NEW YORK STATE SENATE

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REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. I ask the members to find their places, staff to find their places.

I'd ask everybody in the chamber to rise and join with me in saying the Pledge of Allegiance to the Flag.

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

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

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

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Saturday, February 23, the Senate met pursuant to adjournment. The Journal of Friday, February 22, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no objections, the Journal stands approved as read.

Senator Connor, why do you rise?

SENATOR CONNOR: Mr. President, it is my distinct honor and privilege to call to the attention of the chair and my colleagues the presence of two new members of the house, whose oaths are on file.

And I'd say to Senator Bruno I remember when he and I were first leaders, the roll used to start with "Bruno" and then "Connor" alphabetically. I don't know where we've gone wrong over the years. Now we have Alesi, Balboni, Bonacic, Breslin, and Brown ahead of us in the roll call. We're about to get another one ahead of us in the roll call.

It is my pleasure to present, from the 20th Senate District, Carl Andrews. And before I go into his bio, let me tell you something about persistence and community service.

Twenty years ago, 1982, following a redistricting, Carl Andrews ran for the State Senate. And he had a vigorous campaign, did a lot of things right, except he was running against Marty Markowitz. And we all know who won that, and we'll get to that later today.

But rather than be discouraged with public service or political activity, Carl spent the last twenty years in public service, in politics, helping candidates, helping his community.

He has served as an adjunct professor, by way of his B.A. from Medgar Evers College. He has a master's in African-American studies. He served as an adjunct professor at New Rochelle College. He's been the assistant director of the New York State Black and Puerto Rican Legislative Caucus. He's been a special assistant for Congressman Major Owens. He's also been a special assistant for Assemblyman Al Vann.

He was a community coordinator in the New York State Department of State under Governor Cuomo; special assistant to the Secretary of State. It was my good fortune for a number of years to have Carl as director of the New York City Government Operations for the Minority Leader's Office.

He has most recently served as director of intergovernmental relations for

Attorney General Spitzer.

He's been involved. He's been treasurer of the Kings County Democratic Party, member of Community School Board 17, Community Planning Board 8, member of the NAACP, the Society for the Preservation of Weeksville and Bed-Sty History.

In short, for twenty years after that defeat, Carl Andrews did -- literally did the Lord's work in the community in terms of representing the interests of the community, serving the people of the state of New York in various governmental roles.

And I'm delighted, Mr. President, to say he is here today as the New York State Senator from the 20th District. My colleagues, I give you Carl Andrews.

(Applause.)

SENATOR CONNOR: Mr. President, we now have another story, I guess, of persistence, although not for twenty years.

We all know and we all commented, certainly, January a year ago, in welcoming Senator Goodman here, about the tough election races. That's what we all do; we run for

election. And we all remember, whichever side you were cheering on, a six-or-seven-week process which of course tried the patience of the press but we all understood was designed to get at the absolute every last ballot and get them counted that should be counted according to law.

And at the end of that long process, Liz Krueger ended up short by some 198 votes. And she congratulated Senator Goodman, we all congratulated Senator Goodman, and life went on.

But Liz actually didn't return to her job. She spent the time since then in the community, being of service to different groups in the community, really as a full-time community activist for the last whatever months that would come up to. And she was, of course, in the special election, elected.

Liz and her husband have lived on the East Side since 1983. She has a bachelor's from Northwestern University, a master's in public policy from the University of Chicago.

She has been recognized as a

national expert on hunger and housing and government programs that meet those needs. She has been a board member of the New York City chapter of the American Jewish Committee, a grants advisor to MAZON, A Jewish Response to Hunger. She's been the chair of the New York City Food Stamp Task Force, a board member of the City-wide Task Force on the Housing Court.

She was the former associate director of the Community Food Resource Center and had served in that position until she left it to run for office in the year 2000.

She's been the winner of distinguished service awards from the Institute on Law and the Rights of Older Adults of the Brookdale Center on Aging at Hunter College and from the Hunger Action Network of New York State.

Mr. President, it is my pleasure to present to you and my colleagues Senator Liz Krueger.

(Applause.)

SENATOR CONNOR: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: Thank you, Mr. President. Senator Connor, colleagues.

I want to commend Senator Connor on his choice of words in describing the accomplishments of Senators Andrews and Krueger.

And I want to commend -- add my congratulations to both of you and to commend you for your persistence and your diligence, and for really choosing public service as a way of life. You are to be congratulated and to be commended, and we welcome you to this chamber.

And I want to note, and it is recorded on camera, that I was applauding as you were introduced, as were my colleagues. And we will applaud your diligence and your good work on the floor in working with your leader. And we will only commit to you that we will look forward to partnering as we meet the challenges that are before us this year and meeting the needs of people in your districts and in this state.

So welcome to the Senate chamber. And you are starting a beautiful career in one of the most eloquent chambers, certainly, elaborate chambers and beautiful chambers in the whole world, so we are told.

So welcome and congratulations to both of you. And congratulations to you, Senator Connor.

ACTING PRESIDENT KUHL: Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

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

Senate Print 216, by Senator Volker, an act to amend the Criminal Procedure Law;

Senate Print 403, by Senator Skelos, an act to amend the Penal Law;

853A, by Senator Balboni, an act to amend the Civil Rights Law;

1759, by Senator Morahan, an act to

amend the Penal Law;

1822, by Senator Padavan, an act to amend the Criminal Procedure Law;

1989A, by Senator Libous, an act to amend the Penal Law;

1990, by Senator Libous, an act to amend the Penal Law;

2215, by Senator Kuhl, an act to amend the Penal Law;

3408, by Senator Velella, an act to amend the Penal Law;

3520A, by Senator McGee, an act to amend the Penal Law;

3679, by Senator Volker, an act to amend the Criminal Procedure Law;

4722, by Senator Velella, an act to amend the Penal Law;

4723, by Senator Velella, an act to amend the Penal Law;

6137, by Senator Volker, an act to amend the Penal Law;

And 6214, by Senator Volker, an act to amend the Penal Law.

Senator Bonacic, from the Committee on Housing, Construction and Community

Development, reports:

Senate Print 1982, by Senator Morahan, an act to amend the Executive Law;

4714, by Senator Maziarz, an act authorizing certain housing projects;

5116, by Senator Bonacic, an act to amend the Public Housing Law.

And Senator Hoffmann, from the Committee on Agriculture, reports:

Senate Print 496, by Senator Morahan, an act to amend the Agriculture and Markets Law;

2212, by Senator Kuhl, an act to amend the Agriculture and Markets Law;

4142, by Senator Hoffmann, an act to amend the Agriculture and Markets Law;

And Senate Print 4910, by Senator Maltese, an act to amend the Agriculture and Markets Law.

All bills ordered direct to third reading.

