NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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10:14 a.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: In the absence of clergy, may we bow our heads in a moment of silence.

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

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, April 3rd, the Senate met pursuant to adjournment. The Journal of Monday, April 2nd, was read and approved. On motion, Senate adjourned.

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

Could we please have order in the chambers.

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 Bruno.

SENATOR BRUNO: Madam President, I believe that there is a privileged resolution at the desk by Senator Skelos. I would ask that the title be read and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Skelos, Legislative Resolution Number 1197, memorializing Governor George E. Pataki to proclaim April 15 through 21, 2001, as "Esophageal Cancer Awareness Week" in the State of New York.

THE PRESIDENT: 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, while we're waiting for some of the members to get to their seats, it might be appropriate for us to go through the noncontroversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 164, by Senator Kuhl, Senate Print 1685, an act authorizing the trustees of the Steuben-Allegany Board of Cooperative Educational Services.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 185, by Senator Alesi, Senate Print 520, an act to amend the Public Health Law, in relation to mandatory reporting.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 189, by Senator Nozzolio, Senate Print 224, an act to amend the Correction Law, in relation to requiring.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 196, by Senator Seward, Senate Print 2131, an act to amend the Town Law, in relation to permitting.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 242, by Senator Bruno, Senate Print 3094, an act to amend the Penal Law and the Highway Law, in relation to violence.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number

259, by Senator Farley, Senate Print 2839, an act to amend the Banking Law, in relation to conforming.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 260, by Senator Farley, Senate Print 2964, an act to amend the Banking Law, the Education Law, and the Surrogate's Court Procedure Act.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number 268, by Senator McGee, Senate Print 3089, an act to amend the General City Law, the Town Law, and the Village Law.

THE PRESIDENT: Read the last section.

THE SECRETARY: Section 4. This act shall -

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: The bill is laid aside.

THE SECRETARY: Calendar Number

302, by Senator Padavan, Senate Print 2774, an act to amend the General Municipal Law, in relation to salary.

SENATOR PATERSON: Lay it aside, please.

THE PRESIDENT: The bill is laid aside.

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

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

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution Number 1188, congratulating the Hudson Valley Community College Men's Ice Hockey Team and Coach Ron Kuhl upon the occasion of capturing the NJCAA championship.

"WHEREAS, It is the sense of this Legislative Body to pay tribute to those athletes whose participation in sports brings

honor and prestige to this great Empire State, distinguishing themselves through notable achievement and representing their State and school with pride and determination; and

"WHEREAS, This Legislative Body is proud to congratulate the Hudson Valley Community College 2000-2001 Men's Ice Hockey Team and Coach Ron Kuhl upon the occasion of capturing the National Junior College Athletic Association Championship; and

"WHEREAS, The 'Vikings' traveled to Bottineau, North Dakota, where they played a two-game series March 10 and 11 at Bottineau's Lumberdome against Minot State University-Bottineau for the national title. The Vikings won the first game on March 10 by a score of 5 to 2 against the 'Lumberjacks'; Goaltender B.J. Sheehan made 48 saves for Hudson Valley; and

"WHEREAS, The Vikings also won the second game on March 11, 9 to 7, to claim the college's first national hockey title. Mike Paine had two goals and five assists in the winning effort; and

"WHEREAS, Dean Vandervort, who

scored in both tournament games, earned the MVP status; he also was named to the Eastern Juco All-Freshman First Team and the All-Region III Second Team; Mike Paine earned All-Freshman and All-Region First Team Status; Jim Sturges was selected to the All-Tournament squad, the All-Region Second Team, and the All-Freshman First Team; Phil Usas earned All-Region First Team status; and Kevin Graber was named to the All-Tournament squad and the All-Region Second Team. In addition, Jason Vasco, who made 46 saves in the championship game, earned All-Tournament status and All-Region and All-Freshman First Team status. He was also named All-Region and All-Freshman MVP; and

"WHEREAS, Head Coach Ron Kuhl, of Clifton Park, was named 'Coach of the Tournament.' With 45 career victories, he is Hudson Valley's all-time winningest hockey coach; and

"WHEREAS, The team, with a 16-game winning streak and an overall record of 24-4, is outstanding, and the team members were loyally and enthusiastically supported by

family, friends, fans, and the community at large.

"The hallmarks of Hudson Valley Community College Men's Ice Hockey Team, from the opening face-off to participation in the championship, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none.

"Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, Coach Ron Kuhl, along with Assistant Coach Peter Carner, have done a superb job in guiding, molding, and inspiring the team members toward their goals; and

"WHEREAS, Sports competition instills the values of teamwork, pride, and accomplishment, and Coach Ron Kuhl, Assistant Coach Peter Carner, and 18 outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

"RESOLVED, That this Legislative

Body pause in its deliberations to congratulate the Hudson Valley Community College Men's Ice Hockey Team, its members - Jason Vasco, Brian Dudek, Jim Corrigan, Nathan Snow, Christopher Paine, Kyle Reddon, Kyle Reynolds, Dean Vandervort, Michael Griffiths, Kevin Graber, Jim Sturges, Joshua Cottrell, Michael Santamoor, Adam Finkin, Michael Paine, Aaron Chandler, Philip Usas, B.J. Sheehan - Coach Ron Kuhl and Assistant Coach Peter Carner, on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably, engrossed, be transmitted to the Hudson Valley Community College Men's Ice Hockey Team and to Coach Ron Kuhl."

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

You know, it's a great pleasure for me to add my welcome and my congratulations to the championship team from Hudson Valley Community College that happens to be in my Senatorial district, the 43rd. So they make

me look good. They're champions, and we are proud to have them here in the chamber.

But, you know, they're named the Vikings. And like the people that traveled as Vikings across the oceans, through the cold and the wind and the storms, they traveled 18 hours to get to the playoffs in North Dakota. On enemy territory, they won two straight.

And the odds were very much against them, where I think the average size of the opposing team, like 3 inches taller than this team. But we all understand that size is one thing. And it just presented an additional challenge to them.

And Coach Ron Kuhl, who is in Clifton Park in Saratoga County, also part of the 43rd Senatorial district, really distinguished himself. He's been there four years. The first season they had trouble winning any game. And when you think in a community college the players are there for two years, they have to get it together, be together, play together.

And we heard the names of the

players. And I just share with you that the resolution that you heard is really part of the resolutions that will be part of the history of this state. The resolution goes in the archives, just like any law that passes in this chamber. So when your children and your grandchildren, fifty years from now, want to review some of what you accomplished in your life, as you go on to become senators and governors and maybe president, or just distinguish yourselves in business or in the professions, in whatever way you want to, you will have a personal record of your togetherness, of your achievement as champions, as a team.

And some of you get honors and become, as Dean Vandervort, I believe, the most valuable player of the tournament, Dean is there. And Dean understands, just as Jason Vasco, who did, you said, 46 saves; I'm told by the coach it was 50. Congratulations. B.J. Sheehan, 48 saves. Michael Paine, from Saratoga, two goals in the last game, the winning goal. Now, that's something that they individually can be proud of, they as a team

can be proud of. And, Madam President, you being from Rensselaer County, you are as proud as I am.

My colleagues join me in welcoming this championship team and recognizing they go on in life as champions.

Thank you.

THE PRESIDENT: All in favor signify by saying aye.

(Response of "Aye.")

THE PRESIDENT: Opposed, nay.

(No response.)

THE PRESIDENT: The resolution is adopted.

And as President of the Senate and a lifelong resident of Rensselaer County, with many affiliations with HVCC, I want to congratulate you.

And as Senator Bruno mentioned, the preparation you've received in your excellence on your hockey team will carry you through and be a solid foundation not only in your outward community endeavors but in your personal lives too.

So congratulations and best wishes.

Team spirit all the way along.

(Applause.)

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, can we at this time take up the controversial calendar, starting with Calendar Number 242.

THE PRESIDENT: The Secretary will read Calendar Number 242.

THE SECRETARY: Calendar Number 242, by Senator Bruno, Senate Print 3094, an act to amend the Penal Law and the Highway Law, in relation to violence committed on school grounds.

SENATOR PATERSON: Explanation, Madam President.

THE PRESIDENT: Senator Bruno, Senator Paterson has asked for an explanation.

SENATOR BRUNO: Madam President, can we lay the bill aside temporarily.

THE PRESIDENT: Yes, Senator.

The bill is laid aside temporarily.

SENATOR BRUNO: And can we at this time call up Calendar Number 302.

THE PRESIDENT: The Secretary will read Calendar 302.

THE SECRETARY: Calendar Number 302, by Senator Padavan, Senate Print 2774, an act to amend the General Municipal Law, in relation to the salary of full-time police officers.

SENATOR HEVESI: Explanation.

THE PRESIDENT: Senator Padavan, Senator Hevesi has requested an explanation.

SENATOR PADAVAN: Thank you, Madam President.

This bill authorizes a municipality to pay a full-time permanent police officer's full-time salary while they work part-time and attend a college or university seeking a degree in the specific areas outlined in the bill.

THE PRESIDENT: Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President. Would the sponsor yield?

THE PRESIDENT: Senator Padavan, will you yield?

SENATOR PADAVAN: Yes.

SENATOR HEVESI: Thank you, Madam President. Through you -

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, if the Senators will suffer an interruption, I'd like to ask for an immediate meeting of the Higher Education Committee in the Majority Conference Room.

Thank you.

THE PRESIDENT: There will be an immediate meeting of the Higher Education Committee in the Majority Conference Room.

Senator Hevesi, you may proceed.

SENATOR HEVESI: Thank you, Madam President. Notwithstanding the fact that I am on the Higher Education Committee and there are important bills that are going to be discussed there, the one on the floor right now is important too. So I'd like to continue and ask the sponsor if he would yield.

THE PRESIDENT: I believe Senator Padavan said that he would yield. So you may proceed with a question, Senator Hevesi.

SENATOR HEVESI: Thank you, Madam President. Through you, I was wondering if Senator Padavan could tell us whether or not there are any programs in existence right now in the New York City Police Department that

offers any kind of tuition supplement for currently serving police officers.

SENATOR PADAVAN: Not that I know of.

SENATOR HEVESI: Thank you.

Madam President, would the Senator continue to yield?

SENATOR PADAVAN: One more question.

THE PRESIDENT: You may proceed with a question, Senator Hevesi.

SENATOR PADAVAN: One more question.

SENATOR HEVESI: Thank you.

Madam President, my question for the sponsor is my understanding is that there is a requirement that all newly hired New York City police officers have at least two years' college education or a certain amount of military experience as a prerequisite. And that has had a significant impact on recruitment of new police officers.

My question to you is, if this bill becomes a law, would this in any way impact recruitment efforts? In that if you are

already a New York City police officer, this program likely would not help you attain educational requirements to get you on the force. So just so that I'm clear on this, this is only for police officers who already have the requisite educational experience to supplement that with additional education; is that accurate?

SENATOR PADAVAN: If they're on the police force, they've met the requisite requirements. And this is to enhance their academic professional status.

SENATOR HEVESI: Madam President, would the sponsor continue to yield?

SENATOR PADAVAN: No.

SENATOR HEVESI: Thank you.

On the bill, Madam President.

THE PRESIDENT: You may proceed, Senator.

SENATOR HEVESI: Thank you.

I have a lot of questions about this legislation, though I supported it last year. And, you know, with all due respect to the sponsor, I think this is a piece of legislation in a very important area, and I

think it's unfortunate that we don't have the opportunity to discuss the merits of the legislation. So let me take it upon myself to engage in a discussion of the merits of this bill and some of the areas that it opens up.

I have a lot of questions on this bill, particularly pertaining to whether or not the municipalities with the police forces who would now be empowered to provide this benefit would do in a way (A) that in any way hinders their own department; (B) can do it in a way in which it is equally apportioned that all individuals would have access to these individual requirements; and, lastly, what the costs might be for these municipalities.

Also, I would have asked the sponsor why the three-day or three 8-hour tour constituting 24 hours for the subsequent service, and a slew of other questions.

But here's my main concern with this legislation. It seems intended to increase the amount of education that police officers have. Which is a good thing. And I think we should encourage that. I'd like to know the extent to which additional education

requirements or additional educational attainment of police officers leads to greater advancement, has an impact on their ability for -- the police officer's ability to pass the sergeant's test and lieutenant's test and make their up through the ranks of the department, so that we can better gauge whether or not giving localities the ability to do what this legislation seeks to do is going to have a positive impact.

I think most of us would accept at face value that if you give an opportunity for police officers to have additional educational attainment, that that probably makes them better police officers. And there probably is a correlation between the educational attainment and some other important issues that we're facing right now, particularly in New York City right now, most notably with police brutality.

But as this bill comes before us, I notice in the sponsor's memo that there was a tuition waiver program sponsored by the John Jay College of Criminal Justice in the late '70s and 1980s that was proven, according to

the sponsor's memo, highly successful. And I believe, from memory, that that program did exist. I don't believe that program exists now. And that we used to have a CUNY cadet program that also fell victim to budget cuts, and that's very problematic also.

But my biggest problem with this legislation is the following. We have a tremendous problem in New York City recruiting new police officers. In fact, in the last five or ten years, the number of new applicants who are making themselves available to take the police test to become police officers in New York City has diminished greatly. Part of the reason for that is that -- and this is not necessarily a bad thing, but part of the reason is that we have increased in the City of New York the educational requirement and the age requirement for newly hired police officers.

It used to be years and years ago if you were 18 years old and had graduated from high school, you could become a cop in New York City. That's no longer the case. And it's probably a good thing that that's no

longer the case. Now you have to be 21 years old. And my understanding is -- and somebody can correct me if I'm wrong, but my understanding is that you need two years' education, which is the equivalent of an associate's degree, or a requisite amount of military experience and training.

THE PRESIDENT: Senator Duane, why do you rise, sir?

SENATOR DUANE: I was hoping the Senator would yield.

THE PRESIDENT: Senator Hevesi, will you yield?

SENATOR HEVESI: Yes, I would yield.

THE PRESIDENT: You may proceed with a question, Senator Duane.

SENATOR DUANE: Thank you.

You know, while this seems like a good bill, I'm wondering why you think that the claim is being made that there are no fiscal implications to the state.

SENATOR HEVESI: Maybe I misspoke, but let me clarify. And thank you for that question.

Absolutely, there's a fiscal impact to this. It's not that I don't believe that there's a fiscal impact. It's that since the sponsor refused to yield to additional questions, I wasn't able to explore that with him. But this is going to have potentially a tremendous fiscal impact. You are taking full-time police officers who are now required to work, I believe, five days a week, 8-hour tours of duty, and take them off of two of those days, eliminating 16 hours of manpower per police officer who qualifies under this program.

And this -- according to the bill I have in front of me, we don't tell the municipalities who specifically is eligible for this in terms of who's not eligible for it. So the departments on their own would come up with this plan. And I have a lot of questions as to how much money this would cost and the impact that this would have on policing in New York City.

You know, Senator Duane, we already have significant problems in terms of police officers doing desk jobs and a push for

civilianization that has been in the public discourse for years and years now. And now - and this may be a good way to do it, except we haven't set out the parameters. But now we are empowering local police authorities -- and it may be a good idea, but with tighter constraints -- to take police officers potentially off the streets for two out of five days a week. Granted, for a noble cause, to pursue higher education.

But I'm very concerned about that impact on patrol strength and the fiscal impact that this would have, because municipalities are going to act on this if this is made law. So I'm very concerned about the fiscal impact. I don't know what it would be. It's one of my causes for concern with this bill.

SENATOR DUANE: Thank you. If the Senator would continue to yield, Madam President.

THE PRESIDENT: Senator Hevesi, will you yield for a question?

SENATOR HEVESI: Certainly, Madam President.

THE PRESIDENT: You may proceed with a question, Senator Duane.

SENATOR DUANE: Do you think that it's appropriate for the Senate to set a policy that would make it so that some people would be getting a full-time salary for part-time work? Do you think that that has implications for other state workers?

SENATOR HEVESI: Well, Senator Duane, I thank you for bringing up that point. You raise a very interesting question.

It may be worth it to do this if we have a full explanation of what the benefits will be for the police department in question or for the citizens of the municipality which are being policed. And let me give you an example of what I'm talking about.

Were we creating a program or authorizing a program here which would, for example, provide a career-path opportunity for young students in high school who are about to graduate from high school, where we were providing tuition waivers or some kind of part-time work, part-time study supplement, in order that more New York City residents could

attain the educational requirements to become New York City police officers at a time where recruitment of New York City police officers is a tremendous, tremendous problem -- and I intend to explore that problem greatly, since this bill brings up many of these questions. If this legislation was focused in that direction and we knew that there would be a tangible benefit in terms of making thousands and thousands of New Yorkers not only more educated, which is a benefit, but more qualified more, or qualified at all to become New York City police officers -- and that has all kinds of implications for the type of police force that we want to see -- then it may be worthy.

But your question raises some serious concerns. Which is, why are we bestowing a benefit only on this group of individuals when there are other government employees for whom additional education may provide a terrific benefit for the residents of their particular area? Firefighters could turn around to us and say, you know, if you want to become a chief or a battalion chief or

a fire officer, a captain, lieutenant, that additional education, which is not provided for right now through the New York City Fire Department, through the New York City government, that they should have those resources made available to them. And that may be just as compelling an argument as it is for the New York City Police Department.

So you raise a terrific concern. There may be a slew of other municipal employees for whom such a benefit is prudent. But a fuller discussion of what exactly we're trying to accomplish with this legislation would go a long way to answering that specific question.

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

THE PRESIDENT: Senator Hevesi, will you yield for a question?

SENATOR HEVESI: Absolutely, Madam President.

THE PRESIDENT: You may proceed with a question, Senator Duane.

SENATOR DUANE: Thank you.

As the Senator knows, in New York City, in order to remain a teacher, you're required to go on and do graduate work. And that's coursework that's not paid for. The teachers have to pay for that on their own.

Plus, despite what some politicians have said about what an easy job it is for teachers, how they only work a few hours a day and they get the summer off, when we read, for instance, the series in the New York Times about what it's like for a teacher and what their day is like and how many hours it is and the physical taxing that the job entails, we see that it might be difficult and, indeed, almost superhuman for a teacher to be able to teach all day, do their lesson plans, correct grades, do parent conferences, deal with the voluminous paperwork involved with being a teacher now, and at the same time go to graduate school.

I'm wondering if you think that anyone has given any thought to making it a little bit easier for teachers to go on and get graduate degrees, which in fact makes them a better teacher and is a good policy to have

them do that.

SENATOR HEVESI: Thank you. Madam President, Senator Duane raises an excellent, excellent point -

SENATOR DUANE: Can I just -- I'm sorry. Madam President, there's talking in the back of the chamber, and I cannot hear what the Senator is saying.

SENATOR HEVESI: Thank you.

Senator Duane raises -

SENATOR DUANE: I'm sorry, I still can't hear, Madam President.

That's better. Thank you.

SENATOR HEVESI: Thank you.

