NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 9, 2000

3:10 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: With us today to give the invocation is the Reverend Claude A. Knight, from Vanderbilt Avenue Moravian Church, in Staten Island.

REVEREND KNIGHT: Let us pray.

O God, in whom we live and move and have our being, we thank You for these United States of America, a land that so many of us call our home. We are grateful for the daily freedoms that we experience -- the freedom of movement, of free speech, the freedom to practice our religion without fear. We remember our forefathers who wrote the Constitution by which we are governed.

We acknowledge, Dear Lord, that we have inherited a freedom for which we did not give our lives, and that today we are rich in

liberty because others before us have formed a government of the people, by the people, and for the people.

And now as Your servants, our Senators, gather to exercise the duties for which they were duly elected, we pray that You will give to each of them wisdom and courage so that they will serve with integrity and with honesty, and enable them to interpret and enact laws that will seem fair and just for all of us within this state.

May a spirit of tolerance, of mutual respect and peace, abide within these walls.

These mercies we ask in the name of Him who is all wise, all powerful, and yet all merciful.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Monday, May 8th, the Senate met pursuant to adjournment. The Journal of Friday, May 5th, was read and approved. On motion, Senate adjourned.

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

Senator Bruno.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

On behalf of Senator Bonacic, please remove the sponsor star on Calendar Number 157.

THE PRESIDENT: So ordered.

SENATOR FARLEY: Thank you.

On behalf of Senator Goodman, Madam President, at page 43 I offer the following amendments to Calendar 814, Senate Print 662, and I ask that that bill retain its place on the Third Reading Calendar.

THE PRESIDENT: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time adopt the Resolution Calendar, with the exception of Resolution 4015, Resolution 4016, of 4038 and 4086.

THE PRESIDENT: All in favor of accepting the Resolution Calendar with the exception of Resolutions 4015, 4016, 4038, and 4086, signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The Resolution Calendar is adopted.

Senator Bruno.

SENATOR BRUNO: Madam President,

can we at this time take up Resolution 4086 - I'm sorry, 4038, by Senator Maziarz, ask that it be read in its entirety, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Maziarz, Legislative Resolution Number 4038, memorializing Governor George E. Pataki to proclaim May 2000 as "Senior Citizen Month" in New York State as well as May 9, 2000, as "Senior Citizen Day" in the State of New York.

THE PRESIDENT: The question is on the -- the Secretary will continue to read.

THE SECRETARY: "WHEREAS, The more than 3 million residents of New York State 60 years of age and older are vital, integral and contributing members of our society; and

"WHEREAS, The more than 3 million senior citizens residing in the State of New York have contributed to the commonwealth of the State by building and helping preserve the customs, traditions and ideals of the many ethnic groups that make up the mosaic of New

York State; and

"WHEREAS, The wisdom and experience of senior citizens constantly enrich the lives of the young people of our State through a strong tradition of volunteerism; and

"WHEREAS, Since 1962, the month of May has been declared, by Presidential proclamation, 'Older Americans Month,' in order for communities around the nation to set aside time to celebrate and reflect on the unique role older Americans play in the fabric of our society; and

"WHEREAS, The legislative and executive branches of New York State government have as a primary goal the improvement of the quality of life of older New Yorkers and the assurance of their continued dignity; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to memorialize Governor George E. Pataki to proclaim May 2000 as 'Senior Citizen Month' in New York State as well as May 9, 2000, as 'Senior Citizen Day' in the State of New York; and be it further

"RESOLVED, That all the residents

of New York State are urged to honor all senior citizens, who are a cornerstone of the strength of our nation and to whom a debt of gratitude is owed; and it be further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Honorable George E. Pataki, Governor of the State of New York."

THE PRESIDENT: The question is 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.

SENATOR BRUNO: Madam President, can we open the resolution for cosponsorship. And any member in the chamber that would not want to be on it, please notify the desk.

THE PRESIDENT: Any member who does not wish to be included on the resolution that was just passed, please notify the desk.

Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up the privileged resolution 4015, by Senator Marcellino, ask that it be read in its entirety, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Marcellino, Legislative Resolution Number 4015, honoring Frances D'Angelo upon the occasion of her designation as recipient of the 2000 "Outstanding Contribution by a Senior Citizen" Award by the Nassau County Department of Senior Citizen Affairs.

"WHEREAS, Senior citizens bring a wealth of experience and knowledge to the increasingly active roles they play in today's society. Their past contributions and future participation are a vital part of and valuable asset to the fabric of community life and activity; and

"WHEREAS, Attendant to such concern and fully in accord with its longstanding traditions, it is the intent of this Legislative Body to honor Frances D'Angelo

upon the occasion of her designation as recipient of the 2000 'Outstanding Contribution by a Senior Citizen' Award by the Nassau County Department of Senior Citizen Affairs; and

"WHEREAS, during her illustrious career as an educator for 50 years, Frances D'Angelo served in many roles, including teacher, principal and supervising professor of student teachers at St. John's University.

"A faithful community worker, Frances D'Angelo is dedicated to making life easier for those who are in need, and she has enriched their lives with her love and compassion.

"Frances D'Angelo's volunteer work extends throughout the past 40 years. She is absolutely and unequivocally the epitome of volunteerism in action. At the local level, she is a member of the Elks Lodge 1458, Ladies Auxiliary; the Glen Cove Historical Society; the Women's Club/Glen Cove and the League of Volunteers for Elderly (LOVE). She also cofounded the AARP Chapter 3407 and heads the Glen Cove Scholarship Board; and

"WHEREAS, At the county level Frances D'Angelo is involved with the Lioness Club Lodges of Nassau/Suffolk County, as well as the Nassau County Federation of Women's Clubs.

"In addition, Frances D'Angelo is active in the Grand Lodge Order Sons of Italy, the New York State Congress of Parents and Teachers, the New York State Civil Defense Commission, the National Foundation March of Dimes and the Statue of Liberty Foundation.

"When Frances D'Angelo joins an organization, she participates fully. She not only joins a club, she takes a very active role in ensuring that its goals are realized. Through her perseverance, selflessness, integrity and leadership, she has touched many lives and has made an immeasurable difference.

"Throughout her impressive lifetime and distinguished career, Frances D'Angelo, a very active, energetic and industrious woman, has inspired and enriched the lives of her family, friends and colleagues through her love and respect for others, and the wisdom which comes from many years of experiencing

life to its fullest; and

"WHEREAS, It is the sense of this Legislative Body that those who enhance the well-being and vitality of their community and have shown a long and sustained commitment to excellence certainly deserve to be recognized and applauded by all the citizens of the great State of New York; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor Frances D'Angelo upon the occasion of her designation as recipient of the 2000 'Outstanding Contribution by a Senior Citizen' Award by the Nassau County Department of Senior Citizen Affairs; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Frances D'Angelo."

THE PRESIDENT: Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

Just briefly, by way of explanation, Madam President. Each year the Senate Aging Committee and the Assembly Aging Committee, ably chaired by my counterpart,

Assemblywoman Barbara Clark, search the state of New York through the various county Offices of the Aging for nominations for Senior Citizen of the Year and Outstanding Contribution by a Senior Citizen.

I think this year we have a special treat, in that our Senior Citizen of the Year is actually two people, a husband and wife team -- and our Outstanding Contribution by a Senior Citizen, whose resolution was just read.

I think that we have some excellent examples who, even though they do a great deal of good work, they are really only representative of the 3.2 million senior citizens that go out and volunteer and help their fellow New Yorkers each and every day.

So for a little bit more detail on our individual recipients, at this time, Madam President, I'd like to yield to Senator Marcellino.

THE PRESIDENT: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President. I appreciate Senator

Maziarz's yielding the floor to me.

And before I talk about our recipient, I just would like to comment on the rule that we have here in the chamber that we do not acknowledge groups that are attending from our districts, to maintain order and discipline.

