate Print 11B;

Sponsored by Senator Trunzo, page Number 14, Calendar Number 137, Senate Print Number 5016.

Mr. President, I now move that these bills retain their place on order of third reading.

ACTING PRESIDENT MEIER: The amendments are received, and the bills will retain their place on the Third Reading Calendar.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could go to the noncontroversial calendar, please.

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

THE SECRETARY: Calendar Number 13, by Senator Maltese, Senate Print 4810, an act to amend the Environmental Conservation Law, in relation to penalties.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 16, by Senator Balboni, Senate Print 860, an act to amend the Vehicle and Traffic Law, in relation to aggravated unlicensed operation.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 53, by Senator Spano, Senate Print 3909, an act to amend the Labor Law and the Civil Service Law, in relation to prohibiting state funding.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 79, by Senator Marcellino, Senate Print 3170, an act to amend the Vehicle and Traffic Law, in relation to aggravated unlicensed operation.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

91, by Member of the Assembly Sanders, Assembly Print Number 9284, an act to amend the Education Law, in relation to the use of certain federal funds.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 104, by Senator Larkin, Senate Print 681A -

SENATOR SKELOS: Lay it aside for the day.

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

THE SECRETARY: Calendar Number 112, by Senator Hoffmann, Senate Print 3541, an act to amend the Agriculture and Markets Law, in relation to the assessment of penalties.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 146, by Senator Farley, Senate Print 1917, an act to amend the Environmental Conservation Law, in relation to making technical corrections.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 152, by Senator Morahan, Senate Print -

SENATOR GENTILE: Lay it aside, please.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 154, by Senator Lack, Senate Print 6362, an act to amend Chapter 83 of the Laws of 1995 amending the State Finance Law.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR SKELOS: Mr. President, if we could go to the controversial calendar, I understand that only Calendar 152 is left to

be debated. I believe the Minority has some questions to ask, and then Senator Dollinger who is in Finance, also has questions to ask. So if we finish the initial round of questions, we'll wait for Senator Dollinger.

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

THE SECRETARY: Calendar Number 152, by Senator Morahan, Senate Print 6200, an act to amend the Executive Law, in relation to cost-sharing responsibilities of eligible EPIC program participants.

SENATOR GENTILE: Explanation, please.

ACTING PRESIDENT MEIER: Senator Morahan, an explanation has been requested of Calendar 152 by Senator Gentile.

SENATOR MORAHAN: Yes, Mr. President. Thank you very much.

This bill, called EPIC Plus, will increase the eligibility of the Elderly Pharmaceutical Insurance program in the State of New York for single people from 18,500 to 35,000 and for married couples from 24,400 to

50,000. In addition to that, it will increase the number of people eligible for the program.

ACTING PRESIDENT MEIER: Senator Gentile.

SENATOR GENTILE: Mr. President, on the bill, please.

ACTING PRESIDENT MEIER: Senator Gentile, on the bill.

SENATOR GENTILE: Thank you, Mr. President.

I believe this is a -- quite a day for the New York State Senate. I believe it's a day that we can be proud of. The fact that Senator Morahan has this bill on the floor is something that I think marks a great step forward for the seniors of this state and for everyone who's interested in protecting seniors over the cost of prescription drugs.

As you know, as some of my colleagues know, I have been a tireless advocate in this area for quite some time, given what I know about the seniors in my district and given what we all found out at about October or November of 1998 when we were informed that 55,000 seniors would be dropped

from their HMO prescription drug coverage come January 1st of 1999.

As a result of those factors, Mr. President, I began a campaign similar to the one that Senator Morahan now so well puts on the floor, to get this Legislature to increase the EPIC eligibility limits so that many of those seniors in our state which were not covered and were dropped as of January 1st of 1999 would then be covered under the increased eligibility limits that I proposed in my legislation that I filed, with the cosponsorship of my Senate Democratic colleagues, on January 6th of 1999.

I filed that bill to increase those eligibility limits in January of 1999. I'm not -- unfortunately, once that bill was filed, this house chose not to act on that bill. And as a result, I moved, in a budget resolution amendment in March of 1999, to again include the increased eligibility limits in the budget of 1999. Again, this house said no.

In June of 1999, I tried again. In an amendment to the one-house budget bill, I

again introduced the increased eligibility limits on EPIC. Again, this house said no. And that is with knowing the budget surplus and the tobacco money that was available to us.

While this house said no, I had heard from my discussions with seniors in my district and around this state stories like this one from a senior in upstate New York who told me that she has no coverage for prescription drugs. She gets $300 a month - or she spends $300 a month on drugs just to maintain her quality of life. And after spending that $300 a month on prescription drugs, she, with her fixed income, whatever was left over in that fixed income, bought cat food to eat. She bought cat food to eat.

This is New York State in 1999, with a huge budget surplus and with tobacco money coming in our way. That's outrageous in our state. And yet we had the concerns and the trouble of passing this legislation earlier this year.

So what we did was, in addition to our fight here on the floor of the Senate, we

began a campaign with the public, with the seniors of this state and with those who care for seniors of this state, and we began a grass-roots campaign throughout the state of New York.

We, for example, hooked up with the New York State Coalition for Seniors and Medicare Improvement, known as COSAMI. And that was led by a dynamic woman by the name Eve Encina, who also dealt with Senator Morahan. And Eve began her campaign to make this bill a reality much about the same time that we did.

I also worked with the Statewide Senior Action Council and Michael Burgess, and his great support is evident in this bill here today. We worked with the Interagency Councils on Aging throughout this state. We worked with the AARP. All these groups together were supportive of increasing the eligibility limits on the EPIC program.

Indeed, in one case there was even a coupon clipout in the Warwick Advertiser asking people to send back these coupons supporting Senator Gentile's bill, 724, to

increase the eligibility limits in the EPIC program.

This was a statewide effort, a statewide, grass-roots effort that began early last year and culminates here in the Senate today. Now, with this bill, this bill - filed almost a year later, because I checked the filing date. I believe it's January 5th of 2000. Almost a year later. But this bill, with this bill, we now all, all of us, are on board on increasing the EPIC eligibility levels.