This example, which Senator Duane has just articulated for us, provides us with a perfect example of how, if a piece of legislation was specifically tailored, for example, to teachers, who have as a requirement of their employment the attainment of a certain level of education, this benefit, then we would have a much better understanding of the need for it, the purpose, the efficacy of the bill and whether or not we should support it.

And I'll go you one further, Senator Duane. Not only do teachers now, in order to be certified teachers in New York State, not only do they have to have a bachelor's degree, and not only do they have to have a master's degree within a certain period of time, but the amount of time within which teachers are now required to attain their master's degree has been greatly reduced from where it was. So we are putting even greater demands upon schoolteachers.

And so we don't provide, at the same time, some kind of tuition supplement for teachers. And you raise an excellent point, because we have a tremendous, tremendous shortage of qualified teachers in New York State, specifically in New York City. And we're getting to crisis level.

And there are a lot of reasons why we aren't seeing a lot of people going into the teaching profession. One of those reasons is we ask a lot from our teachers. We ask them to work at salaries that are less than what their suburban counterparts are making, in very tough environments. Many of the newly

hired teachers work in some of the most difficult school settings, where the test scores are low. And as a result, the attrition rate amongst newly hired teachers in the New York City Board of Education is exceptionally high. In fact, I believe within the first five years, the attrition amongst newly hired Board of Education teachers is in excess of 60 percent.

SENATOR DUANE: Madam President, I'm very sorry, but there's still a buzz in the back of the chamber, and I'm just totally unable to hear what the Senator is saying. And my hearing is pretty good. So if you could please make it so that I could clearly hear the Senator, and I do think this debate -

THE PRESIDENT: Although I can clearly hear him this far away, I will be sensitive to your issues, Senator Duane, and ask the members to take their conversations outside the chambers if it's an issue for you.

SENATOR DUANE: Thank you, Madam President.

THE PRESIDENT: Senator Hevesi,

you may proceed.

SENATOR HEVESI: Thank you, Madam President.

As I was saying, newly hired New York City teachers have an exceptionally high attrition rate. And I've articulated some of the reasons why that is. An additional reason is, we put the requirement upon them that they have to have master's degrees within a certain amount of time. That is a major requirement. And it's very costly, particularly if a teacher is attending Teacher's College of Columbia University.

For example, I know how difficult it is financially to meet those obligations, because I went to graduate school at Columbia University, and my understanding is that the tuition rates at Teacher's College are in excess of a thousand dollars a credit right now. And you juxtapose that with the amount of money that a newly hired teacher is going to earn, and you can see why it is exceptionally difficult to attract new teachers into the profession. Even if they were going for master's degrees in education

at some of our public universities -- which offer tremendously good programs, by the way, such as at Queens College -- it's thousands and thousands of dollars.

So a problem benefiting newly hired public schoolteachers, which would supplement their graduate school education, which we know would have a direct impact on increasing the number of teachers who would go into the teaching profession because -- and we know this and we know it's a noble goal because we do have Teachers for Tomorrow and we are focused somewhat on this problem.

But if we offered this type of a supplement to teachers -- and I don't know whether it's a good idea, Madam President. Because what it would mean for teachers is that -- if we did something similar with teachers, it would mean that if they were required to work five days a week, I think it's 6½ hours, under the current UFT contract -- if we did something similar to this, we'd be pulling the teachers out of the classroom for an additional two days a week to supplement their education.

And maybe we want to just give a financial benefit for the teachers to go in the evening and require them to work during the day. And if we do that and that's acceptable, how is it no more acceptable to make sure that our cops are working policing the streets full-time all day and just getting the tuition supplement and the benefit for going to school at night?

So, Senator Duane, you raised a very good question by specifically asking why don't we provide this for other municipal employs. And I would suggest to you that we need to do more for teachers. And this bill owns up the door for a discussion as to whether or not we're providing sufficient financial consideration and work flexibility consideration for a series of employees -- New York City teachers, firefighters -- whom we know have a direct educational requirement that is tied to their vocation, tied to their occupation.

As far as I know, there is no requirement for a graduate degree in the upper echelons of the New York City Police

Department. And in fact, if memory serves, the current police commissioner doesn't have a bachelor's degree. Now, the more education you have, the better a police officer you're going to be. So I support efforts like this. But certainly if we're going to do it here, let's know the reason why and let's know what benefit this is going to have and see whether this is applicable to any other types of municipal employees.

It's a very good question, Senator Duane.

SENATOR DUANE: Thank you.

And through you, Madam President, if the sponsor would continue to yield. I'm sorry, the Senator would continue to yield. I wish, in a perfect world.

THE PRESIDENT: Senator Hevesi, do you yield?

SENATOR HEVESI: Yes, I'd be happy to yield.

THE PRESIDENT: Senator Duane, if you have a question, you may proceed.

SENATOR DUANE: You know, the issue of authorizing a municipality or police

department to do this raises the issue of collective bargaining in the police department. I know that many of us feel that one of the things that needs to be eliminated, though it was captured during the collective bargaining, is the 48-hour rule for police officers, which makes it so they don't have to give a statement to the authorities regarding, you know, an incident where there's been violence or really, for that matter, virtually anything.

Since that is a matter of collective bargaining, and since this issue of the full salary for 24 hours per week if someone is in college -- I'm wondering if you might be able to describe for us the impact of collective bargaining both on this and on the issue that many of us are very concerned about, the 48-hour rule.

SENATOR HEVESI: Thank you. That is another very good question. The -

SENATOR DUANE: So -- I'm sorry.

SENATOR HEVESI: Madam President, I too am having difficulty hearing Senator Duane.

Thank you.

It's a very good point, Senator Duane. The 48-hour rule is a real travesty. And I think one of the things that that does -- and you raise the issue of collective bargaining and whatnot. One of the things that the 48-hour rule does, in precluding police officers from giving statements to investigators following incidents, one of the things that does, it completely undermines the credibility of the police officers and the police department.

And I believe that most police officers, if they really had the question put to them, would agree that doing away with the 48-hour rule is a good thing. It is in their interests. The same way, I believe, that it is in the best interests of the New York City Police Department to have an entity such as the Civilian Complaint Review Board have the independent power and authority to discipline police officers.

Because without that, without an outlet and the mechanism for the public to go to in order to seek redress from grievances

that they have against police officers, then the police officers will never feel that they're getting a fair shake from the public, and it will only increase the friction that is currently felt between the police department and minority communities in the city.

But collective bargaining is an important issue. I'm curious as to why this issue, the legislation we have before us, is not part of the collective bargaining situation, when I can give you an example of issues that are negotiated in the collective bargaining realm that are incredibly minute and I believe sometimes run counter to what we're looking to accomplish in New York City.

Let me give you one example. I had a principal of a school in my district come to me recently and say, "Senator Hevesi, we have a parking problem for teachers." We were talking about, before, teachers having a tremendous difficulty and having very difficult jobs. They can't park their cars, and there are regulations right now prohibiting anybody from parking adjacent to this particular school. No parking. And he

says, "Nobody gets to park there." And they said, Senator Hevesi, make it, please, no parking except for Board of Education vehicles." And it sounded perfectly reasonable. Those regulations didn't in any way obstruct the street-cleaning, the street-sweeping schedules that are currently in effect.

So I went to the Department of Transportation, and I asked them to do that. And their answer came back to me that they would do it, except they're prevented from doing it because that's a collective bargaining issue. A collective bargaining issue. Which really struck me as absolutely bizarre, ludicrous, and stupid, frankly. Because the City of New York in this instance should not have been withholding the ability of teachers to park in a certain area, which is at no expense to them. There's absolutely no reason to do it.

So if we have issues such as that one, which are so minute and detailed issues that are the product of the collective bargaining process, then it seems to me that

other issues and the extent to which police officers may be given the right or the privilege to have tuition supplements and work part-time and study part-time, that that too probably should be within the realm of collective bargaining.

You raise a very good point, Senator Duane.

SENATOR DUANE: Through you, Madam President, if the Senator would continue to yield.

THE PRESIDENT: Senator Hevesi, will you yield for a question?

SENATOR HEVESI: Yes, Madam President, I'd be happy to.

THE PRESIDENT: You may proceed with a question, Senator Duane.

SENATOR DUANE: One of the things that occurred to me was what would happen if in New York City, say, 25,000 officers at the same time decided to take advantage of this? I'm wondering whether or not that is something that concerns you as well, Senator.

SENATOR HEVESI: Yeah, it concerns me greatly. It was probably the

ninth question that I was going to ask the sponsor. And I now don't know the answer.

My read from the bill is that the localities would have the complete discretion to implement the program any way they chose to do so. Which is pretty disturbing. Because we don't know how they're going to implement this program, and we are then authorizing the expenditure of public funds, potentially authorizing the use of or the taking away of manpower resources from the prescribed duties of these municipal employees, and we don't have any discretion as to how the program would be implemented.

And, Senator Duane, let me take your question one step further. Okay? Not just is it a question of must a municipality then offer to all 25,000 employees or 30,000 or however many -- and there are in excess of 40,000 New York City police officers. That's not the only question, although that's a tremendously important question. And in fact, on that question in and of itself, how do you determine which of the 25,000 get it? Is it people only in certain units? Do you have to

tie in their performance into whether or not they get this privilege? I mean, there are a whole slew of questions as to who would get this benefit.

But almost as importantly -- and I was going to ask the sponsor this -- would this enable rookie police officers to be eligible for this benefit? Because it seems almost as if they should. You want your new cops to have as much education as possible. But I submit to you -- and, you know, if we had a hearing on this, we could have heard some testimony from police experts as to what the potential impact is of taking a rookie cop, a rookie cop who has by definition not spent a lot of time out on the street learning his trade, and take them off the street. And what's the implication of that?

And we know from examining our statistics of police abuse and discourtesy and misconduct that the highest incident of complaints and the highest incidence of substantiated complaints against New York City police officers come within the second and the sixth year that they're on the police force.

It is those police officers with the least amount of experience who are most likely to get into those types of troubles.

So I want to know whether or not if this legislation passed we'd be authorizing local police departments to go ahead and say to rookie cops, you too can go ahead and now not work five 8-hour tours per week, you can only work 3-hour tours, and what the potential impact would be on policing in New York City and on the law enforcement development of those particular police officers.

Now, this is a very serious concern. These new police officers I believe are not trained adequately as it is. In fact, there have been proposals that have been floated that I endorse that we go back to the way things were done several decades ago, where all newly hired police officers are required to be mentored for a certain amount of time by higher ranking police officers - sergeants and other officers of that nature - for a prescribed period of time.

It is those youngest police officers, those least experienced police

officers who are in the most need of not only direct supervision but more and more time on the streets learning -- and, by the way, this is not just for the protection of the citizenry and not just for the protection of individuals who may be abused by a police officer who hasn't learned yet how to behave himself in very tense and difficult situations, but it's for the protection of that very police officer.

And we've seen in the last few years some tragic cases, such as the Patrick Dorismund case and the Amadou Diallo case, where the training of police officers have been called into question. And in fact, Senator Duane, one of the issues at hand in the Amadou Diallo case was that the four officers from the street crimes unit were part of a street crimes unit that had been newly reconstituted at the request of former Police Commissioner Howard Safir because the street crimes unit, which was a terrific and elite unit, and was responsible for taking -- this is a very small unit of the New York City Police Department, but they had been

responsible for in excess of 40 percent of all the gun seizures in New York City. So the commissioner, wanting to improve the crime rates in the city, which is his job, greatly expanded the street crimes unit over the objections of a long-time commander of that street crimes unit because that commander recognized the extent to which it was absolutely essential to make sure that street crime officers who go into the highest-crime areas and are put in the most dangerous situations have the highest degree of training and. In fact, the officers that go into those types of units, that those officers are weeded out in terms of psychological profile, their background, their behavior, their ability to deal with very difficult situations.

So there is a perfect example of how the training of police officers directly impacts on the behavior of policing and the safety of police officers. If a police officer is not adequately trained -- it works two ways. If a police officer is not adequately trained, that police officer may compromise his or her own safety or the safety

of one of his fellow police officers.

So if we had a proposal, if I knew that this proposal -- let me amend what I was about to say. If I knew that this legislation would be used by any police department to enable rookie police officers or police officers with, let's say, less than five years of experience -- and we probably could figure out what the appropriate time frame is by hearing testimony from law enforcement experts, but we never seem to do that up here. But if I know that rookie cops or cops within the first five years would be eligible to be taken off the streets to further their education at the expense of direct on-the-job training on the streets, I wouldn't vote for this bill. I flat out wouldn't vote for this bill.

And it's one of the series of questions that I have on this legislation that I was unfortunately not able to get answered. But you raise a very good point, Senator Duane.

SENATOR DUANE: Thank you. Madam President, if the sponsor would continue to

yield.

SENATOR HEVESI: Yes, Madam President.

THE PRESIDENT: You mean Senator Hevesi?

SENATOR DUANE: Yes.

THE PRESIDENT: Senator Hevesi does yield. You may proceed with a question, Senator Duane.

SENATOR DUANE: Thank you, Madam President.

I need to preface my next question with an anecdote, if the Senator would indulge me with that.

SENATOR HEVESI: Sure.

SENATOR DUANE: I recently wrote to Mayor Giuliani saying that I thought that police officers deserved a raise. And in fact the people who were for police department reform, the group of people that got together after the Amadou Diallo tragedy, one of the points that we had on the list of things that we thought would improve the police department was to provide a raise and to try to make their salaries commensurate with the -- or

come closer to making their salaries commensurate with the surrounding counties to New York City.

THE PRESIDENT: Senator, you're getting to a question soon, I hope?

SENATOR DUANE: Absolutely.

THE PRESIDENT: Please do so. Thank you.

SENATOR DUANE: And the mayor wrote back and -- actually, the mayor had one of his deputies write back and say that he believed that I had never done anything supportive of the police. I quickly responded and sent him several clippings of articles in local and citywide newspapers where I had praised certain actions by the police. And I said: Not unlike you, I have praised the police. But I also am calling for a raise for them, which actually makes me more supportive of the police than you, Mr. Mayor.

Now, that said, as you know, the police do want a raise. This would be another good benefit for them. I'm wondering if you've given thought -

THE PRESIDENT: Senator Kuhl.

SENATOR KUHL: If the Senators would suffer an interruption, I'd like to announce that there will be an immediate meeting of the Senate Finance Committee in Room 332, the Majority Conference Room.

THE PRESIDENT: There will be immediate meeting of the Senate Finance Committee in Room 332, the Majority Conference Room.

Senator Duane, you're proceeding with a question now, sir?

SENATOR DUANE: And I'm wondering if you think that these are all things that should be discussed at the negotiating table with the police department.

SENATOR HEVESI: Thank you.

Madam President, if you'll indulge me, another committee meeting was just called off the floor, the Senate Finance Committee. I am on the Senate Finance Committee. I've already missed the Higher Education Committee. Yesterday I missed the Senate Codes Committee, where we were debating reform of the Rockefeller Drug Laws.

Just for the record, I don't think

this is the way we should conduct our affairs. These very important committee meetings should be taking place at a time other than that in which when members are compelled to be on the floor debating other pieces of legislation. This is wrong.

So having said that, the answer to your question, Senator Duane -

SENATOR DUANE: We could come back to this. Other people may have questions for the sponsor. So you could answer it later, or do it when you speak on the bill.

SENATOR HEVESI: Well, I'm going to answer it -

THE PRESIDENT: Senator Hevesi has the floor to respond, Senator Duane.

SENATOR HEVESI: Thank you. I am going to answer that question, because we have a serious problem in terms of providing sufficient salaries for New York City police officers. It is one of the reasons why recruitment levels are so low in the New York City Police Department. In fact, in the last contract that was negotiated with the PBA - and the unfortunate slogan became popularized

as a consequence of this contract -- they called it "double zeroes for heroes," because the first two years of that police contract provided no salary increases for police officers.

And I must say in terms of labor negotiations, we're sending absolutely the wrong message to New York City police officers. And this is all very relevant to this legislation, because we're talking about potentially giving a benefit to these police officers at the same time that we haven't adequately compensated them. And it's particularly striking that we haven't compensated these police officers sufficiently in light of the fact that it is almost an expected or accepted American ideal that your positive performance is going to reflect in the compensation that you achieve.

And so we have a situation where since really late 1992 -- this first started to happen at the end of the Dinkins administration, partly as a consequence of the "Safe Streets, Safe City" legislation which this body and the Legislature, with the

acquiescence of the Governor, implemented, which boosted the number of police officers in New York City. But crime rates started to decline in New York City. They absolutely started to go down.

And what happened as a result was that not did you see an increase in the compensation of police officers, but what you saw was a real slap in the face to these police officers as they went about their business of reducing crime. They were productive and didn't receive the compensation that they should have received. It is really a tremendous, tremendous problem. And those officers have a -- Madam President.

THE PRESIDENT: Senator Espada, why do you rise?

SENATOR ESPADA: Madam President, with all due respect to the Senator, could he yield for a question?

I think you've touched on a very significant point.

THE PRESIDENT: Senator Hevesi -

SENATOR HEVESI: I'd be happy to yield.

THE PRESIDENT: You may proceed, Senator Espada.

SENATOR ESPADA: First of all, with all due praise, I think you're being, again, quite eloquent in really examining this bill in the absence of a full explanation by the sponsor.

But let me just ask you, you mentioned some things about the police officers, their need for training and obviously sensitivity in many areas, which can't be taught at any institution of higher learning. But under this bill, are there any conditions or provisions in this bill that would disqualify, say, for instance, the four officers that were involved in the much-moted tragedy with the Diallo matter, or in any of the other well-publicized cases?

In other words, would anyone with that kind of case before them or behind them or anyone with an active case before the CCRB be eligible, or would they be disqualified from this benefit should this benefit be enacted into law?

SENATOR HEVESI: Thank you.

Through you, Madam President. Senator Espada raises a very good question. It's a question to which I don't have the answer. Except I suspect that part of the answer is part of the problem in this particular piece of legislation, which is it doesn't address it. It doesn't address that, it doesn't address whether rookie cops are offered this benefit, it doesn't address any of those questions as to whom is eligible, except to say with a blanket provision that the municipality will make the determination, presumably, as to whether or not somebody is eligible for this benefit.

And as we've discussed here before, Senator Espada, that has all kinds of implications. And I would agree with you that there may very well be circumstances in which certain police officers -- and we've talked about some of them before -- should not be eligible for this benefit.

I'm not sure whether or not having a case pending before the CCRB should automatically disqualify somebody or whether or not if they have a particular CCRB

complaint substantiated against them, whether that necessarily should disqualify them. My answer to you probably would be that that should depend on the level of the offense that was substantiated by the CCRB. Some of the cases that are brought to the Civilian Complaint Review Board -- and you know, because you're very well versed in this area -- are discourtesy cases. And they range from very seemingly minor -- they're not minor, because discourtesy has a really bad cumulative effect on policing and on relations between the police department and minority communities and everybody else, for that matter, and they range from small levels of discourtesy to absolutely abuse of authority to misconduct to levels of brutality. So you have a tremendously broad spectrum there.