So on that basis, I will not today acknowledge the group from South Woods Middle School, Syosset, that is here with their teacher, Claudine Locascio -- and that's Jared Mogil, Jason Rosenfeld, and Eddie Grossmann. And I certainly would not want to mention their parents, Lauren Post, Joan Mogil, and Elyse Rosenfeld. And I thank them for coming and appreciating the fact that I cannot acknowledge your presence.

To get back to the point of our resolution and the point of our meeting here today, and that's Mrs. D'Angelo. Frances is a special person. She has worked hard. You heard the resolution that was read. I think the amount of effort that this person has put in, that this woman has done in her community working for senior citizens -- working for

everyone in the community, not just senior citizens but people of all ages. She's tireless.

The only thing she hasn't done is seek political office. And I'm beginning to worry because there's a rumor around that she might be looking for a New York State Senate seat. I don't want to help the other side over there. But you never know.

She would be a formidable candidate. She's a tireless worker. Her efforts for the people of her community and the people that she loves, her family, goes without question. She's a worker, she's diligent, she does things, she's well-respected within the community, she is deserving of this particular award.

I cannot say enough about her. And we could go on and on, and I won't do that, because I don't want to embarrass her. Her family would love it, but we'll give her a printing. And we're going to have a reception down in the district for her, and we'll do more to recognize this very, very special person.

But I could not let this pass, this opportunity to speak on behalf of this individual who I am very, very proud to represent in the New York State Senate.

Frances, God bless you, and stay with us for many, many years to come. And stay active.

Thank you, Madam President.

THE PRESIDENT: The question is 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.

(Applause.)

THE PRESIDENT: As the President of the Senate, on behalf of the Senate, I would also like to acknowledge Ms. D'Angelo, as well as the Palmeris, who I was with this morning.

I had the privilege of speaking with you both and presenting to you the Governor's proclamation in honor of each of

you as well as Senior Citizen's Day here in New York State and Senior Citizen's Month.

Congratulations, and may you thrive and contribute well into the new millennium. Thank you.

Senator Bruno.

SENATOR BRUNO: Madam President, can we ask for an immediate meeting of the Water Resources Committee in Room 332.

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

Senator Bruno.

SENATOR BRUNO: And, Madam President, at this time can we take up the privileged resolution at the desk, 4016, by Senator Bonacic, ask that it be read in its entirety, and move for its immediate adoption.

THE PRESIDENT: All right. The Secretary will read.

THE SECRETARY: By Senator Bonacic, Legislative Resolution Number 4016, commending Salvatore and Angela Palmeri upon the occasion of their designation as the recipients of the 2000 "New York Senior

Citizens of the Year" Award.

"WHEREAS, Senior citizens bring their special wisdom, experience and enthusiasm to countless endeavors, helping to shape and strengthen the character of the communities of the State of New York and the quality of our lives; and

"WHEREAS, It is the sense of this assembled body to recognize and honor the senior citizens of New York State for their diverse talents and generous service on behalf of others; and

"WHEREAS, In conjunction with the celebration of 'Senior Citizen Day' in New York State on May 9, 2000, this assembled body takes great pleasure in honoring Salvatore and Angela Palmeri as the 2000 'Senior Citizens of the Year.'

"Salvatore and Angela Palmeri will be honored with the 2000 New York 'Senior Citizens of the Year' Award on Monday, May 29, 2000, at a reception to be held at Twin Lakes in Hurley, New York.

"The 'Senior Citizens of the Year' Award recognizes senior citizens who have

tirelessly advocated on behalf of seniors and have assisted in providing needed support services and activities which enhance the lives of senior citizens; and

"WHEREAS, Salvatore and Angela Palmeri of New Paltz, New York, truly exemplify these qualities.

"Salvatore and Angela Palmeri moved to New Paltz in 1981 when he retired from his business in Forest Hills. They work tirelessly as volunteers with St. Joseph's Roman Catholic Church in New Paltz. They are involved in many of the outreach programs, which include the Christmas Fair, community dinners, and bingo games; and

"WHEREAS, Salvatore and Angela Palmeri help the Community Service Committee fill shopping bags with various items that are distributed to residents of five area nursing and adult homes.

"Salvatore and Angela Palmeri help at bingo once a month at the Hudson Valley Home, Cabrini on the Hudson, Culinary Home, Moran's, and Valley Vista, in addition to their parish.

"As members of AARP Chapter 975, Salvatore and Angela Palmeri are involved in 55/Mature Driving Refresher Courses, 80 and Over Luncheons, purchasing supplies, Ways and Means Committee, and many other chores that need doing; and

"WHEREAS, Angela Palmeri teaches in the School of Religion at St. Joseph's. She is the cook for one Community Dinner in June, and during the Christmas holidays cooks dinner for the young people at the Juvenile Correction Facility.

"Salvatore Palmeri purchased a computer and is learning to use it so they can more accurately keep track of their many and varied activities, which are too numerous to mention.

"Salvatore and Angela Palmeri coordinate a blood drive twice annually and work with college students on their drive in the fall.

"Salvatore and Angela Palmeri are the proud parents of two children and two grandchildren; and

"WHEREAS, Through all these

endeavors Salvatore and Angela Palmeri have demonstrated an unflagging commitment to the improvement of the quality of life of our state and nation's senior citizens and the enhancement of human dignity; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to most joyously recognize the significance of Salvatore and Angela Palmeri's contributions with its 2000 'Senior Citizens of the Year' Award; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to Mr. and Mrs. Salvatore Palmeri."

THE PRESIDENT: Senator Bonacic.

SENATOR BONACIC: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR BONACIC: It gives me a great honor and it's a privilege to introduce these renowned citizens to our Senate chamber.

Let me tell you a little bit about them. Sal and Ann have been married 56 years. They have two children. Their daughter,

Kathleen, is up here in the gallery. And their son, Joseph, is in Oregon and could not be here today. They have two beautiful grandchildren.

And I was looking over the litany of the things they have given to this community. And what is special about today is that we usually pick one Citizen of the Year for the State of New York. Here we have a married couple doing it together and honoring them both.

And in addition to working for the church, the nursing homes, and running blood drives and doing so many things, there's one story I'd like to tell you about. The parish priest of St. Joseph's asked this couple to cook an Italian meal for 75 people. Well, 400 people showed up. They cooked 50 pounds of ziti and I don't know how many meatballs, but they did it in good taste and never batted an eye.

I wonder where the energy comes from when we get older and we're able to give thousands of hours from our heart to our community. And I figured it out with this

couple here. They have such an abundant and wonderful love that it spills over to the community, and they give and they give and they touch and enrich so many lives.

So we're here to pause to say thank you for the things that you have done, and for being such wonderful models, not only for seniors but for all human beings.

I'm going to ask Sal and Ann to stand up. And at this time they brought a couple of people in the gallery that I just would like to stand up and acknowledge them all at the same time.

Their daughter, Katherine. Their brother Dominic and his wife, Helen. We have Catherine Puglisi, who is director of the Ulster County Office for the Aging; Alice Tipp, our Ulster County legislator; and Joe Sells, from the Ulster County community.

We thank you all.

(Applause.)

THE PRESIDENT: On behalf of the Senate, I would also like to acknowledge the guest in the gallery as well as the Palmeris, who I know of in having been one of your

Supreme Court justices in your district. Your recognition, your reputation for community service certainly preceded your entrance in the chambers today.

Congratulations. Particularly a husband and wife team, extremely impressive. Congratulations.

Senator Bruno.

SENATOR BRUNO: Madam President, I would just like to, as we conclude recognizing these outstanding people, I would like to really answer Senator Bonacic when he says where does the energy come from, where does the vitality come from.

