NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 10, 2000

11:05 a.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: The Senate will come to order.

Will everyone present please rise and repeat with me the Pledge of Allegiance to the Flag.

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

ACTING PRESIDENT MEIER: In the absence of clergy, may we all bow our heads in a moment of silence.

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

ACTING PRESIDENT MEIER: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, May 9th, the Senate met pursuant to adjournment. The Journal of Monday, May 8th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Message from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

On behalf of Senator Bonacic, on page number 68 I offer the following amendments to Calendar Number 686, Senate Print Number 6540, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR MARCELLINO: Thank you, sir.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution, 4137, at the

desk, by Senator Saland. May we please have the title read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4137, by Senator Saland, commemorating the Dutchess County Special Olympics Spring Games on May 13, 2000, and honoring Special Olympics of Dutchess County upon the occasion of its 30th anniversary.

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

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, are there any substitutions at the desk?

ACTING PRESIDENT MEIER: Yes, there are.

SENATOR SKELOS: Would you please make them at this time.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 5, Senator Skelos moves to discharge, from the Committee on Judiciary, Assembly Bill Number 4758A and substitute it for the identical Senate Bill Number 6283A, First Report Calendar 971.

On page 6, Senator Lack moves to discharge, from the Committee on Judiciary, Assembly Bill Number 5763A and substitute it for the identical Senate Bill Number 6914, First Report Calendar 976.

On page 7, Senator Marchi moves to discharge, from the Committee on Corporations, Authorities and Commissions, Assembly Bill Number 7637A and substitute it for the identical Senate Bill Number 3620A, First Report Calendar 985.

On page 8, Senator Larkin moves to discharge, from the Committee on Codes, Assembly Bill Number 1578B and substitute it for the identical Senate Bill Number 1066B,

First Report Calendar 1000.

On page 10, Senator Farley moves to discharge, from the Committee on Transportation, Assembly Bill Number 2789A and substitute it for the identical Senate Bill Number 1596A, First Report Calendar 1022.

On page 16, Senator McGee moves to discharge, from the Committee on Finance, Assembly Bill Number 4209B and substitute it for the identical Senate Bill Number 4325B, First Report Calendar 1083.

On page 18, Senator Meier moves to discharge, from the Committee on Veterans and Military Affairs, Assembly Bill Number 3085 and substitute it for the identical Senate Bill Number 923, First Report Calendar 1100.

On page 19, Senator Maltese moves to discharge, from the Committee on Consumer Protection, Assembly Bill Number 3389B and substitute it for the identical Senate Bill Number 3229B, First Report Calendar 1113.

On page 20, Senator Balboni moves to discharge, from the Committee on Health, Assembly Bill Number 1933B and substitute it for the identical Senate Bill Number 1530B,

First Report Calendar 1127.

And on page 21, Senator Volker moves to discharge, from the Committee on Health, Assembly Bill Number 4097 and substitute it for the identical Senate Bill Number 4953, First Report Calendar 1134.

ACTING PRESIDENT MEIER: Substitutions ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, at this time may we please have the noncontroversial calendar read.

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

THE SECRETARY: Calendar Number 211, by Senator Padavan, Senate Print 3597B, an act to amend the Administrative Code of the City of New York, in relation to the enforcement of Environmental Control Board judgments.

ACTING PRESIDENT MEIER: Read the last section.

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the

bill aside.

THE SECRETARY: Calendar Number 705, by Senator Balboni, Senate Print 6854, 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.)

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, everybody is sick and tired of hearing my refrain. I won't repeat it.

This is exactly why we shouldn't make Senator Balboni the chief assessment review officer in Nassau County. This is a contagion. It's spreading everywhere. Before you know it, we might as well take all the assessment review cases from Nassau County where people fail to properly file for an exemption or they buy a property in the middle

of the exemption year.

I'll continue to vote no, Mr. President. I again urge that Senator Hannon's bill be amended, brought to the floor, and let's get rid of all of these kinds of bills forever.

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

Senator Marcellino.

SENATOR MARCELLINO: Mr. President, I have to rise to defend my colleague from Nassau County. I think Senator Balboni would make a great assessment officer from Nassau County if he so chose.

(Laughter.)

SENATOR MARCELLINO: But he's an even better New York State Senator, and we're going to keep him here in the Senate despite Senator Dollinger's urging.

Thank you.

ACTING PRESIDENT MEIER: How do you vote, Senator Marcellino?

SENATOR MARCELLINO: I vote aye.

ACTING PRESIDENT MEIER: Senator Marcellino will be recorded in the

affirmative.

Senator Balboni.

SENATOR BALBONI: I'd just like to tell the body I have no plans of going to any other job. I love this place. And that's why we love doing these great things.

I just -- it's amazing that Senator Dollinger and I can be having a conversation two seconds ago about basketball, and then he comes right out here and votes against my bill.

You are a man of integrity and you can really change like that. I love that about you.

But you ought to vote for those bills, though, because these are good bills for the people of my Senate district.

Thank you very much.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 45. Nays, 1. Senator Dollinger recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 706, by Senator Balboni, Senate Print 6855, an act to authorize the St. Gregorios Malankara Orthodox Church.

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

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 711, by Senator Rath, Senate Print 7331, an act to amend the Local Finance Law and Chapter 413 of the Laws of 1991.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 6. This

act shall take effect immediately.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MEIER: Senator Dollinger.

SENATOR DOLLINGER: Mr. President, is this Bill 711?

ACTING PRESIDENT MEIER: Yes, it is.

SENATOR DOLLINGER: Is this the mandate relief bill, Mr. President? Just so . . .

Mr. President, just to be heard briefly on the bill. I believe this is -

ACTING PRESIDENT MEIER: Well, Senator, we're in the middle of a roll call. Do you want the roll call withdrawn?

SENATOR DOLLINGER: No, Mr. President. I'll just explain my vote.

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

SENATOR DOLLINGER: Mr. President, I'm going to vote in favor of this bill. I always do.

This is the bill that provides mandate relief. You remember that thing that I talked about when we passed the HCRA bill last fall and we dumped about $600 million worth of additional expense onto the counties of this state, and I got up and said, "Listen, it's mandate relief. If you really believe in mandate relief, why would you pass this HCRA bill that poses this huge new mandate on the counties?"

I said it that time, but I hoped we would forgo the debate about Senator Rath's mandate relief bill, because we were clearly doing something that was grossly inconsistent with the passage of this bill.

Everybody in this house seems to be comfortable with the illusion that we pass a mandate relief bill every year, but yet we continue to dumps millions and millions and millions of dollars of mandates onto our local communities.

I'm willing to go along with the illusion, but let's admit it's an illusion.

ACTING PRESIDENT MEIER: How do you vote, Senator?

SENATOR DOLLINGER: I vote aye.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 49.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 753, by Senator Seward, Senate Print 7463, an act to amend the Insurance Law, in relation to penalty provisions.

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 792, by Senator Rath, Senate Print 7774, an act to amend the Real Property Tax Law, in

relation to the apportionment of school taxes.

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 825, by Senator Volker, Senate Print 3435, an act to amend the Civil Practice Law and Rules, in relation to the unsworn affirmation of truth.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the first day of January.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 837, by Senator Volker, Senate Print 6925, an act to amend the Penal Law, in relation to assault upon a police officer.