So I'm not sure. The answer would be it probably would have to determine whether or not a case has been substantiated and the extent to which the offense is a high-level offense. So that's a serious, serious question, and I thank you for that.

If I could turn briefly back to the

issue of salary supplements, since we are talking here about providing an additional benefit to police officers, it strikes me that we are providing some small benefit to them with all these open-ended questions at a time when the New York City Police Department has not been adequately compensated contractually at the bargaining table. And the battles between this administration and PBA are well-known, and they've gone on for some time.

So I'd like to know from the sponsor, and maybe the sponsor would yield to some of my other colleagues on this question, whether or not this bill comes with the blessing or at the request or with any kind of comment from New York City. I'd be interested to know whether or not the Giuliani administration thinks that this is a good idea.

And if they don't, that raises tremendous questions. If they do, it raises tremendous questions in terms of why are they picking around the edges instead of negotiating a contract with police officers that is going to do a series of things,

including compensate police officers for the unbelievable productivity that they've had and taking efforts to provide a career that is going to entice young people, highly qualified young people who are dedicated to law enforcement and who are good people, to get into the New York City Police Department. I mean, that is a real, real question. So we're really picking around the edges here.

Madam President, I -- I'm sorry -

THE PRESIDENT: Senator Duane.

SENATOR DUANE: Thank you, Madam President. I actually have not given up my time on the floor, so I'd like return to it if I may. If the Senator would yield.

THE PRESIDENT: Senator Hevesi, will you yield for a question?

SENATOR HEVESI: I certainly will yield.

THE PRESIDENT: You may proceed with a question, Senator Duane.

SENATOR DUANE: Thank you.

I'm having trouble reading the bill. It says full-time police officers - let me just double-check this -- police

officers, and I'm having a hard time figuring out who exactly that would cover. And I'm wondering whether you had the same difficulty or whether you, Senator, were able to figure out what exactly was meant by "police officers."

SENATOR HEVESI: Well, I believe in Section 72-CC, subparagraph B, though there is not a specific definition of a police officer, this legislation does reference another section of law, subsection 2 of Section 209-Q, which presumably -- and I haven't looked at that particular section of law -- defines what a police officer is.

It's one of those questions that I probably would ask the sponsor were I given the opportunity.

SENATOR DUANE: And through you, Madam President, if the Senator would continue to yield.

THE PRESIDENT: Senator Hevesi, will you yield?

SENATOR HEVESI: I'd be happy to yield.

THE PRESIDENT: You may proceed

with a question, Senator Duane.

SENATOR DUANE: We've recently had a lot of discussions about how long it should take someone to finish their college courses as it applies to public benefit recipients.

Now, while the bill does say that -- and let me just find this section again. At least 24 hours a week -- I'm just trying to see whether -- how it is -- enrolled in certain college courses.

I'm wondering if there would be - you know, there was a lot of talk about students had to get a B average and that sort of thing. Now, I'm wondering, since that's what's being used for public assistance recipients, whether or not you think any thought had been given to, for instance, grade averages for police officers, how long they would be able to be involved in this coursework, whether there was equality in the way it was looked at in terms of how long and what grades officers would have to maintain while they're taking these courses.

SENATOR HEVESI: Thank you.

Through you, Madam President, it's an excellent question.

One of the good aspects of this piece of legislation, as I read it, is that there is provision or there are several provisions provided here in the event that a police officer does not complete his course of study, or terminates his employment with the department, that the compensation benefit that has been bestowed upon that officer, pursuant to the authorization that this legislation seeks to provide, would have to be paid back by that police officer.

But I don't believe that there's anything, Senator Duane, in this legislation which discusses the length of time that an officer must complete a certain amount of coursework within or a particular grade-point-average attainment.

And as you're asking me this question, it actually raises another question with the open-ended nature of this bill, which is I don't believe that there is anything in here which specifies who will be -- who would receive preference -- given the fact that

there obviously are manpower constraints within the police department, would an individual be more likely to be eligible for this program if that person is seeking a master's degree or some kind of graduate degree, or are we going to give preference to somebody who is going after their bachelor's degree.

And that's a real concern for me here too, because if we had the answer to that question, I think we'd better have an understanding of what this bill is really designed to do.

Is it designed to bring the lowest levels, the individuals with the lower levels, only the associate's degree, up to bachelor-level work, perhaps to get them more ready to take and pass the sergeant's exam, or is the purpose of this legislation to increase the graduate-level work of the higher-ranking police officers in order that they may more rapidly rise up through the police ranks?

And that aspect, Senator Duane, has serious implications when we start talking about the levels of minority participation and

inclusion in the police department. And I intend to discuss that, because I don't think that this legislation at all moves in that direction, and that's a huge problem. And I've got legislation that will move us in that particular direction.

But your point is well-taken. What's the extent to which we are requiring of the students who would be participating in this to finish their coursework within a prescribed period of time?

Now, the issue that you alluded to was a whole discussion that we've had recently in the City of New York as to whether or not we are going to permit workfare employees to attend college to better themselves and make themselves more prepared for higher levels of employment, and whether or not we're going to permit them to achieve or to fulfill their workfare requirements while on the college campus. And that's a whole big issue. It's seemed like one of those issues where we were cutting off our nose to spite our face a little bit.

So I too am very concerned about

that. But since we are also on this subject, there has also been a push recently -- and I speak with some authority on this, because I was a part-time student for many years, that we had a drive in New York City to shrink and shrink and shrink and reduce the amount of time that people would be eligible for tuition assistance based on how long they were engaged in their course of study.

It was one of the things that was particularly troubling to me, particularly as it pertains to students within the City University of New York, because such a tremendous share, a tremendous percentage of those students are not full-time students. They are working students, many of them are working parents, they've got children to take care of. And as a result, it takes them longer and longer to achieve their education. And so we were curtailing their financial benefits as a consequence of the longer it took them to reach their educational goals, which I think was terribly shortsighted.

So I don't know the direct implication on this legislation, but certainly

the question should be asked, is this open-ended, do they have to do the maximum of 16 credits? If the police officers did less than the 16 credits, the 16 hours per semester, is there a direct and parallel relationship with the amount of time that they would have to continue to serve as full-time police officers? What's the extent to which there's a reciprocal relationship between the schooling that they attend and their work?

It's not spelled out in this bill, and it's another question I have on the legislation.

SENATOR DUANE: Thank you. If the Senator would continue to yield.

THE PRESIDENT: Senator, do you yield for a question?

SENATOR HEVESI: I certainly yield.

THE PRESIDENT: You may proceed with a question, Senator Duane.

SENATOR DUANE: Thank you.

Forgive me if this has already been covered, although I don't think it has been. I'm wondering if you think that perhaps if

someone takes advantage of this that they should be required to remain with the New York City Police Department for a certain period of time afterwards.

Just to give some background on why it is that I asked that question, it's been said that a lot of police officers and teachers, for that matter, get trained in New York City and then go on to the surrounding counties because the pay and the benefits are so much better. So we're in fact paying for all this training in New York City, but other counties are getting the largesse of our generosity with pay and training to go on and get even greater pay and benefits.

So I'm wondering if you think that there should be a certain commitment to the New York PD if you take advantage of this.

SENATOR HEVESI: Yes, it's a good question.

The legislation, from my reading of it, actually attempts to address it. But I probably -- were I drafting this, I would draft it in a different way. Because the way it works right now, according to this

legislation, is that there is a requirement built in that the police employee would agree, prior to receiving this benefit, to fully reimburse the municipal corporation or police district on a pro rata basis for that portion of salary received pursuant to this section for any hours beyond the hours actually worked if the officer fails to continue employment as agreed in the specified subparagraph.

In other words, that they would have to reimburse pursuant to termination of their employment.

It seems to me that if I was drafting this legislation, I would do it a little bit differently and set out initially the requirement of how long an officer would be required to work in the New York City Police Department -- or any other police department, for that matter. Notwithstanding the fact that they probably could leave earlier and then still be subject to a provision like this.

But just so that we were clearly communicating a message to those who would seek to take advantage of an opportunity like

this that we are serious about them continuing in their employment with the New York City Police Department or any other police department and instead not just going to build in a stick but the carrot, which says, look, come join us. If you stay with us for a certain amount of time, here's a benefit you'll accrue. It's another way of communicating a message to individuals who you are trying to entice presumably, ostensibly to come into the police department.

So I would have drafted it differently. And perhaps, Senator Duane, since you have many good ideas on this issue, had we had a hearing or had a full discussion within committee -- and I'm not on the committee that this bill went through, so I'm not sure of the extent to which we had a full discussion on that issue. But your insights on this issue probably would have led to a drafting of this bill that was better than what we have before us today.

SENATOR DUANE: Thank you.

Madam President, if the Senator would continue to yield.

THE PRESIDENT: Senator Hevesi, do you yield for a question?

SENATOR HEVESI: I'd be more than happy to yield, Madam President.

THE PRESIDENT: You may proceed with a question, Senator Duane.

SENATOR DUANE: There's a complex and compelling discussion going on on the issue of -- that New York City police officers should live in New York City. Various ways of achieving that have been discussed: requiring it, incentivizing it by subsidizing mortgages or providing apartments in New York City Housing Authority developments, giving police officers a better spot on waiting lists, those kinds of things.

This bill seems to be talking about what is a very good benefit, less work time to go for college courses. I'm wondering if you would put this in the same sort of incentive package which might help police officers to live in the city which they are working in, maybe make it a benefit for them or some -- or have a sliding scale, if you will, of hours depending on where someone lived, that sort of

thing.

Have you given -- I don't know that the sponsor's given thought to that. I guess you and I -- well, you certainly are not going to find out in this debate, but maybe others can ascertain that. But I am wondering what your thoughts are on that.

SENATOR HEVESI: Thank you. That is an excellent, excellent question. And let me discuss why that's so pertinent.

The answer is yes, that this bill, were it to be passed and were it to become law, according to my reading of it, would allow municipalities to bestow this benefit to everybody participating in that municipal police force. And as a result, it might provide a greater incentive for more people to apply to become police officers, particularly in New York City.

What it certainly will not do, Senator Duane, and which I think the reason why you raised this issue is so important - what it will not do, it will not in any way increase the number of applicants that reside within the City of New York. And that is why

I have major concerns about this legislation. Not so much is this a wonderful idea, but if this is at all the intention, then why aren't we taking the other steps that are necessary.

What are the other steps? As you mentioned, we have had, for years and years, a problem in New York City, and two days ago the New York Times did a major expose on this, that the number of minority police officers, particularly black police officers in the City of New York, is abysmal. I believe in 1974 the percentage of black officers on the New York City police force was 7.5 percent, and in the last 27 years it has only increased by a dismal 1.5 percent. That is a tremendous problem.

And here's why it's such a major problem. Of course, when we have really bad relations, as we currently do, with minorities and the police department in the City of New York, these things are going to be highlighted. But the highlighting of these problems have not led to the remedies that we seek.

And you bring up residency, Senator

Duane. Did you know, Senator Duane -- and this is rhetorical -- that I am the sponsor of the residency requirement bill in the New York State Senate? This is the legislation which would, in much the same way that Senator Padavan seeks to authorize the City of New York to bestow this benefit on certain police officers, my legislation would authorize the City of New York to impose a prospective residency requirement upon its newly hired police officers. And why is that important?

And incidentally, I should point out that bill has gone nowhere in the last three years. This is my third year here. It's gone nowhere. I would have brought a motion to discharge on it, but we're now precluded from doing that under the new and egregious rules of the Senate.

But that legislation is terribly important. Here's why. New census numbers show that the extent of the minority population in the City of New York exceeds that of any other population. And we've only had that abysmally small growth in New York City. And so one of the purposes -- not all

of the purpose, but one of the purposes of a residency requirement for New York City police officers is to increase by a percentage the number of minority applicants in the City of New York.

Why is this such a problem? We talked about the aggregate numbers. But when you break it down -- and the New York Times sought to do this two days ago in a very compelling way -- you get a stark picture of what's going on in the police department. Here it is for you. In a city that is less than fifty -

THE PRESIDENT: Senator Hevesi, I must ask you, with all due respect, to keep your comments germane to the issue of the bill, please. You may proceed with germane comments.

SENATOR HEVESI: Thank you. Let me clarify as to why this is germane, Madam President, if I may.

This legislation seeks potentially to bestow a benefit on police officers that might entice additional recruitment of police officers into a police force that has trouble

recruiting new officers and has a tremendously hard time recruiting minority officers. And so the germaneness of the comments I'm making now pertain to the lack of additional legislation that I believe is necessary.

Having said that, the New York City Police Department now is 70 percent white in the lower echelons. Who am I talking about? I'm talking about the police officers and the sergeants in the police department.

If you seek to do an examination, through an ethnic breakdown or a racial breakdown in the police department, of the higher ranks -- who am I talking about? Lieutenants, captains, inspectors, deputy inspectors, assistant chiefs, chiefs, superchiefs, and then the civilian ranks of the police department -- that number of all white goes up to 80 percent. 80 percent.

And why is it such a problem now that we are having a tremendous difficulty recruiting new minority officers? The reason is you don't become an inspector or a deputy inspector or a captain or a chief or a superchief unless you've worked your way up

through the ranks of the department.

So that if we are not increasing minority participation on the lowest levels - and the New York Times alluded to this. By increasing the educational standards -- and this bill seeks to buttress educational standards that are already in place. It doesn't provide a benefit to enable additional people to meet the educational requirements that have already been set up. That's the problem there.

So if we're acting on this bill and not doing something to increase the ability of minorities in the city and New York City residents to hit that educational goal of maintaining an associate's degree to get on the police force, what happens is the following.

You have a diminishment in the ranks of the New York City Police Department of qualified minority officers, and that is perpetuated year after year after year, because the only way that you rise up to the higher ranks in the police department -- which absolutely essential, rising up through the

ranks -- the only way you do that is by getting on board at the lowest levels.

So if we don't hit the target by helping minorities and helping New York City residents hit their education attainment - and this bill misses the mark on that, Madam President, very clearly misses the mark - then what we're doing is we're really cutting off our nose to spite our face. Because we're going to perpetuate the problems within the department.

And to go you one step further, the reason why it's such a tremendous problem that we don't have more minorities in this police department is there is a crisis of confidence of policing in the city. And while it's true, and the mayor has discussed this on numerous occasions, that minorities have experienced more of a benefit than those in nonminority communities, who are the lower-crime areas - because just mind you, now, it's a very logical jump. If you experience a 50 percent crime reduction in an area in a police precinct that has fifty murders a year, you just cut the number of murders from 50 to 25.

If you have a 50 percent cut in a low-crime area, you just cut the number of murders from six to three. A 25 percent drop in murders or a 3 percent drop in murders.

But as much as this administration can make the case that minority communities have benefited more than anybody else, there is a tremendous problem, because there is a crisis of confidence between minorities in the city and the New York City Police Department. So much so that the main problem articulated in that New York Times story was that the number-one mechanism for recruiting minority police officers -- namely, having minority police officers who have had a positive experience and positive career in the police department -- their numbers are diminishing to the extent to which that these officers, who have been in for 10 and 15 years, these officers don't have any credibility when they go into minority communities anymore as a black police officer and say to young kids, Come join the police force.

Because they did some polling, some statistical polling, and found out that young

blacks in New York City would have ridicule and scorn thrust upon them at the prospect of joining an entity for which most black New Yorkers would tell you that they've had a negative experience with the police department.

And I believe almost every one of the black officers cited in the Times story said that when they were not in uniform that they had run-ins with white police officers in New York City.

So if those black police officers aren't going to recruit the minority youth, then we are in a cycle, a perpetual cycle here where we are cutting off our nose to spite our face.

So there are a tremendous number of things we could do. This bill isn't one of them. The residency requirement is one of them. And by the way, the residency requirement is not just to get blacks or other people on the police force. It's because I believe, and I think most people believe, that if you have more people from the City of New York on the police force -- of course, not

policing in the neighborhoods where they live. That is not a good idea -- but that those police officers will have a greater stake in the communities of the city, that they will have a more visceral connection with the communities in which they live, and that they will be better police officers as a result.

And I remind everybody in this chamber, because I believe that in the wake of the Colin Ferguson shooting on the Long Island Railroad, one of the first things that we did -- and I believe it passed this house unanimously -- is we bestowed a benefit on police officers and peace officers that they can ride for free on Metro North and Long Island Railroad.

And why did we do that, folks? We did that in recognition of the fact that if you have police officers -- who are really never off duty. Police officers are always on duty. Many of them carry their guns with them even when they're off duty -- that if they were on that train that day, that some police officer could have thwarted that tragedy.

Why am I bringing this up? I'm

bringing it up because one of the reasons why you want more -- a higher percentage of the 40,000 police officers being residents of New York City -- thank you, Madam President - is that the city is by definition a safer place if you have more of these off-duty cops on the streets, going to the shopping mall and the supermarket. In much the same way that we all recognize that the LIRR would be safer if there were more off-duty police officers traveling on there for free. That's why they did it.

So there are a number of reasons why you want to impose a residency requirement, not the least of which, Senator Duane, is the fact that New York City taxpayers are paying the salaries of these police officers. They're paying the salaries of these police officers.

So you raise the question, Senator Duane, who would get the benefit. Would we have an exclusion of certain police officers who don't reside within the city from getting the benefit under Senator Padavan's legislation. I'm not sure that they would. I

don't believe that they would. But this brings to light the question of should New York City taxpayers be paying the salaries and supplementary benefits of individuals who don't reside within the City of New York.

I suggest to you that we need to move to enable the City of New York to impose a residency requirement and to do some of the other things that you spoke about. I am not the only one who sponsors residency legislation. My bill is a stand-alone bill. But Senator Ada Smith has a residency requirement component within a larger piece of legislation that is aimed at increasing the number of applicants in the New York City Police Department that reside within the City of New York.

And some of the things that she has in her legislation, I believe, Senator Duane, you alluded to, including additional credits for housing and things of that nature - low-interest loans.

And I believe we really need to go and take a look at that, at a time when the police department has spent millions and

millions of dollars on a recruitment effort that has seen a drop in the number of applications -- a drop in the number of applications; it's almost counterintuitive - until you start having a discourse on what the problems are. The salary, the educational attainment levels that you need, the low morale. I mean, you know, there are tremendous, tremendous problems here.

And I submit to you, Madam President and Senator Duane, that until we have a police department that more accurately reflects the composition of the City of New York, then even if policing didn't improve, that the relations between the minority community and the police department in this city, which had been fractured and exacerbated and provide the potential for there to be a conflagration when we have tragic incidents, such as the Dorismund and Diallo shootings, which could propel the city into unbelievable civil unrest, if we don't tackle that problem, we are really doing ourselves a disservice.