ACTING PRESIDENT KUHL: Without objection, all bills are reported directly to third reading.

Reports of select committees.

Communications and reports of state officers.

Senator Skelos.

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

ACTING PRESIDENT KUHL: There will be an immediate meeting, immediate meeting of the Higher Education Committee in the Majority Conference Room, Room 332. Immediate meeting of the Higher Education Committee in the Majority Conference Room, Room 332.

Motions and resolutions.

Senator McGee.

SENATOR McGEE: Thank you, Mr. President.

Mr. President, I move that the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause.

On behalf of Senator Fuschillo, S2585.

ACTING PRESIDENT KUHL: So

ordered.

SENATOR McGEE: Mr. President, amendments are to be offered to the following Third Reading Calendar bills.

On behalf of Senator Maltese, page 16, Calendar Number 160, Senate Print 2591.

On behalf of Senator Trunzo, page 16, Calendar Number 162, Senate Print 764.

On behalf of Senator Morahan, page number 17, Calendar Number 178, Senate Print 6036.

On behalf of Senator Skelos, page 12, Calendar Number 124, Senate Print 388.

On behalf of Senator Bonacic, page number 7, Calendar Number 45, Senate Print 2283A.

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

ACTING PRESIDENT KUHL: Amendments to Calendar Number 160, 162, 178, 124, and 45 are received and adopted, and the bills will retain their place on the Third Reading Calendar.

SENATOR McGEE: Thank you, Mr.

President.

ACTING PRESIDENT KUHL: Senator Hoffmann, that brings us to the calendar.

SENATOR HOFFMANN: May we please have the reading of the noncontroversial calendar.

ACTING PRESIDENT KUHL: The Secretary will have the noncontroversial reading of the calendar.

THE SECRETARY: Calendar Number 62, by Senator Marchi, Senate Print 4146, an act to amend the Public Authorities Law, in relation to the use of videoconferencing.

ACTING PRESIDENT KUHL: 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 -

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

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

ACTING PRESIDENT KUHL: Senator Duane, to explain his vote on Calendar Number 62.

SENATOR DUANE: I'm going to vote no on this legislation, as I do on virtually all videoconferencing legislation.

I have yet to see a study of any of the videoconferencing that's already permitted in the state of New York -- I have yet to see the results of any studies regarding videoconferencing of other agencies, utilized by other agencies in the state of New York.

As I've said many times before, I believe that there is something very important that happens when people are in a room together, the way they interact with each other, that is lost when people videoconference.

I think it's important that people that are appointed to boards of directors, whether they're paid for it or not paid for it, actually serve and meet with each other to make important decisions affecting our state.

So until such time -- and maybe even after -- we have results of studies

regarding videoconferencing, I'm going to continue to vote no on them.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 66, by Senator Skelos, Senate Print 2683A, an act to amend Family Court Act and the Domestic Relations Law, in relation to abandoned infants.

ACTING PRESIDENT KUHL: Read the last section.

THE SECRETARY: Section 11. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Cull call.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 69, by Senator Saland, Senate Print 4899A, an act to amend the Social Services Law, in relation to abandoned infants.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 12. This act shall take effect immediately.

SENATOR HASSELL-THOMPSON: Explanation.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 94, by Senator Morahan, Senate Print 833, an act to amend the Education Law, in relation to certain BOCES programs.

SENATOR DUANE: Lay it aside, please.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 97, by Senator Kuhl, Senate Print 5485, an act in relation to authorizing the appropriation and use of certain funds.

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, 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 119, by Senator Wright, Senate Print 4069, an act to amend the State Technology Law, in relation to simplifying.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

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

SENATOR DUANE: Thank you, Mr. President.

I think that it's a slippery slope

for us to reduce the amount of information that's required for any requirements for state agencies. Once we eliminate any of the application process or information that we require an entity to go through, it basically means that it's gone forever.

And I don't think that we should embark on this slippery slope. I think that more disclosure in virtually every case is best as it applies to entities going before state agencies.

So I'll be voting no.

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

Announce the results.

THE SECRETARY: Ayes, 57. Nays, 1. Senator Duane recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 123, by Senator Volker, Senate Print 209, an act to amend the Penal Law, in relation to consecutive terms of imprisonment.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

SENATOR CONNOR: Lay it aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

THE SECRETARY: Calendar Number 126, by Senator DeFrancisco, Senate Print 435, an act to amend the Criminal Procedure Law, in relation to applications for recognizance or bail.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 30th day.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 129, by Senator Trunzo, Senate Print 2592, an act to amend the Criminal Procedure Law, in relation to service of summons.

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, 58.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Hoffmann, that completes the noncontroversial reading.

SENATOR HOFFMANN: Mr. President, if we could call an immediate meeting of the Crime Victims, Crime and Corrections Committee off the floor in the Majority Conference Room.

ACTING PRESIDENT KUHL: There will be an immediate meeting of the Crime Victims, Crime and Corrections Committee in the Majority Conference Room, Room 332. Immediate meeting of the Crime Victims, Crime and Corrections Committee in the Majority Conference Room, Room 332.

Senator Hoffmann.

SENATOR HOFFMANN: Could we have the controversial calendar read at this time, Mr. President.

ACTING PRESIDENT KUHL: The

Secretary will read.

THE SECRETARY: Calendar Number 69, by Senator Saland, Senate Print 4899A, an act to amend the Social Services Law, in relation to abandoned infants.

ACTING PRESIDENT KUHL: The Secretary will read the last section.

SENATOR ADA SMITH: Explanation.

SENATOR HASSELL-THOMPSON: Mr. President, I wanted an explanation.

ACTING PRESIDENT KUHL: Senator Hassell-Thompson, usually when we call a bill, the person does renew that request.

Senator Saland, an explanation of Calendar Number 69, Senate 4899A, has been requested by Senator Hassell-Thompson.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, you and the members may recall that during the 2000 session we enacted the Abandoned Infant Protection Act. That bill, which some referred to as the Safe Haven Act, provided a mechanism whereby a mother could abandon, under certain circumstances, a child, an infant of less than

five days, without having to fear the consequences of the criminal law for having abandoned that child.

What this bill attempts to do is to reconcile an inconsistency which has been pointed out in case law as well as in certain media accounts whereby, contrary to the intent of that original legislation, Social Services departments still find themselves obligated to pursue the mother of the child in order to bring on a neglect petition.

This basically provides a mechanism whereby the Social Services department, in that case where a child is less than five days and has been, as is set forth under that 2000 enactment, left in a safe and appropriate place, counties to adopt a plan which provides for such places -- places like hospitals, police stations, fire stations -- the Social Services department would no longer be obligated -- and required in fact, by law, contrary to the intent of the original law - to pursue the mother to bring on a neglect petition in Family Court.