And I think the lesson that we learned, I think the lesson we learned from this past year is that you can make a difference. You can make a difference with strong commitment and strong community support and a grass-roots effort. And we had those things on EPIC. We had the community support, we had the grass-roots effort. And as a result, we can be heard, we're being heard today.

You as seniors, as a statewide community of seniors, and we as legislators, working together and being persistent -- and

that is the key, working together and being persistent -- we can compel seismic changes in the state government. And this is the first important step in that seismic change in state government for senior citizens.

So in protecting seniors from being unable to afford prescription drugs, we as a Legislature, we as Senators fulfill our obligation to do what we can to protect the health and quality of life of our senior population.

And in that regard, I might add that my good colleague and my good friend from Staten Island, Senator John Marchi, has another bill which we need to consider and look at on capping drug prices. Those two bills, these two bills are not mutually exclusive. I believe that Senator Marchi's bill can very well be a complement to our EPIC legislation here today. And so I applaud Senator Marchi for putting that issue on the floor.

But for now, for now, this much we can say, Mr. President: That from Suffolk to Syracuse, from Brooklyn to Binghamton and

Buffalo, from Staten Island to New York's North Country, we can say that this is a great day in the Senate for all seniors and all those who have seniors in their families. Hallelujah, hallelujah, Mr. President. Better late than never.

Thank you.

ACTING PRESIDENT MEIER: Senator Maziarz.

SENATOR MAZIARZ: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Maziarz, on the bill.

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

First, I want to join with my colleague Senator Gentile in his initial remarks in congratulating Senator Morahan for all the hard work that he's done on the EPIC program since he has been a member of the Senate. And I know that, chairing the Aging Committee and having the Aging Committee staff work directly in my office, Senator Morahan has been a tireless advocate.

Senator Gentile was correct with

the advertisement that went out, not only in the Warwick Advertiser but in many other newspapers across this state, sending in coupons and getting this bill off of dead center and moving.

And I think that Senator Morahan deserves a great deal of the credit from having worked with Eve Encina and her group in Rockland County and in Orange County and in bringing this bill finally to the floor of the Senate.

I would have to disagree a little bit with my colleague in that nothing was done over the last couple of years. Apparently he must not have remembered the changes that we made to the EPIC program, all of us made to the EPIC program in June of 1998, which took effect on January 1st of last year, January 1 of 1999, which for the first time in I think almost its 15-year history stopped the disenrollment of seniors into the EPIC program and actually turned the program around and started the enrollment figures going up. Which actually raised the income eligibility levels, which decreased the copayments that

were required.

That was a small step that this body, along with the Assembly and along with the Governor, took in 1998. But this, I have to agree with my colleague, is a major step. And of course I'm sure that in all of the tens of thousands, maybe hundreds of thousands of pieces of mail that go out from all of us, we're all going to take credit. But I think that the credit is particularly due to the perseverance, quite frankly, of Senator Morahan.

And I for one -- and I know I speak for my Aging Committee staff -- are going to be happy that we will not hear from Senator Morahan on a daily basis about what's going on with the EPIC program.

And I also have to of course mention Senator Bruno, who basically gave the impetus to Senator Morahan to carry on this fight, and also to Senator Larkin, whose staff and whose office have contributed a great deal, through the Aging Committee, to this final bill. And also Senator Hannon, who's chairman of the Senate Health Committee.

This bill is going to mean that approximately another hundred thousand plus seniors, really, seniors from the low-income levels up to the middle-income levels of 24,000 for a single and 50,000 for -- I'm sorry, 35,000 for a single and 50,000 for a married couple, are going to be eligible for financial assistance to purchase what has become the most burdensome financial arrangement that they have to do, and that's to purchase prescription medication.

So I join Senator Gentile in congratulating Senator Morahan and his staff for all the fine work that they've done on this bill.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Marchi.

SENATOR MARCHI: Mr. President, we certainly take great encouragement from the fact that there is universal pointing with pride in this membership, the New York State Senate, in the positive results achieved by Senator Morahan and by all that is implicit.

We should reflect on the fact that

the fastest rising element of health costs in the United States is in the area of prescription drugs. It is the one industry that leads all industries in terms of profit increment in the nation, of all the giant industries, that, percentagewise, they have achieved the most direct and the heaviest gains. And also, as I say, in reference to the total operational impact that produces this phenomenon.

On the other hand, we do still have, with this first step -- it gives us encouragement. And Senator Kemp Hannon did hold a public hearing some time back. We held a hearing on the bill that was referred to on both sides of the aisle relating to the cost of medicines that come from this country, the majority of them starting here. And we see we can draw invidious comparisons between what is charged, say, in Niagara and across the border or in California and across the border in Mexico.

There are dramatic differences in prices which were never resolved in the hearing that we had in the summer of 1999 and

which Senator Bruno has assured us will be the subject of further legislative inquiry.

We cannot abide this condition. And when it's paired with a solid first step, indicative as it is of the determination of this body to continue exercising the leadership that it has always asserted in the delivery of health services, that we are going to make further progress and elicit further facts to give greater substance and credibility and support to legislative efforts in this state to point the proper way for general reductions that are reflected across the board on the pricing of pharmaceuticals.

And this would be a benefit, of course, that would run to everyone in the United States, irrespective of age or any other classification that we can think of.

But it's a happy day indeed. And I'm sure that, Senator, you feel very solid about this, and you have every right to be. And we are proud to have been part of this effort.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, thank you.

Senator Morahan, I want to congratulate you on this bill. We were elected to the Assembly in 1981 together, and we had the opportunity to serve. And little did I know a number of years later that once again our paths would cross, and they would cross in a way that's very special to me.

Since you ran for election to the Senate, and serving as a Senator right here, you've made a difference. You made a difference in motivating many to see the justice in repealing the commuter tax. And now, in your first couple of months of this legislative session, you are passing the EPIC Plus program.