And finally, and I'll end this long

answer, I do not believe that there is a fundamental conflict between the type of strong, productive, effective policing that we've seen in New York City, largely as a result of the COMPSTAT process -- which is really just a product of TQM, total quality management. It's a management mechanism - between that type of aggressive policing and having positive relations with every community in the City of New York. Precinct commanders are now being held accountable at COMPSTAT meetings for exchanges that their officers have on the streets, with individuals on the streets. And that's good. We've got to send that message out loudly and clearly, we've got to do 17 other things in order to remedy the problems that we have now.

It is so tragic that we have experienced tremendous, tremendous drops of crime that have benefited everybody, but not everybody feels safe under the protection of the police department, and that we don't have peace and harmony amongst the people who are being served by heroic individuals.

And cops are heroic individuals.

They die with frightening regularity in the line of duty. And they deserve benefits. And one of the reasons why their morale is so low is because they feel like they are being treated as the enemy in certain communities. And I'm not even blaming them for that. I'm saying that everybody needs to resolve this problem. We can't have a demonization that goes either way, a demonization of the police or a demonization of the people that they seek to serve. It is counterproductive. And it's going to lead to more and more tragedies and problems.

So this bill that we have before us doesn't address any of these issues. Doesn't address any of these issues. It only raises questions; specifically, questions as to why we're doing this and we're not doing one of the number of things that I and my colleagues have raised on the floor today.

SENATOR DUANE: Thank you. Madam President, if the Senator would continue to yield.

THE PRESIDENT: Senator Hevesi, do you continue to yield for a question?

SENATOR HEVESI: I'd be more than happy to yield, Madam President.

THE PRESIDENT: You may proceed with a question, Senator Duane.

SENATOR DUANE: Thank you.

I do want to preface that by saying that I personally did not think that was a long answer. Personally. And you could have knocked me over with a feather about that bill you have. However -- it's a good thing there wasn't a feather here.

THE PRESIDENT: Senator Duane, I'm having trouble hearing you, perhaps because you're not directing your comments through me, in this direction.

And proceed with a question.

SENATOR DUANE: Absolutely correct, Madam President.

I'm wondering if the sponsor believes that while a lengthy debate on the floor on this bill is productive and important, if he also believes that a lengthy hearing by experts might not have been as valuable, as a complement to what's happening today on the floor.

SENATOR HEVESI: Thank you, Madam President.

I can't speak for the sponsor. I don't know whether you meant for me to -

SENATOR DUANE: Did I say sponsor?

SENATOR HEVESI: You did.

SENATOR DUANE: Oh, I'm terribly sorry. I'm in fairyland.

SENATOR HEVESI: But I can answer that question if you're directing it at me.

SENATOR DUANE: Yes.

SENATOR HEVESI: I certainly believe that this bill, just like almost every bill that comes before us, has not been sufficiently vetted. And the reason is, there is not inclusion of both sides of the aisle.

Which doesn't necessarily indicate an ideological divide. There are many, many occasions where I have supported Republican-sponsored legislation in this house. And many times I've diverged from the opinions of my colleagues and even suggested to the Majority that their legislation didn't go far enough.

But the missing element always seems to be the same. The missing element is we don't have hearings, we don't have a discussion. And yesterday was the perfect example. Madam President, we had a long discussion on a bill in which the existence and presence of this bill two years in a row was direct and irrefutable, incontrovertible evidence that the New York State Tax Department is a mess. And unlike Congress, which last year held massive hearings, deliberative hearings and public hearings on the problems with IRS and called in taxpayers, and then, as a consequence of the testimony that was presented there, tried to craft resolutions to this problem, we never do that. We never do that.

And we were just talking about the residency requirement. For some reason, the City of New York -- which incidentally, and Senator Duane knows this all too well, because he sat for a protracted period of time in that body, and that body also passes a budget, incidentally, on time every single year. But that body holds hearings. They hold hearings,

they call in commissioners, they grill those commissioners on what they're doing in their agencies, how they're spending their money, and on the necessity of particular legislation.

For example, I testified before a New York City Council Committee on Residency. I sat before that committee for about 45 minutes. And some members of the police department, some members of the police department came after me and refuted some of the things I said. And it was healthy. And there were one or two points that they made where I was wrong. I was wrong. But the end result, the end result was that we had a full airing of the issues.

And that the drafting of any legislation that comes pursuant to a full hearing, with all sides included -- not just divided by party, not just divided by ideology, but maybe with gender inclusion, maybe with inclusion of individuals of different sexual orientations, of different races and ethnicities -- that, I submit to you, can never lead to a worse product than

that which is the result of a process that excludes certain individuals from participating in the process.

So the answer to your question, Senator Duane, is I would have had a hearing on this. I don't know whether this is the best thing to do. And all of the questions that we've had here may have been answered, or the questions tailored as a result of our experience hearing what these police experts say. For example, should the rookie cops be taken off the streets.

So it's a real problem. It's another example of us not having a full hearing and having legislation that is obviously imperfect put before us and asking us to vote on it.

SENATOR DUANE: Through you, Madam President, if the Senator would continue to yield.

THE PRESIDENT: Senator Hevesi, will you yield for a question?

SENATOR HEVESI: I certainly will yield, Madam President.

THE PRESIDENT: You may proceed

with a question, Senator Duane.

SENATOR DUANE: I'm wondering if you believe that the members of the New York Police Department would want the person who introduces legislation, I imagine on their behalf, to be able to defend that legislation and answer relevant questions about that legislation? Do you feel they would have that kind of ownership that they would want a champion of theirs to defend their legislation, to make sure that it was as good a piece of legislation for them and the people of the City of New York as it could possibly be?

SENATOR HEVESI: Thank you. Through you, Mr. President, the answer is I don't know. I suspect that they would. And I don't want to ascribe any motive to anybody in this chamber. But I think the fact that we don't have answers to really pertinent questions -- I mean, if somebody wants to suggest this discussion, this debate is not fruitful, I would disagree with them vehemently on this.

But these questions are important

questions. And I think it reflects badly on this institution that we don't have those questions answered.

But I do think that New York City police officers would want to know that an individual who was sponsoring a piece of legislation that would presumably bestow a benefit on them would be happy to discuss it and chat about it.

And I know Senator Padavan has brought a number of good pieces of legislation to the floor before, and some not so good, some not so good on behalf of police officers, frankly. In fact, I believe it was last session that Senator Padavan sponsored a bill that would have given a benefit of not having a pay a toll for any police officer traveling on any of the toll bridges throughout the city. And we had a full airing and a full discussion on that, and it was healthy.

So the answer to your question -- I was opposed to that legislation. I may wind up supporting this. I haven't decided yet. But the reason I haven't decided is there are so many questions yet to answer on this.

But I fully expect that if New York City police officers really had a say, they might ask the following question on this. They might ask not whether or not this bill is a good bill and is going to benefit them. They might ask instead the question as to why are we doing this when there are so many other deficiencies with the compensation that they receive in a whole series of areas. Why aren't they getting paid enough? Why are some police precincts in horrible conditions? Which is a real morale problem.

They may have other contractual issues that they want to raise. They may have questions as to whether or not their uniform should be the current color. They were changed a few years ago, but police officers seem to like that.

I think they would have other questions in terms of this if the question was put to them: Why are we doing this? I'm sure most police officers in New York City are much more concerned about salary than they are about whether or not they can take some time off to go and get a higher degree of

education.

And if they are concerned about this -- and I hope they're concerned about it, I hope that they are concerned about it because they believe and they know that there is a direct and parallel relationship with the amount of education they get and their advancement up through the department. And that has all kind of implications and ramifications for us as citizens of New York, because we want more educated people.

We want educated people. They make better police officers. They are more reasonable. They have a more intuitive thought process. They are more deliberative. They have more knowledge. They're bringing more things to the table. It's good. And they are more likely to pass the test that will propel them to the higher echelons where they are more able to effectuate policy changes that are to the benefit of all the citizens that they represent and protect and serve.

SENATOR DUANE: Thank you.

Through, Mr. President, I would

just like to thank the Senator for allowing me to interrupt him while he was on the bill. And I look forward to hearing the remainder of his comments on the bill, and I'll have questions later.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Hevesi.

SENATOR HEVESI: Mr. President, I'd like to continue on the bill.

This has been a fruitful discussion so far with Senator Duane. I think it would have been more fruitful if the sponsor had yielded to more than two questions that I asked.

I'm not sure how I'm going to vote on this. I believe I'll vote yes on this, because I have some confidence that municipalities who will become empowered to bestow this benefit on their citizens will do so -- I'm hoping they'll do so in a way that doesn't do damage to the police department or policing in their respective cities. And I have some trust and confidence, but not every trust and confidence. And that's why

sometimes it's good to include more detail and more constraints, and sometimes it's good to leave things a bit more open-ended.

This legislation, as we've been discussing, has many more questions that it poses and arises than it answers. Because I think it's a good idea. This is one of those constant dilemmas that we face. I think it's a good idea that we are encouraging police officers to get an additional benefit. I think it's a bad idea that our priority is to give additional educational opportunities to currently serving police officers at the expense of providing educational opportunities to individuals who need additional education in order to qualify in the first place for the police department.

I mean, that's just -- I don't know why we're doing that. Why is that our approach? It's much more clear to me that the right way to go about this here is to (a) hold a hearing and get everybody's testimony on this, and then we'll make our discussions and decisions on how to draft this; (b) is to ascertain whether or not this is a benefit

that we want to legislate. As Senator Duane pointed out, this may be a perfectly acceptable issue that should be negotiated through the collective bargaining process, as so many other issues -- and I alluded to one very minute issue with the Board of Education that's dealt with through collective bargaining. And we want to determine that.

And then we want to take a look at the larger issues, which is that we are not achieving here what the number-one priority should be to achieve, and that's to improve qualitatively, and quantitatively in some respects, the New York City Police Department. We have a diminishment in the ranks of police officers, of potential, prospective police officers, applying to take the test. And many of them we know don't take the test, don't sign up because, in addition to all the other reasons, because they don't have a two-year associate's degree.

And to be honest with you, Mr. President, if we're really trying to get at the heart of the problem here, and you're really trying to better prepare students so

that they have an associate's degree, so that the highest-qualified, the best-qualified New York City residents can make it onto the police department, I would even submit to you we need to go further and further back within the educational system, because so many of our students don't even get to the point where they are graduating from school. They're not graduating.

And that's not even a problem in high school. Those are problems that go all the way back to elementary school. It's one of the reasons why we made a major push to move to universal pre-K. This stuff goes all the way back to the beginning.

You can't pop in at the last minute when a student is in 11th or 12th grade and say to them, Here, we'll give you some additional help, and this will encourage you to increase your test scores and to work harder so that you can now go on to even harder work on a college level, when it's very likely that nobody in your family ever went to college, even if they graduated from high school, hop to it.

And what we're doing here instead is we're saying, all right, if you already have an associate's degree, here's the additional education. This is missing the boat. If it was ever our intention to have more qualified police officers get on the ranks in the first place, which is the more pressing problem than the educational attainment level of those officers currently on the police force -- remember, this is not like the Board of Education. As Senator Duane pointed out, there is no -- my understanding, and somebody can correct me if I'm wrong, there's no educational -

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

SENATOR ADA SMITH: Would Senator Hevesi yield for a couple of questions?

ACTING PRESIDENT MEIER: Senator Hevesi, do you yield for a question from Senator Smith?

SENATOR HEVESI: Mr. President, I'd be more than happy to yield.

ACTING PRESIDENT MEIER: Senator Hevesi yields.

SENATOR ADA SMITH: Thank you, Senator.

Are you familiar with a bill which was entitled the CUNY Police Cadet Corps Program?

SENATOR HEVESI: Mr. President, I'm vaguely familiar with the bill, but I would appreciate it if you would refresh my memory.

SENATOR ADA SMITH: Thank you. Let me just tell you a little about what that bill would do. It directs, actually, the Commissioner of Criminal Justice Services, in conjunction and consultation with the CUNY Chancellor, to create a police cadet program which will be located at John Jay, as you know which is part of CUNY. And the goal of this CUNY Cadet Corps Program is to recruit on an annual basis at least 1,000 qualified and trained cadets for police service.

And the program, which existed as a pilot program from '93 to '97, combined formal education and training with hands-on NYPD internships. And persons who would graduate from the program would be well-equipped to

serve as police officers.

Also, the CUNY students would live in New York City, which would give us an opportunity to hire city residents without resorting to the residency requirement, which some of us believe in. It would also produce more officers, hopefully, that would be reflective of the makeup of the City of New York.

I heard you saying that you believe as I do, that we should be putting our money into recruiting and bringing in new officers. Do you think that perhaps this would be a means of doing some of that?

SENATOR HEVESI: Thank you, Mr. President. I very much appreciate Senator Smith's expertise in this field. And as I suggested before, she is the sponsor of a very comprehensive piece of legislation aimed at achieving some of the goals that we've been discussing today.

Senator Smith, I had a comment or a question for the sponsor of this legislation, because he cites in his memo in support of the bill that's before us that there was a tuition

waiver program sponsored by John Jay College of Criminal Justice in the late '70s and 1980s that was proven highly successful.

And I not only had questions about that program, but it was always my understanding that the CUNY Cadet Program was one of the finest programs that we had in the City of New York, that this is a program that, despite the current constraints of law, which would enable us to recruit young New York City residents who were students who would be nurtured through the process in a city-funded school that was an excellent school, recognized throughout the country for its criminal justice bona fides, and that these individuals would be given an opportunity to be channelled directly into the New York City Police Department in much the way that many of us believe is appropriate, and would have a positive impact on the city police department.

I don't know what happened to that program. And, Mr. President, if Senator Smith would yield for a question.

SENATOR ADA SMITH: Oh, gladly.

ACTING PRESIDENT MEIER: Just a

second.

Senator Hevesi, I believe that you have the floor presently. So unless you want to yield the floor to Senator Smith -

SENATOR HEVESI: I would like to yield the floor to Senator Smith.

ACTING PRESIDENT MEIER: All right.

SENATOR ADA SMITH: Thank you. And I will gladly take the question from Senator Hevesi.

SENATOR HEVESI: Thank you.

ACTING PRESIDENT MEIER: Well, at that point, Senator Hevesi has yielded the floor.

SENATOR ADA SMITH: Yes, and I would like to say that I concur with Senator Hevesi on his regard for the CUNY -- formerly the CUNY Cadet Program which was housed at John Jay. And I believe that through the advent of something called politics, it may have met its demise.

And it's about time that we moved forward and put back some of these programs that have been proven to be of benefit to the

City of New York.

SENATOR HEVESI: Mr. President, would have I -

ACTING PRESIDENT MEIER: Give me a second, Senator.

Senator Hevesi.

SENATOR HEVESI: I believe that I need to request Senator Smith to yield the floor back to me so that I may ask Senator Smith a question.

Mr. President, would Senator Smith yield to a question?

SENATOR KUHL: Mr. President.

ACTING PRESIDENT MEIER: Senator Kuhl.

SENATOR KUHL: I think I can resolve this whole issue.

ACTING PRESIDENT MEIER: Yes, Senator Kuhl.

SENATOR KUHL: Could we just lay this bill aside temporarily.

And what time did the debate start on this bill?

ACTING PRESIDENT MEIER: The debate started at 10:28, Senator Kuhl.

SENATOR KUHL: Thank you very much. Could we lay this bill aside temporarily.

I believe there's a report of the Senate Finance Committee at the desk, so I'd ask that we return to reports of standing committees. And could we have that report read.

ACTING PRESIDENT MEIER: The bill will be temporarily laid aside.

The Secretary will return to the order of reports of standing committees.

The Secretary will read.

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

As a member of the Workers' Compensation Board, Ellen O. Paprocki, of Liverpool.

SENATOR STAFFORD: Mr. President, once again, we had a delightful morning and we had two fine appearances before the Finance Committee. And the first appearance -- both did so well. The first appearance was Ellen Paprocki, nominated for the Workmen's

Compensation Board.

And it's a pleasure for me to yield to the Senator from Onondaga.

SENATOR DeFRANCISCO: Thank you, Senator. It's my pleasure and privilege to stand in support of this nomination. Governor Pataki again has outdone himself.

You know, in order to be in a judicial-like position like the Workers' Compensation Board is, you need various characteristics. You need good judgment, you need unquestioned character, you need compassion, and you need a sense of fairness. And there's no question that Ellen Paprocki does have each one of those qualifications and more.

If you look at her resume, it's absolutely incredible the broad range of experience she has at such a young age. She was with the U.S. Department of Labor, Office of Labor Management Standards. She was with the Agency for International Development. She volunteered at the Peace Corps.

And most recently she's been in a very important managerial position as deputy

director of the New York State Fair and has really helped Peter Cappuccilli, who is the director of the fair and who's present here with her, along with her family, to make this fair bigger and better every year.

She has management skills, she has fairness, she has character, she has judgment and compassion.

So the Governor has done a wonderful job in this appointment, and I urge all of my colleagues to vote unanimously for this appointment, and I congratulate Ellen in advance.

ACTING PRESIDENT MEIER: The question is on the nomination of Ellen Paprocki as a member of the Workers' Compensation Board. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Ms. Paprocki, welcome to the Senate

chambers, and we congratulate you.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the Industrial Board of Appeals, Evelyn C. Heady, of Poughquag.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Thank you, Mr. President.

Like Ellen, Evelyn C. Heady did an excellent job. It's a reappointment to the Industrial Board of Appeals. I believe she is chairman of the board.

And it's a pleasure for me yield to the Senator from the mid-Hudson.

ACTING PRESIDENT MEIER: Senator Leibell.

SENATOR STAFFORD: Senator Leibell.

SENATOR LEIBELL: Thank you. Thank you, Senator.

Mr. President, I am particularly pleased to rise on this reappointment to the

Industrial Board of Appeals. I had the chance a few moments ago, through the graciousness of Senator Stafford, to speak in front of his committee on this appointment and to note at the time that I have known Evelyn Heady over the course of over two decades now. I knew her from local government, as a supervisor in the town of Beekman. And the question came up how do you correctly pronounce Poughquag. It is Poughquag. And she continued to serve there with great distinction and has continued to serve at the state level in our state government.

I can tell you that she has been much loved by the residents of not only her hometown of Beekman, but by residents throughout the Hudson Valley and in particular in Dutchess County.

For me, as a new member of the State Assembly many years ago, she was as close a counsel and ally as I could ever ask for, and for that I am very grateful.

I'm very pleased that the Governor has once again sent us a person of this caliber and such qualifications as Evelyn

Heady, and I'm particularly pleased because she's such a good friend.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Saland.

SENATOR SALAND: Thank you, Mr. President.

I too rise in support of Governor Pataki's nomination of Evelyn Heady. It would be very difficult for me to say in any different fashion what has already been said by Senator Leibell about Evelyn. Suffice it to say -- excuse me, he's correcting me, any less eloquently. Any more eloquently, I apologize.

Suffice it to say that Evelyn has not only served her community well, her town and her county, but she is a prime example of some of the absolutely superb appointments that Governor Pataki has seen fit to appoint to the various boards and agencies that are such an integral part of New York's daily life.