It also provides certain additional

mechanisms, such as for the medical examination of the infant, to determine if the child is less than five days, so that this procedure can begin to run its course.

ACTING PRESIDENT KUHL: Senator Hassell-Thompson, why do you rise?

SENATOR HASSELL-THOMPSON: Thank you, Mr. President. I just had just one question.

ACTING PRESIDENT KUHL: Senator Saland, do you yield to a question from Senator Hassell-Thompson?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

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

I wanted to be sure that I read this correctly, that also in this bill that if a parent wishes to reclaim, within that 60-day period, that that can in fact take effect and there will not be any penal action.

SENATOR SALAND: There is a 60-day period within which the parent has the

ability to in effect revoke the procedure.

Because what will happen under this bill will be that there will be the beginning of an expedited proceeding for the adoption of the child. Which Senator Skelos's bill, which we passed earlier, spells out in greater detail.

SENATOR HASSELL-THOMPSON: Right.

SENATOR SALAND: This provides a window during which that can be revoked.

SENATOR HASSELL-THOMPSON: Thank you.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Any other Senator wishing to be heard on the bill?

The Secretary will read the last section.

THE SECRETARY: Section 12. This act shall take effect immediately.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 94, by Senator Morahan, Senate Print 833, an act to amend the Education Law, in relation to certain BOCES programs.

SENATOR DUANE: Explanation, please.

ACTING PRESIDENT KUHL: Senator Morahan, an explanation of Calendar Number 94, Senate Print 833, has been requested by Senator Duane.

SENATOR MORAHAN: I'll be happy to respond.

This bill is a repeat of a bill we passed last year requested by the County of Rockland where they're trying to set up a partnership with the local BOCES and school districts for distant learning facilities.

We have in Rockland, probably as many other places, situations where maybe we have, in one school, four or five students interested in one particular curriculum or topic or subject, and maybe we have several others scattered around the county in the various districts.

And it becomes very expensive, if

you will, for each district to deal with the individual need in each district for such a small class size or small population interested in that particular subject.

This bill will allow the county to work in contract with BOCES and the school districts in providing the off-site facilities. We have already provided them the authority to bond for a million dollars for the project. This now allows contracts to be drawn where this project will be run by BOCES and supervised by BOCES, the school districts will pay BOCES, and BOCES will assist the county in paying off the indebtedness.

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: Thank you, Mr. President. If the sponsor would yield.

SENATOR MORAHAN: Yes.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: Thank you.

What is happening now with the -- I believe the Senator said that it was for students who wanted to study art. I'm

wondering what those students are doing now.

SENATOR MORAHAN: Studying what? Studying hard, did you say?

SENATOR DUANE: Through you, Mr. President, I thought the sponsor said this is for students who want to study art. Maybe I misunderstood.

SENATOR MORAHAN: No, I'm sorry, I didn't say that.

This is for any subject matter that may only have a few pupils in each building who would be interested in it.

Now it's being done by the school districts as it is, but it's a very expensive way to do it. What they'd rather do is consolidate the efforts, work it through BOCES, let BOCES oversee it, provide the instruction, and BOCES would then tax them, if you will, and they would pay through one source and minimize the cost.

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: Yes, if the sponsor would continue to yield.

ACTING PRESIDENT KUHL: Senator

Morahan, do you continue to yield?

SENATOR MORAHAN: Yes, I do.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: Is this something that BOCES does in other areas where school districts contract with BOCES to provide a service? I mean, is there a model for this?

Is there a model for this in the state of New York where school districts contract with BOCES in this manner to provide a service?

SENATOR MORAHAN: There are contracts between school districts and BOCES as a matter of course. I don't know that there's a model for this particular program that includes the county involvement.

ACTING PRESIDENT KUHL: Senator Duane.

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

ACTING PRESIDENT KUHL: Senator Morahan, do you yield to another question?

SENATOR MORAHAN: Yes, I do, Mr.

President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: Has the contract already been negotiated between the school districts and BOCES, or will it be negotiated if and when this legislation passes both houses and is signed by the Governor?

SENATOR MORAHAN: I believe they have the frame -- if I may answer, Mr. President, through you. I believe they do have the general framework of an understanding of how this would operate and what the contract would do and say. But there is no contract and there wouldn't be a contract until it becomes law.

ACTING PRESIDENT KUHL: Senator Duane.

SENATOR DUANE: And, Mr. President, just one final question.

ACTING PRESIDENT KUHL: Senator Morahan, do you yield to another question from Senator Duane?

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

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR DUANE: As I recall, last year this legislation was the subject of quite a bit of discussion. And I'm just wondering if the Assembly delineated their difficulties with the legislation -- I should say a lot of discussion in this house, and I'm wondering if the Assembly delineated the issues that they had that prevented them from passing this legislation.

SENATOR MORAHAN: Assemblyman Gromack and I believe Assemblyman Colman have been negotiating with their leadership to get it through their house. They have not elaborated to any great deal as to what the difficulty may be.

One of the difficulties that has the question of the Assembly is the state aid formula, because now the state aid would be involved in these particular courses. And there's some question, the Department of Education, if this is what they would like or not like.

SENATOR DUANE: Thank you, Mr.

President. Thank you.

ACTING PRESIDENT KUHL: Any other Senator wishing to be heard on the bill?

Hearing none, the debate is closed.

The Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 123, by Senator Volker, Senate Print 209, an act to amend the Penal Law, in relation to consecutive terms of imprisonment.

ACTING PRESIDENT KUHL: The Secretary will read.

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

ACTING PRESIDENT KUHL: Call the

roll.

(The Secretary called the roll.)

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

SENATOR MONTGOMERY: I'm just voting no.

I would ask questions, but I understand that Senator Volker is at a hearing, and so I'll forgo the explanation, just -- I'll vote no.

ACTING PRESIDENT KUHL: Record the negatives and announce the results.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT KUHL: The bill is passed.

SENATOR LARKIN: Mr. President.

ACTING PRESIDENT KUHL: Senator Larkin.

SENATOR LARKIN: Would you please recognize Senator Paterson.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr.

President. Actually, Senator Connor is the one that wanted to be recognized, and I will give way to him now.

One of the very few times I've been at a loss for words.

SENATOR CONNOR: Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Connor.

SENATOR CONNOR: Mr. President, with the indulgence of the house, and through Senator Bruno's kind permission, we wanted to recognize someone who's with us today.

Is he on that phone? Were you on that phone?

(Laughter.)

SENATOR CONNOR: We have with us -- you're allowed to sit, as a former member.

We have with us today, Mr. President, a former colleague who left us when I had the pleasure, at midnight on December 31st, in Prospect Park -- it was a little cold -- to swear him in as the new borough president of Brooklyn.