Why is that important to me? As the original sponsor of the bill, we fought as a Majority to make sure that middle-income seniors, moderate-to-middle-income seniors were included in the program, when at that time the Majority in the other house wanted to limit it to those just above the Medicaid eligibility level. This is a program and one

of the first programs ever to reach out to moderate-to-middle-income seniors and recognize that they need assistance.

What you have done with this bill, you've continued to reach to that group of people that are so important to all of us and to the State of New York, and you've simplified the program.

Unfortunately, way back, the Assembly and the former Speaker felt that you needed a very complicated program, in order, perhaps, to keep seniors out. What you've done now is you've created, with these changes, a program that will be easy for seniors to understand, easy for people to enroll, increase eligibility level, and reduce copays.

So congratulations. Some people talk the talk; other people are effective. You've been effective as a State Senator. And this is just wonderful for our senior population.

ACTING PRESIDENT MEIER: To close debate, Senator Morahan.

SENATOR MORAHAN: Thank you, Mr.

President.

This is indeed a particularly wonderful day for me, because I'm now closing a commitment that I made last spring to the seniors of my senatorial district. They had come to me through COSAMI, they came to me through the Senior Coalition from Rockland County and told me about the plight of seniors, and particularly those middle-class seniors. And those in the middle economic bracket were totally ineligible for this vital program for people over 65 who have no other means of getting their pharmaceuticals at a reasonable price.

Yes, this does a lot of things. We heard a few minutes ago about another plan that had been introduced last year which would have increased the numbers of people to 140,000. This bill increases the enrollments or will increase the enrollments to approximately 230,000. The premiums now being paid by those 18,500 singles will be $222, as opposed to $240. And if the previous bill that was talked about a little bit earlier had passed, it would have been $260. And it goes

on.

This is a very solid bill. And yes, Senator Skelos, I thank you for your words of congratulations. But I -- well, I'll yield.

ACTING PRESIDENT MEIER: Senator Dollinger, we understand that you had some questions. And Senator Morahan indicates that he'll yield to those questions.

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

First, I apologize. I was in the Finance Committee meeting, and I apologize for not being on the floor.

Will Senator Morahan yield to a couple of questions?

SENATOR MORAHAN: Mr. President, I'll yield.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DOLLINGER: Thank you, Mr. President.

This bill has been the topic of some debate throughout this state for a significant period of time. And I just rise

to ask whether you would entertain adding additional sponsors to the bill.

SENATOR MORAHAN: I believe today we're just going to deal with the merits of the bill, Senator Dollinger, and get on with the vote.

SENATOR DOLLINGER: Well, again through you, Mr. President, if Senator Morahan will continue to yield.

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

SENATOR MORAHAN: I yield. Mr. President, I continue to -

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR DOLLINGER: The reason why I raise this issue, Senator, is it's my understanding that at a forum back a year ago with Senator Gentile, who had worked on the EPIC issues -- and I understand there's some differences in your bill and the bill that he put forward -- my understanding is that you told him that you'd put him on the bill, that it wasn't a question of who got the credit, that everybody should get the credit.

And my question to you is, as I understand having sort of made that promise at one point, could it be fulfilled today by putting someone who worked on the same issue, who worked very hard on it, putting him on the bill and perhaps putting other sponsors on the bill as well?

SENATOR MORAHAN: I think we all can take credit with our vote, Senator Dollinger. When we all vote yes, we're all part of this success and all can take credit.

I really don't want to politicize this. I'd like to move on with this. I really don't believe that this is a portion of the debate.

SENATOR DOLLINGER: Well, let me ask you, if we had -

ACTING PRESIDENT MEIER: Senator Dollinger, are you asking Senator Morahan to continue to yield?

SENATOR DOLLINGER: Yes, through you, Mr. President, if -

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

SENATOR MORAHAN: I continue to

yield, yes, sir.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Senator Morahan, we have a copy of the buck slips from I believe all the members of the Democratic Conference. And I'd like to just have them delivered to you and ask you again if you would allow them to go on the bill.

And frankly, Senator, I appreciate that you don't want to make it political. But doesn't only one party appearing on the bill make it in fact that?

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: If Senator Dollinger wishes to harass Senator Morahan, I don't think it's appropriate. I believe he's answered the question, and I think now we should move on and vote on the bill.

SENATOR DOLLINGER: Through you, Mr. President.

SENATOR SKELOS: There will be an immediate meeting of the Education Committee

in the Majority Conference Room.

ACTING PRESIDENT MEIER: Immediate meeting of the Education Committee in the Majority Conference Room.

SENATOR DOLLINGER: Through you, Mr. President. If Senator Morahan will just yield and respond to that question, I'd appreciate it.

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

SENATOR MORAHAN: I continue to yield, yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Through you, Mr. President.

My intention is not to harass Senator Morahan. Frankly, this bill is one that I think at least one member of our conference has done a great deal of work on the same topic. And, frankly, I think a number of members here would like to be on the bill.

And my question is having submitted the buck slips, having gone through the

process that we usually go through to join on to a bill, will Senator Morahan allow them to be added to the bill?

SENATOR MORAHAN: Well, let me just say this for the moment. Okay? This is the first time this group of requests have been handed to me. That's number one.

I would believe that there are many bills that the Minority Senators would like to get on. I would imagine that there's many bills and many ideas that have come and have been explored both in the Majority and in the Minority side of the house. And I don't know if that establishes a priority, frankly.

So at this time I really would like to say I would consider these, but at this particular time I'm not entertaining them. I'd like to move on with my closing remarks about the bill and bring this debate to a conclusion.

I really don't want to hold up for another moment what we're going to do for seniors in New York. And whether this takes five minutes or ten minutes, people are still waiting for this bill to leave this house.

And I believe we ought to move on the bill, Senator Dollinger, with all due respect.

SENATOR DOLLINGER: Through you, Mr. President, I believe we have a chance to make this bill law faster than his proposal -

ACTING PRESIDENT MEIER: Well, Senator Dollinger, do you want to pose a question to the sponsor?