Well, Senator Bonacic and my colleagues, let me tell you, people like this, the energy comes from their heart, from their minds, from all the good things that they think about helping others. They don't think about themselves. They think about helping others.

And it's just a pleasure -- I met them earlier today -- to just recognize them, to see them, to be aware of how they live their lives. And what we have to be aware of

truly is that they give not just of their energy, but their time. And time is something that to all of us is very, very precious.

So to the three of you, to Fran and to Angela and to Sal, I just wish you the very best, and at least another 50 years of dedicated service to your communities. It's a pleasure having you with us.

(Applause.)

THE PRESIDENT: The question is 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.

SENATOR BRUNO: Madam President, can we at this time take up Resolution 4086, by Senator Meier, ask that it be read in its entirety, and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Meier,

Legislative Resolution Number 4086, honoring the members of the armed forces and federal civilian employees who served the nation during the Vietnam era.

"WHEREAS, The United States Armed Forces conducted military operations in Southeast Asia during the period known as the Vietnam era, from February 28, 1961, until May 7, 1975; and

"WHEREAS, During the Vietnam era more than 3,403,000 American military personnel served in the Republic of Vietnam and elsewhere in Southeast Asia in support of United States military operations in Vietnam, while millions more provided for the nation's defense in other parts of the world; and

"WHEREAS, During the Vietnam era untold numbers of civilian personnel of the United States government also served in support of United States operations in Southeast Asia and elsewhere in the world; and

"WHEREAS, May 7, 2000, marks the 25th anniversary of the closing of the period known as the Vietnam era; and

"WHEREAS, May 7, 2000, would be an

appropriate occasion to recognize and express appreciation for the individuals who served the nation in Southeast Asia and elsewhere in the world during the Vietnam era; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to honor the members of the Armed Forces and federal civilian employees who served the nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Joint Chiefs of Staff of the United States Armed Forces."

THE PRESIDENT: Senator Meier.

SENATOR MEIER: Thank you, Madam President.

Madam President, this resolution commemorates the 25th anniversary of the end of American involvement in the Republic of

Vietnam. This conflict was quite different from any war that this country had ever been involved in before, because it stirred on the home front such deep and passionate debate.

And indeed, people of goodwill and honorable people can differ over the policy that put the men and women of this country in the Republic of Vietnam. And indeed, some Vietnam veterans have different opinions about that policy.

But this resolution is not about policy or politics. It is about honoring the men and women of this country who left their homes to serve in the Republic of Vietnam. It is about courage and devotion to country and about devotion to one's friends and comrades, for which Vietnam veterans to this day remain known for, especially among all other veterans.

It is about the obligation that we as a country have, regardless of our political differences, to stand behind those who serve our country when they are committed and placed in harm's way. And it is indeed about our continuing obligation to never forget those

who have served.

Madam President, I'm particularly pleased that we are joined here today in the gallery by John Rowan, the president of the New York State Council of Vietnam Veterans. John, if you would please rise.

John, we extend to you and to all your comrades who served this country so bravely and gallantly our thanks and, belatedly, our welcome home. God bless.

Madam President, I'd like to open the resolution to sponsorship, if I may.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, could we just add everyone's name to the resolution unless they reach the desk and ask not to.

THE PRESIDENT: Anyone who does not want to be included on this resolution should so notify the desk.

Senator Montgomery, why do you rise?

SENATOR MONTGOMERY: Yes, Madam President, I just rise to thank Senator Meier for this resolution.

I have a brother who served in Vietnam, and I would be more than happy - certainly I thank you for opening it up to allow us to put our names on. And I would love to have a copy of that resolution to share with my brother, who is a Vietnam veteran.

Thank you.

THE PRESIDENT: Senator Larkin.

SENATOR LARKIN: Thank you, Madam President.

As one who served in the armed forces during that period and one who made a trip across the pond, I think it's really important that Senator Meier's resolution be given the credibility that he has done here today.

Many of us who served both in Vietnam and in the States during the Vietnam era remember what we went through. Those of us who served in the Pentagon in Washington used to go to work in the morning in civilian clothes because the administration did not want a conflict between those in the armed forces and those who were on the opposition to

the war in Vietnam.

It was a disgrace, a total disgrace, that we were ashamed to give honor and support to those men and women who we, the United States of America, sent to Vietnam.

I think it's very fitting that there's two books that I would like to recommend to anybody who wants to know about the real story of Vietnam. One is called Dereliction of Duty, written by then Major McMasters, United States Military Academy Class of '84, and another one by Lieutenant General Green, United States Marine Corps. General Green was a captain in 1965 - November the 5th, to be exact, when the President of the United States laughed at those of us who were on a task force to Vietnam and said that we didn't know what we were doing.

The task force at that time recommended a full-blown effort in Vietnam of over 400,000 to 500,000 troops, because the task force recognized what was ahead of us was not a little skirmish but it was a major conflict that would take a heavy toll on the

American troops. It proved to be true. 58,000 Americans were killed in Vietnam.

And I personally believe that if this country got behind the men and women of the armed forces that we sent to Vietnam, there would be less casualties and a peaceful settlement a long time before.

To those of you in the gallery from the Vietnam Association, I proudly salute you. And thank God you're back with us.

THE PRESIDENT: The question is 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 Marcellino.

SENATOR MARCELLINO: Madam President, there will be an immediate meeting of the Consumer Protection Committee in the Majority Conference Room, Room 332.

THE PRESIDENT: There will be an immediate meeting of the Consumer Protection

Committee in the Majority Conference Room, Room 332.

Senator Marcellino.

SENATOR MARCELLINO: Madam President, there is a privileged resolution at the desk by Senator Montgomery. May we have the title read and move for its adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Montgomery, Legislative Resolution Number 4021, commemorating the 100th anniversary of Newman Memorial United Methodist Church of Brooklyn, New York.

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 Marcellino.

SENATOR MARCELLINO: Madam President, may we now have the reading of the

noncontroversial calendar.

THE PRESIDENT: Senator Marcellino, we have substitutions at the desk.

SENATOR MARCELLINO: Madam President, please make the substitutions.

THE PRESIDENT: Thank you, Senator.

The Secretary will read.

THE SECRETARY: On page 5, Senator DeFrancisco moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 1937A and substitute it for the identical Senate Bill Number 2574A, First Report Calendar 905.

On page 6, Senator Farley moves to discharge, from the Committee on Civil Service and Pensions, Assembly Bill Number 9525 and substitute it for the identical Senate Bill Number 6334, First Report Calendar 914.

On page 7, Senator Marchi moves to discharge, from the Committee on Agriculture, Assembly Bill Number 3703 and substitute it for the identical Senate Bill Number 2151, First Report Calendar 925.

And on page 9, Senator Bonacic

moves to discharge, from the Committee on Local Government, Assembly Bill Number 6404A and substitute it for the identical Senate Bill Number 3793A, First Report Calendar 943.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Marcellino.

SENATOR MARCELLINO: May we now have the reading of the noncontroversial calendar, Mr. President.

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

THE SECRETARY: Calendar Number 473, by Senator Trunzo, Senate Print 4413, an act to amend the Public Authorities Law and Chapter 774 of the Laws of 1950.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 13. This act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 501, by Senator Meier, Senate Print 1910A, an act to amend the General Construction Law and others, in relation to service in the armed forces.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 14. This act shall take effect January 1, 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 616, by Senator Farley, Senate Print 6934, an act to amend the Education Law, in relation to the authority of the Commissioner of Education.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 639, by Senator Nozzolio, Senate Print 6445B, an act to amend the Highway Law, in relation to naming the POW-MIA Bridge in the Town of Lyons, County of Wayne.

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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 642, by Senator Volker, Senate Print 393, an act to amend the Penal Law, in relation to

consecutive terms of imprisonment.

ACTING PRESIDENT MEIER: Read the last section.