Marty Markowitz was born in Brooklyn. I think the only time he's ever left Brooklyn was to come here for session, Mr. President. I don't think -- when he broke his leg in Albany, he made them take him back to Brooklyn to get it set. When he married his bride, he suggested they honeymoon in Brooklyn, and they did.

He literally has spent his entire life in Brooklyn, or not far away. And when he was away from Brooklyn, he usually had tucked under his arm something from Brooklyn. Usually a Junior's cheesecake, Mr. President.

But Marty Markowitz was born in Brooklyn. He's a little bit older than me, so he was born in -- on February 14, 1945, in Brooklyn. He grew up in Brooklyn.

I think we know his story from his service with us over the years. It's far from the manner that Marty was born and reared. His father was a waiter in a kosher delicatessen, who passed away when Marty was -- 11, 12? Nine? Nine. Marty went through high school working part-time to help support his mother and sisters. For a time

they lived in public housing.

He could say something not many members could say when we'd have debates on things like welfare and all. His family, because of those circumstances, for a time was forced to accept public assistance, to live in public housing.

Yet Marty worked. He worked and he studied. He went to Brooklyn College, nights, while he worked full-time to help support himself and his family, his mother and sisters. He graduated from Brooklyn College.

And he immediately became involved in his community. He was the founder of what was then called the Flatbush Tenants Council. I guess it's the Brooklyn Tenants Council now, it has borough-wide scope. He was a tenant leader, a tenant organizer. He served on the -- I guess it was called the Rent Stabilization Board? No? The Conciliation Board, that's right. Right, the Conciliation Board. And he's been active with the Senior Citizens League of Brooklyn.

We all know him here, from our many years with him, as colleague who was a delight

to work with, who was always concerned and committed. Mr. President, I joked about him being on the phone, but I think we all know, when important issues came up, Marty could be counted on to be in here, to speak with eloquence on those issues, to represent the viewpoints of his constituents and his own beliefs.

Over the years, Marty, while a state senator, has exhibited something that I think is good in our society. And I say this with an immeasurable amount of respect. I alluded earlier to that 1982 redistricting. And I recall leaving here in 1982 with new district lines, and Marty's district was changed substantially. It was made, depending on how you counted, either 94 or 96 percent African-American, 4 percent white.

Marty didn't quit. He said, "I'll represent all the people." He went out and campaigned in that district, and related to those people who were new to his district, and was reelected. He won that primary. As I said earlier, he won the primary against now Senator Andrews. And served for the following

20 years -- well, for ten years in that district and then another ten years in a slightly different district.

But what he was able to do -- and actually, one of his opponents in the primary last year for Brooklyn borough president, when -- being an African-American, when the county chair who was supporting her was asked about Marty Markowitz, made a statement that I think is important. He said that the African-American community in Brooklyn has a profound connection to Marty Markowitz.

I say that every community in Brooklyn has a profound connection to Marty Markowitz because of his efforts over the years. He is someone who literally, among other things, has provided first-rate musical entertainment free of charge to millions of Brooklynites.

Because if you look at how many years he's had those concerts -- and some years 8, 12 concerts, some years more -- he gets 20,000 to 30,000 people at a concert. And you do the multiplication, you will see that he has provided those concerts literally

to millions of people in Brooklyn.

His concerts reflected the cultural diversity of Brooklyn, from "Caribbean Night" to "Salsa By the Sea" to "Gospel Night" to "Oldies But Goodies." You name it, and Marty has presented it to the people of Brooklyn.

His imagination knows no bounds. In 1992 his district was changed to give him part of Park Slope, which brought, I would say, upper-middle-class, white constituents - who, frankly, are the kind of constituents that don't call your district office when they have a problem, they call their own lawyer or their own accountant or their own whatever. And Marty, in thinking "What can I do for them?" came upon his free wine-tasting nights, Mr. President, which they loved.

Indeed, he has not only provided intense community service for those who needed it -- and the office he has run all those years took care of constituents' needs -- but he has also managed to bring joy, delight, and pride to Brooklynites. Pride in being Brooklynites, pride in being part of the community, pride in relating to communities,

other communities besides the one that one may live in.

And that is what I believe led to his overwhelming selection by the voters as the borough president of Brooklyn. Marty Markowitz is Mr. Brooklyn. Marty Markowitz represented the best of Brooklyn, reminded all Brooklynites of why we are proud to live in the largest city in our state -- because that's what it would be -- and reminds us all of what Brooklyn can offer. And that, whatever other diversities among our millions of residents may exist, we all have a lot in common, we all share the same communities, the same aspirations, the same values.

Marty Markowitz made it a point, by the way, for those 22 years to speak literally at thousands of graduations. Marty would leave this session, rush back to New York when we were here in May and June, speak at graduations, come back, go back for graduations.

And I've talked to many, many people who attended those graduations. And Marty had a graduation speech that inspired

graduates, many of them poor kids, minority kids, many of them on welfare, public housing or whatever. And Marty's speech would recount, without telling them at first, the Marty Markowitz story, about how if you have a dream, if you have a dream and you work hard at it, you can attain it.

Marty's dream, as long as I've known him -- and I've known him for, I don't know, 25 or 26 years -- was to be the borough president of Brooklyn. And he worked at that, and he attained it, and we're all very, very proud, as former colleagues of him. And certainly myself, as someone who lives in Brooklyn, am delighted that a few blocks away from me, in our beautiful -- which I'm sure he will invite us all to someday -- in our beautiful 1843 Borough Hall, which is a magnificent building, he presides.

He is here today with the love of his life. We knew him, for most of the years we served with him, as an inveterate bachelor. But a couple of years ago, he met Jamie. They fell in love, they had a wedding, a spectacular wedding in Brooklyn. And we are

all delighted that she is the now the first lady of Brooklyn. And we are happy for Marty that he has found his soul mate to share his ongoing work for all the people of Brooklyn.

Mr. President, I ask all of my colleagues to welcome former Senator Marty Markowitz.

(Applause.)

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I just want to lend my voice to all of those who have welcomed Senator Markowitz back today. When he would hold his concerts, a lot of times he would be looking for new acts. And since I was one of the few members here that were younger than him, he would ask me about some of the groups that we used to like back in the '70s.

And one time my assistant and I gave him a couple of groups that he should look into trying to get, and he came back in half an hour and he said, "Thanks for the suggestion. They'll be on July 24th. Come

and see them." It was amazing how quickly he could do this.

And I have some great memories of him. I went to a restaurant with him and Senator Gonzalez once, and Marty thought that the wine cost too much there, so he brought his own wine. And to the chagrin of the people who ran that establishment. I've never gone back there since that night. But we had a great time on that occasion.

But I just wanted to add something to what Senator Connor said. I'd become familiar with Marty Markowitz, living in Manhattan, because of the fact that he did represent this district that was 95 percent African-American. And at the time, this was a point when many of us were struggling for inclusion. And everybody, of all ethnicities and genders and sexual preferences, have a chauvinism about their community and would like to see not just good representation but representation of like people.