I want to join with Senator Leibell in thanking Evelyn for her past support, which

certainly was instrumental to me as a fledgling Senator. I look forward to her continued presence on the part of the people of the State of New York and, more importantly, look forward to seeing her back home on the rare occasion that either of us are back home, Evelyn.

Best regards, best wishes, and keep up the fine work.

ACTING PRESIDENT MEIER: The question is on the nomination of Evelyn C. Heady, of Poughquag, as a member of the Industrial Board of Appeals. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The nominee is confirmed.

Ms. Heady, congratulations on your important duties, and best wishes.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read.

THE SECRETARY: As a member of the Long Island State Park, Recreation and Historic Preservation Commission, Edward P. Kane, of Rockville Centre.

As members of the Niagara Frontier State Park, Recreation and Historic Preservation Commission, Donna M. Goia, of Buffalo, and Susan B. Schoellkopf, of Buffalo.

And as a member of the State Athletic Commission, Jerome M. Becker, Esquire, of New York City.

ACTING PRESIDENT MEIER: Senator Stafford.

SENATOR STAFFORD: Move confirmation.

ACTING PRESIDENT MEIER: The question is on the confirmation of the above named nominees. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: Senator Stachowski.

SENATOR STACHOWSKI: On the Jerome Becker nomination, in committee I voted no. But on the floor, I'm going to support him.

But I want to put in the record the fact that I hope he takes this reappointment as an opportunity to try to clean up some of the problems that have been publicly noted, and not only by the press but also by members of the Legislature, with a lot of the problems with the Athletic Commission and the fact that they have some severe lacking in the boxing area and the people that are running the boxing area, and that he would take this opportunity on this reappointment to try to address those problems and make sure that all the problems that were cited in the past will never be cited again, and hopefully clean up that whole area.

With that, I'll vote yes. Thank you.

ACTING PRESIDENT MEIER: Senator Stachowski, your vote will be recorded in the affirmative and your comments noted for the record.

The nominees are confirmed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to the calendar and take up Calendar Number 242.

ACTING PRESIDENT MEIER: The Secretary will read Calendar Number 242.

THE SECRETARY: Calendar Number 242, by Senator Bruno, Senate Print 3094, an act to amend the Penal Law and the Highway Law, in relation to violence committed on school grounds.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, thank you.

The bill before us has been and is being referred to as Suzanne's Law. And you will recollect that we have passed this bill in the chamber before. And it pertains to Suzanne Lyall, who on March 2nd, three years ago, disappeared from the SUNY campus, and her whereabouts to this day are unknown.

Suzanne's parents, Doug and Mary

Lyall, are here with us today. And they have been in this chamber a number of times. They have been in the Capitol. They have been on the streets in New York State doing everything that they can to help prevent similar occurrences from happening again here in New York State.

Violent crimes, assaults are going up -- while crime goes down generally, they're going up on school grounds and on college campuses. So Suzanne's Law increases the penalty for a felony committed on a school ground. And that includes athletic fields, daycare centers, 1000 feet surrounding any activity, any school activity. We think that's appropriate. We think that's what should happen.

The Lyalls, through their activity in getting support from others, have collected over 25,000 signatures that they will be delivering to the Assembly. Because to this day, the Assembly has not seen fit, for some reason or other, to pass this law that would make it safer for young people and others to be in a school environment.

So we hope that with the passage of time, and their reflection in the other house, that the leadership will see fit to get this bill to the floor this year.

So I want to thank Doug and Mary Lyall for all of their activity, all of their hard work. And we know how difficult this must be for you to continually revisit the pain and the suffering that goes on when anyone is missing a loved one.

April 6th is Suzanne's birthday. We passed a resolution in this chamber some weeks ago petitioning the Governor to name April 6th, in honor of Suzanne's memory, Missing Person's Day in New York State. I have before me the Governor's proclamation, from the Governor's chamber, designating April 6th here in New York State throughout this state Missing Person's Day.

So this will be a reflection on everybody in their memory of Suzanne and doing everything and anything that can be done to prevent similar occurrences, things like this happening in anyone else's life.

So I urge my colleagues to give

this bill, Suzanne's bill, your support. And we'll send it to the other house, and then hopefully together we can encourage them to pass it. The Governor is prepared to sign it.

And Assemblyman Tedisco is here with us, Assemblyman Tedisco who shares the district with me and is carrying this legislation in the other house. And we appreciate his support and his persistence in assisting us in getting this to become reality.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. To Senator Bruno, the loss of a child, as we all know, is one of the most tragic events that any parent should ever have to experience. And my heart goes out to the Lyall family, and I commend them for their efforts to protect the children of New York State. I only wish that we were able to meet them under better circumstances.

This legislation sends an important message, like our hate crimes bill that we

passed last year, that our schools are sacred places of learning and that violent behavior will not be tolerated on our school grounds.

Therefore, I join you, Senator Bruno, in supporting this legislation.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President. The Lyalls are -- I also share the county and the community, almost, that Senator Bruno and Assemblyman Tedisco have. The Lyalls are friends.

And, you know, for anybody to even consider the loss of a child is just something that we don't even want to think about. But, you know, I taught at that university when Suzanne was taken. And, you know, for the Lyalls to go through this, and it has been quite some time now, the pain doesn't go away. There's been no closure here for them.

But their effort on behalf of this legislation, their effort on behalf of Suzanne Lyall, their daughter, who they'll probably never see again, still lives on with this effort.

And you're to be commended. And I have told them that several times.

And for Senator Bruno and Assemblyman Tedisco, and for all of us that are interested in something happening here - because, you know, when your child goes off to school, whether it be elementary school or college, this isn't a unique situation. We have had several people right from this area, two from the University at Albany, one is Senator Stafford's constituent, and also one from over in Rensselaer County, one of the schools, these are young women that have been just obliterated, if you will, from the face of the earth. It's terrible.

And the time has come for this legislation, and I urge my colleagues to support it. And I also would like to pay tribute to the parents of Suzanne Lyall, Doug and Mary.

ACTING PRESIDENT MEIER: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I too commend Senator Bruno for

this legislation. The State University of New York in Albany is in my district. And as the father of three, the tragedy of a loss of child to me is just beyond comprehension, beyond comprehension. And we send our children to colleges and universities expecting them to be protected there, that somehow that place should be something that as parents we can all feel comfortable that our children will be all right.

And it's sad that the Lyalls are here visiting with us under these circumstances. But their dedication and their perseverance to effectively bring this legislation together is to be commended.

So it is with great hope that this legislation will pass here today unanimously and will be then carried in the Assembly and entered into law.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President, I rise to also express my sincere concern to the Lyalls for the loss of their

daughter.

Certainly, as a mother, I can imagine how painful it must be to have a child just disappear and you not know. And no one knows more the love for a child than a parent, so I certainly understand that.

I do, however, have some concerns about this legislation. And I must express to you, Mr. President, and to my colleagues why I will be voting no on this bill.

I'm concerned that in an attempt to address the issue of Suzanne Lyall, we are reaching very far. And there are a number of actions in this legislation which are not necessarily related to an abduction or the disappearance of someone. It's much more than that.

And it increases the sentencing for many other areas, and simply because they take place on a school campus, school grounds. That means high schools, that means elementary schools, that means junior high schools and that means colleges.

And I'm always reluctant to support legislation like this because the criminal

justice system is so disparate in the way that it impacts on certain communities as opposed to others.

So I'm going to vote no, despite the fact that I certainly understand and join the Lyalls in mourning the loss of their daughter. I think we must be careful at the same time that we do not enact laws that will ultimately cast the net in a way that it really hurts a very large number of people, or it has the potential of engaging a larger and larger number of very young people in the criminal justice system for very, very long, extended sentences for an action simply because it takes place on school grounds.

But again, I say I mourn the loss of Suzanne Lyall, and I certainly support the resolution that has been submitted by our Majority Leader.

Thank you.

ACTING PRESIDENT MEIER: Senator Schneiderman.

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

I hear the concerns expressed by

Senator Montgomery, but I would urge that there are a lot of the children that I believe she cares the most about, and that I care the most about, who actually would be the beneficiaries of such a law. The 1.1 million children in New York City public schools - which include my daughter, who many of you have met -- it's overwhelmingly a population of black and Hispanic children. And we have had incidents in my area where there have been assaults on children in the school areas, and it is every parent's worst nightmare for what happened to the Lyalls to happen to our child.

The only thing that if I could make a comment -- and I heard our leader's comments about the other house. I'm not sure they are going to come to the table this year. The only thing that I would add to this, if I could, is that in the final section of the bill where it talks about setting up assault-and-abduction-free school zones, I think something even a little more aggressive, by way of putting up signs and calling to the attention of the local police department that this is something that should be more

deserving of police presence.

Because that's something that we do on a case-by-case basis, and I've had to make calls to my local precincts about the lack of police presence in certain schools. And that is something that I think should be a part of this overall package. And we may have time to address that later this year.

But I do think this is a bill worth supporting, and I think that children are deserving of whatever we can do to attempt to avoid any future occurrence, any future tragedies like those that have affected the Lyalls.

Thank you.

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

The Secretary will read the last section.

THE SECRETARY: Section 4. This act shall take effect on the first day of September.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time return to Calendar Number 302.

ACTING PRESIDENT MEIER: We will return to Calendar 302.

The Secretary will read.

THE SECRETARY: Calendar Number 302, by Senator Padavan, Senate Print 2774, an act to amend the General Municipal Law.

SENATOR CONNOR: Explanation.

ACTING PRESIDENT MEIER: The bill is back before the house.

We have a list, and in regular order, Senator Espada was next.

Senator Espada, you have the floor.

SENATOR ESPADA: Thank you, Mr. President.

Firstly, let me thank Senator Hevesi for his many insights on this bill. A

number of us had a great many questions. This is an important bill, one that I should add that I certainly was not predisposed to vote against.

I guess I'd just like to, in proffering these brief comments, just start with the basic proposition that we stand for equal access to -- broad and equal access to education. The question must be asked, who is really asking for this benefit? And that question I think was somewhat answered through the question-and-answer session that was sponsored by Senators Hevesi and Duane. And that, on its face, is rather awkward, since neither of them sponsored the bill.

But I'll tell you that the people that I know that have been asking for educational assistance, that have been asking for us to pay attention to tuition assistance programs, most particularly the ones that the Governor's budget wants to slash once again, the TAP program, were here yesterday, and they were asking for us to get involved.

When Senator Hevesi and Senator Duane really penetrated the essence of this

bill and the many questions that remain unanswered, then that moved me to really move against supporting the bill, if only because of their so many questions.

But I wanted to rise and take the floor just to say that, coming from a largely Latino and African-American community, it should be made perfectly clear that their State Senator and a great majority of the constituents are not antipolice, they're not anti-incentivizing and creating good recruitment and retention programs to keep good police officers on the force and to give them the kind of educational enhancement opportunities that most of the constituents in my district would also like to have.

And so I would be terribly remiss if I didn't focus in on that. You know, that with the many cutbacks that we have had to the Tuition Assistance Program, with the many hikes in tuition at SUNY and CUNY institutions, people in my district that average $21,000 to $40,000 in income have been denied access to those very institutions that this benefit would allow police officers to

gain.

I cite, for instance, statistics which indicate that since the enactment of many of our budgets with the aforementioned cuts, we have seen a decrease in enrollment by people of all racial and ethnic backgrounds that are within the income group $21,000 to $45,000, or what we would otherwise refer to as working-class families.

The debate was most interesting with respect to the many questions about what this bill would do if enacted in its current form. And I know that I'm running out of time, Mr. President. I appreciate your indulgence. But the fact is that there are so many questions about how this gives an unfunded mandate to municipalities to deal with. As raised in the dialogue, how this invades what is usually a matter for negotiation between the municipalities and unions. How we could have improved it had we focused in on the greatest need that we are - certainly reference was made to the New York Times article.

But I think we all know that there

is a real crisis in recruitment in the police department, and we know what is lacking in there. It doesn't take much to really extend this benefit to where it's needed. The contours and underpinnings of that were established not in the bill, but through the question-and-answer period.

Thank God for transcripts and the Journal, that could live to another day and hopefully be incorporated.

So it is not because, as a mindset or as a precondition or a predisposition that we vote against this, but really because there are so many questions that have to be asked that haven't been answered, and that must be answered if this bill is going to go anywhere.

Thank you so much for your indulgence, Mr. President.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: Yes, Mr. President, through you, would the sponsor yield for a question?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: Senator

Padavan yields.

SENATOR LACHMAN: Thank you, Senator Padavan. If this question has been asked already, please let me know, because I was in the Higher Education and Finance Committee meetings.

Your bill specifies that a police officer who works 24 hours must have a minimum of 16 credits to be acknowledged as a full-time student. My question is based upon the fact that many universities now require only 12 credits rather than 16 credits to be recognized as a full-time student.

And the reason why I think this is relevant is in my own background as a professor, and my wife's current job as a professor, we find 16 credits is being taken less and less by full-time students. They take 12 credits. And I'm concerned that having a police officer on duty 24 hours, taking the maximum number of credits available might create problems both in his police duties as well as in his academic program.

The question is, would you consider lowering it from 16 credits to 12 credits?

SENATOR PADAVAN: That's a possibility.

I might add in response to your question that this is not a unique program. It's been implemented in Massachusetts for a number of years, with the 16-credit-hour requirement.

It's obviously there to ensure that this program is being entered into seriously by the applicant, by the police officer. We put a time limit on the amount of -- period of time he can do this. We require that he work during -- when the college is on vacation, that he work full-time. We require a payback if he should cease his employment as a police officer of the benefit he received.

So we're trying to put this in a framework of not being abused by virtue of its intent.

And I might add, parenthetically, this is an authorization, not a mandate, on a municipality. And obviously, in authorizing them to do so, to implement this legislation, it would and could be part of collective bargaining, should they so desire. And I

think that's important for everyone to understand as well.

SENATOR LACHMAN: I thank you, Senator. I'm glad that you would consider lowering the number of credits for this particular piece of legislation.

Mr. President, through you, would the Senator yield for another question.

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR LACHMAN: I'm concerned, Senator Padavan, about the discrepancy in terms of tuition that is paid by a full-time student at a public university in New York and a private university or college. In New York State, it varies, leaving CUNY out of this, just SUNY, from about $15,000 to $30,000 a year for a private college. And that's a tremendous change, a tremendous variation.

Would not the bill perhaps or the sponsor of the bill consider reimbursing the students on the credits they are taking rather

than allowing them to have their full-time salary as police officers?

SENATOR PADAVAN: Well, Senator, you know, there's a presumption here that the majority of these applicants, particularly in the urban centers like New York City, would be utilizing City University, where the tuition costs are less.

But in order for the recruitment aspect of this legislation to have its maximum effect -- and as you've heard mentioned here, recruitment of police officers is now a very serious problem. And if we can recruit young men and women into our police force by giving them this opportunity to get their degree or master's degree and to pay them while they're doing it, I think the benefits in the long run are not only real in terms of numbers of qualified individuals who would be in the police department, but also it would be cost-effective and would provide greater opportunities for all our citizens, minorities included, to not only gain the education that maximizes their potential but puts them in a greater position for promotion and advancement

within the department.

So if you put all of those benefits together, I think the approach taken here makes a great deal of sense.

SENATOR LACHMAN: Briefly, Mr. President, if the Senator would continue to yield.

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

SENATOR LACHMAN: And what I'd like to do is two questions -

ACTING PRESIDENT MEIER: Wait, wait a minute. Senator Lachman, wait. I'm waiting to see if Senator Padavan will yield.

SENATOR PADAVAN: One more question.

ACTING PRESIDENT MEIER: Senator Padavan yields.

SENATOR LACHMAN: Okay. Senator Padavan, in yielding, I appreciate -- I'm putting two questions into one at this point.

Would you consider sponsoring legislation in this area for other civil servants -- members of the fire department, sanitation department, and other civil

servants who need this type of aid?

And a corollary to that, have you reviewed the possibility of tax benefits to police officers if tax credits are given to them rather than the full-time pay of police officers for taking these credits?

SENATOR PADAVAN: The second part of your question first. We feel that this approach maximizes the potential of the program. Yes, you could go in other directions, such as paying the tuition, giving them tax credits. But this produces the best result in terms of recruitment, professional development, opportunity within the department for advancement, all the things we want to see happen.

Now, the first part of your question relative to other types of government service, I think we should consider all. However, this program, which is already in effect in another state, is one that was brought to my attention, and I chose to introduce the bill.

SENATOR LACHMAN: Thank you.

Mr. President, I want to thank you

and Senator Padavan. And I hope to make use of the six questions I did not ask when Senator Padavan introduces other legislation in this area.

Thank you.

ACTING PRESIDENT MEIER: Senator Hassell-Thompson.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. If the Senator would just yield for a couple of very brief questions.

ACTING PRESIDENT MEIER: Senator Padavan, do you yield?

SENATOR PADAVAN: A couple of questions? Did you say couple?

SENATOR HASSELL-THOMPSON: Three is a couple.

SENATOR PADAVAN: Two. Two is a couple.

ACTING PRESIDENT MEIER: The Senator yields.

SENATOR HASSELL-THOMPSON: Through you, Mr. President, my first question really had to do with how are you defining - I don't get a clarity in the bill as to how you're defining police officer and whether or

not each officer -- which officers would be eligible for the benefits of this bill. That's my first question.

SENATOR PADAVAN: A police officer is defined by law. And if you look at line 8 -- no, excuse me -- yes, line 8, which outlines a section of law where we define what a police officer is. For instance, a correction officer, who's a police officer, would qualify for this bill.

SENATOR HASSELL-THOMPSON: A correction officer -

SENATOR PADAVAN: Would qualify for this bill.

SENATOR HASSELL-THOMPSON: Okay. Thank you. And the second part of that first question?

SENATOR PADAVAN: I'm sorry, What was the second part?

SENATOR HASSELL-THOMPSON: Which officers would be eligible?

SENATOR PADAVAN: Anyone who is defined under that section of law as a police officer.

Now, I don't have the whole list

here in front of me. But they are a specific, categorized group of individuals. And I gave you an example, a correction officer is a police officer, of one who would on that list.

SENATOR HASSELL-THOMPSON: Through you, Mr. President. Senator, are there any restrictions regarding longevity of services before a police officer is eligible for these benefits?

SENATOR PADAVAN: Senator, if you look at the bill, it says salary of full-time police officer enrolled in certain college courses. There is no time -- there is no prerequisite as to the number of years that individual is a police officer. Line 1 says "a police officer."

SENATOR HASSELL-THOMPSON: I guess those are my two questions.

SENATOR PADAVAN: All right, one more question. Did you have a third question?

ACTING PRESIDENT MEIER: Senator Padavan is indicating he'll yield for a third question.

SENATOR HASSELL-THOMPSON: Thank you, Senator. Through you, Mr. President,

just a last question -- and I wasn't sure if I had missed this. Is there a residence requirement for police officers before eligibility?

SENATOR PADAVAN: No.