SENATOR DOLLINGER: I would, Mr. President, if I could. Just one final question.

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

SENATOR MORAHAN: Yes, I do, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DOLLINGER: Does the fact that Senator Maziarz in the Aging Committee sat down and said to the three members of the Democratic Conference who were there - Senator Onorato, Senator Gentile, and I believe Senator Stavisky -- that he said to them, "You can go on the bill," does that affect your decision to either entertain the

buck slips or put anybody else on the bill?

SENATOR MORAHAN: Mr. President, Senator Maziarz certainly can speak for himself. He has been an integral partner with me in getting this bill to the floor, with Senator Bruno and other members of the Legislature.

ACTING PRESIDENT MEIER: Senator Dollinger -

SENATOR MORAHAN: Am I interrupted? No, I'm not finished.

I didn't know if I was interrupting you fellows up there.

ACTING PRESIDENT MEIER: Not at all. Senator Morahan, you have the floor.

SENATOR MORAHAN: And I think Senator Maziarz can answer for himself, Senator Dollinger.

SENATOR DOLLINGER: Mr. President, I have an amendment that I'm going to ask to be delivered to the desk. And I ask that we waive its reading and that I be allowed to be heard on the amendment.

ACTING PRESIDENT MEIER: Give us a moment to look at it.

Senator Dollinger, it's my understanding you've waived the reading. And at this time you're recognized for the purpose of explaining your proposed amendment.

SENATOR DOLLINGER: Thank you, Mr. President.

This amendment does two very simple things. It addresses the issue that Senator Morahan wanted us to address, which is how can we make this bill law for the seniors of this state faster. We shouldn't wait another second, Senator Morahan said.

This amendment does exactly that. It changes the effective date of this bill from 120 days after it's signed into law to 90 days. Moves it up 30 days, gets these assistance to the seniors 30 days quicker than the bill Senator Morahan wanted. It does exactly what he said we ought to do, gets it right out there.

And it does one other thing. It adds as sponsors of this bill people who have been involved in this issue. It starts with Senator Gentile and adds other members of the Democratic Conference.

It seems to me that this is just the kind of thing we ought to be doing. We have bipartisan support on increasing EPIC eligibility. Senator Morahan, I'll give you credit. It's a great idea. I'll give the credit to Senator Gentile. It's a great idea. I'll give the credit to Senator Maziarz. It was a great idea. It got through your committee. I think it was a wonderful idea.

What better way to suggest that it's not only a good idea, Senator Morahan, but that we can take the politics out of it. You suggest that by putting other names on it, we would be adding politics to it. I suggest you're wrong. Instead, what we would do is we would take the politics out of this by allowing members of the Democratic Conference to be joined on the bill.

And I'd just close with one other thought, Mr. President. I've stood here for years now -- far too long, some people think -- and I've heard people say to me, "We've got to respect this house. We've got to respect this institution. We've got to respect what this great institution does for

the people of the State of New York."

Well, with all due respect to all of my colleagues, what I see in this, keeping members of the Democratic Conference off this bill, especially the one who stood up two years ago and said, "It's such a good idea, we should have done it two years ago" -- by keeping him off the bill, we don't have the rules of a house of governance, we're acting more like little kids in the schoolyard when we were kindergarten age. And we're simply saying, "We've got the marbles, we can take them, we're going to take them all away."

I don't understand that, quite frankly. It frankly makes me, as someone who's tried to respect rules his whole life, look around and say if these are the rules of the house, they aren't worth respecting. Much like Henry David Thoreau did on the shores of Walden Pond when he said, "If a rule isn't right, you're not morally obligated to follow it."

I would suggest that the rule of this house in this case, where a Democratic Senator who two years ago stood up and said,

"We've got to increase EPIC eligibility to fill in the gap of lost Medicare money," somebody who stood up two years ago, who went to the forum with the sponsor a year ago in which the forum sponsor said, "It's not political, we can all get credit," he's not going to get that credit.

And then, when we go to an Aging Committee meeting, we're told that there's new era that we're approaching in the state, because the chair of the Senate Aging Committee -- rightfully so, as a gesture of respect for his colleagues -- said, "You can be on the bill." Now they're not on the bill.

I would suggest it's difficult for me, as someone who wants to respect this house, to accord it respect when it doesn't accord all of its members that same respect.

If that's the rule in this animal house, in this Animal Farm, that there's one rule for those who have two legs and another rule for those who have four legs, or there's one rule for those who have two legs and can walk and another for those that only have three legs and can't walk -- if that's the

rule, I would just suggest that there's no respect for any rules in this house.

And again, with all due respect, I can't be expected -- I don't think anyone should be expected to follow rules that aren't reasonably and fairly applied. If what you do is make me into a Henry David Thoreau, sitting on the shores of Walden Pond and figuring about how I can avoid those rules or fail to respond to them, that's what you do when you cast this rule against me and enforce it against people who in my judgment are being punished for one thing, Senator Morahan: They're Democrats. That's unfair.

I move the amendment, Mr. Chair.

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

(Response of "Aye.")

SENATOR PATERSON: Party vote in the affirmative.

SENATOR SKELOS: Party vote in the negative.

ACTING PRESIDENT MEIER: The Secretary will call the roll on party vote.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 22. Nays, 34. Party vote.

ACTING PRESIDENT MEIER: The amendment fails.

Senator Morahan, for the purpose of closing debate.

SENATOR MORAHAN: Thank you, Mr. President. I thought I had started this a few moments ago, but I will continue.

As I said earlier, this is a good day for the senior citizens. It's a good day for me, being able to fulfill a campaign promise and a commitment to the seniors that I represent and the seniors around the state of New York.

As I started to point out, we were talking a lot about ideas. If Senator Dollinger wants to sit by Walden Pond and ponder rules, that's okay. But I know what the rules of this Legislature say at this moment, and that's if the main sponsor does not acquiesce to the sponsorship or the adding of sponsors, then that speaks for itself.