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.)

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

SENATOR DUANE: Thank you, Mr. President.

I just would be remiss if I didn't point out that once again this body seems to feel that an assault is not always just an assault, that in some cases an assault is worthy of a stiffer penalty.

I'm going to vote yes on this, but I want to point out that we do have a track

record in this body of increasing penalties for assaults against police officers and senior citizens and persons with mental disabilities, and yet we are unable to vote into law laws which more severely punish those who create an atmosphere where hate crimes are permitted and where hate crimes are committed.

I'm going to vote yes, Mr. President, with the hope that this body will be consistent and pass meaningful hate crimes legislation.

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

The Secretary will announce the results.

THE SECRETARY: Ayes, 50.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 862, by Senator Alesi, Senate Print 97, an act to amend the Executive Law, in relation to prohibiting state agencies from offering loans to their employees.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day after it shall have become a law.

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 871, by Senator Rath, Senate Print 3691, an act to amend the Executive Law, in relation to the statewide computerized registry.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 30th day after it shall have become a law.

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

872, by Senator McGee, Senate Print 4322, an act to amend the New York State Urban Development Corporation Act.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 875, by Senator Kuhl, Senate Print 6767, an act to amend the Executive Law, in relation to increasing the term of notaries public from two years to four years.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day after it shall have become a law.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 52.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR SKELOS: Mr. President, if we could take up the controversial calendar at this time.

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

THE SECRETARY: Calendar Number 211, by Senator Padavan, Senate Print 3597B, an act to amend the Administrative Code of the City of New York.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT MEIER: Senator Padavan, an explanation has been requested of Calendar 211 by Senator Duane.

SENATOR PADAVAN: Thank you, Mr. President.

Over the years we have been proactive in helping the City of New York,

particularly the Buildings Department, in enforcing code violations, particularly those that relate to the illegal conversion of dwellings which produce both hazardous conditions, resulting in fires, people getting killed in attics that have been converted to apartments and basements with no exits and so on.

We did that in a variety of ways. We raised the potential fines. We authorized a more effective means of serving violations known as "nail and mail." We required that Con Edison not issue -- or not install additional meters without the owner of the property producing a Certificate of Occupancy which would indicate clearly that it is a multiple dwelling, two- or three-family.

And many more fines have been issued by the Environmental Control Board which administers this process. Unfortunately, we have many individuals who just ignore those fines. As a result of which, the very goals that we set out to achieve are not being met.

And so what this bill would do

would be to allow for a tax lien against the property to the extent of those unpaid fines issued by the Environmental Control Board.

ACTING PRESIDENT MEIER: Senator Duane.

SENATOR DUANE: Would the sponsor yield to a couple of questions?

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I want to frame my question by voicing my concern. My concern is that a tenant, particularly in an SRO, though I understand it's only -- I believe it only applies to wood-frame SROs.

SENATOR PADAVAN: Yes, it does.

SENATOR DUANE: If a tenant complained about conditions in the building or if they thought there was a violation, are the tenants who live in these SROs in any way protected by rent protection or tenant protections?

SENATOR PADAVAN: Well,

obviously, we do have Housing Court, which deals with protecting tenants in a variety of areas. They would have redress there.

But I don't quite understand the nature of the question in regard to the Buildings Department and enforcement of the Building Code and the zoning resolution. That's what, fundamentally, we're dealing with.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I agree with the concept of the legislation, and I probably will be voting yes on it.

But I've found that oftentimes if a tenant voices a complaint in a building, what happens is if the tenant is not guaranteed the ability to sign a new lease through tenant protection, that the landlord can retaliate by

refusing to renew the lease for a tenant in this kind of a dwelling.

SENATOR PADAVAN: That may be true, Senator, but it's totally unrelated to this bill. That issue has no bearing whatsoever on the enforcement of the Building Code and zoning resolution by the issuance of fines by the Environmental Control Board.

SENATOR DUANE: Through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR DUANE: I am interested to know whether or not the tenants in these single-room-occupancy buildings are protected by rent protection, if they're either rent-stabilized SRO tenants or not.

SENATOR PADAVAN: I presume they are. But again, I don't understand the relevance to this bill.

SENATOR DUANE: Through you, Mr.

President.

ACTING PRESIDENT MEIER: Do you wish the sponsor to continue to yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: Senator Padavan continues to yield.

SENATOR DUANE: Well, if the level of punishment for the landlord is being raised, I believe that that would probably make that landlord angry and the landlord could take that anger out on a tenant who brought the violations to the Building Department's attention.

And if the tenant is not protected, they could potentially lose their home because they did the right thing by complaining about a Building Code violation.

So that's basically what my concern is, whether or not the sponsor believes that most of the buildings, the SROs covered in this legislation have enough units that they would be covered by New York State's rent-stabilization laws for SROs.

SENATOR PADAVAN: Under the rent-stabilization law, under the

configuration of the Housing Court, which is of course aggressively pursued by not only agencies under the jurisdiction of the City of New York but also entities that work with tenants, their rights to continue as a tenant are fully protected, irrelevant to making a complaint for any reason.

They could be making a complaint for lack of heat -- which, as you know, the city would then act upon -- lack of maintenance, problems relevant to their security deposit. There are a lot of things that tenants complain about, none of which can result in a punitive action by the landlord against them, either in terms of services or in terms of renewal of their lease.

Neither would that be the case here.

SENATOR DUANE: Thank you.

Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Duane, on the bill.

SENATOR DUANE: I'm going to vote in favor of this. But if it is also passed by the Assembly and becomes law, I would like to

make sure that we watch and make sure that there isn't an additional level of harassment of tenants if they do make complaints about these buildings.

I certainly understand and agree with forcing a landlord to pay their fines by using a lien. But I'm also concerned that the tenants in those situations are made aware of their rights under the law to remain in their homes.

I have seen too many cases of tenants who have lost their homes, signed bad stipulations because they didn't know their rights under the law.

And I just think every time we add an additional burden onto landlords, that sometimes that causes some of them to take out that anger at being forced to keep to the law on tenants that are oftentimes unrepresented in Housing Court or don't even make it to Housing Court before they lose their homes.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: Mr. President,

will the -

ACTING PRESIDENT MEIER: Senator Lachman, could I interrupt you a moment?

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Civil Service Committee in the Majority Conference Room.

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

Senator Lachman, I apologize. You have the floor.

SENATOR LACHMAN: Yes, thank you, Mr. President.

Through you, Mr. President, will the Senator yield for a question?

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LACHMAN: I believe I know the answer to this question, but I want it for the record only because the title for

this bill could give an erroneous impression: "Provides for the enforcement of judgments and violations of the Building Code by the New York State Environmental Control Board as tax liens against the property." Even the squib that goes along with it isn't that clear.

But I assume, Senator, that you are not referring to any stores or shops, their signage, their canopies -

SENATOR PADAVAN: Senator, if you read the -

SENATOR LACHMAN: Yes, I have.

SENATOR PADAVAN: -- the bill itself, it deals with judgments against an owner for a Building Code violation in respect to (A) a private dwelling; (B) a wooden frame, single-room-occupancy multiple dwelling or (C) a dwelling with a legal occupancy of three or fewer dwellers.

So clearly it deals with dwelling units.

SENATOR LACHMAN: Okay, good. I just wanted it for the record because when we received this, you could not tell what the bill was about.