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

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 660, by Senator Meier, Senate Print 1480B, an act to amend the Executive Law and the Social Services Law, in relation to making reports.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 5. This act shall take effect January 1, 2001.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 672, by Senator Volker, Senate Print 6510, an act to amend the General Municipal Law, in

relation to capital reserve 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, 55.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 704, by Senator Balboni, Senate Print 6853, an act to authorize the assessor of the County of Nassau to accept an application.

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.)

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr.

President, just to explain my vote on this bill.

I'm going to vote against this bill and the two that succeed it. Here we are again acting like this super tax assessment/tax abatement board for New York State. Again, we have Nassau County ringing in twice.

And I think the disease of allowing the State Senate to act as this super board of assessment review has now swept into Westchester and the Bronx, because Senator Velella has such a bill.

Let's put an end to this practice. Let's pass Senator Hannon's bill, which would allow the partial tax exemptions in instances in which the purchaser of the property, which is on the tax rolls as a tax property, buys it midway through the tax year, let's allow them to get a partial abatement. I believe this has gone through Local Government.

I would suggest only one other thing for Senator Hannon's bill that might take care of the assessors and the municipal officials who don't like the bill: put a

both-ways clause in that says if the property is tax-exempt and is bought by a taxpaying entity midway through the year, the government could then put taxable status on the property.

And in those instances in which not-for-profit corporations or churches or other types of charitable institutions sell real property to profit-making entities, they could then put it on the tax rolls effective the date of transfer and grant a partial taxable status for the date of purchase until the end of the taxable year.

Put in a both-ways provision. It will solve all these problems and get us out of this very uncomfortable and unfortunately political position of acting like a super board of assessment review. We don't belong there. We give that power to local government.

I would suggest, do the bill that Senator Hannon has proposed, get it through Local Government, bring it to the floor, pass it and make it law. It's the right thing to do.

Until we do that, I'm going to

continue to vote no, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 55. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 708, by Senator Velella, Senate Print 7053, an act authorizing the City of New Rochelle to accept an application.

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, 55. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 710, by Senator Skelos, Senate Print 7215, an act authorizing the assessor of the County of Nassau to accept an application.

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, 55. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 733, by Senator DeFrancisco, Senate Print 4239, an act to amend Chapter 679 of the Laws of 1992 authorizing the Commissioner of General Services.

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

Read the last section.

THE SECRETARY: Section 4. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 752, by Senator Seward, Senate Print 7390, an act to amend the Insurance Law, in relation to extending certain provisions.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 791, by Senator Skelos, Senate Print 7745, an act authorizing the County of Nassau to accept an application.

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, 55. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 807, by Senator Trunzo, Senate Print 6429, an act to amend the Real Property Tax Law, in regulation to coordinate income eligibility standards.

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, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 848, by Senator Nozzolio, Senate Print -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

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

SENATOR MARCELLINO: Mr. President, may we have the reading of the controversial calendar, in the regular order.

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

THE SECRETARY: Calendar Number 642, by Senator Volker, Senate Print 393, an act to amend the Penal Law, in relation to consecutive terms of imprisonment.

SENATOR MARCELLINO: Lay the bill aside temporarily.

ACTING PRESIDENT MEIER: Lay the bill aside temporarily.

The Secretary will continue to read in regular order.

THE SECRETARY: Calendar Number 848, by Senator Nozzolio, Senate Print 3910, an act to amend the Correction Law, in relation to conforming civil immunity protection.

SENATOR PATERSON: Explanation.

SENATOR MARCELLINO: Just hold for one second. Recess for a moment.

ACTING PRESIDENT MEIER: The Senate will stand at ease temporarily. Whatever.

Senator Paterson, was it you who requested an explanation?

SENATOR PATERSON: Yes, Mr. President.

ACTING PRESIDENT MEIER: Senator Nozzolio, an explanation has been requested of Calendar 848 by Senator Paterson.

SENATOR NOZZOLIO: Thank you, Mr. President. I'd be glad to explain the bill to Senator Paterson.

S3910 amends the Correction Law to conform civil immunity protections for officers or employees of the Office of Mental Health with the protections afforded others

who serve in similar capacities in correctional facilities operated by the Department of Correctional Services.

It ensures that employees of the office of OMH who work in prison mental health units receive the same type of immunity from civil damage actions as all other state employees who work in state prisons.

ACTING PRESIDENT MEIER: Senator Paterson.

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

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

SENATOR NOZZOLIO: I'd be happy to yield to Senator Paterson.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: I'm trying to get an idea, Mr. President, of what the gravity of the situation is, and I wondered if Senator Nozzolio had any statistics or any information that would lead me to understand how many of these claims are being made

against OMH workers at present.

SENATOR NOZZOLIO: Mr. President, in response to Senator Paterson's question regarding certain tidbits, I don't know if by certain tidbits Senator Paterson is suggesting that we have certain anecdotes. I don't have any anecdotes to share, although I do believe that those OMH employees who work in satellite units within DOCS who are doing the same type of work as correctional employees are no less susceptible to the day-in-and-day-out challenges that all correctional employees face.

These employees, whether they are paid for as DOCS employees, Division of Correctional Services employees, or OMH employees, Department of Mental Health employees, they are still having close daily contact with inmates and are just as likely to be sued as DOCS employees.

However, the law as it's currently written does not protect them from these types of actions. So what's right is right, what's fair is fair. Protections afforded one group of state employees certainly in the same,

similar circumstances should be afforded all state employees.

SENATOR PATERSON: Thank you, Senator.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: I just - maybe if I just make the question a little more straightforward.

I just wanted to know have there been a considerable number of claims that prompted this legislation, or was it what Senator Nozzolio just said, the element of what would be perceived to be fairness to the OMH workers who may not be employees of the state but are acting in the same fashion that Senator Nozzolio would perceive DOCS workers would be acting in.

SENATOR NOZZOLIO: Mr. President, again in response to Senator Paterson's question, Senator Paterson, I think that certainly the Department of OMH realizes that they are putting their own employees in a situations that is precarious. That they certainly are, in doing, in performing the

same functions that DOCS employees are providing, they are providing mental health services in the prison. That we are seeing a shift of responsibility for such services to the Office of Mental Health. That the correctional employees are protected in their personal capacities by the Correction Law as it's currently written.

Parole officers, who are also stationed in DOCS facilities, have the same protection from personal liabilities as do DOCS employees.

What we're seeing is simply an extension of civil liability limitations to OMH employees working in prisons that we're not -- this bill in no way intends to prevent inmates from pursuing legitimate claims, but damage claims that inmates have still can be pursued in the Court of Claims.

We're just saying we don't want these employees sued personally. And frankly, I think that you would want the same type of fairness, equity and protection.

SENATOR PATERSON: Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: If Senator Nozzolio would continue to yield.

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

SENATOR NOZZOLIO: Yes, Mr. President.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Mr. President, I think the Senator makes a very good point.

And that is whatever the standard is that we have now, might it not be more fair to extend it to other employees who, as I said before, may not actually work for the state but are in a sense performing the same function. And as Senator Nozzolio points out, it would appear that what's fair is fair.

So what I want to ask Senator Nozzolio is just about the whole standard of presumption whereby if a person is injured, even if they are a convicted felon serving time in one of our state penitentiaries, they have an option, particularly if there's a

perceived violation of constitutional rights, to go to federal court or to go to state court.

And that presumptive doctrine is one that holds very highly in our courts. So even though it does not relate specifically to this legislation, because Senator Nozzolio can get up and point out very fervently that we already have it for DOCS workers, so it is really the same test.

But I just want to ask Senator Nozzolio if that does not in many ways diminish our whole presumption standard as it applies to federal and state courts.

SENATOR NOZZOLIO: Mr. President, in response to Senator Paterson's insightful question, absolutely not.