In addition, too, the 120 days,

this is to give the Health Department adequate time and those agencies around the state, the Offices of the Aging, adequate time to implement the program in a nonchaotic way.

When we look at the comparison of the bills, speaking to an idea, as to what it said, and to getting something done and what it says, there's a vast difference in these bills. I hear that certain Senators have been fighting for this bill for years. But I note the bill was only submitted -- any other bill was submitted in January of '99. The Senator Majority announced this bill in December of '99, a much improved bill.

I also note that other legislators who have worked on this, allegedly, have also been here for an extended period of time before the entering of the bill. I point out that this sponsor is here approximately eight months, and this pledge to the community that I represent is being concluded.

I would believe that a lot of credit is due to a lot of people. Yes, Senator Gentile, you and I debated this issue back in May. And yes, Senator Maziarz, you

helped me when I arrived to get meetings with Senator Bruno, with Eve Encina, other members of that organization, COSAMI, and convince not only Senator Bruno but a majority of our colleagues that this is what we had to do and we had to find the money for it.

This is $129 million bill. It's a vast commitment. And hopefully -- and I know we will have to revisit this in the future as the economy grows and the cost of living goes up.

And there was mention of Senator Marchi's bill, which I'm a cosponsor also. Something has to be done with the pharmaceuticals and the problems that we face as citizens of this state.

And I'm grateful to Senator Bruno, who has scheduled and is in the process of scheduling hearings around the state to deal with this particular issue so we can come back again to this chamber with more legislation, hopefully, that will help all of our citizens cope, including those who are disabled who have difficulty paying for their pharmaceuticals.

So, Mr. Chairman or Mr. President, in closing, I thank my colleagues who have helped me. I thank the colleagues on both sides of the aisle. I thank my leader, Senator Bruno; Senator Maziarz. And I thank Senator Marchi for your kind words.

And I ask for a vote on the bill. Thank you, Mr. President.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 7. This act shall take effect on the 120th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Nozzolio, to explain his vote.

SENATOR NOZZOLIO: Mr. President, thank you. Thank you and my colleagues for recognizing this important matter.

I especially wish to congratulate the sponsor, Tom Morahan. Senator Morahan has taken this issue and has secured the support necessary to realize what is a tremendous victory for the senior citizens of our state.

No senior citizen should have to make the decision to pay for needed medicine or food or heat.

We're helping those senior citizens, now opening up a new avenue for a hundred thousand senior citizens in this state to be able to afford prescription medicine. This will, in the long run, reduce health costs and ensure that our seniors are healthier for a longer period of time because they will be able to obtain needed prescription medicine.

Mr. President, I support this legislation and am proudly in its sponsorship. It's a victory not for us in this chamber but for the senior citizens of our state.

ACTING PRESIDENT MEIER: Senator Nozzolio will be recorded in the affirmative.

To explain his vote, Senator Onorato.

SENATOR ONORATO: Mr. President, I rise also to join my colleagues on this momentous occasion, to support this legislation and also to express my frustration as perhaps the most senior member on the Aging

Committee. I've never missed a meeting of the Aging Committee in 18 years that I'm a member of this Senate body.

And on the day that this legislation came to our committee, I congratulated everyone present and asked for permission to be a cosponsor of the bill. I was informed at that time that we are engaging in a new era of copartisanship and cooperation and there would be absolutely no problem with me going on as a cosponsor.

And contrary to the statement made earlier that there were no buck slips issued, I made the buck slips the very same day that the committee meeting ended and presented them. They may have gotten lost somewhere along the line. If that was the case, I state now for the record I wish that they hadn't been lost and that I too could have been a cosponsor of this very, very worthwhile legislation.

I vote aye.

ACTING PRESIDENT MEIER: Senator Dollinger, to explain his vote.

SENATOR DOLLINGER: Mr.

President, I -

ACTING PRESIDENT MEIER: I'm sorry, first the record will reflect that Senator Onorato will be recorded in the affirmative.

Senator Dollinger, to explain his vote.

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

This is a good bill. It was a good bill back on March 23, 1999, when Senator Gentile attempted to bring it to the floor and then the Republicans in this house unanimously voted against it. It was a pretty good idea then. It was also a pretty good idea on June 8th of 1999 when he again tried to bring it back to the floor, and for some reason, for some reason it wasn't a good enough idea to draw the support of the Republican Conference. But I thought it was a pretty good idea then.

I think it's a better idea now, Senator Morahan. You've actually taken Senator Gentile's concept and refined it. It's a good idea. It's a better idea, I'm even willing to acknowledge. Your bill

expands the income level a little bit higher than what it was under Senator Gentile's bill.

It's a good idea. It was a good idea a year ago. It was a good idea when we had a chance to twice vote on it earlier.

But, Senator Morahan, my problem with this whole process is you can only draw one conclusion from that experience. It's being produced today, and the Democrats can't get on the bill as sponsors. I even respect the rule of a sponsor controlling a bill. But why is it in Congress Republicans and Democrats get on bills? Why is in other states Republicans and Democrats get on bills? Why is it only in the New York State Senate that Democrats can't get on a bill like this?

Absolutely inconceivable to me, except for one thing. One thing. This bill doesn't take politics out of the process. This bill is absolute, irrefutable proof that politics is the only thing that drives this house.

I'll vote yes, Mr. President.

ACTING PRESIDENT MEIER: Senator Dollinger will be recorded in the affirmative.

Senator Paterson, to explain his vote. Senator Paterson.

SENATOR PATERSON: Mr. President, to explain my vote.

I think that there may have been certainly an implication of a lack of integrity on the part of some members of this chamber when it was clearly stated that some representations were made and were not honored.

I think, rather, that those members of this body who made any representations did it in good faith. I think at the time that they made those representations, they fully intended to include people on the bill who had worked hard on the bill -- people like Senator Gentile, who had worked on this bill since the latter part of 1997, which is over two years ago.