And so when I came to the Senate, I might have had a little bit of an askanced look at Senator Markowitz, who was trying many

times to align himself with the Black, Puerto Rican, and Hispanic Legislative Caucus, and was trying to work on a number of issues and was probably getting a great of resistance.

And this would be kind of a shame, that those of us who knew the feeling of exclusion and those of us who knew the feeling of not full acceptance would actually be doing that to Senator Markowitz for a period of time.

And then it's ironic that tonight the members of the Minority are having a dinner in honor of Senator Markowitz. And on one particular evening we were having this same dinner about seven or eight years ago, and I went out of the dinner for a moment and I saw Marty on the phone. And he was having a conversation, and he got off the phone and he was absolutely antagonized, livid at the person he was talking to.

And he said that they were the owners of a company that made hair care products widely used in the African-American community, and they couldn't contribute a couple of dollars to have one of these

concerts. And he was so upset he could barely come back in the dinner.

And I think for a moment I really recognized his real commitment and his real sincerity and how he cared about people. And I don't think I ever viewed him in the same way after that.

And then started to notice the rigorous representation that his constituents got, how angry -- Marty Connor, the leader, was talking about the reconfiguration of Senator Markowitz's district after the 1992 reapportionment, and he talked about the new people who came in. But there were many people who were at that point deleted from his district lines who were angered that they didn't have the steadfast, disciplined representation that Senator Markowitz offered.

So we wish him well in the borough presidency. And all I can say is I had a friend who lived in Manhattan, and his lifelong dream was also to be borough president. In fact, he tried in 1977, in 1981, and he finally won in 1985. And his name was David Dinkins, who later went on to

become mayor.

So Marty, when you move to City Hall instead of Borough Hall, I'll be there to greet you as well.

Thank you.

ACTING PRESIDENT McGEE: Senator Mendez.

Just one moment. Senator, will you suffer an interruption.

Senator Larkin.

SENATOR LARKIN: Will you please announce an immediate meeting of the Education Committee in the Majority Conference Room, Room 332.

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

Senator Mendez, thank you so much.

SENATOR MENDEZ: Thank you, Madam President. And I'm going to be very brief.

Yes, we're welcoming today Senator Marty Markowitz to this beautiful chamber where he has served with all of us for about twenty-odd years.

And I remember when I inquired some time ago, you know, about the composition of his district, and I was told that it was 95 or 96 percent African-American. I was amazed. Even that same year, a good friend of ours, at the peak of his political influence, Reverend Jesse Jackson, ran a candidate against him in his district. And lo and behold, as expected, Marty defeated that candidate overwhelmingly.

I think that we're going to miss him enormously. He's been a good friend. I have admired him every time that he stands up in this chamber and he speaks with such feeling about the plight of those that either are on welfare or are unemployed or that need certain specific services. And I've admired him enormously because of that.

So I too want to wish him the very best. And I think that we all are going to miss him, horribly so.

Thank you.

ACTING PRESIDENT McGEE: Thank you, Senator Mendez.

Senator Lachman.

SENATOR LACHMAN: Yes, on Martin

Markowitz, borough president of Brooklyn.

I think the only people who are happy that you're no longer with us, Marty, are Sprint and AT&T.

How many of us have seen Marty Markowitz manning those phones, day after day, week after week, month after month, year after year? And in doing this, he wasn't raising money for himself, he was raising money for the community. And not just one part of the community, he was raising money for the total community.

And this is what Marty represents. I mean, wherever you go in Brooklyn, regardless of the race, religion, ethnic origin of the person, Marty is one of them. Even though I know your Italian isn't that good and your Greek isn't that good, you're still part of everyone in the community.

Let me also say that Marty probably, in my opinion, couldn't have won the race for borough president unless he fell in the snow last winter and had two pins stuck into him. And it took him about three or four weeks before he was even allowed to put

crutches on.

And I will never forget the day that we were debating a bill, a controversial bill, and I said, "Marty, the vote is about to take place." And he ran back into the chamber, and all of a sudden he took one of those crutches and used it as a staff and shouted out, "Let my people go."

So we know that Marty is the only person in the Senate or the Assembly who, if you want to modulate and moderate his voice, give him a megaphone to speak from.

I want to add to what I said when Marty fell. And Marty recuperated in six months, and in nine months was elected borough president. The best thing that ever happened to this guy was meeting and marrying Jamie. And Jamie, it's the best thing that ever happened to you. Because every single day when Marty was in his crutches -- even before he got his crutches -- Jamie was there. And when he couldn't make those calls, she made those calls.

And Jamie, as you know, is an artistic, creative person. She had never made

a political speech in her life until her new husband decided to run for borough president.

So in looking forward to the future of our borough, I am looking forward to the wonderful team of Marty and Jamie Markowitz, the borough president and the first lady of the greatest borough in the city of New York.

Congratulations.

ACTING PRESIDENT McGEE: Thank you, Senator Lachman.

Senator Gentile.

SENATOR GENTILE: Thank you, Madam President.

I want to add my voice, too, that our friend and our president of the borough of Brooklyn is here with us today.

As you know, I represent two boroughs. And one of my constituents from Staten Island saw me the other night and came up to me and said to me, "Senator, who is that guy you have over in Borough Hall in Brooklyn? He walked into one of our DC 37 meetings the other night and took over the meeting. He had us rolling in the aisles and certainly made an impression upon everyone."

And I said to her," That is our man and our borough president and the borough of Brooklyn, Marty Markowitz."

And so, Marty, your reputation and your name is certainly going beyond the borders of Brooklyn.

And Marty is not only a cheerleader for the borough of Brooklyn, he is our spiritual leader. He is certainly our leader in many, many ways. And I'm so proud to be here not only as a friend of Marty Markowitz, but also to be a resident of Brooklyn and to be in the borough in which Marty Markowitz is the borough president.

I must say, however, though, that I do separate myself from comments that he makes about other boroughs, particularly about the borough of Staten Island. But certainly it's only in jest. Only in jest.

But certainly I add to that the fact that he not only has assumed the office of borough president, but he's given us a wonderful first lady, the first lady of Brooklyn, Jamie Markowitz. And certainly as our first lady Jamie Markowitz is doing a

wonderful job. And certainly I think over the next four years everybody will not only know Marty but will know Jamie as well.

Unfortunately for me, in this chamber, not having Marty Markowitz around is not only a loss to me as a friend, someone who sat next to me in the chamber, but also someone who I had a running controversy with. For the six years that I have been here, I've had a running controversy with Senator Markowitz. That controversy is now over. There's no longer any other controversy about this.