That federal causes of action against or providing for personal litigation in the personal capacity of an employee's work is not precluded in current law. An inmate would be able to sue an OMH employee under this statute in their personal capacities in federal court on federal causes of action. That they could do that currently with DOCS

employees and other employees of federal causes of action are not impacted by this legislation.

What we're trying to do, though, is ensure that state employees are not subjected in state court to actions arising out of the course of their employment.

SENATOR PATERSON: Thank you. Mr. President, I think Senator Nozzolio has covered the presumption argument. If he would just yield to a different line of questioning.

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

SENATOR NOZZOLIO: Of course I continue to yield to Senator Paterson.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR PATERSON: Thank you.

Senator, what would you assess as the protections, if not the restrictions, of the ability of what would be, we would agree, few but still instances in which a percentage of corrections officers might use excessive force, might engage in certain brutality against inmates, if not the fear of personal

liability through civil action?

What would be the motivation to make sure that we are not actually saying to either OMH workers or anyone else that they have the right to treat inmates -- even though they've been convicted of crimes and probably left a trail of heartbreak behind them in committing those crimes, the fact is that they are entitled not to be brutalized in our penitentiaries. How do we prevent or in a sense send a message that we don't tolerate that kind of behavior?

SENATOR NOZZOLIO: Senator Paterson, I certainly know that you, in asking that question, did not mean to insult the 28,000 correction officers who work in our correctional facilities. I don't think you meant to disparage their code of conduct, their course of action within the regulatory and ethical standards of which they are employed. I don't think in any way you meant to insult them.

But, frankly, I think the question is insulting. That it is insulting to those brave men and women who work in our

correctional facilities, who do such good work under the most stressful conditions.

That, frankly, there are, as I indicated, a myriad of regulatory and other disciplinary procedures that are in place today that impede any wayward conduct, if it does exist. And I daresay if it does exist, it exists very rarely. But if that conduct does exist, there are departmental -- a myriad of departmental reviews.

Also, Senator, as I indicated in my answer to you in my past response, that there is nothing -- let's say a wayward employee did so break such rules. Certainly that inmate would have a long course of redress within the federal -- or extensive, I shouldn't say long -- an extensive course of redress within the federal court system.

That exists today. It exists for DOCS employees who have this protection. We're basically saying that we're providing a personal protection in state court for those people who do such good work under such stressful conditions within our correctional facilities.

ACTING PRESIDENT MORAHAN: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. On the bill.

ACTING PRESIDENT MORAHAN: Senator Paterson, on the bill.

SENATOR PATERSON: Mr. President, I know that Senator Nozzolio did not intend any of the Office of Mental Health workers or the state corrections officers -- I don't think he meant to insult them.

In fact, he not only did not mean to insult them, but he is well aware that I didn't mean to insult them, and that's why he repeated what I said. I said that the cases happen very rarely. And he, on the record, said the cases happen very rarely. So neither one of us were trying to insult the 28,000 workers.

What we were talking about were what Senator Nozzolio termed the wayward employees, few though they may be. That's what civil liability is intended to restrict, those instances where though they may be very few workers, and it may be very few

individuals, maybe even a lower percentage of the individuals of society who engage in criminality -- but nonetheless, if we just took for granted that there never is any such violation, we wouldn't even have to make any of these laws. We wouldn't even have to review conduct.

But we know that there have been instances where this happened. And we don't mean to impugn the overwhelming majority of workers who exercise great care and great discretion in discharging their duties. But to associate the condemnation of the wayward employees, few though they may be, is in a way insulting to the actual majority, because the majority would never engage in that kind of conduct and would probably condemn it just as much as I do.

So the point that I was trying to make was that we have to have some definitive way to send a message to the rogue DOCS workers, rogue elected officials, rogue bankers, schoolteachers and anybody else who exists in our society who does not conform to our rules and our principles.

And the most classic, the most understood way to do it is through civil liability. That if you violate the rights of others, even though you march into court and the public will be on your side because you know good and well these are people who committed crimes and no one has any real sympathy for them, the fact is that you will not get any sympathy from this court because, if it can be proven beyond a reasonable doubt -- or in the case of a civil case, by a preponderance of the evidence -- that you engaged in those kinds of acts, you are going to pay for it. It's a wrongful act.

And so this is the reason that I do have a difficulty with the law as it stands now, and even the proposed expansion of it to include those who are not even employees of the state. And this is the reason that I would encourage a no vote on this bill.

Other than to say that Senator Nozzolio is right when he points out that if we're going to have workers doing the same jobs, they should have the same protections.

ACTING PRESIDENT MORAHAN: Thank

you, Senator Paterson.

Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Those recorded in the negative on Calendar Number 848 are Senators Connor, Dollinger, Duane, Gonzalez, Markowitz, Montgomery, Onorato, Paterson, Rosado, Schneiderman, A. Smith, M. Smith, and Stavisky. Ayes, 44. Nays, 13.

ACTING PRESIDENT MORAHAN: The bill is passed.

Senator Velella.

SENATOR VELELLA: Mr. President, there will be an immediate meeting of the Insurance Committee in Room 332, the Majority Conference Room.

ACTING PRESIDENT MORAHAN: There will be an immediate meeting of the Insurance Committee in the Majority Conference Room, Room 332.

The Secretary will read.

THE SECRETARY: Calendar Number 642, by Senator Volker, Senate Print 393, an act to amend the Penal Law, in relation to consecutive terms of imprisonment.

ACTING PRESIDENT MORAHAN: Read the last section.

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

ACTING PRESIDENT MORAHAN: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT MORAHAN: The bill is passed.

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

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

THE PRESIDENT: No housekeeping, Senator.

SENATOR VELELLA: Mr. President, can we stand at ease for a few moments.

ACTING PRESIDENT MORAHAN: The house will stand at ease.

(Whereupon, the Senate stood at ease at 4:05 p.m.)

SENATOR VELELLA: For the convenience of the members, so they can plan their day accordingly, at 4:30 there will be a meeting of the Health Committee in the Majority Conference Room. 4:30.

ACTING PRESIDENT MORAHAN: At 4:30 there will be a meeting of the Health Committee in the Majority Conference Room, Room 332.

(Whereupon, the Senate reconvened at 4:14 p.m.)

ACTING PRESIDENT MORAHAN: The Senate will come to order.

Senator Bruno.

SENATOR BRUNO: Mr. President, I have a privileged resolution at the desk. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MORAHAN: The Secretary will read.

THE SECRETARY: By Senator Bruno,

Legislative Resolution Number 4056, mourning the death of His Eminence John O'Connor, Archbishop of the Roman Catholic Diocese of New York.

"WHEREAS, It is with profound sorrow and deepest regret that this Legislative Body, representing the people of the State of New York, is moved to mourn the death of a man of singular distinction and extraordinary accomplishment; and

"WHEREAS, The purposeful life of John Cardinal O'Connor, an eminent man of indomitable faith, spirit and perseverance, will forever be an inspiration to others; and

"WHEREAS, One of the most pious religious leaders in the United States, a truly faithful shepherd of the Roman Catholic Church, John Cardinal O'Connor, the oldest active Roman Catholic bishop in the United States, passed away on Wednesday, May 3, 2000, at the age of 80; and

"WHEREAS, born in Philadelphia on January 15, 1920, Cardinal O'Connor attended public schools until he was a high school junior. Then, under the Christian Brothers of

Philadelphia's West Catholic High, he was inspired to take up a religious life.

"Cardinal O'Connor entered St. Charles Borromeo Seminary at the age of 16 and was ordained in 1945. He began his religious career in his native city, teaching and doing parish work.