But unfortunately, I think that our body, which is reflected in our leadership, is going to have to take responsibility for the fact that we have a piece of legislation that over the past couple of years has been borne out by political polling to be very important

to the seniors of this state. But the point that I want to make is it was very important to the seniors of this state even before Senator Gentile started working on it.

And so therefore, if we really wanted to be nonpartisan and we really wanted to respect not only those in the Minority but those in the Majority who recognize this, that the best way to have handled this would have been to put everyone else on the bill.

And finally, the reason I think that would be so important is that we don't want to send a message, I assume, to the residents of New York State that we're sitting around thinking about what's popular rather than what's right.

ACTING PRESIDENT MEIER: Senator Paterson will be recorded in the affirmative.

Senator Gentile, to explain his vote.

SENATOR GENTILE: Thank you, Mr. President.

I may just add that if indeed - and it is true that the bill that we voted on today has certain refinements and certain

enhancements to the bill that I introduced in January of 1999. And to that extent, that there are refinements and enhancements on the bill that we voted on today, I only might say that it appears that our grass-roots efforts worked better than we even anticipated to get a bill that we voted on here today.

So of course I vote in the affirmative. And I thank COSAMI and the Statewide Senior Action Council, the Interagency Councils on the Aging, the AARP, and all those statewide and local groups that coordinated this statewide effort, this grass-roots effort to get us to the point where we are here today. Together, we made a difference.

The fact that some of our colleagues want to play politics in terms of who sponsors this bill is a pity. But those groups and the people who care, the people who know, know that together -- together -- we made a difference. It took us one year, it took us one year, but together we made a difference.

I vote aye.

ACTING PRESIDENT MEIER: Senator Gentile will be recorded in the affirmative.

Senator Maziarz, to explain his vote.

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

I just -- you know, while everyone is tripping over themselves to take credit here and talking about when the -- when this bill actually came about, I again want to remind my colleagues on the other side of the aisle that it was a very significant EPIC amendment or amendment to the EPIC program done last year, all initiated by this side of the aisle, which really started this process rolling. And it came to fruition when Senator Morahan and the groups from Rockland County, Eve Encina and others, came up here.

But there's one person who quite frankly really deserves a whole lot more credit than Senator Gentile or Senator Dollinger -- who thinks he deserves a lot of credit for it -- and anybody else over there, or even more credit than Senator Morahan. And that is the late Rose Kryzak, who passed away

last year at the ripe age of 99 years old. It was really the efforts in 1986, when I believe Senator Skelos was chair of the Senate Aging Committee, it was really Rose Kryzak and the New York State Senior Action Council that really brought the EPIC program about here in New York State.

So we may disagree today on who deserves credit for it, and I'm sure that when the mailings go out we're all going to disagree on who gets the credit for it. But the one person who really deserves an awful lot of credit is the late Rose Kryzak.

Thank you, Mr. President. Read the last section.

ACTING PRESIDENT MEIER: Senator Libous.

I'm sorry, Senator Maziarz will be recorded in the affirmative.

Senator Libous, to explain his vote.

SENATOR LIBOUS: Thank you, Mr. President. I'd like to rise to explain my vote.

And I have to stand here and smile

a little bit to hear some of my colleagues fighting to take credit over this legislation when indeed the legislation is so badly needed in this state. I can tell you that on at least twice, three times a week, when I visit the grocery store or go out of my district, I'm stopped by a senior who asks, "When you are going to increase the limits on the EPIC program? I can't afford to pay any longer my prescription costs."

And that's really the issue here. It's not who should get credit, it's the people who need the program. And that's what this body is supposed to be all about. I'm somewhat disappointed, actually, to hear from my colleagues on the other side of the aisle who are somewhat worried as to who is going to credit for this. The bottom line is there's a need in this state. We are elected to help people in this state.

And in this case, I think the EPIC program should be increased. It is an outstanding program. And it is one that I would encourage our colleagues on the other side of the house, the Assembly, to follow

through on.

Mr. President, I vote aye.

ACTING PRESIDENT MEIER: Senator Libous will be recorded in the affirmative.

Senator Stavisky, why do you rise?

I'm sorry, Senator Connor.

SENATOR CONNOR: Thank you, Mr. President. To explain my vote.

ACTING PRESIDENT MEIER: Senator Connor, to explain his vote.

SENATOR CONNOR: Just let me say, I agree with what Senator Libous said. This is sorely needed. Credit doesn't matter. And that's why I'm really, really sad that we didn't do this last year or the year before when there were motions to bring this bill to the floor and the Majority voted against it.

Because as Senator Libous said, Mr. President, this is really about our seniors. And they've really been hurting for this and needing this. So I agree that politics shouldn't matter here. This should have been done two years ago by the Majority, yet they all voted to reject bringing this bill to the floor at the time.

I vote aye.

ACTING PRESIDENT MEIER: Senator Connor will be recorded in the affirmative.

Senator Stavisky, to explain her vote.

SENATOR STAVISKY: Yes, Mr. President.

I commend Senator Maziarz for mentioning the name of Rose Kryzak. Rose, who, if she had been elected to the Legislature, I assure you she would have been sitting on this side of the aisle -- Rose Kryzak was a most remarkable woman. She passed away at the age of 99. She was an old Socialist, and she was a very good friend of mine.

And I'm proud today to cast my vote with Rose Kryzak in mind.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Stavisky will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT MEIER: The bill

is passed.

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

SENATOR SKELOS: Mr. President, if we can 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 MEIER: Reports of standing committees.

The Secretary will read.

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

As Executive Director of the New York State Office of Science, Technology and Academic Research, Russell W. Bessett, M.D., of East Amherst.

SENATOR SKELOS: Move the nomination.

ACTING PRESIDENT MEIER: Senator Hannon, why do you rise?

SENATOR SKELOS: Excuse me, Mr. President, I believe a few members wish to speak on the confirmation.

I just want to point out to the members of the Majority that there is going to be a conference in the Majority Conference Room following session.

ACTING PRESIDENT MEIER: Senator Hannon.