I knew you would give me that answer. I wanted it on the record. Thank you kindly.

SENATOR PADAVAN: You're welcome.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Mr. President, on the bill.

ACTING PRESIDENT MEIER: Senator Hevesi, on the bill.

SENATOR HEVESI: Thank you.

Mr. President, I appreciate Senator Duane's comments and concerns about the potential for punitive action taken by an owner against a tenant who notifies the Buildings Department that there are potential violations.

But unfortunately, an owner can do that right now. And I'm not sure that this legislation would cross that threshold to increase the chances that a landlord is going to take some kind of negative action. And if the landlord did that, there could be redress in the courts, as Senator Padavan points out.

But what this legislation certainly

will do is finally provide some teeth, some enforcement teeth that has been absolutely lacking for years and years on two levels. One is in the determination of the Buildings Department of the City of New York to aggressively pursue these violations. And two is their lack of adequate mechanisms with which to pursue that enforcement. This remedies the second of those problems.

So I commend Senator Padavan for bringing this legislation. I hope that the Assembly sees fit to pass this, because we have the unfortunate situation, particularly in Queens -- and this affects many of my constituents in a number of the communities in which I represent -- where owners simply ignore the violations. They absolutely ignore them.

And it is with that audacity that they continue to act as a consequence of there being no deterrent factor in the law. And we have the unfortunate situation periodically of seeing fires in homes where there are illegal occupancies, and they're risking people's lives.

So this legislation is a solid piece of legislation. It provides an enforcement tool that is necessary to remedy a problem that everybody knows exists and we have been frustrated with for a very long time in not being able to go after these recalcitrant owners.

This is a good piece of legislation. I urge all of my colleagues to support it.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect in 90 days.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Skelos, that completes the controversial calendar.

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

ACTING PRESIDENT MEIER: Yes,

there is.

Senator Kuhl.

SENATOR KUHL: Yes, Mr. President.

On page 57, I offer the following amendments to Calendar Number 765, Senate Print 7725, and ask that said bill retain its place on the Third Reading Calendar.

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

SENATOR KUHL: Thank you.

SENATOR SKELOS: Mr. President.

ACTING PRESIDENT MEIER: Senator Skelos.

SENATOR SKELOS: Could we just stand at ease for a few minutes.

ACTING PRESIDENT MEIER: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:32 a.m.)

(Whereupon, the Senate reconvened at 11:44 a.m.)

ACTING PRESIDENT MEIER: Senator

Bruno.

SENATOR BRUNO: Can you at this time recognize Senator Montgomery.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes. Mr. President, I would like unanimous consent to be recorded in the negative on Calendar 837.

ACTING PRESIDENT MEIER: Without objection, Senator Montgomery will be recorded in the negative on Calendar 837.

SENATOR MONTGOMERY: Thank you.

ACTING PRESIDENT MEIER: Senator Bruno.

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

ACTING PRESIDENT MEIER: The Secretary will read the privileged resolution in its entirety.

THE SECRETARY: By Senator Marchi, Legislative Resolution Number 3480, paying tribute to the memory of Malcolm

Wilson, esteemed former Governor, Lieutenant Governor, and Assemblyman of the State of New York.

"WHEREAS, This Legislative Body was saddened by the news of the March 13, 2000, death at age 86 of Malcolm Wilson, the 50th Governor of New York and 15-year Lieutenant Governor during the administration of the late Governor Nelson A. Rockefeller; and

"WHEREAS, Governor Wilson, as an Assemblyman for 20 years, as a Lieutenant Governor for 15 years, and as Governor for 13 months, figured importantly in the life and history of New York State, in a career devoted to service to his state and to his nation; and

"WHEREAS, Malcolm Wilson's imprint on New York State history is documented in many ways, including his sponsorship of 432 bills which became law during his tenure as an Assemblyman, which began with his election to the Assembly from Yonkers in 1938, at age 24; and

"WHEREAS, Those laws ranged across the spectrum of important public interest. They included one which created the Higher

Education Assistance Corporation, providing a state-guaranteed loan program for students going to private or public colleges. Another extended Social Security coverage to public employees. And yet another provided Workers' Compensation coverage for victims of silicosis and other dust diseases; and

"WHEREAS, Malcolm Wilson's legacy as an Assemblyman also included a post-World War II bill which gave preference in public housing to war veterans and tax exemptions for seriously disabled war veterans, and produced Wilson-sponsored laws to combat dishonest salesmen, to attack debt-consolidation con artists, to help rehabilitate prisoners who were on parole, and to crack down on crooked gamblers who sought to bribe athletes; and

"WHEREAS, long before public interest turned to environmental protection, Malcolm Wilson authored 18 laws to improve the ecology.

"The professionalism, friendly demeanor and humility which helped make him one of the great legislators in New York history served Malcolm Wilson well when he

became Lieutenant Governor in 1959.

"In his years with Nelson Rockefeller, Governor Wilson helped formulate and advance the progressive programs which helped New York earn and maintain its reputation as the Empire State. Among the programs he helped conceive and foster were some of the landmark creations of the Rockefeller years -- the Pure Waters Program, the Statewide Transportation Improvement Program, Medical Assistance for the Poor, the State University Expansion Program, and the Bundy Aid Program to help private college and university students; and

"WHEREAS, It was Malcolm Wilson who persuaded Governor Rockefeller to press President Nixon for federal revenue sharing to help states that were in financial straits during the 1970s. The federal revenue sharing legislation and law grew out of extensive negotiations, involving, among others, Governor Rockefeller, then-Congressman Hugh Carey, U.S. House of Representatives Ways and Means Chairman Wilbur Mills, and then-New York Lieutenant Governor Malcolm Wilson.

"Both houses of the Legislature benefited from his years in Albany as Assemblyman, Lieutenant Governor and Governor, but it was during his tenure as Lieutenant Governor that he enhanced the dimensions of the New York State Senate as its presiding officer.

"Governor Wilson's skills as a parliamentarian and problem-solver, evident in his knowledgeable, firm and genial rulings from the chair of the Senate, alternately impressed, educated, amused and dazzled legislators, visitors and members of the press who witnessed them and wondered whether it was really Mr. Wilson who wrote Robert's Rules of Order.

"Governor Wilson was so knowledgeable as a presiding officer that he never experienced a reversal of any ruling he made from the chair; and

"WHEREAS, The New York Times, taking note of his speaking and parliamentary skills, once reported: 'Mr. Wilson has presided over the Senate as if it were as manageable as an amusing desk-top ant farm ...

He regularly has settled rules conflicts against the Senate (Democratic) minority with such artful legalese that on one occasion the Democrats had to applaud even as they complained that he was changing the shape of the bat and ball in midgame'; and

"WHEREAS, While he was presiding over the Senate, Malcolm Wilson's legend as the ultimate government professional drew much from his special persona and style: his crewcut hair, his thin neckties, and his deliberate, tongue-in-cheek use of multi-syllable words and quotations from classical Latin writers -- all of them elements of his role in making the Senate chamber a forum not only for debate, but also for good humor and admirable erudition.

"Governor Wilson also occupied a position of national prestige among his government peers through which he rose to many intrastate and nationwide leadership posts, including the presidency of the National Association of Lieutenant Governors.