SENATOR HASSELL-THOMPSON: Thank you. Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Onorato.

SENATOR ONORATO: Mr. President, if Senator Padavan will yield a question.

SENATOR PADAVAN: Yes.

SENATOR ONORATO: Senator Padavan, I'm in favor of this bill. My one concern is that in prior times we've given tax credits to a lot of our business community. They took the tax credit and moved out of the state.

I hope that this is not the case with this particular bill, that they make use of the tuition assistance and get an upgrade in their education and then wind up going out to join the Nassau or Suffolk County police force, that has a much higher salary than we are providing.

Is there anything in the bill that if they do take advantage of this that they must remain on the force?

SENATOR PADAVAN: They must remain on the force -- it's specified in the bill on page 2, beginning somewhere around line 4, where they sign an agreement that they will work in that police department for the same period of years that they were enrolled in the educational enhancement program.

Now, we cannot hold them forever, obviously. That would probably be unconstitutional. But we do require that they stay within the department for that comparable period of time. And if they should leave, they have to pay back the total cost that was incurred by the municipality.

SENATOR ONORATO: Through you, Mr. President, if Senator Padavan -

ACTING PRESIDENT MEIER: Senator, do you yield? Do you yield for one more question.

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR ONORATO: Just to make sure I understand, in other words, if it takes them four years to accomplish what they're trying to accomplish, then they must remain an additional four years or be required to pay the tuition money back to them?

SENATOR PADAVAN: That is correct.

SENATOR ONORATO: Thank you.

ACTING PRESIDENT MEIER: Senator Sampson.

SENATOR SAMPSON: Yes, through you, Mr. President, would the sponsor yield for some questions?

ACTING PRESIDENT MEIER: Senator Padavan, do you yield to a question from Senator Sampson?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: Through you, Mr. President, I just want to know from the sponsor if in fact does the coursework that they have to take in these institutions of higher learning have to have some sort of

relationship to their job duties?

SENATOR PADAVAN: Line 17, it gives the credit hours of at least 16 in a police, law enforcement, criminal justice, or police-career-oriented course of study.

SENATOR SAMPSON: Through you, Mr. President, another question for the sponsor.

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR SAMPSON: In that legislation, is there a certain grade-point average that the student must maintain in order to get the opportunity of this benefit?

SENATOR PADAVAN: No. Obviously, they must pass the courses and maintain the credit hours and meet the requirements of at that institution. But there's no minimum grade-point average required.

SENATOR SAMPSON: Thank you.

ACTING PRESIDENT MEIER: Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Mr. President. Would the sponsor be kind enough to yield to a question from me?

ACTING PRESIDENT MEIER: Senator Padavan, do you yield?

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR ADA SMITH: Thank you. I finally found my notes.

When the student takes these courses, will they be reimbursed by the police department for taking the courses also?

SENATOR PADAVAN: No.

SENATOR ADA SMITH: Okay. Because it was my understanding -- and you correct me if I'm wrong -- that the majority of police departments do have a student reimbursement program.

SENATOR PADAVAN: This does not preclude any other program that may be in existence or be offered by any institution or be provided by any state program of tuition assistance.

SENATOR ADA SMITH: Would the

courses that they are taking be courses that would be -- have to be something that relates to their job?

SENATOR PADAVAN: Well, you're asking the same question Senator Sampson asked just a moment ago. And I directed him to line 17 of page 1 of the bill, where it specifically indicates that the courses in a police, law enforcement, criminal justice, or police-career-oriented course of study. It specifies in the bill it must be in this area, this academic area.

SENATOR ADA SMITH: That could be broadly interpreted.

SENATOR PADAVAN: Well, I don't know how you would broadly interpret in a police, law enforcement, criminal justice, or police-career-oriented course of study that is offered by a college.

SENATOR ADA SMITH: Would that not include criminal justice, law?

SENATOR PADAVAN: Yes, it does include criminal justice. It says so.

SENATOR ADA SMITH: Yes, but also legal studies?

SENATOR PADAVAN: Legal studies?

SENATOR ADA SMITH: Yes, your undergraduate or your master's in -- towards becoming an attorney.

SENATOR PADAVAN: If the courses meet the definition specified in the bill, seeking a bachelor degree or master's degree, they would qualify.

SENATOR ADA SMITH: Thank you.

I too will be supporting this legislation. But as one of my colleagues has stated earlier, I believe that the money could be -- well, that we should be putting our money in the front end and providing ways and means of diversifying our police department, finding ways and means of enhancing our minority participation on the police force, and getting the best-qualified officers.

And if -- even in doing this, we should have some criteria for who attends, more so than having it openly available to the person who just comes on the force and has not made a real commitment to the police force.

Thank you.

ACTING PRESIDENT MEIER: Senator

Stavisky.

SENATOR STAVISKY: I have only one question, if the sponsor would yield.

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

SENATOR PADAVAN: Yes.

ACTING PRESIDENT MEIER: The sponsor yields.

SENATOR STAVISKY: On page 2, lines 18 to 20, there's a limit of 32 weeks in a 12-month period. Is there any time limit on this legislation, or could you have sort of a professional student taking advantage of this for an extended period of time?

SENATOR PADAVAN: First, you must maintain 16 credit hours towards your degree. Obviously, that's not going to be forever. You're going to get your degree when you complete the course requirements. You must maintain 16 credit hours.

SENATOR STAVISKY: Including graduate credits?

SENATOR PADAVAN: Including graduate credits.

However, you must also read another

part of the bill which deals with the discretion that the municipality has at its disposal in implementing this program. So obviously they would preclude anyone from milking it, if that's what you're suggesting.

SENATOR STAVISKY: Madam President, on the bill, very briefly.

THE PRESIDENT: You may proceed on the bill.

SENATOR STAVISKY: As one who attended graduate school over a protracted period of time because I was working full-time, the Board of Education did not allow full-time teachers to take more than six hours of graduate credit. And as a result, I felt for a while that I was a full-time student.

And while I will vote for this bill, I am concerned with the point that Senator Onorato made, that we've got to tie in a requirement -- and there is in this bill a requirement that the recipient of such -- of the state's largesse has an obligation to continue to work in the New York City police force.

We I think ought to do this with student loans and other professional requirements. When we are using taxpayer money to guarantee loans or to provide tuition reimbursements, we ought to have some lengthy requirement that the recipient continue to work in the state that provided the tuition reimbursement.

Now, I'm delighted that this bill has it on the second page, and I would hope that this trend will continue in additional bills.

Thank you.

THE PRESIDENT: Senator Brown.

SENATOR BROWN: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR BROWN: On the bill.

THE PRESIDENT: You may proceed on the bill, Senator Brown.

SENATOR BROWN: I listened to all the debate and read the legislation. I'm a little bit concerned about this piece of legislation for many of the reasons that have been raised today.

I'm certainly going to vote for it, because I don't want to be perceived to be anti-police officers or anti-law enforcement, because I am not. But I do think that right now, across the state, police officers get tremendous benefits. I know a lot of guys that are police officers that have gone back to school while as police officers and earned master's degrees and law degrees. So I don't necessarily know why this is needed as an incentive to go into police work.

People right now very easily earn these advanced degrees while as police officers. Police officers have a 20-year-and-out provision where they get full benefits of their pension before they reach retirement age. So while it is a tough job, it's a job that we need to have these people protecting and serving our community, I just don't know if this is a benefit that is needed to recruit good people to police work.

In addition, I think if someone is motivated to further their education as a police officer, this isn't required to do that.

Madam President, if I may, there's talking in the chamber, and I'm having a difficult time -

THE PRESIDENT: Excuse me, Senator Brown. Could you repeat your last statement?

SENATOR BROWN: I just wanted you to request some order in the chamber.

Thank you, Madam President.

In addition, the issue of diversity and minority recruitment was raised. I don't know if this will have any positive impact on diversity or minority recruitment on police departments.

There was a lot of talk about the condition in New York City and the lack of black males in supervisory roles in the New York City Police Department, and the same is true in the Buffalo Police Department. In fact, in the City of Niagara Falls, I don't know if there is even one black police officer on the entire police department.

These things are of concern. And I think as we look to diversify and improve police service and deal with issues such as

police brutality and citizens' concerns about police not being fair, we need to look at ways that we can diversify our police departments and make sure that citizens throughout our community have the ability to serve as police officers and bring unique and different perspectives, particularly in larger metropolitan areas where they are not homogeneous, where they are more diverse, bring those perspectives to that police service.

Another thing that troubles me a bit -- and I know that there are different opinions about this in the chamber -- and that's one of providing this benefit to people that can work as police officers in communities that they don't actually reside in. And I know that a lot of the New York City police officers do not reside in New York City, and a lot of Buffalo police officers don't reside in the City of Buffalo. And I kind of believe for this kind of intimate work where you have to work with citizens, you should have an understanding of those citizens that you work with. And I think that

understanding comes from living in the communities that they live in, experiencing the problems that they experience, not having the ability to flee from the issues and problems of the community that you work in and the community that you serve.

So I'm a little concerned that there is no provision to tailor this to people at that actually live in the municipality where they will be doing the police work.

Like Senator Padavan, I do support the work of our police officers. It's important work. It's dangerous work. And I do support recognizing that work. I'm a little bit concerned about this bill, but I will be supporting it.

Thank you, Madam President.

THE PRESIDENT: Senator Connor, did you wish to have the floor, I understand?

SENATOR CONNOR: Thank you. Yes, if I may -- well, I'd let Senator Montgomery go. I can explain my vote.

THE PRESIDENT: Thank you, Senator Connor.

Senator Montgomery, you are

recognized.

SENATOR MONTGOMERY: Thank you, Senator Connor. I appreciate that.

I just wanted to ask the sponsor a question, if I may, if he would yield.

THE PRESIDENT: Senator Padavan, do you yield?

SENATOR PADAVAN: Yes, I would.

May I also inquire as to when the debate on this bill began?

THE PRESIDENT: Shortly. To be more specific -

SENATOR PADAVAN: How many more minutes do we have?

THE PRESIDENT: We're ascertaining that right now, Senator.

SENATOR VELELLA: Madam President, at this time I move to close debate. The two hours, as I understand it, has elapsed, and I move to close debate.

THE PRESIDENT: That's what we're checking on right now, Senator.

SENATOR PADAVAN: Well, while we're checking, maybe I could answer the question.

THE PRESIDENT: Gentlemen, if you could wait, I'm getting an opinion from counsel on that.

Two hours has elapsed for debate.

SENATOR PADAVAN: That means we're out of time.

SENATOR CONNOR: Madam President, I know that counsel is an expert in the law. I didn't know he was an expert on time.

THE PRESIDENT: We perform many roles here, Senator. Timekeeper, counsel, et cetera.

The motion on the floor is to close debate. All those in favor signify by saying aye.

SENATOR CONNOR: Party vote in the negative.

SENATOR VELELLA: Party vote in the affirmative.

THE PRESIDENT: The Secretary will call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 32. Nays, 22. Party vote.

THE PRESIDENT: The motion is

carried.

Read the last section.

THE SECRETARY: Section 3. This act shall take effect on January 1, 2002.

SENATOR CONNOR: Slow roll call, Madam President.

THE PRESIDENT: The Secretary will call the roll and ring the bell.

SENATOR VELELLA: Madam President.

THE PRESIDENT: Senator Velella.

SENATOR VELELLA: Could we ask that the members of the house be called and the bells be rung so that members in their offices will know that there is a slow roll call.

THE PRESIDENT: I've asked that the bells be rung, and I will also ask that the members be called in.

Will all the members please return to the chamber.

THE SECRETARY: Senator Alesi.

SENATOR ALESI: Yes.

THE SECRETARY: Senator Balboni.

SENATOR BALBONI: Yes.

THE SECRETARY: Senator Bonacic.

(No response.)

THE SECRETARY: Senator Breslin.

THE PRESIDENT: Senator Breslin, to explain your vote.

SENATOR BRESLIN: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR BRESLIN: Despite the obvious intention of the sponsor to stifle or limit debate, I think many positive parts of this bill were brought out.

But I certainly would have liked to have heard more, particularly as it relates to the cost, why other public employees aren't included -- fire -- why New York City doesn't have as much diversity on its police force as we should expect.

But overriding all of that is the obvious need to further educate our police force so that they can better police. And so for that reason and that reason alone, I vote in the affirmative.

THE PRESIDENT: Senator Breslin, you will be so recorded as voting in the

affirmative on this bill.

THE SECRETARY: Senator Brown.

SENATOR BROWN: Madam President, to explain my vote.

THE PRESIDENT: Senator Brown, to explain your vote.

SENATOR BROWN: I agree that we need to better educate our police force, and I also agree that we need to support our police officers.

I just wonder if there's any correlation to a better police force and a police force that more respects its citizenry and the diversity of the citizenry. I would have liked to seen some provision in this bill where there would be some kind of sensitivity training or diversity training for police officers.

Because clearly, particularly in large metropolitan areas that are not homogeneous in terms of the population, there are issues with police service and there are concerns that citizens have, particularly minority citizens, about a lack of sensitivity of the police, concerns about the potential

for police brutality.

In fact, just yesterday I read a story in one of the New York papers about an African-American detective who, during the commission of his duties, was stopped and a gun was put to his head by other police officers, just because he was driving a Lexus.

I think those kind of incidents have to be looked at. We need to find ways to address them. But at the same time, we should be supporting our police officers and the important work they do. I vote in the affirmative.

THE PRESIDENT: Senator Brown, you will be recorded as voting in the affirmative on this bill.

THE SECRETARY: Senator Bonacic.

SENATOR BONACIC: Yes.

THE SECRETARY: Senator Bruno.

(Senator Bruno was indicated as voting in the affirmative.)

THE SECRETARY: Senator Connor.

THE PRESIDENT: Senator Connor, to explain your vote.

SENATOR CONNOR: Thank you, Madam

President.

I've voted for this in the past. But now that I read it, I have problems with this bill on a lot of technical-legal grounds, and I'm going to talk fast because I have a lot of problems with it.

Number one, it's discretionary. It allows a locality to do this. It doesn't say on what criteria. Does discretion mean that the chief of police likes this officer and doesn't like that officer, so that officer can go to college and this one can't? It doesn't give any rights to police officers who want to pursue their education, it's so discretionary.

Two, it says full-time salary. It says nothing about benefits or pension. So does that mean you get 24-hours-a-week pension credit and a full-time salary? It doesn't address the other benefits that you accrue when you're on a job. The bill has to do that.

Secondly, my question would be what says they can't do it anyway if they want to do it in a municipality? They can certainly -- the union can bargain for it.

This law is not necessary.

Secondly, there's no requirement that the police officer pass the courses. So does that mean they could go back for 16 hours -- it actually says 16 hours of study, it doesn't say 16 hours, Madam President, 16 hours per semester. It just says 16 hours. And there's no requirement that the courses be competed. An officer could presumably flunk all the courses and go back the next semester and get paid.

The bill is a good idea. It's totally deficient, Madam President. I'm voting no this year.

THE PRESIDENT: Senator Connor, you will be so recorded as voting in the negative on this bill.

THE SECRETARY: Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes.

THE SECRETARY: Senator Dollinger.

(No response.)

THE SECRETARY: Senator Duane.

THE PRESIDENT: Senator Duane, to

explain your vote.

SENATOR DUANE: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR DUANE: You know, I usually get -- you know, I sit here and I hear people say, you know, This is a terrible bill, I vote yes. I find myself that I might be in that position this time.

I think this is a dumb, incomplete bill. I think it's a dumb, incomplete process by which it arrived here on the floor today. The sponsor is more concerned with the minutes, not the merits of the bill. And -

THE PRESIDENT: So you can be heard, Senator Duane.

SENATOR DUANE: I just -- I think it's terrible that the sponsor is more concerned with the minutes and not the merits of the bill. This bill raises more questions than it answers.

And I want to -- you know, I want to support police officers being able to get their education, but this is just a really pathetic piece of legislation.

I'm going to vote for it and hope that it doesn't go any further than this today and that we get a chance to have a hearing and actually hear what it is that would really improve our police departments and the compensation provided to police officers.

So I find myself saying this is an outrage, but I'm going to vote yes.

THE PRESIDENT: And you will be recorded as voting in the affirmative, Senator Duane.

THE SECRETARY: Senator Espada.

(No response.)

THE SECRETARY: Senator Farley.

SENATOR FARLEY: Aye.

THE SECRETARY: Senator Fuschillo.

SENATOR FUSCHILLO: Aye.

THE SECRETARY: Senator Gentile.

THE PRESIDENT: Senator Gentile, to explain your vote.

SENATOR GENTILE: Thank you, Madam President.

I have to congratulate my colleagues on this side of the aisle,

particularly Senator Hevesi, for bringing to light many of the issues that at first, at face value, you wouldn't see by just reading the legislation.

It's unfortunate that we had to have a discussion among ourselves and not with the sponsor of the bill to any great extent, although the sponsor did yield toward the end of the debate. But it would have been interesting to hear some of the answers that were raised -- some of the issues that were raised by Senator Hevesi and, frankly, some of the issues that were just raised by Senator Connor.

Certainly this bill has many holes and many -- and many things that should be in it that would cover some of those issues. Unfortunately, this is the bill we're dealt and this is the bill that's on the floor today. As a deliberative body, we could have probably made this a better bill. But deliberation here sometimes is wanting. And so we're dealt with a bill that is wanting in its -- on its face.

I'm going to vote yes, Madam

President, for the concept and the principle that this bill tries to address, and that is education for New York City police officers. On that basis, I will vote yes, but with some trepidation.

THE PRESIDENT: Senator Gentile, you will be recorded as voting in the affirmative on this bill.

THE SECRETARY: Senator Gonzalez, excused.

Senator Goodman.

SENATOR GOODMAN: Yes.

THE SECRETARY: Senator Hannon.

SENATOR HANNON: Yes.

THE SECRETARY: Senator Hassell-Thompson.

THE PRESIDENT: Senator, to explain your vote.

SENATOR HASSELL-THOMPSON: Thank you, Madam President.

THE PRESIDENT: You're welcome.

SENATOR HASSELL-THOMPSON: On this particular bill, I am of two minds. One of the things that I have encouraged and one of the things that I have expressed as a major

concern was that we do not offer enough opportunities, incentive for police officers to learn as much as they can, not only about policing, but broadening their own scope. And I happen to be one that believes that education translates into the elevation of the mind and spirit.

And so I would not be comfortable voting against any bill that would offer the opportunity for police officers to be enlightened, particularly because I have been, over the years, one of the -- in some instances, one of the worst critics but in others the greatest supporter, because I know of the vital importance of police officers to our communities.

We can't sit and say that we want the ability and the capabilities of our police officers to improve and then not support those opportunities that we have to put forth a bill that would do that. To say that this is a perfect bill would be far from the truth. I think that there are many, many things that have been suggested in terms of the criteria being a little bit more specific and more

concise, which have been recommended and I would that -- I would have hoped that they would have been accepted and amendments could have been made to make this bill a better bill.