Unless I can find a way to knock a half an inch off of Senator Maziarz's heels, the controversy is over and I am officially, I am officially the shortest man in the New York State Senate.

So, Marty, congratulations.

Thank you.

ACTING PRESIDENT McGEE: Senator Hoffmann.

SENATOR HOFFMANN: Thank you, Madam President.

If ever there was an example of how

this is show business that we're in, Marty Markowitz fits that description. This is the man who once rode a horse and wore a white suit -- and I think it had fringe on it - into a concert in his district. Please let it never be said that anybody else in this chamber has showboated when we have had as our best example in front of us Senator Markowitz.

The people of his district have benefited from his splendor and his creativity for decades. And he's shown that you can have a little bit of fun by poking some fun at yourself while you demystify some of this business of government.

And to people that we represent where there is sometimes an enormous gulf between education level and comprehension about government, that may in fact be the best way to reach people: invite them to come to a concert, invite them to come out and have a good time, and then explain about the laws of the land and why they need to be participants in this democratic process.

And I know that Marty Markowitz has believed that and practiced it long before

most of the people in this chamber or any other legislative chamber dared to embark upon that trail. So his color and good humor are legendary around here, and we will all miss seeing that particular manifestation of his actions.

But he also does something else that has intrigued me through the years, and that is his ability to transcend racial limitations. This is a man who has never let his race handicap him. He had no qualms all at all standing here in this chamber on a very significant day speaking to a packed house of African-Americans and bellowing, in that rather remarkable voice of his that needs no amplification, "Let my people go." In such a way that people around the Capitol scratched their heads and looked quizzically at each other and said, "Who is that particular speaker that we hear coming over the box right now?"

This is an individual who has shown from his heart that he understands the needs of the people who have elected him. He did not compartmentalize, he didn't pigeonhole, he

wanted to embrace all of them. And as his district shifted, he was willing to address the needs of all of the people who relied on him to carry the message here to Albany.

And for that, I admire you, Marty. I'll miss you. I want you to know that I'm enjoying my current chairmanship of the African-American Majority Conference. I'm the acting chair, as you know, in our conference. And much like yourself, I take with some good humor the responsibility that I have to sometimes do a little translation. And I feel blessed, as you do, to be able to sometimes understand things that help make a little bit of a link.

And I know that in your new capacity you are going to continue forging those important new inroads. And I very much look forward to working with you, and I look forward to seeing your new bigger and better concerts. And hopefully you'll show everybody else in New York City and around this state why that is in fact a key to success.

God bless and good luck.

ACTING PRESIDENT McGEE: Senator

Andrews.

SENATOR ANDREWS: Thank you, Madam President.

I rise today to join my colleagues in the Senate to honor my predecessor, my borough president, my friend, Borough President Marty Markowitz, former senator.

To set the record straight, when Senator Connor was introducing me, he indicated that I ran against Marty Markowitz twenty years ago. That's almost right. I ran twice. I was kind of hotheaded at that time.

But in that confrontation or that thing known as campaigning, I think that one of the things that came out of it was that the class of Marty Markowitz as an individual and as a senator for this district rose to the top. And from that encounter, I can say honestly from that point on we've been very close to each other. Not as close as his new wife, of course, Jamie. And we hope not to be that close.

But, Jamie, congratulations to you, Jamie.

And I want to just say publicly

that the 20th Senatorial District, which I now represent as the senator, have hard, hard shoes to fill. Senator Markowitz has left a great legacy of constituent services as well as leadership, not only in the district that he represented, but, it's clear, as the borough president. That's one of the reasons why he was elected as borough president.

And I look forward to working with him as borough president. And I thank God for term limits. As you know, in New York City, we have term limits for city officers. And I'm sure that was one of the motivational forces behind Senator Markowitz's aspiration to become borough president. And his aspiration and success also led to my aspirations and my success as his successor.

So, Marty, congratulations. As always, my office will be there to help you, to assist you. And let's see if we can keep the concerts going.

Thank you.

ACTING PRESIDENT McGEE: Senator Onorato.

SENATOR ONORATO: Thank you,

Madam President.

I rise to join my colleagues in saluting my dear, dear friend and his wife, Jamie, on his election to the borough presidency of Brooklyn.

Senator Paterson alluded to the fact about his telephone call where he was livid, so livid that he lost his appetite. I've been going with Marty Markowitz now for almost twenty years, and I have never, under any circumstances, ever seen him lose his appetite. I want to set the record straight on that aspect.

It's true that Marty and I liked to go to different restaurants. And Marty's reputation follows him, not only in Brooklyn, but probably in every borough in the city of New York, because he loves to go out and eat in different restaurants. And he's learned how to say a salutation in almost every language that you can think of. Not a hell of a lot, but enough to get by in every restaurant that he walks into.

And with the salutation, the next thing out of his mouth is "Do you mind if I

bring my own bottle of wine in?" And he gets away with it. There's no question about it.

But he's really served his community extremely well. He has been pestering me for twenty years to attend one of his concerts. He keeps telling me how wonderful they are and how many people that he gets there. And I really took it with a grain of salt when he told me the amount of people.

Last year my wife was continually noodging me: "We got to go, we got to go." I says I didn't want to drive into Brooklyn at that time of night, so Marty sent a car to pick me up. And we went to see Kenny Rogers. And when we got to that park, I was totally amazed to see approximately 10,000 people in that park, really. And they all, all loved him.

And it just goes to show Marty's ability to rise above all adversity. He was a minority in the minority, and rose to the top. And he now represents a quasi-minority borough of Brooklyn, and he's again risen to the top.

You know what they say, the cream always floats to the top. And Marty, after

having dinner with me for all of these years, I fed you enough cream so you could rise to the top.

Congratulations to you and to Jamie.

ACTING PRESIDENT McGEE: Senator Ada Smith.

SENATOR ADA SMITH: Thank you, Madam President.

I too rise to congratulate my colleague. I probably have had different experiences with Marty than some of the gentlemen. I remember when we used to have the Brooklyn delegation meetings and Marty would be the only senator who brought Velmanette and I a gift. He started me to wearing Knowing and Beautiful. And I'm still wearing it because of him.

Marty and I happen to have been born in the same year, but I'm so much younger than him. But he did something very smart a couple of years ago. He married Jamie. Now he's trying to get me to get married. Marty, this is the one thing you will not be able to broker.

We will miss you. I will miss all of your antics, all of the fun that you have brought to this chamber. But Brooklyn is a better place for having you as its borough president.

I look forward to working with you, even though I may be in Queens now. But my heart will always be in Brooklyn, and I will always be a Brooklynite, and I will always be there to work and serve with you.

ACTING PRESIDENT McGEE: Senator Bruno.

SENATOR BRUNO: Thank you, Madam President, and President Markowitz.