"While government service was the passion of his public life, Malcolm Wilson's

private life was equally satisfying, because of the love and support of his late wife, Katharine McCloskey, who he married on September 6, 1941, and who died in 1980; their two daughters, Kathy (Mrs. John M. Conroy) and Anne (Mrs. Lester G. Matthews); and six grandsons; and

"WHEREAS, Malcolm Wilson prepared for his life in the law and government by graduating from Fordham Preparatory School, Fordham College, and Fordham University Law School, developing a proficiency in Latin, Greek, the classics and law, which were on display in admirable form throughout his life.

"Like others of what Tom Brokaw has called 'The Greatest Generation,' Governor Wilson enlisted in the U.S. Navy while he was in his third term as an Assemblyman. He was commissioned an ensign in 1943 and oversaw a gun crew on an ammunition ship that supported landings of Allied forces at Normandy on D-Day in 1944 and at Anzio in January 1944.

"Even though he worked long days and nights, Governor Wilson enjoyed some hobbies. He played golf, rode his bicycle on

the streets near his home, and counted himself an ardent fan of the New York Yankees. A longtime friend of New York Giants football owner Wellington Mara, a fellow Fordham graduate, Mr. Wilson was a season-ticket holder for the Giants and kept an eye on both the Jets and Buffalo Bills on television; and

"WHEREAS, It is the custom of this Legislative Body to pay tribute to men and women who have espoused and advanced the public interest in New York State, Malcolm Wilson truly merits such recognition. Seldom in New York's history has a public figure served his state and his nation as well as he; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to consider the many substantial contributions to the public good made by the late Governor Malcolm Wilson, to express its appreciation for those achievements and to make its thanks a matter of public record; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Malcolm Wilson, with the

prayers and sympathy of this Legislative Body."

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President.

The resolution we just heard read now becomes a permanent record in the archives here in the history of New York State. And anyone that would ever want to in the future review some of what went on in his life would find that as part of the history of this state.

And I rise really -- and there are people here that knew him better, knew him longer. But I knew him when I was a staff person, when I was a staff person in the Assembly and he was Lieutenant Governor and later became Governor.

And Kathy, his daughter, is here with her husband, Jack Conroy. And, Kathy, I just want to tell you what anyone would say that was exposed to Malcolm Wilson. He was just sincere, he was a gentleman, he was just what we would think anyone in public service

ought to be.

He time and time again would make me and a lot of others like me a hero. Because I'll never forget when I'd be there in a crowd of four or five people and he'd come over and he'd say, "Hi, Joe." And people would say, "Do you know him? He knows you? He knows your name?"

Well, I just left -- I don't think they're in the room -- some retirees who are in here lobbying for their COLA. And I'm sure that the Governor would be very supportive. But one of the retirees worked in government, as they all did. And she said she worked in the Budget Division, and he would walk in the room with people and call them by name, call her Cynthia. And they were just overwhelmed.

Many of us kind of sometimes cover up when we don't remember somebody, and we try and just fake it. But with him, as she said, he didn't fake it. Because he would say, "I saw you out somewhere last week."

But I will never, ever forget I was in Glens Falls, my hometown. He was the Governor. He spoke at a Republican function

up there. And there were more people assembled than they ever assembled in a little community like Glens Falls.

I was sitting there, I was on staff. And this is something that I will never, ever forget as long as I live. I'm a staff person. The Governor is up front speaking to hundreds of people in my hometown. And as he opened his talk, he mentioned -- I was in the back of the room -- my name, what I did for Perry Duryea in the Assembly, and went on literally for five minutes talking about my contribution to state government, what I did here. And when I -- the papers printed all of that.

And I've just got to tell you that as -- I was once younger -- as a young person, to sit there with my family, my colleagues, my peers, people who were successful up there in politics, to have the Governor single me out and talk about me, not just as an acknowledgment but at great length, if anything elevated me to a position where I could then have the confidence to run for public office, it was probably that.

And I said that to him at one time. I had the privilege, when I was visiting with him, of just saying, "You know, you would never know the effect that you've had on so many people whose lives you have touched with your sincerity, with your being a real person, which you're not being elevated and looking down on people but just relating to them as you would to anyone in your life."

That's something you don't forget. And if I were crediting anyone that would inspire me, it was Malcolm Wilson.

So, Kathy, I say that because there are so many things that he did that are part of this resolution. But the people whose lives he touched, they don't have an opportunity to stand here and express it in any public way. But they are out there by the tens of thousands, and I'm sure that you have heard from them. And as you go through your life, you'll continue to hear from them.

And all we have to do is reflect on the impact that he has made on people and the impact that he made on this state, and words don't have to go beyond just saying that New

York State is the Empire State and is so much better for his 38 years of service.

Thank you.

ACTING PRESIDENT MEIER: Senator Marchi.

SENATOR MARCHI: Mr. President, Senator Bruno, I followed -- I had the same experience. I came here as a staff Senate - not Senator, but back in 1953, 47 years ago. And I met Malcolm Wilson for the first time then. And we became fast friends.

And all the things that Senator Bruno mentioned were absolutely true. When he was up there, anyone having a problem -- and, Senator Paterson, you might ask your father, Basil, that on that side of the aisle they would go right up to him and sit next to him and say, "Gee, I like this bill, what do you think?" He'd say, "Well, it's not good for you in your district." Despite that it was one of the bills that we were carrying and wanted to see passed.

But he would say directly. And he would give anyone that went up there -- the advice wouldn't be any better for any member

of the Senate. This is the way he treated each and every member.

And so that what you said, Senator Bruno, strikes a resonance that is so identifiable with anyone having that kind of a friendship.

As a legislator, as a person who came here, left and served in combat during World War Two, immediately on his return he was reelected. And he had to win that seat, because it wasn't a Republican seat at the time when he ran for the first time. He won and stayed on.

He was a superb parliamentarian. We point out in the resolution that he was never reversed. And they say that's very easy, because there were points that were brought up.

I remember very clearly when we went into joint session with the Assembly. And Senator Brydges was then the chair. And we had decided that we would stress the point that there were -- that's why it's never been revisited again -- we were -- with 60 Senators and 150 Assemblymen, we ought to have weighted

voting. At that point we already had the weighted-voting principle.

And so pursuant to that reasoning, Senator Brydges said -- and we were debating a joint resolution of the two houses. I believe it was on the selection of a Regent. And that may strike -- strikes a comparison. And so he said, "Well, if we had that, the equation would be a little different. And we have one-man-one-vote. Why not? So I move that we -- the our method be altered to reflect that."

And he said, "No, you're out of order." He said, "The one-man-one-vote rule" -- or one person, as was later correctly politically stated -- he said, "it doesn't apply. The Constitution says that they all assemble and they take a collective vote from the two houses."

We appealed that. It went to the Court of Appeals, and we lost. We can never repeat that again. I mean, there's a very heavy preponderance of evidence.

That's how -- how precise and particular. And his judgment was so

excellent. He -- his mastery of language, the recitation that he studied Latin and Greek - and he did this with great distinction in his academic background -- reminds me of another good friend Bill Buckley, who has that same propensity, whether you agree with him or not, for the use, precise use of words for what they mean. And Malcolm Wilson was that kind of an individual.

Nationally, he was chairman of the Lieutenant Governors. Which doesn't really state the whole case, because every state doesn't have a lieutenant governor. But I can tell you this. In the early days of the Council of State Governments -- and I've been on their executive committee since 1965. But before then, even, I met people of all hues going way back.