But as Senator Gentile says, you know, sometimes we have to take the hand we're dealt and play it. And I would hope that should this bill not pass in the Assembly, that we have an opportunity to review this and offer those types of amendments that we have suggested today to make this into a bill that more of us could be proud of.

Thank you, Madam President.

THE PRESIDENT: Senator Hassell-Thompson, you will be recorded as voting in the affirmative.

SENATOR HASSELL-THOMPSON: In the affirmative.

THE PRESIDENT: Correct.

THE SECRETARY: Senator Hevesi.

THE PRESIDENT: Senator Hevesi, to explain your vote.

SENATOR HEVESI: Thank you, Madam President, to explain my vote.

I'd like to thank my colleagues on this side of the aisle for participating in another very fruitful discussion which I will remind everybody has resulted in a changed vote from at least one member of this house, Senator Connor, from the vote that he took last year on this issue.

I don't want to rehash the series of issues that I raised earlier. But there are all kinds of problems here with equity and implementation and appropriateness of this legislation. And almost more importantly than what's in this bill is what's not in this bill, the fact that we are not addressing the real problems that we have in terms of providing benefits to prospective members of police departments throughout the entire state, which we're just not addressing at all.

So I hold this bill, as I hold all bills, up to my own test, which is if the potential for harm is minimized and the notion is proper and there is a potential for a positive impact, then I'm going to support it. In this case, that's a very close call, Madam President. Particularly because I believe

that a lot of police officials are going to get this, if we pass this into law, and say, Oh, God, how do we implement this thing, what a nightmare.

This probably should have come through collective bargaining, because then the appropriateness of implementation would have been party to the discussions with the unions representing the officers.

But I'm going to take a leap of faith that we can implement this if it's passed in a way that benefits people. But please, everybody, let's keep our eye on the larger prize. I vote aye.

THE PRESIDENT: Senator, you will be recorded as voting in the affirmative on this bill.

THE SECRETARY: Senator Hoffmann.

SENATOR HOFFMANN: Aye.

THE SECRETARY: Senator Johnson, excused.

Senator Kruger.

(No response.)

THE SECRETARY: Senator Kuhl.

SENATOR KUHL: Aye.

THE SECRETARY: Senator Lachman.

SENATOR LACHMAN: To explain my vote, Madam President.

THE PRESIDENT: Senator Lachman, you may proceed.

SENATOR LACHMAN: I'm voting for in bill even though I think it's an imperfect bill, because I have voted for it in the past and it has some very good features to it.

I'm glad that Senator Padavan said he would consider certain changes in the bill that could improve it in the future. Some of the changes were mentioned by colleagues on both sides of the aisle.

But we have this bill before us, and I think it's absolutely essential that we upgrade the education of all civil servants, uniformed and nonuniformed, and this is a start in the long process to those objectives and goals.

I will be voting yes on the bill.

THE PRESIDENT: Senator Lachman, you will be recorded as voting in the affirmative on this bill.

THE SECRETARY: Senator Lack.

SENATOR LACK: Aye.

THE SECRETARY: Senator Larkin.

SENATOR LARKIN: Aye.

THE SECRETARY: Senator LaValle.

SENATOR LAVALLE: Aye.

THE SECRETARY: Senator Leibell.

SENATOR LEIBELL: Aye.

THE SECRETARY: Senator Libous.

SENATOR LIBOUS: Aye.

THE SECRETARY: Senator Maltese.

SENATOR MALTESE: Aye.

THE SECRETARY: Senator Marcellino.

SENATOR MARCELLINO: Aye.

THE SECRETARY: Senator Marchi.

SENATOR MARCHI: Aye.

THE SECRETARY: Senator Markowitz.

(No response.)

THE SECRETARY: Senator Maziarz, excused.

Senator McGee.

SENATOR McGEE: Yes.

THE SECRETARY: Senator Meier.

SENATOR MEIER: Aye.

THE SECRETARY: Senator Mendez, excused.

Senator Montgomery.

THE PRESIDENT: Senator Montgomery, to explain your vote.

SENATOR MONTGOMERY: Madam President, to explain my vote.

I have some questions -- I did have some questions that I would like to have been able to ask. But just briefly on this bill. I've heard a lot of debate which has clarified for me some of the issues involved here.

I just want to remind my colleagues that the bill does not cover solely police officers, but it also, based on the definition of police officers as referred to in the bill, it covers detectives or rackets investigators employed by the offices of the district attorney, and as per Senator Padavan's answer to a question that I raised in last session's debate, it also will cover correction officers. So it's much broader than just the police force that we're talking about.

And as far as I can tell, 16 hours is a full-time college load of courses. So

we're really talking about if a person is going to carry 16 hours, that's really full-time, and they're going to be attempting to work part-time on a very stressful job situation. So that clearly is a problem. If people do, as we normally do, those of us who have to go to school and work at the same time, we take far less than 16 hours, it's probably going do take 8 to 10 years. And so that's the amount of time that theoretically could be spent by one person vis-a-vis this legislation.

There's no residency requirements. There's no residency preference even expressed. There's no time restrictions. A person just coming on the force would have just as much right, based on the legislation, to participate as a person who had been there a long time and what have you.

So I agree with the Minority Leader, Senator Connor, I think there are some basic problems and flaws. I did vote no last year. And I certainly will be vote no again. Although -

THE PRESIDENT: Senator

Montgomery, you will be recorded as voting in the negative.

SENATOR MONTGOMERY: Yeah. Even though I must say, as I've said many times, I have an excellent relationship with some of the police officers in my district, and certainly some of them would benefit from this.

But I'm voting no on this legislation.

THE SECRETARY: Senator Morahan.

SENATOR MORAHAN: Yes.

THE SECRETARY: Senator Nozzolio, excused.

Senator Onorato.

THE PRESIDENT: Senator Onorato, to explain your vote.

SENATOR ONORATO: To explain my vote, Madam President.

I intend voting for this bill, but I'm very happy about the discussion that took place earlier on the floor. Because it certainly opened up a lot of avenues that have to be addressed regarding some of the benefits of the police department.

And also, I don't know why it hasn't passed the Assembly yet, especially a police bill. But perhaps you could also look a little further about amending it to require them to put in more time when they take advantage of their education. If they go for four years, let's make sure that they stay at least another two for one. Because if you go on strike, the penalty is two days' pay for every day that you're off. So if you're taking advantage of the education portion of which is being paid for, you should give twice the amount of time that you receive as a benefit.

I vote yes.

THE PRESIDENT: Senator Onorato, you will be recorded as voting in the affirmative.

THE SECRETARY: Senator Oppenheimer.

SENATOR OPPENHEIMER: Aye.

THE SECRETARY: Senator Padavan.

SENATOR PADAVAN: Yes.

THE SECRETARY: Senator Paterson.

THE PRESIDENT: Senator Paterson,

to explain your vote.

SENATOR PATERSON: Well, Madam President, I was sorry that we didn't spend more time on the bill, because the Senators who voted no last year -- Senator Montgomery and myself -- never got to speak on the bill. And Senator Connor, who voted no this year, never got to speak on the bill either.

And I wish some of us had, because perhaps we could have persuaded some of our colleagues to vote no on this piece of legislation.

The police commissioner, when it was Mr. Safir, was questioned in March of last year at a hearing by the councilman who represents the same area that I do, a New York City councilman named Bill Perkins. And he asked the commissioner where did the $10 million go for minority recruitment, particularly a million dollars that was designated for diversity training. And the commissioner said that they didn't want to put the committee together to examine diversity, because they didn't want to be accused of reverse racism.

But at the same time, we are seeking officers from all over the state when at the same time some of towns in which they live have residency requirements on their own police officers.

And so we have a situation where no one wants to take responsibility for inequality in the police department. And that's what Senator Brown was referring to when he talked about those two articles in the New York Times this week about the low number of African-American men on the force. 649 captains, only seven -- seven - African-American males in the New York City Police Department.

Yes, the police officers do deserve to go to school while they're on the job. But the proper venue for that is to negotiate it in their contract with the city. And I would support that as part of the negotiation.

But to legislate and mandate, or at least to authorize these different areas to have what really were not clearly defined rules for who's going to school -- and as Senator Montgomery pointed out, you've got

people going to school in their first couple of years of service, they are actually spending most of the time being trained or going to school, but it all counts as pension time. When so many other professions around the city are not given that opportunity, and so many people around the city who are trying to get education are actually forced to work while they're getting an education, and they can't go to school.

And so I think it's just furthering the denial of the existence of inequality of our society, and taking no responsibility - Madam President, I'm finished talking. My vote is no.

THE PRESIDENT: Thank you. You have good counsel there, Senator.

Senator Paterson, you will be recorded as voting in the negative 3.

THE SECRETARY: Senator Rath.

SENATOR RATH: Aye.

THE SECRETARY: Senator Saland.

(No response.)

THE SECRETARY: Senator Sampson.

SENATOR SAMPSON: Aye.

THE SECRETARY: Senator Santiago.

SENATOR SANTIAGO: Yes.

THE SECRETARY: Senator Schneiderman.

THE PRESIDENT: Senator Schneiderman, to explain your vote.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I also join with my colleagues in recognizing the importance of the debate we've just had. And I think it does point to the need to vet the legislation that comes before us, even one-house bills, much more fully.

I'm compelled by several arguments that have been raised that I have to vote against this bill. One is that in terms of the fiscal impact and how this would apply to cities and municipalities, I note that in the debate last year, Senator Padavan, in response to a question from Senator Montgomery, stated that it's possible that this could include corrections officers.

The fiscal impact of that would be such -- and I notice that this is opposed by the New York State Conference of Mayors and

Municipal Officials. It could be a huge fiscal impact. And I think that would create pressure on the police commanders whose consent -- the chief of police or equivalent appointing authority -- for this to apply to any individual police officer could easily just be denied based on these fiscal problems.

Moreover, it would increase, I'm afraid, the ability of such commanding officers to continue the prejudices that are on full display in the New York City Police Department. I'm not sure that this is going to not end up hurting the efforts to recruit and promote more minority police officers.

I think also, as has been pointed out for other reasons, the addition of this college requirement and what it may do to encourage other -- and I'm not saying we have to have a police force that doesn't have a lot of fine white members. But I'm not sure that this wouldn't also undermine our efforts to diversify the police force in New York in that way.

I think that it's a good -- I support trying to get police into college,

trying to keep them there. I think we have more of a crisis, quite frankly, in New York to efforts to keep teachers. And I would suggest that any legislation like this that would be introduced should look to teachers before it looks to any other groups.

But I certainly think that when we go beyond police officers to correction officers, we have to step back and take a look at the fiscal impact, at how a municipality will respond to that fiscal impact. And I'm afraid that as far as I can understand it, in the discretionary aspect of this that Senator Connor pointed out, I don't think that it would help us, and it might actually have a serious negative impact on our efforts to recruit and promote members of minority groups in our police department.

ACTING PRESIDENT KUHL: Senator Schneiderman, how do you vote?

SENATOR SCHNEIDERMAN: So, Mr. President, I will vote no.

ACTING PRESIDENT KUHL: Senator Schneiderman will be recorded in the negative.

THE SECRETARY: Senator Seward.

SENATOR SEWARD: Yes.

THE SECRETARY: Senator Skelos.

SENATOR SKELOS: Yes.

THE SECRETARY: Senator A. Smith.

ACTING PRESIDENT KUHL: Senator Smith, to explain her vote.

SENATOR ADA SMITH: Thank you very much.

I too would have liked to have had the opportunity to hear some of the other debate, especially the comments made by Senator Connor. I have made a commitment to vote yes. However, after hearing some of his brief comments, I would have really considered voting no and would have enjoyed hearing his other arguments.

ACTING PRESIDENT KUHL: Senator Smith to be recorded in the affirmative?

SENATOR ADA SMITH: Yes.

ACTING PRESIDENT KUHL: Senator Smith, in the affirmative.

The Secretary will continue to call the roll.

THE SECRETARY: Senator M. Smith.

ACTING PRESIDENT KUHL: Senator

Smith, to explain his vote.

SENATOR MALCOLM SMITH: Thank you, Mr. President.

I heard quite a few compelling arguments for and against this bill. And while both have offered what I could consider convincing arguments in favor or against, what has compelled me to vote in the affirmative is basically two things.

One, I would hope that Senator Padavan, when the bill comes back -- and I understand on good authority that it will be back, because the Assembly is going to take up several of the suggestions that we offered here today -- that he would bring the bill forward and ask for it to be brought forward in an expedited manner.

And, secondly, what it also does for me, is as an individual who is of the school of precedent-setting, it sets a precedent for us to come back and do similar legislation for other branches of individuals who work for the government, be they in the education field, criminal justice field, or health field.

And I would hope that when the time comes and we do bring those bills forward to assist them in enhancing their education, that similar focus and energy is placed on it as well.

I'd like to be recorded in the positive for those reasons.

Thank you.

ACTING PRESIDENT KUHL: Senator Smith, in the affirmative.

The Secretary will continue to call the roll.

THE SECRETARY: Senator Spano.

SENATOR SPANO: Aye.

THE SECRETARY: Senator Stachowski.

ACTING PRESIDENT KUHL: Senator Stachowski, to explain his vote.

SENATOR STACHOWSKI: Mr. President, briefly to explain my vote.

I'm going to support the concept and vote for the bill, even though I believe it will come back. I think Senator Connor pointed out many of the flaws in this bill, and actually gave you almost enough reason to

vote against it.

I believe that it will cause a problem for the police departments in trying to decide who would get the educational benefits and who won't. I think with the fact that the federal government's announced it's going to cut back on the COPS program and therefore a lot of those policemen won't be available, or they'll have to find money to pay for them, that with a lot less policemen if this thing passes and is taken advantage of, it could prove to be real problems for many of the municipalities in our state.

And although those things are available, since it's an optional program and I support policemen, I'll vote for the bill.

Thank you.

ACTING PRESIDENT KUHL: Senator Stachowski, in the affirmative.

Continue to call the roll.

THE SECRETARY: Senator Stafford.

SENATOR STAFFORD: Aye.

THE SECRETARY: Senator Stavisky.

ACTING PRESIDENT KUHL: Senator Stavisky, to explain her vote.

SENATOR STAVISKY: To explain my vote.

Mr. President, this is a bill, it seems to me, where we could vote either yes or no and justify the position. I'm concerned with the fiscal impact. I'm also concerned with the permissive nature of the bill. It allows a great deal of discretion to the municipalities.

It's very difficult for a police officer to work 20 hours and go to school for 16 hours in addition -- or take 16 credits, I should say.

It seems to me that it ought to be extended to other municipal service employees, particularly when many of them in the City of New York do not have a contract. But at the same time, I think it encourages professionalism.

And for that reason and for others, I vote aye.

ACTING PRESIDENT KUHL: Senator Stavisky, in the affirmative.

Continue to call the roll.

THE SECRETARY: Senator Trunzo.

(No response.)

THE SECRETARY: Senator Velella.

SENATOR VELELLA: Yes.

THE SECRETARY: Senator Volker, excused.

Senator Wright.

SENATOR WRIGHT: Aye.

ACTING PRESIDENT KUHL: Call the absentees.

THE SECRETARY: Senator Dollinger.

(No response.)

THE SECRETARY: Senator Espada.

(No response.)

THE SECRETARY: Senator Kruger.

(No response.)

THE SECRETARY: Senator Markowitz.

(No response.)

THE SECRETARY: Senator Saland.

(No response.)

THE SECRETARY: Senator Trunzo.

(No response.)

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Ayes, 45. Nays, 4.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Velella.

SENATOR VELELLA: Mr. President, can we go to Calendar 259 now, please.

ACTING PRESIDENT KUHL: The Secretary will read.

THE SECRETARY: Calendar Number 259, by Senator Farley, Senate Print 2839, an act to amend the Banking Law, in relation to conforming.

SENATOR PATERSON: Explanation.

ACTING PRESIDENT KUHL: Senator Farley, an explanation has been requested of Calendar Number 259, by Senator Paterson.

SENATOR FARLEY: Thank you, Mr. President.

This bill was passed unanimously by the Senate in 1999 and 2000. It's really not controversial. And it's a positive bill.

It conforms the personal lending authority of foreign banks to the personal lending authority of commercial banks.

Existing Section 202 of the Banking Law, which governs the personal loans of foreign banking corporations, would be repealed and replaced by a new Section 202. This new section would simply cross-reference the personal loan powers authorized in Section 108 for commercial banks. This will ensure consistency and conformity.

Now, the personal loan powers of foreign banks are based on the personal loan powers of commercial banks and were intended to be the same. As a result, the provisions of Section 202 for the most part are nearly identical to the provisions of Section 108. However, over the years a number of discrepancies have arisen between these two laws.

This has occurred mainly as a result of inadvertently neglecting to make corresponding changes to Section 202 when amending Section 108.

This bill will ensure that the foreign banks may operate on the same terms and conditions as their domestic counterparts. This preserves and promotes the continued

existing policy of both the United States and New York State in providing foreign banks that operate in our country with the same powers and authority as domestic commercial banks.

Now, this policy is referred to as equal treatment or national treatment. It continues to be important for maintaining New York as an international banking center. The foreign banking community is a very important contributor to the economy of New York State and to New York City in particular, whose reputation is the financial center of the world.

Now, New York's policy of, quote, national treatment helps foster a hospitable and attractive business environment for international financial institutions. Now, do these foreign banks make a lot of personal loans? No, not necessarily.

This bill reconfirms New York's commitment to the national treatment policy. Although personal lending is a relatively minor business activity for most foreign banks, this legislation sends an important signal to the foreign banking community by

reiterating New York's favorable policies towards international banking.

By cross-referencing the personal loan powers of foreign banks to the personal loan powers of commercial banks, this bill will help maintain the competitive quality, equality, ensure consistency, and simplify and clean up the Banking Law. A cross-reference is simpler, it's more efficient, and a more effective way to ensure consistent treatment.

Now, the only question raised by this bill is whether or not we should continue to provide foreign banks with the same powers as commercial banks. As I mentioned, both the federal government and New York State have answered a resounding yes to this question.

I believe that we should continue this to be our policy. Equal treatment has helped foster a vibrant international banking community. It is an especially important position for New York State and New York City, as I said, the financial center of the world.

Why hasn't this bill happened? I'll anticipate your question. Basically because the foreign bankers don't have a

lobbyist, it hasn't been a high priority. There's no objection to this in the Assembly. And I'm confident that the Banking Committee over there will pass it and pick up this bill and pass it, and this will be signed into law.

It's a good piece of legislation with really no downside.

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

SENATOR BRESLIN: If the sponsor would yield for a question.

ACTING PRESIDENT KUHL: Senator Farley, do yield to a question from Senator Breslin?

SENATOR FARLEY: Yes, I do.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR BRESLIN: Through you, Mr. President, why was it originally necessary to separate these different kinds of loans?

SENATOR FARLEY: It wasn't originally necessary to separate, it just was inadvertently separated through changes that we've made to the Banking Law.