I really want to just say a couple of words here. I have been in my office, and I've been working diligently on behalf of your constituency and ours, and listening to some of the observations and comments, and just had to come in for just a couple of minutes and acknowledge -- I'm going to say the wonderful things that you had to do and say when you were in the chamber. I was trying to think of what they were, and I couldn't think of them.

(Laughter.)

SENATOR BRUNO: But I was listening to all the accolades, and so I'm taking everyone's word for it, okay, that you are outstanding, upstanding, the best that ever served in this chamber so far.

And Carl says that he is going to be up to the challenge, okay. And I didn't realize that you sort of did the thing with him way back. But he has been the -- you've been his mentor since then, and he is here now and he is prepared. And I know he's prepared, because he is in your district and representing that same constituency which you really did in such an outstanding way.

And that recognition was there when they elected you, and that wasn't easy. You did it. And you now have a larger constituency, and that is very much to your credit, in that you had committed yourself so diligently, so effectively and conscientiously to serve that constituency. And now you have much more responsibility, a much larger constituency, much more to do, but you are up to it.

And I am sure that your tenure

there as president will be as productive and as responsive to those people and they're going to be better for the experience of having had you there.

So I wish you well in your new job. And we're sorry that you're no longer here giving me a hard time.

And, Carl, remember, okay, that we learn from other people's mistakes as well.

Thank you, Madam President.

(Laughter.)

ACTING PRESIDENT McGEE: Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President.

I will keep this brief, as Senator Markowitz has some phone calls to make.

(Laughter.)

SENATOR SCHNEIDERMAN: But the one thing I want to say -- and this is something I've never told Senator Markowitz, and it's an absolutely true story. When I first came up here, a lobbyist -- and I was - you know, I came up here and I said: Oh, good, we're going to rework the tax code and

revise NAFTA and all these great things I wanted to do.

And I was talking to this lobbyist, and he said, "Listen, get realistic. You're not going to do any of that stuff." And he pointed at Marty Markowitz, and he said, "That guy has touched more people's lives than anyone else in your conference on a person-to-person, family-to-family level. Look at him."

And I did. And what I saw was really remarkable. And Marty has done an incredible job.

It is very difficult -- and for those of you who are outside the city, it is very difficult to understand the stature of the Markowitz Productions concert series. I mean, if the guy decided to be an impresario, you know, he would be one of the biggest moguls in the country at this point in time.

I was representing a group of activists fighting the MTA's effort to close token booths last year, and we're in a meeting with about 80 people. And they said, "We've got to get the public agitated about this

issue. What do we do?" And someone said, "Well, we've got to get to the Markowitz concerts." And I said, "Oh."

And then they said, "Let's go on, you know, this one, July 10th." And then one by one everyone started taking out their books. And "Oh, July 10th, that's this group?" And then someone said, "What about July 22nd?"

And then I realized everyone else in the room had a list of the Markowitz concerts, and they're, you know -- and we did leaflet there, and Marty helped with us that effort.

So, Marty, thank you. You have touched a lot of people's lives, not just in your district but also here in the Senate. We've all benefited from your presence. And it is wonderful that you are leaving us to fulfill your life's ambition to be the king of kings.

ACTING PRESIDENT McGEE: Senator Dollinger.

SENATOR DOLLINGER: Thank you, Madam President.

I came to the Senate in 1992, and I remember someone talking about the notion of what a vacant seat was. And I actually sat next to Marty Markowitz. And as we know, he was out on the phone quite a bit, and so I thought the vacant seat was the seat next to me, for a period of time.

Marty would come back in and then of course launch that great voice from Brooklyn and turn people's heads on important issues.

Marty, I have a particular attribute that I will always remember. And that is, Marty, I think that of all the people I've known in the Senate, I have seldom heard anyone characterize right and wrong in the way that Marty Markowitz does. I can remember issues where he stood up and said, "It's just wrong. And when it's wrong, we have an obligation to do something about it."

And, Marty, I will never forget both your speeches on the floor and in our conference to remind us that every now and then we have to stand up, no matter what side of the political spectrum we come from, and

make sure that a wrong is righted.

Marty, there's one other thing I'd just close with. There is a parable from the New Testament that talks about the gold coins and the gold coins are given out. And some people buried their gold coins; some people took them and used their talents to their fullest.

And on the day of the final accounting, they come back to the Lord, who had given them their gold coins, and the Lord says to them that he holds them accountable for the fact that they had buried their talents and they hadn't used them.

Marty, I think you have an accounting to give where you have used those talents of your voice from Brooklyn, your concern and love for the people of that community, your outreach through your concerts -- I think you have an accounting that you should be enormously proud of.

And I'll conclude with one other thing. When I came here, I didn't really know much about Brooklyn. I'm from upstate New York. In fact, I think other than driving in

through the airport, I'd never been there. And I had an image of Brooklyn that I guess was associated with Coney Island and the Dodgers and other images.

But, Marty, you have left an impression on me, and that is very simple. When I think of Brooklyn now, I will think of Marty Markowitz.

ACTING PRESIDENT McGEE: Senator Duane.

SENATOR DUANE: Thank you, Madam President.

I haven't had the pleasure of serving with Senator Markowitz as long as some have. Not because of my age, because I was in another body for a long time and I'm pretty old now. However, his reputation when I was in the City Council was really terrific.

And I can't really expound a lot on his record here in the Senate, because I wasn't here to experience it. But I have to agree with everyone who's talked about the profound impact that Senator Markowitz has had on the constituents of Brooklyn. In fact, he's probably represented more parts of

Brooklyn than any other senator.

And though I may have made some mistakes in my recent past, I do have to say that, without a doubt, Senator Markowitz is going to be a wonderful, wonderful borough president, and it's a job made for him.

And I also want to congratulate the first lady of Brooklyn, who I think is a terrific asset to the borough president. And together, this summer, I have to say I have never seen such a magnificent campaign team in my entire life.

So it's hard work and good humor, well rewarded. And congratulations. And I hope you enjoy -- and I know you'll enjoy, as will the people of Brooklyn, your terms as borough president.

Thank you, Madam President.

ACTING PRESIDENT McGEE: Senator Volker.

SENATOR VOLKER: Madam President, before I with unanimous consent turn the floor to Marty, I'd just like to say that for myself, I've known Marty for many, many years. He's been a good friend. And I will confess

to you that I used to call him one of my death penalty Democrats.

And many years ago, before George Pataki, Mario Cuomo and I had a few little bouts on the death penalty. And Marty was one of my affirmative votes on the Democratic side -- and took a lot of abuse for it, there's no question.

For lots of reasons, I became very close to Marty. And in fact, I used to try to help him with a few bills here and there and so forth, and all of that sort of thing.