He was known nationally, he was a national figure, because he was the one authority that they would repair to in matters of historical, governmental interest, history. And he was the one they repaired to from all of the fifty states. That was the measure of the individual and the esteem with which he

was held.

He ran for Governor in -- when he lost to Governor Carey, who was a friend and was very helpful. There was a reciprocal friendship and help at that time, even. But it was a very -- kind of a trough that year that the Republican Party was in, and it was not auspicious.

But I can tell you the enormous significance -- we've had lieutenant governors, and we have a very lovely one now, and she's very good. But no one, no one could match the gifts and what -- the impact and the input that he had with Nelson Rockefeller.

Now, I know many of you will whiz around Albany and going from where Hughie lives, where Senator Farley lives, all the way around, and go to different restaurants and hotels and attend functions. We wouldn't have been able to do that in the old days when we first came up, because we were very -- we were distant, and it was very slow getting around Albany.

But he had an immediate impact. And he -- at that time the Republicans were

even in a worse trough than at the time that he himself had run. And this is in 1958.

Averill Harriman was not a poor governor. I knew him. I would not say I was very friendly with him. But the odds were that he might be the next president of the United States. That was the -- that was the thinking in some of the political equations when we were doing bills under Governor Harriman.

But Nelson Rockefeller was taken around to each and every member, and when they -- I don't know how many of you have known Nelson Rockefeller, but he had a magic that was unique and a gift that was amazing, and could command staff.

He supplemented his staff. I don't know whether it's legal today. But, I mean, the Kissingers and the rest of them that came on were all developed by him and served with the administration, and we performed wondrous things.

Raised a few taxes along the way, but we have probably the most complete infrastructure in the United States in terms

of the State University, which was virtually nonexistent.

All of these things, Malcolm Wilson was there every time. I can say that having participated in endless conferences. I would go with Senator Brydges, Senator Anderson, and myself to breakfast for weeks on end during the days of the session at the invitation of the Governor, and he would have Bill Ronan, he would have sometimes even the -- Bill Ronan and the -- oh, our comptroller, who was -

SENATOR LACHMAN: Levitt.

SENATOR MARCHI: Levitt, Arthur Levitt. Levitt and -- and the attorney general would also be kidding each other all the time. But there were people that would come in, and the scenario would change.

But I remember I was there all the time. Malcolm Wilson attended each and every one.

And he would consult with Malcolm, and there was this interplay. The ultimate decision was Nelson Rockefeller. But I can tell you that there was no one in the state of New York or indeed the planet earth that had

the impact that he did, Malcolm Wilson, on the formulation of gubernatorial policy, the responsibilities devolving on the chief executive of this state that he had.

So he had the information, he had the logic, he had the powers of suasion. All of these gifts he manifested with a total devotion. He was not trying to upstage anybody.

If he had carved a niche for his own and he was thinking of himself, he might have done that, and maybe he would have profited by it later on. But he was totally, totally devoted, totally devoted to the success of the administration and his good offices.

And this was a friendship. This was not a superior and someone that -- a dependent. This was an individual who out of great friendship, which was heartily reciprocated by the Governor, enabled things to change in such dramatic ways. And we enjoy the benefits of it, I think, in terms of enormous strides that were made during that period.

So it's -- it's -- when he left office, some of you have met him. And I believe -- well, you mentioned -- several of you have mentioned the fact that you'd seen him at our Senate Club dinners. And he always made them as long as he could. And they're having another one. And I was speaking to the chairman, Mega, who said that it's -- we're sorry that -- you know, I don't think he was there last year. But he had been there two years ago. Stachowski was present at the time.

So I offer this, I offer this for the spirit in which it's tendered and for years of very close personal friendship, which I treasure.

And that should be in the archives and the records of this state, all the numerous bills that he promoted, the numerous -- well, his own bills, for instance, Bundy Aid to Higher Education Assistance, where students -- we had our millionth graduate about four or five years ago from the State University.

He created the framework as an

Assemblyman so that this method of rising would be put in place and supporting the effort of the expansion of the State University to the great service, educational and academic service that it is rendering to the people of this nation.

I'm pleased that Kathy and Jack Conroy are here. And there are grandchildren, there are people who are the conservators of this great heritage on a very personal, familial basis.

And knowing that and being aware of the love and esteem and affection with which your father was held, I -- it has to be a renewal of the experience which you have in all of your waking moments. And I remember your mother so well. I mean, it -- it's moving to talk about it.

But we are very, very happy that we can do this. The capricious nature of the logistics of legislation and the time after the budget, we would have been more numerous at this point. But the feeling was there. The feeling was there, and not only within our state. There are still people, when I move

around a bit and meet others from elsewhere, who remind me of that fact.

So we know that he was -- his spiritual strength was great and that he's up there with your mother. And I think he's looking down, and they're both smiling their approval.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President.

As Governor Wilson often used to say, anything that I could add would deserve little more than a footnote. Today this is true for me. But it was not true for Malcolm Wilson.

I could go on in the same vein as Senator Bruno, the same vein as Senator Marchi. But when the Governor would travel to throughout the state, it was just amazing the people that knew him. And he knew them, and he talked directly to them, person to person.

He never appeared to be in a hurry when a person would come up to talk with him. He had time, and he listened. Yet he of

course was efficient. He would move on, but he always had that way about giving everybody the time of day. Sometimes many of us get in a hurry and we just move on.

As I say, I could go on along the lines of Senator Bruno and Senator Marchi, but I would also point out that very often, very often so much was done -- and this is in line with what Senator Marchi said -- that really it was Malcolm Wilson that should have received credit for so much. But he always, always was very humble, did not push himself into the limelight. When he would travel throughout the state, he wanted it very low-key.

And that was true when he was Governor. He didn't want to make a big splash, so to speak. He wanted to be sincere and he wanted to be -- as we would say, give everybody an opportunity.

An orator? One would find no better orator.

I have to also mention, myself - just as it's going to be mentioned today after I speak, it was mentioned before I'm

standing -- and that is the help that he gave all of us as young candidates. It's amazing, I can remember in 1965 him coming to Plattsburgh and taking you by the hand, so to speak, literally by the hand, and taking you around with him.

And we were so fortunate. We were so fortunate. I could go on and on, but I won't. But I would say he always had time, Malcolm Wilson always had time for everyone. And when people were speaking with him, he was thinking and giving them responses. He was just not there appearing to listen.

Finally, Mr. President, I would say, as will be said many times here today, the state of New York is a better place because Malcolm Wilson was with us. It's wonderful that members of his family are here, Kathy and Jack.

I would say this, that when he presided -- I think Senator Marchi said that -- he presided with equanimity and he always, always, if he had something to explain, he would get the person aside and say, This is why I have to do this, this is

why I have to do that.

We're all here today, and there's no forum that is more fitting to have this eulogy or to be speaking of Malcolm Wilson than the New York State Senate, because he was so proud to preside. He enjoyed every minute of it.

And, Mr. President, as I said earlier, New York State is much better because Malcolm Wilson was an Assemblyman, Malcolm Wilson was a Lieutenant Governor, he presided over the Senate.