"From 1952 to 1979, he served as a chaplain with the Navy and Marine Corps, rising to the rank of rear admiral and the position of chief of chaplains for the Navy; and

"WHEREAS, In 1979 the Pope ordained Cardinal O'Connor bishop for the United States Armed Forces, and he was assigned to the military vicarate under Cardinal Terence Cooke of New York; and

"WHEREAS, In May 1983, he was appointed bishop of Scranton, Pennsylvania. He held that post less than a year before being chosen to succeed Cardinal Cooke as New York archbishop and spiritual leader of 2.4 million Catholics in the New York Archdiocese. He was elevated to Cardinal in May 1985; and

"WHEREAS, Cardinal O'Connor was the

host of his own television program, wrote a weekly column in the Archdiocesan newspaper, and conducted an on-line chat in 1995 in which he answered questions on subjects ranging from his view on abortion to his favorite author.

"In recognition of a lifetime of service and accomplishments, the United States Congress awarded Cardinal O'Connor the country's highest civilian honor, the Congressional Gold Medal.

"A familiar figure to devout Catholics as well as other New Yorkers, Cardinal O'Connor reached out to many communities and was instrumental in the Vatican's recognition of Israel; and

"WHEREAS, An extremely religious, patriotic American who served his country with pride and his God with great care and concern, Cardinal O'Connor was man of remarkable faith and spirit who inspired people of all religions with his message of hope, compassion and love; and

"WHEREAS, From his first Philadelphia parish to soldiers on the battlefield, from the carnage of Bosnia to the

tragedy of AIDS, Cardinal O'Connor served as a courageous and eloquent spokesperson for the teachings and traditions of the church, which he communicated with integrity and sincerity; and

"WHEREAS, John Cardinal O'Connor is survived by two sisters, Dorothy Hamilton and Mary Theresa Ward, and a brother, Thomas J. O'Connor; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to pay tribute to the memory of John Cardinal O'Connor, memorializing his life and accomplishments for the edification and emulation of all; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the family of John Cardinal O'Connor and the Archdiocese of New York."

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

You know, as you listen to the resolution that's been read -- and it takes just a few minutes to read a lifetime of

service by John Cardinal O'Connor. And as you just reflect, you just can't help but think about the world as we know it and you wonder how you continue to carry on the good things that the Cardinal worked for and stood for.

You know, when I met him -- and I had the privilege within the last couple of years of having lunch with he and some of the others -- he was one of the most impressive individuals that I've ever spent any time with. I mean, his intellect, his wit, his sincerity, it was just as compelling as it could be.

And when you thought about a man like that, you just had the feeling that he could have been anything that he wanted to be. And what he wanted to be was to spend his life committed to others. In the service -- and you talk about a career, having had a career to be proud of in the service, a ministry there as chaplain, and then to go on from there.

And when I was visiting with him, he indicated -- because I said, "How do you get to be a cardinal?" And he said it was the

most unlikely thing on his mind. That when he was really through with the service and he was in a diocese, that he literally thought that he was going to kind of take it easy. And he got called to accept the responsibility as cardinal. And he said it happened almost just like that.

And he just dedicated himself really to those that had the least. The sickest people, people with AIDS, that he would take up their cause. The poorest people that anyone could relate to. People that immigrated over that really didn't have many people to turn to.

He was just a good person, wanting to improve the life of so many others. And when you think about him and his memory, you just think in terms of all of his presence and all of the good things that he did.

And I guess there's some consolation in recognizing that those things go on. The things he stood for, that he worked for, they just go on.

He's gone on now to his reward and has now approached what may be retirement.

But I have a feeling that he'll be up there doing a lot of things to make sure that everything that happens up there is as effective as it can be.

But you just couldn't help, in coming away from spending time with him, in just feeling that you were in the presence of somebody that was truly a great individual. As I was just listening for a couple of minutes to the history of sort of his life, I think all of us can be proud that he was the Archbishop here in New York and of his life and of the legacy that he leaves all of us here being from New York.

And I remember as I was leaving that luncheon, I made the comment -- he was going to Italy every month, meeting with the Pope, talking with the Pope every month. And I said I had never been to Italy. And he said, "I am going to take you. You are going to go to Italy, and you're going to have an opportunity to meet the Pope."

And through no fault of his, but all of mine -- because a flight of seven or eight or nine hours wasn't anything that I was

looking to, so it never happened. But he was sincere when he said, "You just call and let me know, and that will happen."

And that's the kind of man he was, just reaching out all the time, just doing things for people. So we can all be proud that he was here in New York and that we knew of him and all the good things that he leaves with us.

Thank you, Madam President.

THE PRESIDENT: Senator Goodman.

SENATOR GOODMAN: Madam President, with the loss of Cardinal O'Connor I think a number of us who worked with him and knew him feel a deep sense of personal loss. This was an extraordinary man, possibly the closest thing to a saint that I shall ever have the privilege of knowing.

I would like to reflect just very briefly upon a few interactions I had with His Eminence, and I think that will convey the extraordinary breadth of his humanitarian instincts and his concern for his fellow men.

Let it be noted that it was well-known to him that I was one of those who

led the initial debate in this chamber for the abortion reform law. Despite his deep and total commitment to life, he was nonetheless prepared to have a dialogue on issues that were unrelated to that. And I think that reflects his extraordinary capacity to embrace others who might have disagreed with him in one arena while seeking to work with them in another arena.

Let me just mention a few things that might be of interest in this chamber. First of all, Madam President, the first occasion I ever visited the Cardinal at his residence related to a school reform matter in which he had a deep interest. We discussed the concept of pedagogy, and I saluted the extraordinary proficiency of pedagogy as it's practiced in the parochial schools.

There are few places in which education is delivered with greater effectiveness and greater economy at the same time than in the Catholic parochial schools of New York City. And we were interested in seeing if there were not some experimental methods in which those teaching techniques

could be expanded to be available to others beyond the Catholic instructional area.

Beyond that, we once had a very interesting discussion concerning the matter of AIDS and the treatment of AIDS patients. And as is probably known, the Catholic Church runs probably the best hospice system for AIDS victims that exists. For those of you who may have been within the ambit of any of these facilities, you will note the extraordinary degree to which the AIDS patient is comforted in his or her final days. It's an inspiration in terms of the way in which care can be delivered.

Also, the Cancer Care Hospital, which is made available through the Catholic Charities in New York, is one of the great cancer care institutions of the nation and is certainly an example to be followed by those of us who care deeply for the terminal patients who have problems in this arena.

I'd like to mention that not long ago, at a Friendly Sons of St. Patrick's dinner, when I saluted the Cardinal -- and incidentally, I always called him "Admiral,"

because as a former admiral's aide myself in the Navy, I had immense respect for his stature as a real admiral, which is a rarity, to have a clergyman rise to that rank.

He was, of course, the principal clerical admiral in the Navy, a very unique distinction indeed. And his eyes would always twinkle when I called him "Admiral" and saluted him.

But I did see him on the dais of the Friendly Sons of St. Patrick's dinner. At that point, he said "Would you come to my office next week? I'd like to speak with you concerning a matter of mutual interest."

I went to see him. And I've already mentioned in this chamber during the course of an earlier debate his concern with the so-called bias crime bill. It was the Cardinal's conviction that the time had come for the church to give every possible consideration to the passage of that type of legislation.

And together we determined what might be a useful strategy in bringing other members of the church -- principally the

bishops -- into alignment with that thinking.

The strategy was carried into last summer, and it was his suggestion that there be a meeting, a convocation of the bishops to consider this question. And during that convocation it was his thought that he should invite myself and possibly one or two other legislators to explain the nature of this bill.

Unfortunately, at that point he was struck with the terminal cancer which finally took him from us. We were never able to consummate that. But I thought that his deep concern for this issue was inspirational and deeply humanitarian.