SENATOR SKELOS: Mr. President, if you could recognize Senator Rath first.

ACTING PRESIDENT MEIER: Certainly.

Senator Rath.

SENATOR RATH: Thank you, Mr. President.

And I thank my colleagues for extending me the courtesy, inasmuch as Dr. Bessett, who we are going to be confirming, I believe, today, is a resident of my district. And so thank you, Senator Hannon and Senator Skelos, my colleagues.

And Dr. Bessett, Mrs. Bessett, welcome. This has been a long day in coming.

I would like to set the stage just a little bit by saying when you're here for five years, as I have been, some of your colleagues will say to you, "This piece of

legislation has been a long time in coming." Senator Maziarz just spoke about Senator Skelos's history with the senior bill we just passed. Others will talk about others in those kinds of terms.

And when large parts of this J2K passed out of the Higher Education Committee last year, I looked at Senator LaValle and said, "This is really something, isn't it?" And he said, "Yeah, it's about twenty years of work." At which point I just kind of shrugged and said, "Wow, that's impressive."

And so first of all, I think the thought has to go to Senator Bruno and, with the assist of Senator LaValle, Senator Bruno's leadership on having J2K pass this house, move forward, be embraced by the Governor and the Assembly, and move forward into the law of this state. Which is going to give us the opportunity which is going to be led by Dr. Bessett, who I believe is the best person in the state to be leading the board and leading it as the director, along with Dr. Schmidt, who is going to be the chairman of the board, I believe his title will be, as

Dr. Bessett leads the agency.

As you look at anyone's resume, and as you know someone personally because they live in your district -- and so often on this floor people will say, I have known so-and-so for twenty years, for forever. I will tell you, I don't know how long I've known Dr. Bessett. It's like I've always known him, because he has always been there as part of what was going on with the science and health affairs in our community in Western New York.

If you look at his resume, you'd see how long and deep his resume is, not only with his education, the clinical side of his work as a dentist and a plastic surgeon, the research work, the public/private work that he's done. But when I see how much Dr. Bessett has published, I know how serious you are about what it is that you are going to be doing and what you bring to the effort by way of background, thoughtful hard work.

But I'll tell you what I would like to leave you all with as you're thinking about this confirmation, and to say to Dr. Bessett that was extraordinarily important when I

talked with you at length one day about this effort and this new board who is going to lead New York State in this new effort that's going to lead New York State into the future of the science and technology, that we know the marriage and blending of them together will work so well to enhance New York State's economy.

What impressed me the most was his understanding between the technical work and the research work and the day-to-day people who are actually doing the work. And putting in the prostheses that are made and will be the economic development pieces that move forward.

And so there is a very special place in the hierarchy, if you will, of an effort as it goes forward. You've got a lot of the base effort, then you get to the very top. And if you haven't got all the pieces leading to it, you're not going to -- it's not going to happen.

Dr. Bessett understands that. He knows where the strong parts are and he knows where the weak parts are, and he will be there

to fill the gaps and make this thing work the way it has been dreamed of and the way New York State knows it should work for all the resources that we have all across this state.

And so it is with a great deal of pleasure that I second the nomination of a constituent, of a friend, and of a doctor and a soon-to-be public servant who will be more than able to do a wonderful job and lead New York State into this wonderful future that should be so bright and shiny for technology and research.

Thank you.

ACTING PRESIDENT MEIER: Senator Hannon.

SENATOR HANNON: Thank you, Mr. President. I just want to rise and support this wonderful appointment, confirmation.

Dr. Bessett has -- it seems like just yesterday we confirmed Dr. Bessett for chair of the Public Health Council. And it - probably the same way that he is, there's been so many different issues that have come up along the way.

And for the residents of this

state, the issues that he helped guide, the studies that he helped develop and bring things to the forefront have benefited everybody.

So I just wanted to commend the Governor for making the appointment. And while I don't have the long list of accomplishments Dr. Bessett already has made in his life, I do know they are considerable and they show that he has all of the abilities in the world to carry out this new slot.

And thanks for braving Albany on our snowstorm day.

ACTING PRESIDENT MEIER: Senator Nozzolio.

SENATOR NOZZOLIO: Thank you, Mr. President.

Mr. President, I rise to support this excellent nomination and to thank Senator Rath and Senator Volker from Western New York, who were particularly strong advocates for the candidacy of Dr. Bessett.

As one who represents Rochester and the Central Finger Lakes, we are excited by this appointment. The Governor has done an

excellent job in having such a high-quality person to serve in this very important office, an office that we view in the Rochester region, in particular, as an office that will be extremely important in future economic development projects.

That I would be also remiss if I didn't compliment my former roommate, now Congressman Tom Reynolds, who is also extremely supportive of Dr. Bessett in this endeavor.

And that we welcome Dr. Bessett to this new endeavor and certainly pledge our full support to him as he undertakes what will be very significant and exciting challenges.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Maziarz.

SENATOR MAZIARZ: Thank you, Mr. President.

I rise to join my colleagues in seconding the nomination of Dr. Bessett. This is an agency that I think is going to lead New York State into the 21st century of economic rebirth. And I can't think of a

person who, quite frankly, I would rather see heading this agency than Dr. Russ Bessett. As Senator Rath pointed out, he has a wide background in science and academic research, and particularly as it deals with health care.

And I think that -- I know that Dr. Bessett is -- will look at the entire state of New York. But I have to say it's a great honor that Governor Pataki chose someone from Western New York to be the executive director of this agency.

And, Doctor, we expect great things in Western New York from you, and sincerely congratulate you and your wife and your family. This is a great honor, and it's a great honor for us, quite frankly, to have someone as qualified as you on board. Thank you.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: Mr. President, let me just say very quickly that I want to commend the Governor for this appointment of Russ Bessett -- one of the few people I have

ever met who is a dentist, a doctor, a surgeon, a businessman. He has been in all sorts of areas. In fact, if you read his curriculum vitae here, you'll see that he has been in some research studies, some of which, if I tried to pronounce what they are, I would be in deep, deep trouble. I'm only a lawyer, and I'm not into that sort of stuff.