By doing what I'm doing here, now

any changes that are made, they will just automatically apply to the foreign banks.

SENATOR BRESLIN: Again through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR FARLEY: Yup.

ACTING PRESIDENT KUHL: The sponsor yields.

SENATOR BRESLIN: Is there any reason to treat a foreign bank differently than a domestic bank?

SENATOR FARLEY: No.

SENATOR BRESLIN: Again through you, Mr. President, if the sponsor would continue to yield.

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

SENATOR FARLEY: Yup.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR BRESLIN: With these kinds of loans, could you -- and I don't need an exact -- but what are we talking about with

the ratio between domestic versus foreign banks?

SENATOR FARLEY: Foreign banks don't make many personal loans.

SENATOR BRESLIN: Are there any additional areas that -- again through you, Mr. President, if the sponsor would yield.

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

SENATOR FARLEY: I continue.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR BRESLIN: Does this complete all the amendments necessary to make domestic and foreign banks equal?

SENATOR FARLEY: Yup it makes it -- this amendment will take care of any changes coming down the road.

SENATOR BRESLIN: Thank you, Mr. President. Thank you to the sponsor.

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

SENATOR STAVISKY: I have some questions for the sponsor if he will yield.

ACTING PRESIDENT KUHL: Senator

Farley, do you yield to a question from Senator Stavisky?

SENATOR FARLEY: Yes, I do.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR STAVISKY: I heard Senator Farley mention the Assembly, he thought the Assembly would have no problem with this legislation. But I note that last year and in 1999 that identical bills passed the Senate but not the Assembly.

Has the Assembly had an epiphany, or have they been lobbied by the foreign banks, or how do you account for the sudden change of heart?

SENATOR FARLEY: Basically, this bill came along -- this has not been a high priority of the foreign banks. And -- but it is one -- I think this sends a very positive message to them.

We're going to approach the Assembly about this bill. They've never expressed any concerns. Last year we were focusing on Wild Card, if you can remember, and a few other things that were very

important in the banking community. And I won't say trust me, but I suspect we're going to be able to get this bill passed this year.

It's a good bill. And I know that particularly people from Queens and the City of New York realize that foreign banks are a big employer and they're a positive economic generator, and it's just sending the right message.

SENATOR STAVISKY: Whenever someone says "trust me," I get very nervous.

SENATOR FARLEY: I didn't say it, I said I won't say it.

SENATOR STAVISKY: Okay. The reason I asked the question -- and I have a couple more questions for Senator Farley.

But, Mr. President, the reason I asked the question is specifically because I have a great many foreign banks, both from Asia and from the subcontinent of India, in my Senate district. And I want to be sure that everybody will benefit from this legislation.

You talk about Section 202 in the bill, and it conforms to Sections 103 and 108. What -- if the Senator would yield for another

question.

SENATOR FARLEY: Yeah, I'll yield.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR STAVISKY: What kinds of institutions are covered in Sections 103 and 108?

SENATOR FARLEY: All commercial banks.

SENATOR STAVISKY: All commercial banks.

I think that ends my questions. But I certainly appreciate this information.

On the bill, Mr. President.

ACTING PRESIDENT KUHL: Senator Stavisky, on the bill.

SENATOR STAVISKY: Foreign banks are becoming an increasingly large part of our commercial structure, and nowhere is this more evident than in Queens County. We have had a large, large influx of new Americans, and many of them prefer doing their banking with institutions with which they are familiar, which may have branches in New York City and

New York State while they're based elsewhere in the world.

And as we are recognized as the commercial center of the banking world, I think we have to take into account the needs of the foreign banks that have moved to Queens and to the rest of the city and the state. And I'm delighted to speak in their behalf and to recognize the influx of non-Americans, of new Americans into Queens County. We've had a -- Queens County has a population of 2.2 million people, larger than many states.

And for this reason, I do commend this legislation to my colleagues and hope that it will be passed.

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

SENATOR PATERSON: Mr. President, if Senator Farley will yield for some questions.

ACTING PRESIDENT KUHL: Senator Farley, do you yield for a question from Senator Paterson?

SENATOR FARLEY: Yes, I will.

ACTING PRESIDENT KUHL: The

Senator yields.

SENATOR PATERSON: Senator, I'm a little concerned about Section 103 and Section 108. Isn't there a possibility that we might at some point legislate changes for the banks, the commercial banks here in the state, and there might be a difference between them and the foreign banks? Would we want to automatically cross-reference? Or after we've made the correction in today's legislation, wouldn't we just be mindful of the next time we check 103 and 108 to make sure that we're not in some way merging concepts with respect to foreign banks?

SENATOR FARLEY: I think we want to automatically do it. The Banking Department, this was part of their omnibus bill, this particular thrust. And the omnibus bill had several things in there that were controversial. It didn't happen. That's why we pulled this out of the omnibus bill. There's nothing wrong with automatically doing it.

They are a commercial bank, they're treated like a commercial bank, although they

have a different thrust. And I see nothing wrong with -- I think it's the best way and the most efficient way, and so does the Banking Department, to make this an automatic adjustment. If there is something, I'm sure that we'll carve it out and say that it doesn't apply to them.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President. If Senator Farley would continue to yield.

SENATOR FARLEY: Sure.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR PATERSON: But I just want to take a little step back a little. I didn't see the Banking Department -- actually, you must be clairvoyant. That was a question I was going to ask you. I didn't see the Banking Department Listed as being on the bill.

I assume this was part of their omnibus bill, and did they have any comment about this whole idea?

SENATOR FARLEY: The Banking Department I'm sure supports this, because it was part of their legislation in their omnibus bill. And the omnibus bill didn't happen. I don't think it's going to happen. It's a rather sweeping bill that is not on the agenda, and I don't think will be there in the near future.

But this was just a facet of it that I pulled out of the omnibus bill because I thought it would send a nice message to the foreign banks.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Okay.

Mr. President, if the Senator would yield for another question.

SENATOR FARLEY: Sure.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: I'm wondering about the savings and loans. They just aren't mentioned. And maybe it's just my mistake or there's something I'm not understanding. Are they in any way compensated under this

legislation?

SENATOR FARLEY: There is a cross-reference in the law right now, as we speak, that they are treated the same way. They're already covered.

SENATOR PATERSON: Mr. President, if the Senator would suffer another question.

SENATOR FARLEY: Sure.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Now, last week we were looking at a bill that was introduced by Senator Balboni, and he was making some changes to Section 103 with relation to foreign banks, he wanted to augment that in a way through 202. And it had to do with a certain number of resources that had to be designated to the Superintendent of Banks in order to establish a foundation for the bank in the state.

And they were expanding the number of institutions that could be listed. I think Sallie Mae was one, and I don't remember the other.

But there is a difference between

the foreign banks and the domestic commercial banks, and it's one of the reasons that we have different sections of the law for this.

Speaking of legislative intent - and Senator Breslin touched on this a little while ago -- I'm just curious as to why we did not do this when we were making the changes sometime back. But -- that was his question. But more specifically, isn't it somewhat speculative to do it now?

Because the same way that we didn't expand our thinking when we first passed the bill, are we not perhaps overexpanding our thinking and not considering the ways in which we might want a little tighter clamp on the foreign banks? The same way, as much as we want New York to be the financial epicenter of the globe and we want to enhance the foreign trade that goes through New York, we feel the same way about the U.N. But we all know that the U.N. brings great encumbrance to the state and specifically to the city by their being there.

And I just wanted to make sure that we're not giving the foreign banks, who we

want to support, an advantage over our banks here in New York State, Senator.

SENATOR FARLEY: In 1978, Congress passed the International Banking Act. The effect of this law established our country's policy of a national treatment of foreign banks. This policy provides that foreign-owned banks shall be granted the same powers and be subject to the same regulations as domestic banks.

This policy has promoted open entry of a financial institution, and it has fostered the free and efficient flow of capital. This particular law has really inured to New York State's, and New York City, in particular's, advantage.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if the Senator would yield for a question.

ACTING PRESIDENT KUHL: Senator Farley?

SENATOR FARLEY: Sure.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator, do you have any information to buttress the point that Senator Stavisky was making about how this has inured to the benefit of New York State?

In other words, any numbers in terms of the numbers of foreign banks that are coming into the state or the increase over perhaps 1978 when we first established this national policy with respect to foreign banks?

SENATOR FARLEY: I think I have some stats on that one.

As of December 1999, the Banking Department regulated 111 foreign bank branches with $600 million in assets, 35 foreign bank agencies -- this is in New York -- $52 million in assets.

By way of comparison, New York regulates 126 commercial banks and trust companies which have assets of $823 million. Of course, a significant number of these banks and trust companies are foreign-owned. In addition, there are 42 licensed foreign bank branches in New York, with assets of $76 million.

They are a significant employer and actually have been a great asset to the financial community of the nation and in New York in particular.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr. President, if the Senator would continue to yield.

ACTING PRESIDENT KUHL: Senator Farley?

SENATOR FARLEY: Yes, sir.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Senator, I don't want to take you too far away from this particular area. But I think it does relate to this legislation. And that is simply to ask you about our policy of nationalization as it regards the foreign banks, that we do want to give them this equal protection, as you pointed out before.

But I want to talk about the consumer, and specifically the consumer right here in New York State. If you have a problem with a bank and you're trying to exact service

on a bank, isn't it more difficult to do that with a foreign bank, particularly given the large numbers that have come into the state - and I assume at the same time some of them are closing at the same point.

How can we have a policy of nationalization -- and I guess there is an answer to this question, I just wanted you to give it to me -- and at the same time afford protection to our citizens right here in the state from a bank that may not have done business in a particularly prudent way and at the same time cannot be located for purposes of service of process because one of our constituents might want to actually bring an action against the bank?

And the way it relates to 103 and 108 and 202 is to try to bring specificity to the point that when we pass this legislation and we automatically are promulgating laws that are going to be cross-referenced, that we might not in many ways restrict protection to our own citizenry when we are thinking primarily of our own commercial banks and don't recognize the difficulty, just based on

geographic location, of having access to some of our foreign competitors.

SENATOR FARLEY: Like a domestic bank, foreign banks are subject to New York's Community Reinvestment Act, they're subject to truth in lending, they're subject to all of our consumer laws.

And incidentally, last year I think we passed legislation strengthening oversight of all of these banks.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Okay, I have a final question for the Senator.

ACTING PRESIDENT KUHL: Senator Farley, do you yield?

SENATOR FARLEY: I'll yield.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: My question relates to just do we have any agreements - based on the fact that New York really is a primary location for foreign banks, does the Superintendent of Banks have any understanding with the foreign banks that in spite of the

fact that we're going to grant them these protections under the law, that just acting in good faith that there are certain assurances or agreements that the Superintendent has with these banks to make sure that assets don't just evaporate from the state when an action is brought against the bank or that the bank itself is unavailable for service?

SENATOR FARLEY: Yes, we examine them. The New York State Banking Department examines them like any other bank. They get equal treatment. They get equal oversight. And we examine them.

We have not had problems, not only with -- in New York State, we have the finest Banking Department, in my judgment, in the world, and we haven't had any problems with them. And they've been very good citizens.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you.

Thank you, Mr. President. On the bill.

I'm assured by Senator Farley's explanation that we will not in any way lose

any of our standing with the banks based on the passage of this legislation.

When a sort of ancillary issue - but applied to banking -- came up last week, Senator Balboni talked about the Superintendent, Ms. McCaul. And it was ironic that she did come to my neighborhood, to the State Office Building in Harlem, on Friday, and met with a number of local businesses about bringing more banks into our particular neighborhood.

And Senator Farley on occasion and Senator Balboni on the floor have commended to me that I should meet the Superintendent, and I'm sorry I wasn't there that particular day, because that's the kind of inclusion and expansion that I'd like to see from the Banking Department. It certainly was done so with a real effort to try to get domestic and foreign banks to consider some of our areas that really need banking.

And so many years they stayed away, and they finally talked Chase into coming into Harlem in 1995. And they said if they could do $6,000 worth of business a month, that they

would stay there. They did $19,000 of business in the first month.

So this is an area that means a lot to me. And to just make sure if the foreign banks are coming in, that they are treated equally, because we really enjoy the competition. There are many centers around the state that could certainly utilize the greater resources and availability of the banks.

So I support the bill and thank Senator Farley for his responses to my questions.

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

The Secretary will read the last section.

Senator Stachowski.

SENATOR STACHOWSKI: I would just like to know if the Senator would yield for a question.

ACTING PRESIDENT KUHL: Senator Farley, do you yield to a question?

SENATOR FARLEY: Yes, I will.

SENATOR STACHOWSKI: And if

somebody asked you this, then just correct me and say you already answered that, and that will be sufficient. Okay?

Mr. President, through you, in Section 202 there's a reference to branches and agencies of foreign banking institutions. Do you know what an example of a foreign banking agency is? That was the only thing that -- and I don't know if anybody asked you that before, while I was out.

SENATOR FARLEY: We've got a list of them.

SENATOR STACHOWSKI: Thank you.

SENATOR FARLEY: I don't think you want to hear all of these.

SENATOR STACHOWSKI: Well, no, as long as you have it -

SENATOR FARLEY: I've got -- I'll just read you a few. American Express Bank, Limited. Banco Atlantico. Bank of Taiwan. These are foreign agencies.

There's a -- it's a -- I have pages of them. You're more than welcome to look at them. I'm looking, they're all in New York City. I don't see any in Buffalo.

ACTING PRESIDENT KUHL: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, if I could ask another question, then.

ACTING PRESIDENT KUHL: Senator Farley, do you yield to a question?

SENATOR FARLEY: I certainly will.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR STACHOWSKI: What you were reading off to me sounded similar to banks. Are the banks and agencies the same thing, or are they similar in nature?

SENATOR FARLEY: In essence. But you have to realize that foreign banks that we're talking about are not like the average commercial bank that -- they're not heavily consumer-oriented. They're more internationally oriented. And they're in the international trade. Although they are somewhat involved with our basic consumer things that we think of.

But they're, generally speaking,

internationally focused.

ACTING PRESIDENT KUHL: Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, if Senator Farley would yield to one more question.

SENATOR FARLEY: Certainly.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR STACHOWSKI: Basically, then, as we seem to find out in the Banking Committee also, pretty much all these foreign banks are located in New York City, as far as New York State goes?

SENATOR FARLEY: Pretty much, yes. I think so.

SENATOR STACHOWSKI: Thank you Senator.

Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Stachowski, on the bill.

SENATOR STACHOWSKI: Basically, I don't see what harm passing this legislation does. As a matter of fact, I think it may again help us to keep all these foreign banks

and agencies, so to speak, in our -- and keep their presence in New York City, and therefore in the state.

And also by having them there, we continue to be the banking capital of the United States and possibly the world. I think that anything we can do that doesn't hurt our consumers or our businesspeople as consumers in dealing with these foreign banks -- and if they do some business in New York and therefore in the United States and it's good for us, then if it's just a minor technical change, like this bill seems to be, then I don't have any problems supporting it and voting for it.

I just can't understand why the Assembly won't pass it. I would hope that this year they will. Hopefully it was one of those bills that got caught in the lateness of the session or late in the mix where some bills were going back and forth, and a few things I recall got caught last year in that. And Senator Farley is nodding, so I believe this might be one of those kind of bills.

Hopefully, that's the case and

hopefully this year we can get this done and it will do what it says it does and actually enhance the economic institutions in New York City.

Thank you.

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

SENATOR MALCOLM SMITH: Just if the sponsor would yield, Mr. President, through you, to one question.

SENATOR FARLEY: I will yield.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR MALCOLM SMITH: I just wanted to know from the sponsor would this particular piece of legislation also manage and have the same type of type of influence over a particular foreign bank, assuming the bank purchased or merged with an insurance company? There are instances where some of our lending institutions have sort of back-doored some of the banking regulations by acquiring insurance companies and, through the insurance companies, they been able to provide loans to individuals and somehow have managed

to, as I said, back-door some of the requirements of the State Banking Department.

And I'm just wondering, would this particular legislation also cover the Insurance Department or, if in fact the company merged with an insurance company or a trust company, would it still apply?

SENATOR FARLEY: That's a valid question. They would have to comply with all the laws involved in insurance, laws that involve banks that may try to get into that. They're covered by the same requirements. They can't go in through the back door at all.

SENATOR MALCOLM SMITH: Thank you, Mr. President. On the bill.

ACTING PRESIDENT KUHL: Senator Smith, on the bill.

SENATOR MALCOLM SMITH: I congratulate Senator Farley on a very decent bill, one which I think purely benefits the consumer. There's no question about it, competition is always to the benefit of the consumer.

It is clear that we are currently in a society where the influence of cash and

having the ability of cash to move through our society, move through our state is one that offers a benefit not only for the bond rating of the state, but also for the particular consumer, in that he is trying to acquire certain physical assets for his own personal wealth.

So I think this is a good bill. I think it's one that I would hope all my colleagues support. And I thank the sponsor for bringing it forward.

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

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT KUHL: The bill is passed.

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

ACTING PRESIDENT KUHL: Nothing at the desk.

SENATOR VELELLA: If we can return to motions and resolutions, I believe there's a privileged resolution by Senator Onorato. Can we have the title read.

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

The Secretary will read the title of the privileged resolution by Senator Onorato.

THE SECRETARY: By Senator Onorato, Legislative Resolution Number 1181, congratulating Mr. and Mrs. Joseph Arena upon the occasion of their 50th wedding anniversary.

SENATOR VELELLA: I move for its immediate adoption.

ACTING PRESIDENT KUHL: All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Velella.

SENATOR VELELLA: Mr. President, I believe we have two privileged resolutions at the desk, by Senator Hassell-Thompson. I'd ask that the titles be read.

ACTING PRESIDENT KUHL: The Secretary will read the titles.

THE SECRETARY: By Senator Hassell-Thompson, Legislative Resolution honoring Kathryn Elizabeth Irene Gibson, Founder and Director of the Grandparents Advocacy Project, Incorporated, upon the occasion of her designation as recipient of the "Carter G. Woodson Award."

SENATOR VELELLA: I move for its immediate adoption.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted.

The Secretary will read the title of the second privileged resolution by Senator Hassell-Thompson.

THE SECRETARY: By Senator Hassell-Thompson, Legislative Resolution commending the Aaron A. Lewis Post Number 6396, Veterans of Foreign Wars of the United States, on the dedication of its 55th Anniversary Dinner-Dance to the memory of Past Post Commander James T. Wilson, on April 6, 2001.

SENATOR VELELLA: Mr. President, I move its immediate adoption.

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

(Response of "Aye.")

ACTING PRESIDENT KUHL: Opposed, nay.

(No response.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Velella.

SENATOR VELELLA: Mr. President, there being no further business, I move we

adjourn until Tuesday, April 17th, at 3:00 p.m., intervening days to be legislative days.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Tuesday, April 17th, at 3:00 p.m., intervening days to be legislative days.

(Whereupon, at 1:59 p.m., the Senate adjourned.)