And I remember a eulogy that he gave for Senator Barrett down on Long Island when Senator Barrett passed on. And he concluded his remarks about Senator Barrett by stating, "He was a man."

Governor Wilson was a man.

ACTING PRESIDENT MEIER: Senator Goodman.

SENATOR GOODMAN: Mr. President, we often say that we love someone and we use the term loosely. In the case of Malcolm Wilson, I think I can say that he was the most beloved Senator or person involved with the

Senate of anyone I knew in my 32 years in this body.

Malcolm Wilson was an extraordinary individual of immense warmth and total loyalty. And I think it's worth reflecting on a few of the remarkable things that he contributed during his lifetime.

First of all, it may not generally be known that Governor Rockefeller's first campaign was a very difficult, uphill run. Nelson Rockefeller, believe it or not, was an underdog in that race. And to get Nelson Rockefeller well-launched, Malcolm Wilson took out his automobile and drove Nelson Rockefeller personally all around the state of New York to introduce him to various county chairmen around the state.

It was Malcolm's influence and Malcolm's prestige which rubbed off on Governor Rockefeller, who at the time was not widely known and widely supported in the state of New York. By the time that tour had concluded, he was launched, and the rest is history.

Malcolm Wilson, in his role as the

Lieutenant Governor, might just as well have had a control panel and a steering wheel up there at your podium, Mr. President, because very frequently by remote control he steered some of our best legislation to passage in difficult times of great opposition, certain measures which he favored.

He was a master parliamentarian. No one has ever met his equal in that regard. And he understood the very -- every muscle, sinew, artery and vein in what makes the Senate a body. And from his podium he invariably was able to control much in the most gentle and affectionate way.

I recall one evening very late, it must have been 4:00 a.m. in the morning, when an Assemblyman arrived in this chamber, entered by the far door. It happened to be a member of the Democratic party. And with him was a lady in a pair of lounging pajamas. This was a distraction to the members, to say the least. And the Lieutenant Governor said, "If the members will please focus totally upon the next bill, it would assist in doing the people's business." Which naturally brought

down the chamber, because there was a diversion which might have distracted from the people's business at that time.

Let it be said that Malcolm Wilson's sense of humor was enormous. I remember he presided as the chairman of a group known as the Micky Mouse Club. I doubt that any of you has ever heard of the Mickey Mouse Club, but you should know that once a year in this Capitol there gathered a group of people who clandestinely arrived at Jack's downtown wearing Mickey Mouse T-shirts under their civilian clothes, and they would go to the third floor of the restaurant, produce a pair of mouse ears, and sing the Mickey Mouse song, which at that time gained great popularity: M-I-C-K-E-Y, M-O-U-S-E, with Malcolm Wilson leading the ceremony, and to the delight of everyone. This was a nonpartisan group, and one of the memorable and humorous episodes in Malcolm's long career of goodwill and good spirit.

Malcolm was a sesquipedalian. I didn't know what that word meant until he accused me of the same thing. But

"sesquipedalian" refers to multiple pedals or feet on a paramecium, I believe. But it's generally used to describe someone who is very loquacious and uses a lot of big words. Malcolm loved the word "sesquipedalian" and used it from time to time, even to describe his own oratory, which was absolutely unique in its eloquence.

I should also say that Malcolm was a very major advisor in many instances where his advice was sought and had great impact. I recall in my own campaign in New York City in 1977 for the mayoralty of the city, Malcolm could not have been more helpful. He indicated the great difficulties I would face running in a 9-to-1 Democrat-versus-Republican environment. He advised that at all times I get a good night's sleep and maintain my equilibrium and good spirit and sense of humor in order to survive the experience.

It was only using that advice that I think I was able to emerge from one of the notable statistical fiascos in the history of the Republican Party.

(Laughter.)

SENATOR GOODMAN: Let it be said that Malcolm, beyond his public service career -- of course when he became Governor, he carried out those responsibilities with tremendous skill and dedication. And it was only due to the fact that the tide ran against us, I think, that he was ultimately defeated for Governor.

I do remember visiting him in his office during that period and finding he was writing personal handwritten notes to everyone who had written him a congratulatory letter when he succeeded Nelson Rockefeller when Governor Rockefeller became Vice President.

I thought to myself, if he's going to write every one of these people handwritten notes, there'd be little time for any other campaigning. But somehow he managed to do it all.

Finally, after he left office and was an officer of a major bank in New York, I went to see him and visited with him and had a chance to listen to his reflections on his years of public service. He was a highly respected bank executive at the time, but his

sense of the importance of being publicly available to perform true service to people was at the very core of his being.

He was a statesman, he was a noble man and a gentleman, and one whom I shall never forget.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to salute Governor Wilson. Senator Bruno and Senator Marchi both knew him as staff, going way back then. I didn't know him as staff; I couldn't get a job as staff here. But he was very, very instrumental in me coming into the Senate.

He grew up in Yonkers and so forth with all of my cousins, went through Fordham Prep and Fordham Law School and Fordham with all of my cousins, and knew all my family well. And consequently, he was very, very helpful.

And I think it was significant what you said, Senator Stafford, how he -- and Senator Bruno also alluded to it -- how he

paid attention to small and little people. And he was very, very kind to me. And let me just say this. And I worked as a regional coordinator for his campaign for Governor, and it didn't work out that well.

But when I ran for the Senate, I was in a -- just to show his loyalty, I was in a very vigorous Republican primary, and Governor Wilson, former Governor Wilson, was very, very active trying to help me in every which way. As a matter of fact, calling me several times a week giving me advice and so forth. And I was able to survive that primary and go on to defeat an incumbent to come into the Senate.

But he was always so good to me and wrote me all kinds of notes several times a year. And I recall that I'd tell him about my children, and he did remember their names and what they were doing. And when my daughter became a lawyer, he wrote me quite a note saying how proud he was of Kathy and what a wonderful thing that women make as lawyers.

And he was always so personal with everyone, and such a kind man.

And I just want to say something about the Senate Club, because he had a special relationship with this house. And every year at the Senate Club meeting, he was the focal point of these Senators to come and hear Malcolm Wilson, if you will, give a history, almost, of this body and of this state.

And he was truly a legend. I never served in this house while he presided. But I'll tell you, almost everything that is written up there and every piece of procedure, Malcolm Wilson devised and wrote and put into the -- into all the rules of the Senate.

He certainly was an incredible man. I think that something was said -- and so much has been said by Senator Marchi and so many others -- but he doesn't really get all the credit for what he's done for this state. He was such a large presence. Governor Rockefeller was a very dynamic and charisma type of person, but it was Malcolm Wilson that used to get the nuts and bolts done.

And he was -- I'll tell you, as a -- nobody, I don't think, will ever serve as

lieutenant governor that had the influence and the role that Governor Wilson did as lieutenant governor. And I don't think when he became governor there was anybody that was ever more qualified to be governor of this state. He knew all about state government. And it was kind of a tragedy that he did not get reelected.

Those were very tough years for Republicans. For those of us that recall, it was the Watergate situation and the Republican Party was almost thinking of disbanding. And he had to run in the middle of that, which was a tragedy.

But I'll tell you, throughout this state, and particularly in upstate New York, everybody knew and loved Malcolm Wilson because he was such a gentle and kind individual. I know that I'll miss him.

And I'll tell you, I wish he and his family well. You have a tremendous heritage to live by, and what a great father he was. My best to you.