But I must say to you that there were people who frankly wanted to create a lot of problems for Marty and raise a great deal of cain. And there were some people that caved who were pro-death penalty. But Marty never did.

And the funny thing is, just about every year people said, "You watch it. Marty Markowitz is going down, he's going" -- I used to laugh. I said, "Yeah, right."

But I want to say to you, Marty, we do miss you. And I mean it. There's some people here who may have been a little annoyed

at some things, but that's part of this process. And, you know, I was telling a newspaper back home that was complaining about the Legislature and complaining about all the different things that go on and complaining about various things and we don't understand the public. They said nah, we don't understand. It's called democracy. It's a terrible form of government. But I said there's a much more efficient form of government that's called a benevolent despot. And it certainly is much more efficient. However, we Americans got rid of that years ago.

And in a democracy, there's pro and there's con. Everybody -- and people say to me, "Aren't you mad because somebody disagrees with you?" I say, "Why should I be mad? My wife disagrees with me." I mean, it's the real world.

And we've disagreed on many issues. And you've disagreed with us, and you've agreed with us on many. But we've always been friends and will remain being friends. And I want to tell you something. I really think,

and I mean this sincerely, Brooklyn is lucky to have you as the borough president.

With unanimous consent, Madam President, would you like to say something, Senator Markowitz?

ACTING PRESIDENT McGEE: Senator Markowitz.

SENATOR MARKOWITZ: Thank you very, very much.

Senator Connor, thank you for those wonderful remarks. And thank you. It's a pleasure to have you as my leader yesterday, today, and tomorrow.

Senator Bruno, who was very nice in his remarks, I look at him every day and, you know, this is a man who knows how to take care of himself. You got to admit, can you look better than that guy? It's unbelievable.

And to all of my colleagues that were nice enough to say wonderful things to me, I appreciate it. I will make this brief, because I know you have more important things to do. Because whenever you can break out of this chamber, break out. That's for sure.

Let me just say that when the vote

came in in November and it was clear that I had become the Brooklyn borough president, which some of you may know was my dream my whole life, from the time I was 19, all I said to myself, to everyone around, was, "Free at last, free at last, thank God almighty, I am free at last."

And the truth of the matter is is that the one thing that I learned here - there are many lessons, but I especially want to say to Senator Andrews and Senator Krueger, you're going to hear a lot of debate. And some of the positions that you'll hear will not please you. As it didn't please me.

In fact, when I first was elected, I heard several people that are -- one in the chamber, Senator Trunzo, who was vehemently against rent regulations, which has been dear to my heart. And Senator Jim Donovan, of blessed memory, who was one of the Senate's vigorous opponents of abortion.

And Senator Donovan, who initially when I met, I have to tell you I didn't like him. He represented everything I didn't know, that I didn't understand. Such

conservativism, such anti-women's rights. Everything that I in my politics and my life believed in, he seemed to be opposed to.

But this is what the Senate teaches you, that you can't judge a person by a single position. Because that same man, of blessed memory, also was one of the biggest fighters for children and child welfare issues, had one of the biggest hearts and fought in this chamber for additional government resources to help people that were poor, especially children. And so I learned a lot from him.

I learned a lot from Senator Trunzo, who became one of my closest friends in this chamber. And many others that are here, and some that aren't here. And that's what the Senate gives you an opportunity to do: to grow, to respect, to understand.

And I have to tell you that it allowed me a chance to represent a great diversity. When they changed my district to a largely African-American one, it was my experience here in the Senate, meeting men and women of conservative viewpoints throughout the state, that gave me the ability to relate

to people whose background was not exactly my own. I learned from this chamber.

And meeting some of the finest people that you'll ever dream of meeting right here in this chamber, for many, many years, 23 years that I spent here. That's almost half of my adult life, pretty much. And I can tell you that the memories and experiences here will take me -- will last with me forever.

Three achievements of my life. Number one -- and if any of you are in this chamber or are listening on your squawk box right now and are single and have never been married, and or single or whatever, and are anywhere near the age when I first got married, at 54½ years old, keep the faith. Because when you least expect it, it's true - I met the love of my life.

And I have to tell you, I could have never been able to achieve borough president without my wife, Jamie. Thank you, Jamie.

(Applause.)

SENATOR MARKOWITZ: The next achievement was becoming a senator. It wasn't

easy. I had a hard race in 1979, and I succeeded. And then reapportionment came.

That's the one thing I'm so happy about. I don't worry about reapportionments. But -- unless you want to give me more of Queens. I want to appeal to my Senate colleagues: Neponsit, Belle Harbor, Rockaway Park, and Breezy Point should be part of Brooklyn, by the way.

But putting that aside, being a senator and then reapportioned and running against Senator Andrews -- and he gave me the race of my life, two times. But that really help me tremendously, and it did.

And then winning as borough president.

So Senator Bruno and Senator Connor, you know this already. Governor Pataki, who is spending more time in Brooklyn than almost anybody I know, he has found the promised land, Brooklyn, New York. Even if it happens every four years. But that's okay. All I can say is that the state of New York begins in Brooklyn.

And secondly, for me, being 57 now,

thinking about the fact of being 9 years old and losing my dad, and my two younger sisters and my mom who couldn't work, and then living on public assistance, and mostly on Social Security survivor benefits, waiting on line for food, excess food that the federal government used to give you when you were poor, and having people give you hand-me-down clothing, and then going to work every evening, after school and on weekends, and then going to college nine years at night and continuing that during the days and on weekends, supporting my sisters and my mom - and then becoming borough president of Brooklyn. Does it get any better than that?

Let everyone here -- there's no such thing as you can't achieve. Let me tell you something. If I can be here this afternoon, this is the greatest country in the world.

Thank you.

(Applause.)

ACTING PRESIDENT McGEE: Senator Volker.

SENATOR VOLKER: May we please

return to reports of standing committees. I believe there's a report at the desk.

ACTING PRESIDENT McGEE: The Secretary will read.

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

Senate Print 6122, by Senator Kuhl, an act to amend the Education Law.

And Senator LaValle, from the Committee on Higher Education, reports:

Senate Print 6292, by Senator Bruno, an act to amend Chapter 987 of the Laws of 1971.

Both bills ordered direct to third reading.

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

SENATOR VOLKER: Is there any housekeeping at the desk, please?

ACTING PRESIDENT McGEE: Just a moment, Senator Volker.

SENATOR VOLKER: On behalf of Senator Connor and Senator Bruno, I hand up

the following committee changes for filing.

On behalf of Senator Bruno, I hand up the following committee changes for filing.

There being no further business, Madam President, I move we adjourn until Tuesday, February 26th, at 11:00 a.m.

ACTING PRESIDENT McGEE: There being no further business, the Senate is adjourned until Tuesday at 11:00 a.m.

(Whereupon, at 4:41 p.m., the Senate adjourned.)