Finally, Madam President, may I observe that on one occasion a dear friend of mine was severely hurt in an automobile accident. He happened to be the son of one of our Republican county chairmen resident in Westchester. He lay in a coma, the young man did, and Cardinal O'Connor ventured up to Westchester for the sole purpose of praying at the bedside of this stricken young man and bringing consolation to his family.

Beyond that, let me just say his sense of humor was all-encompassing. I remember at his convocation in St. Patrick's Cathedral he wore a baseball cap instead of his accustomed skullcap. And this was something which brought peals of laughter to those in the audience, and immediately revealed that he was a man of great humanitarian and wonderful good fellowship instincts.

And so I conclude by simply saying that here was a man we shall not see his like ever again, I'm sure. I deeply value the association with him. I revere him. I shall always carry him in my recollection with the deepest admiration and respect.

THE PRESIDENT: Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

Senator Bruno, your comments were very eloquent. And it's kind of ironic that Cardinal O'Connor grew up in a very humble and modest family background in northern Pennsylvania, as did you.

Cardinal O'Connor was always very

good to me and somebody that was an absolute hero to me. And as I was chosen Catholic Legislator of the Year as a result of his intercession, it was one of the thrills of my life.

But let me just say that his humor, his commitment, the way that he was revered in this state and in this nation is truly unique. Cardinal O'Connor was a remarkable guy, as humble and as down-to-earth as anybody could be.

Anybody that met him or ever spoke to him was absolutely taken with the comfortable way, the kind way -- his humility, but his strength. I was -- everyone that has spoken about Cardinal O'Connor and has known him was taken by the way that he certainly impressed them like no one they had ever met.

Seldom will we ever see someone like this again. The Catholic Church was indeed fortunate to have such a leader. Certainly New York State and humanity was impressed by his leadership. We'll miss him. And I know that Cardinal O'Connor is looking down upon us all.

And he had a great interest in this house and in this Legislature and I think knew the backgrounds of almost everyone that served here. He was very, very knowledgeable and somebody that his breadth of interest was incredible, from the baseball hat to whatever it took to serve his people.

Cardinal O'Connor was a great man, and we'll all miss him.

ACTING PRESIDENT MORAHAN: Thank you, Senator Farley.

Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Much has been said merely in the past week concerning Cardinal O'Connor. And I think, if I may be -- certainly add my voice to everything that's been said, and perhaps without reciting all the Cardinal's many accomplishments, certainly his outspoken leadership role, his consistency to his mission.

What most always impressed me, frankly, for many years about the Cardinal was his personal kindliness, his gentleness and

his willingness to reach out in times of trouble. And you know, if you've read in the newspapers these past days, there have been accounts of him calling people in hospitals, visiting people in hospitals, calling people when, you know, he read in the paper there was some trouble looming on the horizon for them.

And I want to say what most impressed me is that that extended to people who he often differed with. And he could sometimes be -- well, he could let you know when he differed. He had a way of letting you know when he disagreed with you.

And I read in the paper the other day about Geraldine Ferraro recounting how kind he was to her family on numerous instances, calling her to inquire about her son, her husband, and so on. Even though in the headlines they seemed to be adversaries for a time. And he did indeed cancel some appearances she was to make to speak in certain Catholic institutions.

For myself, I felt his kindness at a time when this house indeed was in great turmoil some 13 years ago. And there were

newspaper stories about various members, and there were investigations and all sorts of things. And, you know, I had my share of newspaper stories that made it look like I was being marched to the gallows rather imminently. It never happened, thank God.

But newspaper stories, as we all know, can make people look pretty bad. And during those weeks, I noticed -- that's when you notice the fair-weather friends and the real friends. That's when you find some people seem to cross the street rather than stand and talk to you. Other people come up and encourage you.

And during that time, the Cardinal hosted a reception for legislators and spouses at the chancery and his home. And I'll never forget ringing the doorbell, being there with my wife. I think one of the nastiest stories I hope to ever read about me or my family was in the newspaper that morning.

And the Cardinal made it a point, he looked down -- you know, it's kind of a grated window he looked through. And there was a monsignor there who was greeting

everyone, but the Cardinal personally came bouncing down the steps, opened the door, said, "Marty Connor, come in. You're always welcome here," put his arms around me and my wife, marched us into the whole gathering and kept us at his side for quite some time. Delivering a message to many others who were assembled there, you know.

So as I read the many accounts of his kindness, on a personal level I understood exactly how true those accounts were, how that's the way the Cardinal did operate. He was in the pastoral sense -- leaving aside the Prince of the Church role, he really was a pastor to people, whether they were Catholic or not. He certainly reached out to all New Yorkers when he sensed they needed a bit of encouragement, they needed to -- he really had a way of conveying to everyone their worth as an individual and his care and concern for them.

So certainly I shall miss him. But I thank God that we were benefited here in New York with his presence and his leadership.

Thank you, Mr. President.

ACTING PRESIDENT MORAHAN: Thank you, Senator Connor.

Senator Marchi.

SENATOR MARCHI: Mr. President, it -- everything that's been said is so true and reflects the feelings and the aspect that -- I was about the third row right from the altar when this was taking place, and there were all kinds of people. And you can see in their faces by looking at them what their racial, ethnic, spiritual, wherever they came from, whether they believed or didn't believe at all, how marked an imprint and impact that Cardinal John O'Connor had on them. Absolutely true.

Because he still had this profound love of individuals, of people. Fierce in his adherence and his allegiance to the faith, with that went also this great love of humanity and people, individuals, regardless of differences.

I remember I wrote to him when he came out for -- I think all of you are too young to remember Dorothy Day and Peter Maurin. And he took up the cause of their

beatification and beyond. And I wrote to him. I said I was -- that was almost 60 years ago and I remember being -- working with the ACTU, which supported Dorothy Day.

But at that time she was looked on with great mixed feelings, because she had a riotous start as a young lady. I mean, she did everything that no one even would have dreamt of doing, and yet there was this beloved woman doing so much for the poor and with evident love and respect that she had for everybody.

And I said he didn't, when I wrote, I wrote to him -- but I used to see him quite often, but he was sick by this time. And I wrote to him, I said, "I know you'll bounce back. You always do," I said. But she didn't even have the support that St. Augustine had when he had a mixed youth. But he had St. Monica, I pointed out in the letter, supporting him and praying for him.

And he wrote a very humorous response, which I certainly appreciated.

Cardinal Law mentioned his outrageous humor. And he was, you know, a

person who can enjoy himself just by just human companionship, without respect to how you feel or not asking you anything special except to exchange love for love and all that goes with it.

Cardinal Law mentioned -- and this I didn't know. None of us knew. We were there waiting for the party of people that had gone down to the crypt. And on the crypt, as was faithfully reported by the New York Times and other publications, and what was said in the address that Cardinal Law gave to us, on the crypt was inscribed "There is no love without justice."

Meaning we have to be fair with people. We have to recognize the basic reality of existence and our purpose in life.

And he chose that as his motto. And those of -- those people who will go down in the crypt, and he mentioned that, that he wanted -- this is exactly what he wanted on his crypt, because there were a number of unfilled places. He said, "I know I will be taking my place." And this is what he wanted, that there is no love without justice.

And justice goes beyond just being plain fair. It's an inherent and deep knowledge of the dignity of every human being, without exception. And you can never divest that person of that respect, even if you're poles apart. And this is what consumed him most.

And as was pointed out by previous speakers, he would rush to their side, be it 2 or 3 o'clock in the morning, at the bedside of a patient that was ill with AIDS, and give them courage, and as much as his life would allow him to do this. And he was a very strong man until he was stricken so cruelly.

But it was an exceptional, exceptional message that he left to us, that in the position that -- the modest position that we hold in life here, that you cannot love without justice to our fellow human beings.

So we sorely miss his presence. But as Cardinal Angelo Sodano said, "Well, we don't offer condolences. We offer thanks to the Almighty for having given us Cardinal O'Connor for so many years."