ACTING PRESIDENT McGEE: Senator Maltese.

SENATOR MALTESE: Listening to Senator Farley and Senator Marchi, Senator Goodman, and so many others, it brings so many memories to mind.

It's true enough, I think it may be trite in reference to others, but I think we can safely say that his like will never be seen again here. And that is not to denigrate or demean any that shall come in the future. I think it's an indication of his stature and the dimensions of the man.

I had occasion to work closely with him in many campaigns, including his own in 1974. And I remember how difficult it might have seemed to an outside observer to run in a year where -- the post-Watergate era, as Senator Farley was talking about, for a Republican to run. And yet he never lost his cheerful demeanor, his presence of mind.

And he was running here in New York, I remember -- Ramsey Clark was running for U.S. Senator that year, former Attorney General of the United States. Senator Jacob Javits was running then. And I was the statewide coordinator for a young Vietnam War

widow, Barbara Keating.

And I remember the first time that Governor Wilson met her. And he had known her previously, because she had been a resident of Larchmont. And he went up to her and spoke about her husband, her five children. It's as if he knew the entire family for many, many years. And she felt so much better after that, and I think it energized her and motivated her even more to think that such a fine, distinguished gentleman could be running for governor.

There are so many bills and so many statutes that bear his name. And listening to the resolution, despite the fact that I thought I knew so much about him, I learned even more. I'm glad in a way that the Wilson-Pakula bill, the authorization bill, bears his name when he was an assemblyman and J. Irwin Pakula was a state senator, a good many, many years ago.

And I think it's fitting, because so many people look down on politics and the political process, and yet here's Malcolm Wilson, a giant of a man that certainly

ennobles politics and the political picture.

Governor Wilson unfortunately, as Senator Farley has said, ran in a year that circumstances were against him. There never was anybody better suited, better fitted to be governor.

I remember he -- I guess it was a stock speech, because I had heard it -- and yet you could never call any speech that Governor Wilson gave a stock speech, because he added to it and elaborated on it. And I never understood a good part of the Latin and Greek and Italian and the other phrases. I guess the only one presently here that did is Senator Marchi. And yet he held everyone's interest. He held everyone's interest for lengthy speeches.

And he certainly knew the 61 counties. And he's been gone a while, so I don't remember how many lakes and how many rivers and how many small towns and cities there were, but he had them all, and they were at the tip of his tongue.

Certainly we lost a friend, we lost a colleague, we lost a great man from New

York. And I'm so happy that he is in the archives of the state and certainly in the memories of all his colleagues here.

ACTING PRESIDENT McGEE: Senator Leibell.

SENATOR LEIBELL: Thank you, Madam President.

And it's been very interesting and revealing to listen to the comments that have gone before.

As Kathy may remember, as children, we were children, you used to summer up at Covewood Lodge at Big Moose Lake, and I would be up there with my grandparents, frequently. I can always remember your parents coming up there with the girls to enjoy some time at the lake.

And my grandfather, who was a Democrat and a federal judge -- he'd been Robert Wagner's law partner, the U.S. senator -- had such a deep affection for your father. Of course they were both Fordham graduates. But he had the greatest affection, love and respect for him and for your entire family. You were a wonderful family.

And my own father, who had gone to Fordham Prep with your dad, always told me about Malcolm Wilson and kept in contact with the Governor throughout the years as they grew older.

And he told me of the times at Fordham Prep whenever there was an important occasion, whenever there was an opportunity where they needed a student to come forward, especially on the religious holidays, he said to me, "Vincent, it was always Malcolm that they would pick, because Malcolm was the greatest orator that we had at the Prep." And of course that continued throughout his life.

And in later years, I again rekindled my friendship with the Governor and had the chance on many occasions to meet with him. And we would occasionally go out to lunch, and I would send him the Red Book down so he would be able to keep up with what was going on here in Albany.

And I loved to spend time with him. I used to go down with his former colleague, Will Stephens, the assemblyman whose son is now in the Assembly, and we would talk about

politics and the events.

And as you've heard recounted here today from so many of the members, this was a most incredible man, all the little things that people would note. He'd always ask me about family members, aunts and uncles he hadn't seen in years but he knew them by name -- my Aunt Molly, who lived on the West Coast for decades. He would ask about all the family members and the relatives.

That showed his great sensitivity to all of us as fellow residents of this planet. He had a great mind, he had a great character.

There are those out there who would say in this business that it's -- you don't always find great people. They're wrong. There are many great people who have served in this legislative body. There are none greater than Malcolm Wilson.

He is somebody whose memory we will always cherish -- a great leader, a naval officer, a member of this legislative body, a lieutenant governor who, as was said was by my colleague Hugh Farley, who ran the nuts and

bolts in the government. And to large extent the state we have today, the character of this state, is a reflection of that man.

We will deeply miss him. We are all much better for having known him and for having loved him. And our sympathies to the family.

ACTING PRESIDENT McGEE: Senator Padavan.

SENATOR PADAVAN: Yes, Madam President. So much has been said here that it's virtually impossible to add in any significant way.

However, I do feel that in every walk of life and every endeavor and every profession there is a standard that those in those activities seek to achieve. With all due respect to lieutenant governors past and present and future, while the standard is there and the standard is Malcolm Wilson, no one will ever achieve it in its ultimate form.

There are only a handful of Senators here who had the privilege of being in this chamber when Malcolm Wilson presided, a handful who remain. And you've heard from

virtually all of them. And I was one of them for only one year, but I can tell you that when I arrived in this chamber as a very new, totally green state senator, to sit here - and I sat right there -- looking up and listening to Malcolm Wilson, it was just overwhelming.

I'd never heard the kinds of things that came from his mouth. Not only in the rulings and in the adjudications and in the ways that he handled this chamber, but in his personal demeanor.

And of course as we got to know each other over that period of time, and later on as governor, it was just an amazing experience.

However, I think I must share with you, because I would be remiss if I didn't, when I first sought the opportunity to run for the State Senate, that venture was not greeted overwhelmingly by everyone, because I came from the Lindsay administration. And Lindsay Republicans were not viewed with great enthusiasm at that time.

But someone got ahold of Malcolm

Wilson, and somehow we got together and whatever I did or however I did it, I made an impression upon him. And what he did thereafter would take too much time to discuss, and I don't know if I really want to explain it all.

But I can tell you categorically, without any question, without his advocacy I would not have been a candidate and I would not be here today. And I don't know if anyone else in this chamber can say that.

And over the years, as we continued to serve and run for office, Malcolm Wilson's guidance and notes and personal conversations, the occasions we would meet, particularly the Senate Club dinner, he was always an inspiration to me.

Governor Rockefeller was a great man. His legacy exists throughout this state, as others have spoken to. But I think we would all agree that if Rockefeller did not have a lieutenant governor like Malcolm Wilson, who ran the state in so many different ways, as you've heard -- there isn't any agency anywhere in any part of state

government that he did not have an intimate knowledge of.

If Rockefeller had not had the benefit of that kind of lieutenant governor, I don't believe that he would have been able to achieve all the things that he set out to achieve and accomplished. And obviously that has been established here as a fact as well.

We are all much better people for having known him. And those of you who didn't know him, hopefully today in the things you've heard and perhaps in the things you will read about in the future, you too will be inspired.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator LaValle.