But I think what this shows, I think, is that the Governor I think has nominated a person to be the executive director of an agency that is designed to help bring the economies of this state in the research area and in the high-tech area back into New York in a way in which I think is really not understood, unfortunately, because there's so much cynicism out there.

All -- you know, as I've said on a number of occasions, all we've done is cut taxes more than any other state in the Union, reform Medicaid and welfare, and we've been trying to bring jobs to the state, and we have succeeded in many ways.

But we have a long way to go. The federal government, with all the changes that

they've brought on us with free trade and with the Marshall Plan and all those sorts of things, tremendously impacted on Western New York. It's not well understood in the Western New York area as to why manufacturing left our area, but it was really federal policies that created a huge problem for Western New York.

So we're not saying, by the way, that Dr. Russ Bessett, that his job is to take care of Western New York. His job is to take care of the State of New York, the entire state. We are confident, obviously, that somebody of his magnitude and intellectual ability will be able to help direct enormous amounts of job potential to the whole state, but also to Western New York, where we certainly need it.

He's also a fine gentleman and just, by the way, participated -- this was not mentioned, but I think it should be, that he oversaw the medical staff for the county executive in Erie County, Joel Giambra, who's just gone through some rather tough times. And he's doing extremely well. I might add he went to Sloan-Kettering to have some treatment

done, because the people down there were expert people in the area that he had to deal with.

And Russ Bessett was the person who was chosen to oversee that, because he has the experience, the expertise, and the confidence of people not only in the Giambra administration, obviously, but in the medical community in Western New York.

So, Russ, I wish you the very best. I congratulate you on this position. And I know you'll do an excellent job and will help us to bring much-needed additional help to this state and especially to Western New York.

ACTING PRESIDENT MEIER: The question is on the -- I'm sorry, Senator Dollinger.

SENATOR DOLLINGER: Thank you, Mr. President.

I'm going to vote in favor of this nominee. I do it with two caveats attached, neither of which affect this particular candidate's qualifications. And we did have a chance to talk about them both in the Finance Committee. I just wanted to repeat them

briefly.

One is to make sure that the Manufacturing Extension Partnership -- which is a critical piece of High Technology of Rochester, as it is for many of the other high technology centers around New York State. This year, for some reason, and I don't know what accounted for it, and I don't hold anyone accountable for it, but there was a loss of $2.3 million in state funding.

My understanding is the Governor is going to produce a 30-day amendment to put that $2.3 million back into the budget so that High Technology of Rochester, as well as the other high technology centers, will have enough to do the work that they do in supporting new businesses.

Rochester, New York, is very fortunate. I represent the community. And a hundred years ago George Eastman could have used a little science and technology help. So could the Bausches and the Lombs. Back in the mid-fifties, there's no question that Chester Carlson and Joseph Wilson could have used it as well. If one of those businesses is

delivered, at any time in the next ten years, to our community, it will be an enormous blessing to everyone in upstate New York.

So it's good to hear the Governor has put that money in. Dr. Bessett, I hope that you use that money as the sprinkling to grow many new rising businesses, not only in Rochester but throughout upstate New York.

And the second thing I'll close with -- and again, I mentioned it very briefly -- is I think we made a mistake last year in the J2K program when we abolished the Office of Science and Technology in New York State and created the NYSTAR without creating an obligation that NYSTAR file a report with the Legislature on the activities that it has undertaken in a given year.

I know Dr. Bessett has assured the members of Senate Finance Committee that will be done. I continue to think, Mr. President, in this state where Lord knows the Governor, Democrat or Republican, already has tons and tons and tons of power, that we somehow, every time we give him control over another agency that was at one time part of the

legislative/executive power-sharing, when we cede even a tiny bit of that power over to the Governor, I think we diminish our own role and we run the potential that we'll never get that power back.

So I think having this organization, NYSTAR, report to the Legislature is a good idea. Dr. Bessett has assured me that he will report on an informal basis. I know that Senator Bruno, this is his stepchild, and that he will make sure that those reports come. But I would just look to that day when perhaps there's a different Majority Leader, there's a different Governor: We may no longer have the ability to get that information, and we may, unfortunately, diminish our own power.

Dr. Bessett, I will support your nomination. I look forward to the day when you come to Rochester and we'll entertain you at High Technology of Rochester.

Thank you.

ACTING PRESIDENT MEIER: The question is on the confirmation of Dr. Russell Bessett as Executive Director of the New York

State Office of Science, Technology and Academic Research. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is unanimously confirmed.

Dr. Bessett is with us today in the gallery. He's accompanied by his wife, Melissa.

Dr. Bessett, on behalf of the Senate, we wish you well and good luck with your important duties.

(Applause.)

Senator Skelos.

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

ACTING PRESIDENT MEIER: Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Kuhl, from the Committee on Education, reports the following bills:

Senate Print 2622, by Senator Skelos, an act to amend the Education Law;

3590, by Senator Bonacic, an act to amend the Education Law;

4650A, by Senator Farley, an act to amend the Education Law;

5589, by Senator Marchi, an act to amend the Education Law;

5725, by Senator Morahan, an act to amend the Education Law;

6272, by Senator Meier, an act in relation to adjusting certain state aid payments;

6285, by Senator Bonacic, an act authorizing the Delaware Valley Central School District;

And 6297, by Senator Bonacic, an act in relation to adjusting certain state aid payments.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without

objection, all bills will go directly to Third Reading.

Senator Skelos.

SENATOR SKELOS: Mr. President, I don't believe there's any housekeeping at the desk.

ACTING PRESIDENT MEIER: That's correct.

SENATOR SKELOS: And there being no further business to come before the Senate, I move we adjourn until Tuesday, February 1st, at 11:00 a.m. sharp.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, February 1st, at 11:00 a.m.

(Whereupon, at 4:31 p.m., the Senate adjourned.)