And indeed, he was with us and he consoled and enriched us during all of those years that he was at our side.

ACTING PRESIDENT MORAHAN: Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President.

Everyone has been eloquent. It's been stated so well the type of person John Cardinal O'Connor was and is.

And I would just share, I too had occasions to meet with him. And as a matter of fact, we traveled from Ogdensburg to Albany together not that many years ago.

And encompassing what everyone is saying here today, I would just say Cardial O'Connor is a man who, when you met with him, it's something you never forget. You never forget. He had such presence, such poise, and, yes, a sense of humor.

And as I say, people that have spoken ahead of me really have covered it all. I would just say anyone who is so fortunate as to have been touched by the life of Cardinal O'Connor personally is that much better a

person.

And I can only say that thinking through the years, he is the type of individual or is the individual that really stands out in your mind because of the contributions he made and how he related and how he was able to communicate with people.

We're all better people because of Cardinal O'Connor.

ACTING PRESIDENT MORAHAN: Thank you, Senator Stafford.

Senator Lachman.

SENATOR LACHMAN: I first met Cardinal O'Connor about a dozen years ago when a group of Catholic and Jewish lay and religious leaders sat down at the mansion to discuss issues of concern to the Catholic and Jewish community in the Archdiocese of New York and beyond that.

I was pleasantly surprised and shocked, I must say, that when the Cardinal discovered that one or perhaps two of the ten Jewish participants was kosher, that he ordered his staff to secure a kosher caterer, to bring in new cutlery and new silverware.

This is the type of man that he was. He always thought of the needs of other people.

About eight years ago I was surprised to discover that I was appointed to cochair, with former Governor Carey, a blue ribbon panel on the future of Catholic education in New York State. And I was somewhat taken aback because my whole background was in the public schools and not in the nonpublic schools. And I discovered from the superintendent of schools and the vicar for education that this honor was checked out with the Cardinal Archbishop of New York.

We had frequent conversations on issues of education, national education. We had conversations dealing with infertility. And the last one was just a few weeks before his recent surgery of last summer that proved to be fatal.

He was a very unusual man. Many people have expressed this uniqueness of the Cardinal much better than I can. Not only was he the primate of the Catholic Church in North

America, especially after the passing of Joseph Cardinal Bernardin of Chicago, not only was he consistent with the basic principles of the church regardless of the difficulties that might ensue from his totally seamless garment of pro-life feelings -- coming out even against the death penalty when very few people would come out against the death penalty - Cardinal O'Connor was not only a living symbol of religiosity to his own parishioners and to Catholics, but he was a symbol of the infinite goodness and kindness and thoughtfulness and graciousness that his whole life was an example of to people of all religions, whether they are Catholic, Jewish, Protestant, and Muslim.

I mean, someone mentioned that -- I think the resolution mentioned his influence on the church's position in recognizing the State of Israel. He had a tremendous influence on encyclicals and statements of the church dealing with facing up to anti-Semitism and the Holocaust. He had a tremendous influence on what is taking place in Northern Ireland today.

He had a tremendous influence in being one of the strongest supporters and backers of working people in the city and state of New York, supporting unions, supporting people who did not, he felt, receive enough funding to support their own families.

You cannot define this Cardinal as liberal, conservative, progressive. You have to define him as one of the most outstanding human beings that walked this earth in the 20th century. And those of us who live in the state of New York and those of us who had the privilege of knowing him now know that we will probably never see the likes of him again.

May his soul rest in peace.

ACTING PRESIDENT MORAHAN: Thank you, Senator Lachman.

Senator Maltese.

SENATOR MALTESE: Mr. President, it's extremely difficult to follow my good colleagues with such eloquence -- Senator Lachman, Senator Marchi, so many others. At the same time, I would be remiss not to say a few words of recollection, not to do Cardinal

O'Connor honor but to state that he did us honor in so many ways.

Listening to my colleagues and listening to the comments that have been made in the last few days, I realize now why he seemed to have such an intimate knowledge of the Legislature and particularly the Senate. Because in so many ways he knew intimately my colleagues. He knew of their interests, he knew of their dedication.

And in speaking to him, there never was a time when he hesitated to speak himself rather than through an intermediary. I remember very vividly the first time I spoke to him many years ago on a question of legislation and thinking that I would get on with possibly his assistant or a bishop or an auxiliary bishop. I was surprised when the Cardinal himself got on the phone and indicated an awareness, an interest, and a knowledge of legislation that was to come before this house.

And that was repeated over and over again in the intervening years. And they were not only issues of the right to life or

Catholic education, but they were issues of economic justice and even, yes, the death penalty, where I didn't -- I was not of his mind.

It was very plain that his spirit encompassed, his spirit and his interests encompassed all issues that affected not only the moral and spiritual life of New Yorkers and the people of this country but also their economic well-being, their family life, their moral existence.

I think it's a testament to the greatness of the man that so many people from so many walks of life who might have disagreed with him on one subject or another do him honor by their testaments on his behalf.

One thing is certain. He was not one to engage in that false camaraderie which would seek acclaim or friendship from those who would disagree with him on matters that he might consider of faith and morals. He stated his position, not in a belligerent or aggressive or antagonistic role. Based on his Navy background, he probably said, You take me as I am or you don't take me at all. And

apparently and not apparently, but that was actually as people took him.

Because he was a great man and certainly was a man that, as Senator Marchi has just indicated, that we will not see his like again. Because in the past 20 or 30 years I've been involved in public life, it is very, very difficult indeed to think of another man like him who was a holy man, a knowledgeable man, a man of compassion, a man of humanity, a great humanitarian.

We will sorely miss him in New York, and we will miss him certainly in areas of right to life and areas of economic justice, in areas that will be confronting this Legislature and legislatures across the country on matters that will come up, not only issues like euthanasia but some of the cloning and infertility problems that are complex moral issues that will have to be closely examined.

And it was not only heartening but something that moved us all to have this great man of great knowledge and infinite wisdom on our side speaking on behalf of all people. He

is a man that will be missed. He is a true man, a true man of God.

ACTING PRESIDENT MORAHAN: Thank you, Senator Maltese.

On the resolution, all those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MORAHAN: Opposed, nay.

(No response.)

ACTING PRESIDENT MORAHAN: The resolution is adopted.

Senator Goodman.

SENATOR GOODMAN: Mr. President, Senator Bruno would like to open this resolution up to all the members for cosponsorship. Could you please put everyone on as cosponsors.

But if anyone does not wish to be on the resolution, you should notify the desk.

ACTING PRESIDENT MORAHAN: Thank you, Senator Goodman.

All Senators, unless they notify the desk otherwise, shall be put on the resolution as cosponsors.

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

ACTING PRESIDENT MORAHAN: No housekeeping.

SENATOR GOODMAN: Senator Seabrook, I'd like to recognize you for purposes of casting a vote.

ACTING PRESIDENT MORAHAN: Senator Seabrook, you wish to be recognized?

SENATOR SEABROOK: Yes, Mr. President.

ACTING PRESIDENT MORAHAN: Senator Seabrook.

SENATOR SEABROOK: Mr. President, with unanimous consent, I'd like to be -- I was out of the room when Calendar 848 was called, and I'd like to be recorded in the negative on Calendar 848.

ACTING PRESIDENT MORAHAN: Without objection, you will be recorded in the negative, Senator.

Senator Goodman.

SENATOR GOODMAN: Mr. President, there being no further business to come before the Senate, I move we adjourn until Wednesday,

May 10th, at 11:00 a.m.

ACTING PRESIDENT MORAHAN: On the motion to adjourn, the Senate will stand adjourned until Wednesday, May 10th, at 11:00 a.m.

(Whereupon, at 4:55 p.m., the Senate adjourned.)