SENATOR LAVALLE: Thank you, Madam President.

Like Senator Bruno and Senator Marchi, I knew Governor Wilson as a staff member. And there is no doubt that his intellect and his knowledge of both the budget and the inner workings of state government were well-known and today are legendary.

I have to, even though it's been

brought up by Senator Padavan and other speakers, I have to just talk a bit about his presiding in this chamber. As a staff member, where -- there were little seats up in front of the members' desks, and we would sit there. And you would wonder -- at certain times when there was a conflict, you would wonder what was going to happen. But without a bead of perspiration or missing a beat, Malcolm Wilson would bring a ruling.

And, you know, no one would contest it, really. I think Senator Marchi talked about never being overridden. Because I think he had such deep respect on both sides of the aisle. And he was so knowledgeable. He never turned to counsel at his side. He was really the authority, as if he had written Robert's Rules of Order.

But I got to know Governor Wilson in 1974, during the creation of a reform of the state aid formula. Myself and Neil Foley and Lois Wilson, no relation to the Governor, were the three key staff members that worked on the '74 formula.

And the first meeting that we went

to, lo and behold, who was there but the Governor himself. And he's there with an easel, and he's there using the broad strokes of what he wanted in the formula. Now, this was a great surprise, because he differed in style from his predecessor, who was a delegator.

And Malcolm Wilson was clearly a person who had such great knowledge and also could be a knowledgeable staff member and literally sat at a number of the meetings. And it was very difficult for the staff to move who had worked during the Rockefeller years on education and state aid matters, to now have the Governor physically seated at the table. And I must tell you, the knowledge that the Governor had was absolutely incredible.

And then finally, after he realized that we had gotten the message as to what he wanted, his final words were: "Now, you know I want you to strip the formula of all the categorical aids. I want you to make sure that you close the gap between the property-rich and the property-poor school

districts." And that's what we did in that formula in 1974.

But Malcolm Wilson was so clearly hands-on and knowledgeable about what was to happen and in what form we were to proceed.

I met Malcolm Wilson campaigning for election. And the thing I was struck about that -- I'm not sure it was mentioned enough here -- is that he was at a dedication of a pool in the town of Brookhaven, in which we took a landfill site and made it into a park with a community swimming pool. And I saw Malcolm Wilson, the campaigner, with children on that day. And I saw such a soft side of Malcolm Wilson in dealing with those kids and hugging them and dealing with them.

And as Senator Stafford or Senator Marchi, in talking about the legacy and things that he worked on and he was interested in - the tuition assistance formula and Bundy, making sure that the State University -- which was a Rockefeller legacy, but to make sure that that would continue on a proper track.

So we had a Governor who was probably not only one of the most

knowledgeable governors ever to serve in this state, but I think a person who was truly a humanitarian.

And the stories are legion on how he wrote personal notes to people who were - had faced some sort of adversity in their lives and how he truly reached out.

And I'm sure that we don't realize -- and today in listening to all the reminiscences of various colleagues here - that we don't realize enough that each day that we serve in this Capitol, it is a piece and a part of history. And Malcolm Wilson served here both as a member of the Assembly, as Lieutenant Governor and Governor, and really has etched his legacy in this Capitol, in this government.

So to Malcolm's family and the grandchildren, I am sure that you are all terribly proud of his accomplishments.

ACTING PRESIDENT McGEE: Senator Paterson.

SENATOR PATERSON: Thank you, Madam President.

On behalf of the Minority Leader,

Senator Connor, we extend our heartfelt condolences of this Democratic Conference for the contributions of Governor Wilson and for all that he meant to the state.

I think that Senator Farley really termed it best when he talked about the nuts-and-bolts work that Lieutenant Governor Wilson did many times in the Rockefeller administration, where Governor Rockefeller was charismatic and outgoing and obviously controversial and someone the eye of the camera may have focused on, but, as Senator LaValle just referred to, some of the changes in the formula for school aid and some of the really dialectic work that was done between 1958 and 1973, and then in the one year that Governor Wilson served as our Governor, up to 1974, that this is the real hard-core effort that we certainly would expect from all of our colleagues in the Senate and in government, and that he truly embodied.

Many Senators got up today and talked about the different ways that they met him. And what continued to ring through all of the different presentations was his

steadfast determination to listen to everyone and to remember different things about them. And there must have been at least seven or eight references to his relationship with children and how well he interacted with them. And I have to say that I was one of them.

I met Lieutenant Governor Wilson when I was here in this chamber when my father served as state senator from 1965 to 1970. And the first time I came in the chamber was in 1966. I was 11 years old. And I sat on one of those stools that Senator LaValle referred to that they often let the staff or the pages sit in, and sometimes they would let the children of senators sit in those seats. And I sat between my father and Senator Wilson, who was Senator Jerome Wilson, who went on to practice at Rogers and Wells.

And at the time the gondola on which you stand, Madam President, was higher. They've changed the contours of the chamber a lot since then. And at that time the acting president of the Senate, Lieutenant Governor Wilson, presided. And I was very moved and obviously had a great deal of reverence for

this position and this person and the way he dynamically handled parliamentary procedure.

At that time, the slow roll call in the Senate was for Senators Adams, Anderson, Brydges, Greenberg, and Zaretzki, Senator Brydges being the Majority Leader and Senator Zaretzki being the Minority Leader.

And at the end of the session, they took me up to meet Lieutenant Governor Wilson, which I thought at that point that I was going to the Land of Oz. To me, this was a big moment, to meet the Lieutenant Governor.

Well, a couple of months later, I came back at the end of the school year. And this was one of the first times that the session went into July, in 1966. And I'm sitting on the stool again, and this time the Lieutenant Governor came down to talk to me and ask me about the rest of sixth grade. And so I was amazed that he would even notice me in what seemed to be this sea of intellectualism that he presided over in the Senate.

I would meet Lieutenant Governor Wilson again in 1970, when he defeated my

father for lieutenant governor, in what would be his fourth and last term prior to his becoming governor, in November of 1970. And he wrote a very gracious letter to my father after that campaign, one that he has saved ever since.

And so I hope that the family of Governor Wilson enjoyed the presentations today and that they will receive some solace and comfort and some inspiration from knowing how many people from all different walks of life and from all different services in government revered and admired the work of their family member, and how the contributions that he made to the state will be followed and emulated for generations.

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

(Response of "Aye.")

ACTING PRESIDENT McGEE: Opposed, nay.

(No response.)

ACTING PRESIDENT McGEE: The resolution is adopted.

Senator Marcellino.

SENATOR MARCELLINO: Yes, Madam President.

Senator Marchi would like to open this resolution up to all the members for cosponsorship. Anyone not wishing to be a sponsor, please indicate so to the desk. If that's okay.

ACTING PRESIDENT McGEE: The resolution is open for cosponsorship. If you do not wish to be a cosponsor, please notify the desk.

Senator Marcellino.

SENATOR MARCELLINO: Madam President, is there any housekeeping at the desk?

ACTING PRESIDENT McGEE: No, there is no housekeeping at the desk.

SENATOR MARCELLINO: Well, the fact that the house is clean is good.

There being no further business to come before the Senate, I move we adjourn until Monday, May 15th, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT McGEE: On the

motion, the Senate stands adjourned until Monday, May 15th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:50 p.m., the Senate adjourned.)